

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC HOUSING

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October 23, 2012
Start: 10:17 a.m.
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HELD AT: 250 Broadway
Committee Room, 14th Floor

B E F O R E: ROSIE MENDEZ
Chairperson

COUNCIL MEMBERS:
Erik Martin Dilan
Margaret Chin
Daniel J. Halloran
Maria del Carmen Arroyo
James G. Van Bramer
Melissa Mark-Viverito
Gale A. Brewer
Albert Vann
Diana Reyna

A P P E A R A N C E S (CONTINUED)

Carlos Laboy-Diaz
Executive Vice President for Operations
New York City Housing Authority

Brian P. Clarke
Vice President for Operations for Support Services
New York City Housing Authority

Alan Peliko

Tina Lam
Operations for Support Services
New York City Housing Authority

Anna Alameda

Will Reese Jr.

Amy Leipziger
Staff Attorney, Housing Unit
Legal Services New York City Bronx

Lucy Newman
Staff Attorney
Legal Aid Society

Paul Sawyer
Linda B. Rosenthal
New York State Assembly Member

Kamilla Sjödin
Supervising Attorney, Housing Project
New York Legal Assistance Group

Serada Bonia
Resident Leader
Stephen Wise Towers

Ann Valdez
Leader
Community Voices Heard

A P P E A R A N C E S (CONTINUED)

Sonya Pursia

Arnoldo Arsu

Madelyn Innocent
Member
Community Voices Heard

Ava Fevrier
Adelphi University School of Social Work

Terrell Adopojo
Adelphi University School of Social Work

CHAIRPERSON MENDEZ: Good morning, this hearing this morning is about the New York City Housing Authority's policy of transferring tenants living in under-occupied apartments. My name is Rosie Mendez and I am the Chair of the Public Housing Committee for the New York City Council. We have a packed house today, thank you.

As everyone here may be aware, this policy is part of Plan NYCHA, a roadmap for preservation, which is NYCHA's five-year strategic plan. According to NYCHA, approximately 56,326 of its public housing apartments are under-occupied, and 15,223 are overcrowded. An under-occupied apartment is one where the number of bedrooms exceeds the needs of the occupants. On the other hand, an overcrowded apartment is the opposite: The number of bedrooms is insufficient to meet the needs of the occupants living there.

Today's hearing is necessary because of the Committee's concern that this policy would have, particularly an adverse effect, on senior citizens. Approximately 30,000 NYCHA apartments, or roughly half of all the under-occupied NYCHA apartments are occupied by seniors.

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2 Many, if not most, of these seniors have lived in
3 their apartments for decades, and uprooting them
4 can pose significant risk to their health and
5 well-being.

6 It is important to note that the
7 transfer process laid out in NYCHA's management
8 manual only identifies three exceptions to the
9 transfer requirement, and each exception is
10 tailored to a specific health or medical issue.
11 There is no provision that alternatives to
12 transfer be considered, and there is no provision
13 that access to friends, family, clergy, doctors,
14 or anyone else be factored into a transfer
15 decision.

16 Today's hearing will give NYCHA the
17 opportunity to explain what procedural safeguards
18 are and will be put in place to guarantee its
19 commitment that the unique needs of seniors will
20 be taken into account in its transfer process.

21 Additionally, today's hearing will
22 also give NYCHA the opportunity to discuss: One,
23 what NYCHA's newly ramped up transfer policy will
24 specifically entail and what it will need for
25 public housing tenants.

Two, whether NYCHA must aggressively pursue the transfer of tenants living in under-occupied apartments, and, if not, why NYCHA has chosen this course of action.

Three, whether NYCHA intends to actually move all or most tenants out of under-occupied apartments.

Four, how and when NYCHA foresees these transfers occurring and whether they will be accomplished in phases or wholesale.

And, lastly, where NYCHA plans to move these tenants, considering the extremely low vacancy rate in public housing.

I would like to thank the Housing Authority for being here today, NYCHA residents and advocates for testifying, and to remind you, if you want to testify, you need to fill one of these out with the sergeant in the back. I look forward to a productive hearing.

And just a little bit of housekeeping before I turn it over to NYCHA, here today we are joined by Council Member Erik Dilan from Brooklyn to my far right, and Council Member Margaret Chin from Manhattan. To my immediate

1 right, I want to introduce for those who regularly
2 come to my meetings, the new attorney to the
3 Public Housing Committee, Ed Atkin. You could
4 say, hey. Thank you. To my immediate left, I
5 want to--not an introduction--but just thank
6 Benjamin Goodman, he's been with my committee for
7 almost seven years and he helps me tremendously
8 and makes this committee, and me, better than what
9 I am. And to his left, Amy Stokes, who's our new
10 finance policy analyst for the Committee.
11

12 So our team is here, and now NYCHA.

13 [Pause]

14 CARLOS LABOY-DIAZ: Good morning,
15 Chairwoman Rosie Mendez, members of the Committee,
16 and other distinguished members of the City
17 Council. Thank you for the opportunity to discuss
18 with you the New York City Housing Authority
19 policy of rightsizing--our mechanism to ensure
20 that every family in public housing has access to
21 an apartment with appropriate space to fulfill his
22 unique needs. I am Carlos Laboy-Diaz, I'm the
23 Executive Vice President for Operations, and
24 joining me this morning is Mr. Brian P. Clarke,
25 Vice President for Operations for Support

Services, Alan Pilako [phonetic], and Tina Lam from Operations.

NYCHA establishment 80 years ago was, in part, a reaction against the crushing, overcrowded conditions in our city tenements and slum. That is why the fulfillment of our fundamental charge to provide decent, affordable housing for low and middle-income New Yorkers we're committed to make sure that family have the space that they need. Quality of life for NYCHA residents is our biggest concern, often correspond directly with the availability of appropriate space. Ensuring that every public housing family, it is in an apartment of appropriate size possess a huge challenge, one that NYCHA has wrestled with over the years. We recognize that there is much room to improve our current process, and that is why Plan NYCHA, our roadmap for preservation of public housing, lays out the need to get this issue right. To that end, we have begun to assess our policies and procedures and work toward a new model for the future.

We fully recognize the impact that this endeavor will have on NYCHA residents across

1 the city, therefore, we are dedicated to moving
2 forward in a way that is inclusive, collaborative,
3 and sensitive. But make no mistake, we must take
4 action. To be successful, we will need the
5 collaboration, not only of NYCHA leadership and
6 staff, but also from residents and other
7 stakeholders vested in this well-being of public
8 housing residents. I will provide a brief
9 overview of our current process, the real
10 challenges that we face, what we have done so far,
11 and how we plan to move toward the future.
12

13 The U.S. Department of Housing and
14 Urban Development, our principal regulator,
15 requires that every public housing authority place
16 families in an apartment of appropriate size.
17 Each Housing Authority, however, has the leeway to
18 craft a specific policies to achieve this goal.
19 Our current process for rightsized apartments
20 begin with the annual review, during which all
21 residents must provide NYCHA with documentation
22 indicating their income and family size. Using
23 this information collected during the review,
24 NYCHA identify families in apartments with one
25 extra bedroom, under-occupied, or families in

1
2 apartment with two or more extra bedrooms, which
3 are considered extremely under-occupied. The
4 other way around, families needing one additional
5 bedroom are deemed overcrowded, and those needing
6 two or more extra bedrooms are considered
7 extremely overcrowded.

8 Regarding NYCHA focus on the under-
9 occupied, resident in both under-occupied and
10 extremely under-occupied apartments receive a
11 letter indicating that they should visit their
12 housing manager or management office to sign up
13 for the transfer list. At this point--at which
14 point they can request a transfer to an apartment
15 of appropriate size in any specific development
16 they wish, including their own. This process is
17 required by NYCHA regulation.

18 From this point on, our focus with
19 regard to both follow-up and enforcement is on the
20 residents of extremely under-occupied units. If
21 these residents do not sign up for a transfer
22 list, they receive a second letter to the same
23 effect as the first letter requesting that they
24 sign up for a transfer. If, after this second
25 notification, these residents do not put

1 themselves on the transfer list, they are
2 automatically placed on a list for transfers to a
3 development within their borough, the borough that
4 they live, where they're selected by the Tenant
5 Selection and Assignment Plan, known as TSAP,
6 computer system. Even after the residents are
7 notified of the borough list placement, they still
8 have a small window of opportunity to choose a
9 transfer to a specific NYCHA development. If,
10 however, they are placed on the borough list and
11 subsequently selected by TSAP for a specific
12 apartment, they must accept that apartment. If
13 they decline the offer of the appropriate sized
14 available apartment, NYCHA tenancy may be at risk.

16 Through our recent assessment of
17 this process, we have determined that over 56,000
18 households--nearly a third of NYCHA total--live in
19 apartments that are not the correct size for their
20 family composition. A little over 44,000 live in
21 under-occupied apartments; a little over 11,000
22 are in extremely under-occupied apartments.
23 However, we also have to take in consideration
24 that we have at the same time more than 15,000
25 families living in overcrowded conditions.

One of these 15,000 families is that of Mouhamadou Kane. When he moved to a studio in the brownstone of Manhattan ten years ago, he was a bachelor. The space was perfect for his needs. Thank in part to the stability that this affordable apartment provided, Mr. Kane got married, had a son and a daughter. Now this family strains to fit their lives--cooking, homework, dressing, and undressing, not to mention three beds--into that same room. They have been waiting for a transfer since 2005.

Another family to consider is Iris and Francis Checo from Amsterdam Houses, who live with their three sons in a two-bedroom apartment they move it over 12 years ago when their eldest son was a toddler. Two of their sons, teenagers now, share the same bedroom.

Unfortunately, the Kanes and the Checos are not alone. Across our city, it's increasingly difficult for families to find large apartments. Last year, only 14% of the New York City rental units had three bedrooms, and only 2% had four or more. Because many of these larger apartments are managed by NYCHA, where 22% of our

units are three bedrooms and 4% are four bedrooms or larger, it is only fair that we find a way to get our growing families into the larger apartments required by their family size.

This sense of basic fairness is what led residents like DeReese Huff to place themselves on the list to transfer into smaller apartment. DeReese was raised along with her nine siblings in a five-bedroom apartment that was later passed on to her and her own daughter. Wanting another family to receive the same opportunity that she had enjoyed, she requested a transfer to a smaller apartment and now live with her 13-year old in a two-bedroom apartment.

Recognizing that moving is a disruption in the life of any family, when residents like Ms. DeReese transfer into smaller, more appropriate size apartment, we provide a number of resources for their move, including help with the moving expenses. Our Family Service department also assists frail or disabled resident with moving logistic and other concerns. NYCHA procedure currently provide an extra bedroom for resident needed large medical equipment. In

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2 addition, if resident have other specific needs as
3 a result of a disability, we will consider any
4 reasonable accommodation they may request.

5 We have shared at prior hearings
6 how, in the process of developing Plan NYCHA, we
7 have engaged with our vast network of stakeholders
8 to an unprecedented degree, addressing each of the
9 Plan NYCHA critical imperative. The issue of
10 rightsizing apartment has been no exception. For
11 the past year and a half, we have been carefully
12 investigating, discussing this issue with
13 residents, resident leaders, elected officials,
14 and advocates, stressing at every point along the
15 way how important is for us to build a new path
16 forward. As of the beginning of this month, we
17 have 11,672 families in our transfer list.

18 We made these strides, we know that
19 a lasting, sustainable solution will only be
20 accomplished with the support and investment of
21 our most important partners, including residents
22 and elected officials, and by fundamentally
23 transforming several of these policies that affect
24 overcrowded families. In our 2013 Annual Plan
25 that was recently submitted to HUD on October 18,

1 we proposed changes to TSAP that would further
2 weigh the preference for newly vacate apartment in
3 favor of transfer for current residents, as
4 opposed to new applicant. We expect that we will
5 receive HUD approval for this proposal in the
6 first quarter of 2013. In the interim, we will
7 continue to develop our plan by engaging a working
8 group of stakeholders who will, over the coming
9 months, review our plans and provide feedback.
10

11 This group will help NYCHA to stay
12 nimble and flexible as more solutions are
13 implemented, and to keep us accountable to all our
14 stakeholders. We know there is room for
15 improvement. For example, we have heard a lot
16 about the tone of our letters and we're working
17 right now to review and correct those
18 communications. The best way for us to tackle
19 this issue fairly and in a sensitive is to
20 continue to invite as many voices as possible to
21 the table.

22 We are also working to develop new
23 affordable and supported housing options, giving
24 residents in both under-occupied and overcrowded
25 apartments opportunities for newly created home.

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2 This is happening currently at Pomonok Houses,
3 where we have developed senior housing. In the
4 future, we also expect to pursue more housing
5 options at Soundview, Boulevard, and Forest
6 Houses.

7 Your continued support is vital for
8 us as we endeavor to preserve public housing in
9 New York City for generations to come. For that
10 reason, we welcome your continued collaboration in
11 our effort to fight overcrowding in public housing
12 and request that you inform your constituents
13 about the benefit our entire city enjoys when all
14 NYCHA families can live in apartment that fit
15 their needs.

16 Thank you for this time today to
17 discuss this important matter. I look forward to
18 updating you on our progress in the coming months,
19 and I'm happy to answer any questions you may
20 have.

21 CHAIRPERSON MENDEZ: Thank you, Mr.
22 Laboy. I also want to give a shout out to the
23 Adelphi University School of Social Work students
24 who are here today here in the audience. Thank
25 you for being here.

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2 Mr. Laboy, the NYCHA management
3 manual lays out a process for transferring tenants
4 living in under-occupied apartments. Can you
5 please walk us through the transfer process as it
6 is in the manual and explain what parts of that
7 process have, or will be, changed?

8 CARLOS LABOY-DIAZ: Through the
9 annual review we identify the family that is under
10 or over housed. We will send a letter, the first
11 letter, informing that family that they need to
12 come to the management office and place their name
13 in the transfer list. If the person doesn't
14 responds to that letter in ten days, we will
15 follow up with a second letter.

16 The second letter usually goes to
17 the overcrowded or extremely overcrowded or
18 extremely under-occupied apartments. If you don't
19 respond to the second letter, we place you, after
20 ten days, we will place you in the borough-wide
21 transfer list. And then we will send you the
22 third letter notifying you that we place you on
23 the borough-wide transfer list for you to be
24 informed. If, like I mentioned in my testimony,
25 you still have time before a selection takes place

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2 to come to the office and change that to a
3 property that you will like or even to the same
4 property that you living at.

5 CHAIRPERSON MENDEZ: So let me
6 just--the first letter you have to come to the
7 management office; the second letter, if you don't
8 get it or disregard it, tells you to come back to
9 the management office. Once you miss that second
10 appointment, then you get put on a borough list?

11 CARLOS LABOY-DIAZ: A borough list.

12 CHAIRPERSON MENDEZ: Okay. And
13 then--

14 CARLOS LABOY-DIAZ: [Interposing]
15 You receive a third letter--

16 CHAIRPERSON MENDEZ: [Interposing]
17 You receive a third letter--

18 CARLOS LABOY-DIAZ: --notifying you
19 of--

20 CHAIRPERSON MENDEZ: --that you are
21 now on the borough list. And then they just get
22 put on the list, if an apartment becomes
23 available, you notify them.

24 CARLOS LABOY-DIAZ: You notify
25 them, correct.

CHAIRPERSON MENDEZ: Is this letter sent out in multiple languages?

CARLOS LABOY-DIAZ: At the time, we send it in English and in Spanish. The front of the letter is in English, the back of the letter is in Spanish or vice versa.

CHAIRPERSON MENDEZ: And is it made available in any other languages?

MALE VOICE: It will be.

CARLOS LABOY-DIAZ: It will be, as part of the revisions that we're making to the letter.

CHAIRPERSON MENDEZ: As part of your revisions. And what languages will you make them available in?

ALAN PELIKO: Russian, and Mandarin, Chinese.

CARLOS LABOY-DIAZ: Russian--

ALAN PELIKO: And Mandarin Chinese.

CARLOS LABOY-DIAZ: Russian and Mandarin and Chinese.

CHAIRPERSON MENDEZ: Are you subject to the Executive Orders of the Mayor? There's an Executive Order that makes all City

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2 agencies, you're not--you're quasi lots of things,
3 federal--but that makes it available--needs to be
4 in six languages.

5 CARLOS LABOY-DIAZ: What we doing
6 in some of the official communication is in the
7 bottom part of every letter, we're giving them
8 different options for the tenant to communicate
9 with us and you will have the documents in those
10 language that are required.

11 ALAN PELIKO: This is based on the
12 NYCHA population.

13 CHAIRPERSON MENDEZ: So if you
14 speak another language, a dialect outside of the
15 six, you have some kind of language bank or
16 something that will--

17 CARLOS LABOY-DIAZ: [Interposing]
18 That's correct, the agency have a language bank
19 and we're doing that now with every communication
20 that we're sending out. In the bottom part of the
21 letters, we give that options to our tenants.

22 CHAIRPERSON MENDEZ: Okay. Has
23 NYCHA changed its transfer policy from what it
24 used to be? And if so, when and how?

25 BRIAN CLARKE: Can you clarify time

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period or, you know--

CHAIRPERSON MENDEZ: [Interposing]
Okay. NYCHA has been in existence for 70 years?

BRIAN CLARKE: Yeah--

[Crosstalk]

CHAIRPERSON MENDEZ: Seventy-five?

BRIAN CLARKE: Eighty.

CHAIRPERSON MENDEZ: Okay.

[Crosstalk]

CHAIRPERSON MENDEZ: Your transfer
policy has been in existence for 70, 75 years?

BRIAN CLARKE: Yeah.

ALAN PELIKO: [Off mic] clarify
that communication, the same procedure--

[background noise]

CARLOS LABOY-DIAZ: I wasn't here.

[Laughter]

CHAIRPERSON MENDEZ: That's never a
good answer.

CARLOS LABOY-DIAZ: The disclaimer
is that I'm going to answer this taking my
experience with HUD, my years of experience when
the Housing Act was created, which is in the
forties. And I will say that in my 23 years of

1
2 experience, HUD always requires that families are
3 placed in the right size apartment. I will get
4 back to you of how many times this policy has been
5 changed since that time.

6 CHAIRPERSON MENDEZ: So this is
7 HUD, so that means all public housing authorities
8 in the nation has to comply with this regulation,
9 rule, policy.

10 CARLOS LABOY-DIAZ: [Interposing]
11 Oh, assigning a family to the right size
12 apartment, yes.

13 CHAIRPERSON MENDEZ: That means
14 overcrowded and under-crowded.

15 CARLOS LABOY-DIAZ: When you assign
16 the unit to a family in the, you know, tenancy,
17 you're assigning unit--a right size unit to this
18 family, and through the lease, you inform the
19 tenant--and our lease include that section--that
20 you, as part of your review, you need to be
21 assigned to rightsize apartment. Is done in, not
22 only in public housing, it's also done through
23 Section 8.

24 CHAIRPERSON MENDEZ: So the lease,
25 so when you first move in and you sign whatever

1 documents you sign to move into your apartment,
2 those papers and the lease contains language in it
3 that indicates that you are being put into this
4 apartment and that if your household composition
5 should change, the Authority has to change you to
6 the appropriately sized apartment, is that--

8 CARLOS LABOY-DIAZ: [Interposing]
9 Actually, yes, actually, our lease, page three,
10 section eight, talks about the transfer to
11 appropriate sized apartment.

12 CHAIRPERSON MENDEZ: And residents
13 of public housing has to--they have to go through
14 an annual recertification, is that correct?

15 CARLOS LABOY-DIAZ: That's correct.

16 CHAIRPERSON MENDEZ: And at that
17 annual recertification, because--just for the
18 benefit of the public, right?--your rent is based
19 on your income, so they check to see whether your
20 rent is going up and down and whether they have to
21 readjust your rent. So when that happens at that
22 annual recertification, as said in your testimony,
23 it's identified, but it's also in the papers that
24 the residents sign?

25 CARLOS LABOY-DIAZ: Correct. I

1 mean, as part of the documentation that we
2 request--and, again, this is a federal requirement
3 that every year we review families' income to
4 ensure they qualify for the unit that we are
5 assigning. You need to indicate the number of
6 people living at the household, their income, and
7 so forth, and their ages, and things like that.
8 And at that point, you identify is this family, it
9 is in the appropriate sized apartment.
10

11 CHAIRPERSON MENDEZ: So let me take
12 this a step back, back to the letters, right? So
13 the first letter comes in the mail, if you
14 respond, you respond that you want to stay in your
15 own building, stay in your own development, stay
16 in your own borough?

17 CARLOS LABOY-DIAZ: You indicate
18 your preference, yes.

19 CHAIRPERSON MENDEZ: And you can
20 stay in your own building?

21 CARLOS LABOY-DIAZ: You can stay in
22 the own development, we can't guarantee any
23 particular apartment in any particular development
24 because that's tied to the TSAP, which is a system
25 that take any subjectivity out of the process. I

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2 mean, you're placed--your preference is your
3 property, the next available apartment that you
4 qualify will be offered to you based on when you
5 were placed in the transfer lease and that kind of
6 factor.

7 CHAIRPERSON MENDEZ: Okay. How
8 long do you have to respond to that first letter?

9 CARLOS LABOY-DIAZ: Ten days.

10 CHAIRPERSON MENDEZ: Ten days,
11 okay. Let's say you're out of town, the letter
12 was put in someone else's mailbox, you get the
13 second letter, you come to the management office,
14 can you still choose to be in your same
15 development?

16 CARLOS LABOY-DIAZ: Yes.

17 CHAIRPERSON MENDEZ: Yes. So it is
18 only after not responding to the second letter
19 that you get put on the borough-wide list.

20 CARLOS LABOY-DIAZ: And even after
21 you are put in the borough-wide list, you have
22 time. It's a small window, it's a smaller window,
23 but to go back to the office and say, like, I
24 received this letter, I want to change that
25 designation, I want to stay or I want to move to a

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particular property, whatever you choose.

CHAIRPERSON MENDEZ: [Interposing]
What is that time?

CARLOS LABOY-DIAZ: It depends on
the time for you to get selected, it's difficult
to predict.

CHAIRPERSON MENDEZ: If you are
able to show that, let's say, you're on this
third--you've gotten a third letter, right? And
you're on the borough-wide list, whatever that
short period of time is has lapsed but you can
show that you were in the hospital or didn't get
any of those letters, would an accommodation be
made if you can provide some kind of
documentation?

CARLOS LABOY-DIAZ: Yeah, this is
on a case-by-case, the answer is yes.

CHAIRPERSON MENDEZ: Okay. We've
been joined by Council Member Dan Halloran from
Queens, all the way to our far right, which is
where he is politically.

COUNCIL MEMBER HALLORAN: Yes--
[background noise]

CHAIRPERSON MENDEZ: And we've been

1
2 joined by Council Member Maria Carmen Arroyo from
3 the Bronx. I'm going to turn it over to Council
4 Member Chin for questions.

5 COUNCIL MEMBER CHIN: Thank you,
6 Madam Chair. So when you say that you are going
7 to start translating all the letters into
8 different languages, what's the timeline?

9 CARLOS LABOY-DIAZ: We are working
10 with some recommendations that some advocates had
11 sended to us. We're trying to do this as soon as
12 possible.

13 COUNCIL MEMBER CHIN: Yeah, because
14 right now, I mean, if seniors, they're getting
15 letters in languages they don't understand. It's
16 going to cause a delay and so it's--translation
17 should be happen as soon as possible and should be
18 a standard in NYCHA in terms of, you know, the
19 residents you have, you should have that language
20 capacity to serve those residents that you have in
21 NYCHA.

22 Can you also walk through, like,
23 for the transfer process? 'Cause you said that
24 you have over 50,000 resident that are living in
25 under-occupied apartment and there's 15,000

1 families that are living in overcrowded
2 apartments. Now the one that are living in
3 overcrowded apartment, are they all on the
4 transfer lists?

5
6 CARLOS LABOY-DIAZ: No.

7 COUNCIL MEMBER CHIN: Or are you
8 getting them on the transfer list or are they also
9 getting letter telling them that they have to get
10 on a transfer list?

11 CARLOS LABOY-DIAZ: Everybody that
12 is over or under receive a letter advising them to
13 come to the office to filled out the transfer
14 lease. However, most cases, families are
15 overcrowded, they come to the office because they
16 have a need.

17 COUNCIL MEMBER CHIN: So you're
18 sure that you have captured all the overcrowded
19 families on your transfer lists?

20 CARLOS LABOY-DIAZ: I'm sorry, can
21 you repeat the question?

22 COUNCIL MEMBER CHIN: I mean, have
23 you captured all the family that are on an
24 overcrowded, are they all on your transfer lists?
25 'Cause if they're not on your transfer lists, they

won't have the opportunity to transfer to a larger apartment, right?

CARLOS LABOY-DIAZ: No, we have not captured all the families that are overcrowded.

COUNCIL MEMBER CHIN: So how are they also being encouraged? Because the 15,000 that you say, are those the one that filled out the annual certification form and that's how you know?

CARLOS LABOY-DIAZ: Mm-hmm. Well to the annual review process we advise the families to under-crowded or overcrowded. I mean, it is a choice, right? We are enforcing and we're trying to--because we know we have so many families, we wanted to ensure that we are--the under-occupied that's [off mic]--under-occupy are the ones that we are sending the second letter to ensure that they're getting the lists and even opportunity to these overcrowded families.

COUNCIL MEMBER CHIN: Yeah, just that is NYCHA sort of like matching? Because you have so many people who are living in under-occupied apartments. So it's like are you, kind of, like, looking at each development and see how

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you can really help facilitate the transfer?

CARLOS LABOY-DIAZ: The rightsizing is a function of having the unit that you need and the tenant in the same location or the location that the family choose. It is a lengthy process. That is the reason we encourage everybody to get in the transfer lists. We don't have enough unit-
-I mean, even if you have the same exact number of unit, if you don't have them in the right location, you don't do that match. I mean, it is a very complicated process and that is the reason we encourage everybody to get in the transfer list and to ask for the property that they prefer or if they want to stay in their property.

COUNCIL MEMBER CHIN: But are you doing something specifically for the senior population?

CARLOS LABOY-DIAZ: Yes, as part of the Family Services department, when a senior requests our assistance we provide counseling, we help them with the coordination, we assist them through the process. Not only seniors, families with the special needs too.

COUNCIL MEMBER CHIN: Okay. Well

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2 what happen if they haven't got on the transfer
3 lists? I mean, if they're not responding, do you
4 have social workers that go out and really work
5 with these seniors to try to explain to them why
6 they should get on the transfer lists, what their
7 preference are?

8 [Crosstalk]

9 CARLOS LABOY-DIAZ: [Interposing]

10 At this moment, we are working with the families
11 that is requesting the assistance. As part of the
12 different factors that we're considering if HUD
13 approve the new recommendations and new policy, is
14 to expand the outreach to families that self-
15 identify could be seniors or families with the
16 special needs.

17 COUNCIL MEMBER CHIN: Is there any
18 way to get a waive for the TSAP program where that
19 the people who are living in the same development,
20 you can do the match in terms of transferring?

21 CARLOS LABOY-DIAZ: You have now
22 the option to request to stay in the same
23 development. If you request that in the transfer
24 lists--I mean, in the waiting lists, you can
25 request to stay in your same development. I don't

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know if that answer your question.

COUNCIL MEMBER CHIN: Well, I mean, in my district, for example, I mean, we have issues where within the same building, their families, you know, one family is living in an overcrowded situation where they could use a big apartment, and you have another family that's under-occupy, and somehow it doesn't connect. I mean, you can't swap apartments, but it's like that's what residents start telling us, well there are people who are willing to transfer to a small apartment in the same building or even in the same development and it's not happening.

CARLOS LABOY-DIAZ: That is what is called apartment swapping and it's being--HUD doesn't allow that to happen. We give you preference within the property, but apartment swapping at this time is not allowed under the rules. It's an issue with fair housing.

CHAIRPERSON MENDEZ: Let me ask a question. So HUD doesn't allow it to happen, so if HUD changes its policy, it then can happen? Or is there some other obstacle? 'Cause I believe my knowledge is there's a legal impediment so...

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2 And you can, if you want to,
3 identify yourself for the record and just answer
4 the question.

5 ALAN PELIKO: Alan Peliko from
6 NYCHA Operations. The TSAP system allows for
7 people to choose apartments within their
8 developments and it's the computer that selects
9 the next available person based on their priority
10 when an apartment that's open, that's available
11 is, you know, becomes available. Just to say that
12 the department with fewer people or more people in
13 the same apartment then just to change those
14 families is inherently discriminatory and NYCHA
15 forbids it because it neglects and ignores the
16 other people that have been waiting on the waiting
17 list either for a longer period of time or have a
18 higher priority, a transfer need.

19 CHAIRPERSON MENDEZ: Mr. Peliko?
20 Okay. So I'm going to ask you: Why TSAP? Didn't
21 TSAP come out of litigation, right? So then
22 there's--it's not NYCHA woke up one day and
23 decided to have a tenant selection application
24 process, it was litigation led to that, so it's
25 the court case that mandates TSAP and that forbids

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apartment swapping, is that not correct?

ALAN PELIKO: That is correct.

TSAP takes away the managerial discretion and requires this computer system, which is very objective by nature, and you are correct.

CHAIRPERSON MENDEZ: Okay. So that wasn't in the testimony and it wasn't captured in your answers, so--

ALAN PELIKO: Right.

CHAIRPERSON MENDEZ: --I just wanted to make that clear. Council Member Chin.

COUNCIL MEMBER CHIN: Thank you.
The reason I raise that is that there's got to be some more analysis per development in terms of what's happening there 'cause a lot of time, people, they live there all their lives, it's very hard for them to move somewhere else. So within the development, if there a way to match up the families, there's something that I really encourage NYCHA to do, maybe it's not to look at such a big system, but within your own development. I mean, if you get those annual recertification, you sort of know which families are overcrowded and which families are under-

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2 occupied, and if there's ways to, sort of, match
3 it and to help people stay within their own
4 community, their own development, it's something
5 that's worth looking at, rather than just
6 everything is centralized. That's the only reason
7 I raise that.

8 CARLOS LABOY-DIAZ: Like we
9 explained before, the system allows you to select
10 the development and all the rotation is done
11 within the development. I mean, you will be
12 considered only for apartments in to your
13 development, if you choose to.

14 COUNCIL MEMBER CHIN: Okay. All
15 right, thank you, Madam Chair.

16 CHAIRPERSON MENDEZ: Is anyone else
17 wants to ask questions at this moment?

18 [Off mic]

19 CHAIRPERSON MENDEZ: Sure.

20 COUNCIL MEMBER HALLORAN: Beyond
21 the inherent bureaucracy that you're stuck with
22 because of federal mandates in how you look at
23 this, I don't see any correlation in your
24 testimony between, as Council Member Chin was sort
25 of intimating, of the locations of overcrowded to

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2 underutilized apartments. Is NYCHA compiling
3 lists in a way that we're able to identify these
4 various projects and look at them for proximity of
5 those types of apartments?

6 CARLOS LABOY-DIAZ: We have that
7 data, yes.

8 COUNCIL MEMBER HALLORAN: Okay.
9 And do you see a concentration, can you tell us
10 anything about the concentration of over to
11 underutilized apartments in specific areas so that
12 if Council Member Chin's premise is correct and we
13 are dealing with situations where in the same
14 complex you have several apartment dwellers who
15 are overcrowded next to underutilized apartments,
16 we could look at that in a more hands-on way?

17 CARLOS LABOY-DIAZ: We have the
18 data, we have not looked at--we have not seen
19 those tendency, we can--

20 BRIAN CLARKE: [Interposing] Yeah,
21 if I could just add, you know, it's a situation
22 that is throughout the city--

23 CHAIRPERSON MENDEZ: [Interposing]
24 Please identify yourself for the record.

25 BRIAN CLARKE: Sure, Brian Clarke,

Vice President of Operations for Support Services.
So it's an issue, you know, throughout, you know,
the five boroughs at all of our developments, and
in particular Manhattan is a particular challenge.

COUNCIL MEMBER HALLORAN: Okay.

And when you say you have the data, have you
culled it for the specific type of proximity issue
and have you been able to identify clusters in
areas where this sort of over and underutilization
occurs in the same structures? Could you tell us
how many areas that that is and maybe what
percentage of the total over and under population
that represents?

CARLOS LABOY-DIAZ: Yeah, we don't
have that data with us here, but we'll be more
than welcome to share that.

COUNCIL MEMBER HALLORAN: Okay.

Other than the legal impediment which Council
Member--which the Chair actually brought up a few
moments ago, are there any methods that you have
to get around those issues that are, you know,
sort of set in stone by virtue of a legal decision
in order to get this moving a little faster?

ALAN PELIKO: The authority is

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2 experimenting with modification, and this is part
3 of the recommendations to HUD under Plan NYCHA of
4 changing the rotation of waiting lists in which we
5 would be able to favor our own residents first in
6 order to expedite some of these transfer
7 opportunities, but that is within the TSAP system,
8 that's not getting around it.

9 COUNCIL MEMBER HALLORAN: Okay.

10 And just so I can understand the numbers and the
11 way you've presented them, my understanding is
12 that under-occupied units are approximately
13 56,326, which is 31.5% of the total housing units
14 out there. Overcrowded apartments are
15 approximately 15,223, which is about 8.5%. A, are
16 those numbers accurate?

17 CARLOS LABOY-DIAZ: Yes, those are
18 in my testimony.

19 COUNCIL MEMBER HALLORAN: And if
20 those numbers are accurate, do you know if you
21 swapped out--and this is just hypothetically--if
22 you were able to just do the swap, what would the
23 level of under-occupied apartments be at, assuming
24 you could move those in overcrowded apartments
25 into the under-occupied ones?

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2 CARLOS LABOY-DIAZ: I don't think I
3 can answer that because it's a factor of--it's not
4 only looking at the numbers, I need to have the
5 right number of one-bedrooms in the right
6 location. Using Council Member Chin's example, if
7 I have families that want to stay within the same
8 property, I will need to have those apartments
9 there. We have done analysis in terms of how long
10 it takes sometimes to do some transfers in a
11 borough-wide lists, but those are projections
12 based on having the right apartment in the right
13 location. That means that we have the apartment
14 where the tenant requested the apartment, and we
15 can share that information with you, but it will--
16 you're not comparing apples to apples if I said
17 that I have 15,000 minus 56,000, we resolve the
18 problem, it's a little more--

19 COUNCIL MEMBER HALLORAN:
20 [Interposing] Okay. Well let me ask it another
21 way. How many people are on a waiting list to get
22 into a NYCHA apartment?

23 CARLOS LABOY-DIAZ: Hundred and
24 sixty-four thousand.

25 COUNCIL MEMBER HALLORAN: Okay. So

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going to have 56,000 apartments underutilized--

CHAIRPERSON MENDEZ: [Interposing]

Hold on, can you repeat that number?

CARLOS LABOY-DIAZ: Hundred and
sixty-four thousand.

CHAIRPERSON MENDEZ: A hundred and
sixty-four thousand.

COUNCIL MEMBER HALLORAN: Okay. So
you're talking about almost 200,000 people and
your answer to me--you see, sometimes I'm not so
far right, Council Member--your answer to us is
that with 200,000 people on a waiting list, I'm
not comparing apples to apples when I ask you if
we eliminated the overcrowding situation, how many
under-occupied apartments would be left. I would
think--and perhaps I'm wrong--that 200,000 people
looking for an apartment really wouldn't care
where it was as long as they could get an
apartment, but maybe I'm wrong about that, maybe--

CARLOS LABOY-DIAZ: [Interposing]

The federal--

COUNCIL MEMBER HALLORAN: --maybe
people looking for homes are--

CARLOS LABOY-DIAZ: [Interposing]

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You're wrong.

COUNCIL MEMBER HALLORAN: --really
concerned with--

[Crosstalk]

COUNCIL MEMBER HALLORAN: --only
staying in one borough.

CARLOS LABOY-DIAZ: I'm sorry,
federal regulation does not allow us to give you
an apartment just to give you an apartment, you
need to be in the right size for you to qualify
for that apartment.

COUNCIL MEMBER HALLORAN:
[Interposing] I understand, the right size
apartment, but, obviously, 56,326 people--units
representing one-third of the entire housing of
NYCHA is under-occupied. So despite on the one
hand you saying, well, you know, you have to meet
certain criteria, you're conceding that one-third
of NYCHA's apartments are not being utilized in
the manner in which they're supposed to be. Is
that right or wrong?

ALAN PELIKO: Just, Councilman,
response to what you previously said that you
didn't think that a person that needed an

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2 apartment would be picky and be able to--they say
3 they'll take an apartment anywhere, in fact, our
4 residents who are transferring and also our
5 applicants have the ability to choose different
6 boroughs in specific locations and they do. And
7 we find even, let's say, victims of domestic
8 violence who have an emergency need to transfer
9 are very specific and they say they'd like to live
10 here and not there. So people, it comes down to
11 location, location, location. And it's the TSAP
12 system that changes it. Our transfer system has
13 more than just under-occupied and overcrowded
14 people that are transferring, there are others as
15 well.

16 COUNCIL MEMBER HALLORAN: Okay. So
17 when somebody applies, there's no I'll live
18 wherever you can find me a house box? There's
19 just, I want to live here, I want to live there, I
20 want to live the other place? There's nobody who
21 says, you know what, I need a house, I will live
22 wherever you can find me one in the NYCHA system?
23 There's no box for that or you don't correlate
24 that data or it doesn't happen? There's 160,000
25 people and none of them say I'll live anywhere you

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can put a roof over my head?

ALAN PELIKO: They have a choice of either selecting a borough to say I'll go to Brooklyn, give me a place in Brooklyn; or they say I want to go a specific development and their-- applicants are given what we call a guide, that means our developments where we expect to have a reasonable turnover of that size apartment within, let's say, six to nine months. So, you know, they could select a specific development.

COUNCIL MEMBER HALLORAN: Well I, obviously, am not an expert on things NYCHA, but I do sort of, kind of have a clue about the housing trends in this city and people in this city have relocated constantly because the housing market has been horrible. And I have many constituents in my district who have moved out of my district because of the costs of living in my district and they've moved to other places, sometimes Nassau, sometimes Brooklyn, sometimes the Bronx. But it seems to me when one-third of all of the apartments in NYCHA are under-occupied, by your own statistics, that we should be doing something a little more proactive when you come to a hearing

1 on it then telling me you have data about where
2 the ratio of under to overs are, and what would be
3 the outcome of the list of 160,000 plus people who
4 are waiting if you were able to take your under-
5 occupied apartments and get them fully occupied,
6 break down your overcrowded apartments and get
7 them to where they're supposed to be, and then
8 tell me how many units does that leave over so
9 that we could relate that to the 160,000 plus
10 people waiting on a list.
11

12 CHAIRPERSON MENDEZ: So, Council
13 Member Halloran, here's where I'm going to
14 intercede--

15 COUNCIL MEMBER HALLORAN: Sure.

16 CHAIRPERSON MENDEZ: --because I
17 don't like to be put in a situation where I'm
18 defending NYCHA, okay? However, for the last
19 seven years that I have been the chair of the
20 Subcommittee and now the Committee, there have
21 been discussions, and prior to that, when I was an
22 advocate, discussions about rightsizing,
23 downsizing, dealing with overcrowded apartments,
24 but doing it in a very thoughtful manner,
25 particularly because most of these individuals are

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2 seniors so that we don't create trauma, health
3 risk to those persons who are currently in those
4 apartments. And so if NYCHA is taking a bit
5 longer, part of it is 'cause we've asked them to
6 be a little bit more thoughtful about it. And we
7 also then beat them over the head when people are
8 in overcrowded apartments. So it's not an easy
9 fix and that's what we're here to try to figure
10 out, how can we rightsize these apartments, but do
11 it in a very thoughtful way and in an
12 understanding way, and in a way where we can
13 minimize the most trauma to the residents, get
14 them, hopefully within their development, if
15 that's what they so wish, okay?

16 COUNCIL MEMBER HALLORAN: I
17 appreciate that, Madam Chair, and I would simply
18 say that in order to look at this objectively, we
19 need to have the data in front of us. I would
20 think that if you came to a hearing in which you
21 were discussing these things of over and
22 underutilization of apartments, we would have a
23 chart or a map to show where they are located so
24 that we could sort of start to look at that
25 process and maybe make suggestions.

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2 I would also ask that you tell us
3 of the under and overutilized apartments, how many
4 of them belong to seniors, or veterans, people who
5 may be disabled who are unable to make those
6 transitions easily, do you have that data for us
7 so that I could take that into account when I look
8 at 31%, almost a third of your apartments being
9 underutilized?

10 BRIAN CLARKE: Yeah, 21.

11 CARLOS LABOY-DIAZ: Do you want to
12 answer?

13 BRIAN CLARKE: Sure. So of the
14 56,000, 21,328 are under-occupied that are
15 elderly, occupied by an elderly resident. And of
16 that, 5,521 are extremely under-occupied.

17 COUNCIL MEMBER HALLORAN: Okay. So
18 less than half of the apartments we're talking
19 about have anything to do with seniors in this
20 pool, right? Fifty-six thousand minus 21,000,
21 leaves a significantly larger than half number of
22 the apartments, have nothing to do with seniors
23 who will be traumatized by being relocated, is
24 that accurate?

25 BRIAN CLARKE: Twenty-one thousand

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is a significant number of our senior residents.

COUNCIL MEMBER HALLORAN:

[Interposing] I didn't say it wasn't, I said it's less than half, is that accurate?

CARLOS LABOY-DIAZ: Is less than half, yeah.

COUNCIL MEMBER HALLORAN: Yeah, well my math's still the same from grammar school as it would hopefully be for yours.

[Crosstalk]

COUNCIL MEMBER HALLORAN: So 60% plus are not senior apartments, have nothing to do with seniors who would be traumatized by some change in living conditions at this point, is that accurate?

BRIAN CLARKE: Oh, wait a minute, it's 21,000. Excuse me, actually, so 21,000 plus 5,000 is actually--

COUNCIL MEMBER HALLORAN:

[Interposing] So it's 26,000.

BRIAN CLARKE: Yeah, you know, somewhere around 26, 27,000, so it gets us almost to 50%.

COUNCIL MEMBER HALLORAN:

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[Interposing] Almost to half.

BRIAN CLARKE: Yeah.

COUNCIL MEMBER HALLORAN: Almost to half, but not half. Okay.

BRIAN CLARKE: But not 60%.

COUNCIL MEMBER HALLORAN: Okay. So it would be fair to say that more than 50% of the apartments are not occupied by seniors or someone in a position that they would not be able to move because of a disability or something along those lines, is that accurate?

CARLOS LABOY-DIAZ: You have families that are not senior, but still be disabled.

COUNCIL MEMBER HALLORAN: Okay. Do you know how many disabled apartments who are not in your senior count--

[Crosstalk]

CARLOS LABOY-DIAZ: [Interposing] No, I don't have the data with us here.

COUNCIL MEMBER HALLORAN: You don't have the--

CARLOS LABOY-DIAZ: [Interposing] We have the data, but we don't have it here with

us.

COUNCIL MEMBER HALLORAN: Okay.

Well, Madam Chair, I'm going to yield back to you, but I would just ask that the NYCHA department provide us with those records so that we could actually look at the issues that you raise very validly, but it appears on first blush that for over half these apartments, that's not a concern. So I think that maybe there is some more that could be done to poke and prod to move things along faster for the 160,000 people who don't have an apartment.

CHAIRPERSON MENDEZ: Thank you.

Before I turn it over Council Member Maria Carmen Arroyo, I'm going to ask a question. But I also have to say we've been joined by Council Member Jimmy Van Bramer from Queens.

Whoever's at the table, you just said that 21,328 are seniors that are in an--

BRIAN CLARKE: Yeah.

CHAIRPERSON MENDEZ: --under-occupied apartment.

BRIAN CLARKE: Yeah, correct.

CHAIRPERSON MENDEZ: Of that 5,521-

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BRIAN CLARKE: [Interposing] No,
no, no, not of that, in addition.

CHAIRPERSON MENDEZ: In addition to
that.

BRIAN CLARKE: Yeah, 21,328--I'm
sorry, this Brian Clarke, okay, again, of--and
it's 21,328 are under-occupied, okay? Extremely
under-occupied, 5,521.

CHAIRPERSON MENDEZ: Okay. And
earlier you mentioned 11,672 are on the transfer
list.

CARLOS LABOY-DIAZ: Mm-hmm, yes.

CHAIRPERSON MENDEZ: How many of
that 11,672 are seniors?

CARLOS LABOY-DIAZ: Do you have
that data with us?

BRIAN CLARKE: We don't have that
data with us.

CARLOS LABOY-DIAZ: We don't have
that data with us right now, we can--

[Crosstalk]

CHAIRPERSON MENDEZ: [Interposing]
You will get that to us.

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CARLOS LABOY-DIAZ: Yes.

CHAIRPERSON MENDEZ: Okay.

[Crosstalk]

COUNCIL MEMBER HALLORAN: --an
issue in my district.

CHAIRPERSON MENDEZ: Okay. I will
turn this over to Maria Carmen Arroyo.

COUNCIL MEMBER ARROYO: Thank you,
Madam Chair. Good morning. Always a good turnout
for these hearings, a lot of interest. I want to
focus on the population that Council Member
Halloran seems to be kind of--the seniors and I
think most of us, most of the complaints and the
individuals that come into our offices seeking
assistance are seniors that have--that live in
NYCHA that fall under the under-occupied or
extremely on the occupied category. And I went
through your testimony, page four, you end up, the
top of the page, the end of the paragraph, they
decline the offer of an appropriately sized
available apartment, their NYCHA tenancy may be at
risk, and I believe that that's an understatement.
You very aggressively move to evict those
individuals who do not respond or have gotten

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2 caught up in the process of understanding what's
3 happening.

4 There's a case in my district, the
5 chair and I have both written a letter to the
6 chairman, the individual is being represented by
7 Bronx Legal Services because NYCHA's evicting him
8 because this individual misunderstood. There
9 seems to be a debate about whether or not he
10 accepted the offer for another apartment. So I
11 understand he's probably in court this week, I
12 don't know if Bronx Legal Services is in the room,
13 but it's a process for a population that often
14 need other support services to guide them through.
15 So what is NCYHA doing outside of your process to
16 connect tenants to services that can help them
17 better navigate the process of getting into a
18 right size apartment?

19 CARLOS LABOY-DIAZ: Like I mention
20 in my testimony, we can always do better. We
21 recognize that we have an issue of communication
22 and some advocates has approached us and make some
23 recommendations to change to the letters and we're
24 working with her on that and we will have them out
25 as soon as possible.

1 We use the Family Service
2 department when a tenant--when the manager or the
3 tenant requests assistance. In some instances, we
4 give them several opportunities and we go through
5 the process with them. I can't comment in pending
6 litigation; however, I will if any particular
7 case, we're more than welcome to sit down and
8 discuss it.

9
10 COUNCIL MEMBER ARROYO: Well the
11 management office staff work for NYCHA?

12 CARLOS LABOY-DIAZ: Yes.

13 COUNCIL MEMBER ARROYO: Are they
14 your employees?

15 CARLOS LABOY-DIAZ: Yes, New York
16 City Housing Authority employees.

17 COUNCIL MEMBER ARROYO:
18 [Interposing] Do you know that they're not all
19 created equal, right?

20 CARLOS LABOY-DIAZ: That's correct.

21 COUNCIL MEMBER ARROYO: And
22 depending on the management office staff, their
23 approach and their style and how they work with
24 their residents, outcomes could be vastly
25 different on situations that are very, very

1 similar. And I think one of the concerns that I
2 have and that I hear from my residents--and I have
3 a lot of public housing in my district--and I work
4 really closely with you on the solving the issues
5 that we confront, but I don't believe that you
6 have a handle on your management staff and how
7 they function and how they deal with their
8 tenants. And if it's my word against the
9 manager's word in court, I sense that court or the
10 judge or the administrative hearing officer is
11 probably going to take the manager's word over
12 mine. And many of our residents cannot afford
13 legal representation when they come into these
14 hearings.
15

16 So one of the things that I would
17 like to see is that one of the components, in
18 particular, when you're dealing with an elderly
19 individual that is probably frail and living alone
20 and disconnected from family and support, that a
21 social service component be part of this process
22 of guiding them through. They often don't read
23 the mail, don't understand the mail, and by the
24 time somebody figures it out, you have them on
25 line for eviction. And we cannot contribute to

1
2 the homelessness in our city because we are not
3 guiding our seniors through a process that, in
4 many cases, is very traumatic and very
5 overwhelming.

6 So I'm not saying that this tenant
7 should stay in the apartment that's extremely
8 under-occupied, I'm saying he needs help to get
9 him from there to a right sized apartment and you
10 need to bear the responsibility for helping them
11 get those services so that that transition is made
12 as smoothly as possible for the resident and have
13 their health and well-being and mental state not
14 compromised in the process. You cannot contribute
15 to the homelessness of this city by going after
16 seniors and evicting them. You cannot.

17 CARLOS LABOY-DIAZ: It's not our
18 intention to evict anyone, senior or otherwise,
19 and we will improve communication to ensure that
20 everybody have access to all the information.

21 In addition to the letters, once
22 the file is sent downtown, to use an expression
23 that the manager use, and go to the Law
24 Department, the Law Department also sit down with
25 the tenant and offer an opportunity again to get

[Crosstalk]

CARLOS LABOY-DIAZ: Sure.

CHAIRPERSON MENDEZ: Well I don't
s a response, I heard some clapping
tside and they usually keep someone
earings 'til the end of the hearing.
have a hearing across at City Hall,
to make sure that I get marked

1
2 present there without having to leave here. That
3 was why I was left. That, and using the ladies'
4 room, that happens sometimes.

5 Council Member Chin.

6 COUNCIL MEMBER CHIN: Thank you,
7 Madam Chair. I have another questions. From your
8 testimony, you talked about the success at Pomonok
9 House so maybe you can give us, first of all, some
10 statistic on that in terms of how many seniors
11 were moved into Pomonok who came from under-
12 occupied apartment. And also you were talking
13 about that you, in the future, you're looking to
14 do more housing option in Southview Boulevard and
15 Forest House. And I wanted to ask you, 'cause not
16 only NYCHA is talking about and thinking about
17 doing--leasing land out to do development,
18 especially in Manhattan. I know that probably in
19 my district, but also how are you thinking in
20 terms of setting aside units to really help this
21 rightsizing option in the development that you're
22 going to be doing?

23 CARLOS LABOY-DIAZ: We will see if
24 we have the statistics to tell you how many
25 people, how many tenants we were able to lease in

1
2 the new project in--development in Pomonok. But
3 in general terms, rightsizing is not only about
4 moving people within our properties, Plan NYCHA
5 talks about new developments and encouraging
6 partnerships to, in some cases, build senior
7 buildings, and that's what we built in the area of
8 Pomonok.

9 This is the development area, I
10 know you have probably other hearings for Plan
11 NYCHA, they can provide you all the specific
12 details, but what we usually do is we set aside
13 some number of units to encourage--we set aside
14 these units for public housing residents. It
15 could be 25%, it could be 30% of the units. Each
16 development deal is different and I will defer to
17 my colleagues in development to come back to you
18 and give you the specific details of these
19 projects that we're working on.

20 COUNCIL MEMBER CHIN: Okay. I
21 mean, Madam Chair, we definitely should sort of
22 link the two together on that so that we know that
23 NYCHA resident will have opportunities for housing
24 and also to transfer in the new development that
25 NYCHA is getting into.

CARLOS LABOY-DIAZ: That's our goal.

COUNCIL MEMBER CHIN: Thank you.

CHAIRPERSON MENDEZ: Thank you.

Since--well let me go back. In your management manual, your testimony today is identical to your management manual policy for transfers in 2010, so what, if anything, is different that this needs to be included in Plan NYCHA?

CARLOS LABOY-DIAZ: In the plan that we submitted to HUD, what we're basically saying is we're giving preference to the tenant--

CHAIRPERSON MENDEZ: [Interposing]
Excuse me, hold on, someone's leaning on the lights, so I just... Thank you.

CARLOS LABOY-DIAZ: As we explained before, the unit assignment is based on TSAP. What we wanted to do is to increase the number of opportunities a transfer family have in the TSAP system. We're working on those details right now, but basically, today, the system work in a way that out of every five vacant apartments, three are offer to a transfer. We're working on the details and we will listen to recommendation, our

1
2 goal is to increase that number of opportunities
3 for a family in a transfer to move into that
4 apartment. One of the biggest complaints that we
5 have from the tenants in all our meetings and the
6 advocate is, basically, what you were telling us
7 earlier, how come, you know, you're talking about
8 rightsizing, but you have a vacant unit in the
9 second floor and you offered that unit to a new
10 tenant instead of offering that unit to us and
11 whatever is left when you complete the transfer
12 you offer to a new tenant. That is basically the
13 concept and we will work with this group that we
14 mentioned earlier to ensure that communication,
15 all the process is well-defined, we share with all
16 of you and try to avoid some of the communication
17 issues that we have in the past.

18 CHAIRPERSON MENDEZ: So let me
19 clarify, so you want to increase the opportunities
20 and give like a first right of refusal to a tenant
21 already in the development that is in under-
22 occupied or extremely under--

23 CARLOS LABOY-DIAZ: [Interposing]
24 Extremely. Extremely.

25 CHAIRPERSON MENDEZ: Extremely.

1
2 CARLOS LABOY-DIAZ: We still
3 emphasizing the extremely under-occupied as our
4 first priority.

5 CHAIRPERSON MENDEZ: So your focus
6 is on extremely under-occupied, so if my
7 colleague, Council Member Halloran, has his way
8 and next year you've done all that, right? What
9 happens with just the under-occupied?

10 CARLOS LABOY-DIAZ: Remember, this
11 is an assumption that this is about location. We
12 want to be sensitive, we can't--I mean, it's not
13 about having the first apartment, here, you have
14 to take it. It has to be in the right property,
15 meaning that you seen Council Member Chin example,
16 a family requested to stay within the property, it
17 has to be offered to that family. If not, we
18 don't resolve this issue. And this is on a case-
19 by-case, every family is completely different.

20 CHAIRPERSON MENDEZ: Okay. Let me-
21 -I'm sorry, I'm trying to get clarification on the
22 meeting across the hall--I mean, across the
23 street. I asked you before about the 11,672 that
24 are on the transfer list, you probably don't have
25 this number, but I want it. If you have it, give

1
2 it to me now, how many of that are extremely
3 under-occupied? I had asked you before--

4 CARLOS LABOY-DIAZ: Yeah.

5 CHAIRPERSON MENDEZ: --how many
6 were seniors.

7 BRIAN CLARKE: We don't have the
8 senior data, but the breakdown for of the 11,616
9 transfers, 7,404 are under-occupied and 2,540 are
10 overcrowded transfers. That data is probably just
11 slightly different because it changes every day,
12 but that's relatively the numbers.

13 CHAIRPERSON MENDEZ: Of the 7,000
14 how many are extremely under-occupied?

15 BRIAN CLARKE: No, so there's 7,404
16 are under-occupied, and an additional 2,540 are
17 overcrowded.

18 [Crosstalk]

19 CHAIRPERSON MENDEZ: Twenty-five
20 forty.

21 BRIAN CLARKE: [Interposing] Are
22 overcrowded, I'm sorry.

23 CHAIRPERSON MENDEZ: Overcrowded
24 means extremely under-occupied?

25 BRIAN CLARKE: No, I'm sorry,

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that's overcrowded, right? Hold on.

CHAIRPERSON MENDEZ: Okay. Tell me
your definition for overcrowded, tell me--

BRIAN CLARKE: Okay.

CHAIRPERSON MENDEZ: --your
definition for--

BRIAN CLARKE: [Interposing] I'm
sorry.

CHAIRPERSON MENDEZ: --under-
occupied, and tell me your definition for
extremely under--

[Crosstalk]

BRIAN CLARKE: [Interposing] I
apologize. So of that, 2,500, it's 13,087 are
extremely. Are extremely under-occupied, and
6,287 are under. Okay?

CHAIRPERSON MENDEZ: Repeat that
one more time.

BRIAN CLARKE: Okay.

CHAIRPERSON MENDEZ: I don't know,
you got people sitting in the well--

BRIAN CLARKE: Okay.

CHAIRPERSON MENDEZ: --from your
NYCHA team that are a little confused, imagine us.

1
2 BRIAN CLARKE: [Interposing] No, I-
3 -yeah, I'm going to give you the--and I apologize
4 'cause I have--as of the 22nd, right? We had
5 11,715 on the transfer waiting list, okay?

6 ALAN PELIKO: No.

7 [Off mic]

8 BRIAN CLARKE: Okay.

9 CHAIRPERSON MENDEZ: Okay. I'm
10 sorry, we sit on several committees and since
11 Maria is heading to the other committee and if I'm
12 needed for quorum, she's going to call me. So--

13 BRIAN CLARKE: Okay.

14 CHAIRPERSON MENDEZ: --then I may
15 need to ask my colleagues--

16 COUNCIL MEMBER ARROYO: I'll make
17 quorum.

18 CHAIRPERSON MENDEZ: You'll make
19 quorum? Okay, great. So if I'm needed to go,
20 I'll ask my colleagues to please stay here so
21 maybe you can chair while I run across the street.
22 Now, the numbers again were?

23 CARLOS LABOY-DIAZ: Okay. They
24 start all over again. We have 11,715. That
25 breaks into two sets of numbers: 7,674 are under-

1
2 occupied, that number breaks into 1,387 are
3 extremely under and 6,287 are under, again, for a
4 total of 7,674. Extremely overcrowded, we have
5 2,578; that number breaks into 126 are extremely
6 over-occupy and 2,452 are just over. That should
7 add 11,715.

8 CHAIRPERSON MENDEZ: Okay. So in
9 past hearings Chairman Rhea has suggested that
10 NYCHA is required to implement a more aggressive
11 transfer policy according to the HUD rules, and I
12 can go back and tell you when and in what hearing
13 he said that at but I won't. But my committee
14 staff has not found such a requirement in the HUD
15 rules. So do you want to tell me otherwise?

16 CARLOS LABOY-DIAZ: Can you repeat
17 the question again? I got lost.

18 CHAIRPERSON MENDEZ: Chairman Rhea
19 has suggested or has stated in hearings that it is
20 required to--that you are required--NYCHA, public
21 housing authorities--are required to implement a
22 more aggressive transfer policy. Is it required
23 or is it suggested? Because our staff has not
24 found the requirement part.

25 CARLOS LABOY-DIAZ: [Interposing]

1 Well if you're not in compliance with any HUD
2 rule, you're required to do it. This is an area
3 in which we need to be in compliance. After you
4 see all these numbers, it shows that you have a
5 series of families in apartments that are not the
6 right size apartment. HUD rules, you know, you
7 always have the chance if you don't follow HUD
8 rules to lose subsidy and that is a thing that
9 what we're trying to do to the Plan NYCHA and this
10 is an issue that we need to address, we need to
11 identify.
12

13 And I think that his testimony--my
14 testimony today talks about, not only about the
15 fact that you need to move a family to the right
16 size apartment, talks about also development and
17 other options that we have to take public housing
18 into the future. We cannot run away from the
19 problem, this is a problem, this is an issue that
20 we need to deal with it. We recognize that we can
21 do a lot better with communication, but that
22 doesn't meant that we're not going to move in the
23 direction that deals with the problem.

24 CHAIRPERSON MENDEZ: Thank you. So
25 you will be able to identify for us in the HUD

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rules exactly where it says this?

CARLOS LABOY-DIAZ: We have a responsibility to have a family in the right size apartment. When we do the annual review we need to submit to HUD a document that is called 458. That indicates that--

CHAIRPERSON MENDEZ: [Interposing]
A document that's called what?

CARLOS LABOY-DIAZ: It's the 558.
That form--

CHAIRPERSON MENDEZ: [Interposing]
Five hundred and fifty-eight?

CARLOS LABOY-DIAZ: Yes.

CHAIRPERSON MENDEZ: Four and 558.

CARLOS LABOY-DIAZ: That form indicates that the family composition and the income. If you're not in compliance HUD have many ways to enforce those things. I mean, if you look for a specific sentence that might says that, I don't know, we'd have to look, but it's the whole handbook. HUD public housing and Section 8 talks about having the families in the right size because it's, you know, they shown to be fair and they show fairness especially for the families

1 that are overcrowded, it's an issue of compliance.
2 In Section 8s handle a little bit different, but
3 it's still the same problem.
4

5 CHAIRPERSON MENDEZ: So the
6 chairman has also stated--and I'll quote you at
7 the February 2012 hearing--on Plan NYCHA where he
8 says: "Yeah, so, you know, our PHAS scores and
9 other things reflect the fact that we're not in
10 compliance." PHAS is the Public Housing
11 Assessment Survey. So this affects your PHAS
12 score?

13 CARLOS LABOY-DIAZ: It's a
14 component of the PHAS that deals with occupancy
15 issues and if I send--and as an example, if the
16 558 is not accurate, we can be penalized for that,
17 yes.

18 CHAIRPERSON MENDEZ: Does the 558
19 have a name?

20 CARLOS LABOY-DIAZ: I'm being told
21 that it's called 4 and 558.

22 CHAIRPERSON MENDEZ: It's called
23 form 558, all right.

24 CARLOS LABOY-DIAZ: I always call
25 it 458. We will look, if we have a name, we will

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provide it to you.

CHAIRPERSON MENDEZ: Hold on. Let me ask you this: Do you expect any increase in revenues or any savings for implementing this transfer policy and rightsizing apartments?

CARLOS LABOY-DIAZ: The rent of our tenant is based on income, not in the room size. That means that this have no increasing rent for implementing this policy.

CHAIRPERSON MENDEZ: And form 558, does it require just listing who's on the household composition or does it require any additional documentation that you're--

CARLOS LABOY-DIAZ: [Interposing]
It say reporting--

[Crosstalk]

CHAIRPERSON MENDEZ: --making it more--

CARLOS LABOY-DIAZ: I told you, it's--

CHAIRPERSON MENDEZ: --rights?

CARLOS LABOY-DIAZ: --a reporting system, it lists everybody that is in the unit and their income and their income calculation, yeah.

MALE VOICE: And family--

[background noise]

CARLOS LABOY-DIAZ: And family characteristic, and that include age?

MALE VOICE: Yes.

CARLOS LABOY-DIAZ: Yeah.

CHAIRPERSON MENDEZ: Okay. Now I don't know if these questions have been asked while I was out of the room in terms of rightsizing apartments. I can't tell you how many times we get calls in our office from people who have gotten your letters and so some of them at different points, some of them ignored it, some of them thought they had a right to stay in their apartment, some of them didn't get the letter originally, and they end up being an administrative hearing. How many administrative hearings or percentage is based on individuals who have not rightsized?

CARLOS LABOY-DIAZ: We have identify 27 cases--

BRIAN CLARKE: This year.

CARLOS LABOY-DIAZ: --this year, 14 of those cases were withdraw, 9 have the

1 stipulations, the other 4 are in the process right
2 now.
3

4 CHAIRPERSON MENDEZ: Twenty-seven
5 cases just in all of New York City--

6 CARLOS LABOY-DIAZ: Yeah.

7 CHAIRPERSON MENDEZ: --in an
8 administrative hearing, not in housing court.

9 CARLOS LABOY-DIAZ: Administrative
10 hearing.

11 CHAIRPERSON MENDEZ: Administrative
12 hearing. That is way low, as far as I know.

13 CARLOS LABOY-DIAZ: I mean--

14 CHAIRPERSON MENDEZ: Okay.

15 CARLOS LABOY-DIAZ: --this is an
16 issue that we try to deal with it in, you know--it
17 goes beyond the three letters, right?

18 CHAIRPERSON MENDEZ: Right.

19 CARLOS LABOY-DIAZ: You go through
20 the three letters, you still have chance to make a
21 change. Even when you go to the Law Department,
22 they give you another opportunity, they explain
23 the process, they call you into the--even before
24 going to administrative hearing, they will call
25 you, say, listen, this is a process, you still

1
2 have a chance to get into the transfer list. And
3 the number shows that it's low, meaning that we
4 don't have to get to that point.

5 CHAIRPERSON MENDEZ: So go again.
6 Fourteen were withdrawn--

7 CARLOS LABOY-DIAZ: Correct.

8 CHAIRPERSON MENDEZ: --because they
9 met one of these exceptions?

10 CARLOS LABOY-DIAZ: I don't have
11 that--

12 [Crosstalk]

13 CHAIRPERSON MENDEZ: Yeah.

14 CARLOS LABOY-DIAZ: --with me, I
15 can provide, yeah--

16 CHAIRPERSON MENDEZ: [Interposing]
17 Oh, we can--okay.

18 CARLOS LABOY-DIAZ: --yeah, we can
19 provide--

20 CHAIRPERSON MENDEZ: [Interposing]
21 Then the additional numbers after that, what was
22 that?

23 CARLOS LABOY-DIAZ: Nine ended up
24 in a stipulation.

25 CHAIRPERSON MENDEZ: Meaning that

they agreed to move or downsize or rightsize--

CARLOS LABOY-DIAZ: [Interposing]

Probably, yeah, probably.

CHAIRPERSON MENDEZ: And the rest?

CARLOS LABOY-DIAZ: Four are still in the process, we don't have--

CHAIRPERSON MENDEZ: [Interposing]

They're still in a administrative hearing.

CARLOS LABOY-DIAZ: Yeah.

CHAIRPERSON MENDEZ: So if you get through these three letters and then you never respond and you end up in an administrative hearing, do they give you an opportunity--I'm hearing they give you an opportunity to cure and you were allowed to say that you will go into a rightsized apartment?

CARLOS LABOY-DIAZ: They give you an opportunity to get into the transfer list and in like many other instances, when we have tenancy cases in front of the board, those are the questions that the board asks, and in many instances, not necessarily dealing with transfers, the board has requested Family Service to intervene before they make any decision.

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CHAIRPERSON MENDEZ: Okay.

CARLOS LABOY-DIAZ: Like I said,
it's not our intention to evict anybody.

CHAIRPERSON MENDEZ: And at that
point, it's only to be on the borough list.

CARLOS LABOY-DIAZ: No, at any time
until--

[Off mic]

CARLOS LABOY-DIAZ: Yeah, you still
have a choice to select the development, yeah.

CHAIRPERSON MENDEZ: Okay. So this
is a topic for another hearing 'cause at that
point there is a breakdown and when they're
getting into an administrative hearing, that is
not happening, they're not always being given an
opportunity to cure. So I'm just putting that on
the record.

Can you tell me how many families
or individuals have actually--more likely than
not, individuals since they're overcrowded--I
mean, under-crowded--have actually been evicted as
a result of these hearings?

CARLOS LABOY-DIAZ: We don't know
of any case at all.

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CHAIRPERSON MENDEZ: You don't know of any case at all, okay.

CARLOS LABOY-DIAZ: We only know about these 27 cases that we just mentioned to you.

CHAIRPERSON MENDEZ: Okay. So you-
-

CARLOS LABOY-DIAZ: [Interposing]
About the eviction, about rightsizing.

CHAIRPERSON MENDEZ: Mm-hmm. And you don't know of any cases during the last few years where this has happened, where someone has been evicted because--

CARLOS LABOY-DIAZ: [Interposing]
About rightsizing, no.

CHAIRPERSON MENDEZ: Regarding rightsizing, okay. So anything else you want to say?

CARLOS LABOY-DIAZ: No, it sometimes confused with a--the tenancy issues can be brought through the process for different reasons and when we look at the cases, we need to look at the whole aspect of the case to see why a person is evicted. The fact that it might be one

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2 of the reasons could be that the person wasn't in
3 compliance, could be because of the rightsize,
4 could be because they have an unauthorized dog,
5 could be for many reasons. But at the end of the
6 day you're evicted for a particular one of the
7 three or four naming the in the process. And we
8 for rightsizing we have no information that
9 anybody has been evicted in the--at least the last
10 two years that we know about it. And we looked
11 through the system and we could not find any.

12 CHAIRPERSON MENDEZ: We've been
13 joined by Council Member Melissa Mark-Viverito
14 from Manhattan.

15 Will the Housing Authority--and I'm
16 going to be wrapping it up soon, so I'll give
17 Melissa an opportunity to ask questions if she
18 wants--will the Housing Authority be looking at
19 increasing the number of exceptions that allow a
20 family to remain in an under-occupied apartment?

21 CARLOS LABOY-DIAZ: As part of the
22 new policy that we proposed to HUD, we're looking
23 at all the possibilities. We're pulling--I use
24 the phrase all the cards on the table. You know,
25 the answer is we're going to be looking at every

1 options that we have to make this more sensitive
2 and offer tenants different opportunities. We
3 know the advocates have been very clear to us that
4 communication is the number one issue. I know
5 that another situation is a more active
6 involvement of the Family Service department,
7 especially for seniors and families with special
8 needs. We're looking into all those aspects
9 before we go and implement anything that HUD
10 approve next year.

12 CHAIRPERSON MENDEZ: And I'd just
13 like to state on the record, I think as a matter
14 of public policy, you know, and I want to thank
15 the Authority for taking a little bit more care,
16 particularly with our seniors, and as a matter of
17 public policy we need to figure out a way to keep
18 people in their developments where possible, even
19 to try to keep them in their same buildings
20 because particularly with seniors, if their family
21 moves or they have no children, the people in that
22 building are their family. And in any way that I
23 can be helpful--and I'm sure some of my colleagues
24 would agree--we would want to work with the
25 Authority to try to make this very difficult issue

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2 as easy as possible as it can be for our
3 residents.

4 So having said that, let me ask you
5 about, particularly with our seniors, some of them
6 have caregivers, some are home attendants, some
7 are family members that are not on the household
8 composition or may have formerly been on the
9 household composition if they were a family
10 member. What is the policy and how does that
11 affect any rightsizing of an apartment?

12 CARLOS LABOY-DIAZ: We have a
13 process for adding family members. That's part of
14 the--if we need to sit down and advise any tenant.
15 We don't have the people like nurses and people
16 that take care of seniors, they're not part of the
17 lease that will not affect one way or another.
18 But family members we consider them and we have a
19 policy, you know, the process to include family
20 members and we have done that in some situations.
21 We take all that in consideration.

22 CHAIRPERSON MENDEZ: So we would
23 like a breakdown of the waiting list by apartment
24 size?

25 CARLOS LABOY-DIAZ: Sure.

CHAIRPERSON MENDEZ: And if possible, we would also like it development by development?

CARLOS LABOY-DIAZ: Yeah, sure.

CHAIRPERSON MENDEZ: Let me ask you this, because at times it appears that there is a targeted strategy, so maybe it's just when these annual certifications come in, I'll get many phone calls from a particular development. Is there a borough-by-borough, a development-by-development strategy that--

[crosstalk]

CARLOS LABOY-DIAZ: [Interposing] Is the annual reviews, the City of New York, all the 170--over 70,000 tenants, we divided the annual review in quarters, every quarter we have a number of families that needs to complete the whole recertification process. We don't do it--we don't target by boroughs or by properties.

CHAIRPERSON MENDEZ: And I recently wrote you a letter about a particular case, I'm not going to get into the case, but in there I make a recommendation that at these various levels and you say you're looking at tweaking your policy

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2 and making some changes, which is more sensitive
3 and friendlier to the resident, so because New
4 York City is very complex and there's other rights
5 that tenants enjoy living in other non-public
6 housing buildings and there is confusion as to
7 what right a tenant has and some people may refuse
8 to move, and the language barrier. I've
9 recommended that at these different steps during
10 the first letter, second letter, third letter,
11 that it be made available to the person in their
12 language, that they sign something that they
13 understand everything that they've been told. It
14 ensures that the housing manager or the person at
15 the administrative hearing is telling them the
16 process and explaining it to them. Has any
17 decision or is this still being discussed as to
18 talking the tenants step-by-step through the
19 process and doing it in their language and having
20 them sign off as to what they actually understand?

21 CARLOS LABOY-DIAZ: We are looking
22 at the changes that the management manual will
23 require and all communications, since we have to
24 wait until HUD approve the general policy of
25 giving preference to tenants. Once that is done,

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2 which we expect to be the first quarter of next
3 year, we want to be sure that around that time we
4 can share with our stakeholders all the changes
5 that we might be recommending and given an
6 opportunity to everybody to give their opinion.

7 I've been receiving comments,
8 mostly about the letter, recently it came to my
9 attention something about the process and some of
10 the managers. But we were looking at every
11 aspect. This is a very complicated matter, it's
12 not only about the language, it's about the
13 different cultures that we have within the New
14 York City Housing Authority, we need to be
15 sensitive to all of them and your help and the
16 help of the advocates and the tenant associations
17 are crucial for the success of this endeavor.

18 CHAIRPERSON MENDEZ: Thank you. I
19 will turn it over to Councilwoman Melissa Mark-
20 Viverito.

21 COUNCIL MEMBER MARK-VIVERITO: Oh,
22 thank you, Madam Chair, and apologies for being
23 here late, I was at an event as Chair of the Parks
24 Committee that I was asked to be at this morning.
25 So if my question was answered, I apologize for

1 the repetition. So, obviously, this is an
2 extremely important issue, and having as much
3 public housing as I do, I know we hear about these
4 concerns every day.

5 So in the statistics here, right,
6 so you've got 56,000 under-occupied apartments,
7 11,890 extremely under-occupied. According to our
8 briefing report and NYCHA's policy, you take
9 action in the case of the severely under-occupied
10 apartments. So of those 11,890, where are you in
11 the process with how many in terms of transferring
12 them or what's the actions that are being taken?

13 CARLOS LABOY-DIAZ: Might I have
14 that piece of paper? Just to give you the
15 families that we have in the transfer list, we
16 mention that right now--in the transfer list we
17 have 11,715 and extremely under-occupy, we have
18 1,387.

19 COUNCIL MEMBER MARK-VIVERITO:
20 Okay. So I'm not understanding 'cause here it
21 says that of the 56,326 that are considered under-
22 occupied, 11,000 are extremely under-occupied and
23 that your policy is to deal with the severely
24 undercrowded--
25

CARLOS LABOY-DIAZ: Correct.

COUNCIL MEMBER MARK-VIVERITO: --

right? So in terms of what action is being taken, so that's one thing. So if your policy is that you're going to take action on those 11,000, where does that leave the remaining 44,000; of those, how many are in the transfer list? Do you understand? I mean, I'm trying to break it down.

BRIAN CLARKE: Yeah, I mean, that's the total transfer list was 11,000 so... The total number of our residents that are tenants that are on the transfer list is the 11,000 that we refer to. Meaning that they put in the request, they filed the form, and we've entered it into the system.

COUNCIL MEMBER MARK-VIVERITO:

'Cause according to our briefing paper says that according to your policy, if a tenant ignores the letter, 'cause you basically send the letter out to the under-crowded--you know, under-occupied apartments, the manual calls for further action, but only if the apartment is extremely under-occupied so what is that action?

CARLOS LABOY-DIAZ: We follow with

1 the first letter that goes to everybody, the
2 second letter goes to the extremely under-
3 occupied. The second letter gives you ten days to
4 come to the management office and put your name in
5 your transfer list which allows you to even
6 include the property that you living in. If you
7 don't respond to that letter in about ten days,
8 you're placed in the borough-wide transfer list.
9 At that time, you still have an opportunity before
10 a selection is made to select the property that
11 you want to move in, including the one that you're
12 living in.

14 It's--

15 [Crosstalk]

16 COUNCIL MEMBER MARK-VIVERITO:

17 [Interposing] Right, I guess, okay, I understand
18 the whole process and I know that was discussed, I
19 don't want you to have to repeat it. I guess,
20 because of the fact that it says that in your
21 manual, you can take action on the extremely
22 under-occupied, I'm just trying to figure out if
23 there's a difference other than just getting
24 yourself on the list.

25 CARLOS LABOY-DIAZ: The--

[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO:

[Interposing] And you've identified 11,900, just about, that are severely or extremely under-occupied. So it doesn't sound like there's a distinction in terms of how you approach each. I mean, you just ask them to get on the transfer list, they get on the transfer list, and if they don't, that's fine as well, which--I'm just trying to clarify, I'm not saying it good, bad, or whatever, I'm just clarify in terms of the process.

ALAN PELIKO: We identify for every under-occupied family, be it under-occupied or extremely under-occupied the desirability of their moving to a correct size apartment. However, we don't take it to the next step based on the numbers and resources, only with the extremely under-occupied. Meaning, if the one room extra, the just under-occupied, fails to move or fails to put themselves on transfer list, we would usually not take any extra action, we would not take action.

[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO:

[Interposing] That's what I guess I wanted to clarify.

ALAN PELIKO: [Interposing] So that's the vast majority statistically of families that are just under-occupied, meaning have one extra room.

COUNCIL MEMBER MARK-VIVERITO:

Okay. Then the other thing is that it says according to HUD rules, it requires that public housing authorities annually check the size of every family living in public housing, so that's every year. So on average, do you have, you know, how many more are added to the list every year? If you have an idea, if you can give that. Has it tapered off? Does it happen?

CARLOS LABOY-DIAZ: From--

BRIAN CLARKE: [Interposing] It's pretty consistent.

CARLOS LABOY-DIAZ: Yeah, the increase from year to year has been--

BRIAN CLARKE: [Interposing] It's being pretty steady.

[Off mic]

CARLOS LABOY-DIAZ: Which is--

[Off mic]

BRIAN CLARKE: Yeah, from a year ago.

CARLOS LABOY-DIAZ: From a year ago, it only increased by about 200 cases, 215 to be precise.

COUNCIL MEMBER MARK-VIVERITO: So, I mean, do you have the information for, like, the prior year before that?

BRIAN CLARKE: Right now, we just have 20--

COUNCIL MEMBER MARK-VIVERITO: [Interposing] Is it on average 200 or so?

BRIAN CLARKE: Yeah, right now, we just have the 2011-2012, but we can certainly get--

[Crosstalk]

CARLOS LABOY-DIAZ: [Interposing] That information.

COUNCIL MEMBER MARK-VIVERITO: Just curious to like how many--

BRIAN CLARKE: Sure.

COUNCIL MEMBER MARK-VIVERITO: --

keep getting added every year.

BRIAN CLARKE: Sure.

COUNCIL MEMBER MARK-VIVERITO: And how many transfers do you do on average in a year?

BRIAN CLARKE: Yeah, so we did--

[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO:

[Interposing] So you're adding 200 and--and then that'll be my last question 'cause I don't want to--

BRIAN CLARKE: [Interposing] Yeah, we did, you know, 2,908, you know, almost 3,000 transfers last year.

COUNCIL MEMBER MARK-VIVERITO:

Okay. And then you're adding to it, okay. All right, thank you, I'll leave it there, thank you for that.

CHAIRPERSON MENDEZ: Okay. Do we have any last minute? No? Okay. We're going to now open it up to public testimony, but, sir, Mr.--I--

[Off mic]

BRIAN CLARKE: Peliko. Peliko.

CHAIRPERSON MENDEZ: Peliko, I need

11 I've had a special request, we have
12 a senior who is sitting outside so I will call her
13 in the first panel with Anna--I can't read the
14 name.

16 CHAIRPERSON MENDEZ: Alavez

18 [Off mic]

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24         Then the next panel after that will
25     be--quiet, please--
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SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON MENDEZ: --will be Lucy Newman [phonetic], NYLAG, Lucy Newman from Legal Aid Society, Kamilla Sjödin from NYLAG, and--I'm trying to get this all here.

MALE VOICE: Do we have--

[Crosstalk]

CHAIRPERSON MENDEZ: Okay.

MALE VOICE: --from the assemblyman?

CHAIRPERSON MENDEZ: No, we do not.

[background noise]

CHAIRPERSON MENDEZ: I think I lost another--hold on, just trying to get this right. I thought I had four on a legal panel, but now I have--oh, this--

MALE VOICE: [Interposing] Oh, she filled out the same thing--

[Crosstalk]

CHAIRPERSON MENDEZ: Okay. It got filled out twice, we didn't--

MALE VOICE: Yeah.

CHAIRPERSON MENDEZ: --catch that. Okay. Just bear with me for a second, folks.

1 And, oh, okay, so on that second panel we're going
2 to call Paul Sawyer from Assemblywoman Linda
3 Rosenthal's office, along with Lucy Newman and
4 Kamilla Sjödin. That will be the second panel.
5 And for the first panel--okay, you can start
6 making your way to the front Amy Leipziger, Will
7 Reese and Anna Alaneda. Okay. And I want to
8 thank everyone for their patience.
9

10 [Pause]

11 CHAIRPERSON MENDEZ: Okay. Who is
12 here from NYCHA? Raise your right hand 'cause I
13 don't see you. They may be out in the hallway, I
14 hope that's the case. Can you go check?

15 [Long pause]

16 CHAIRPERSON MENDEZ: NYCHA, great,
17 glad to see you here. NYCHA's back in the house,
18 folks. All right, so--

19 [Off mic]

20 CHAIRPERSON MENDEZ: Okay. We've
21 been joined by Council Member Gale Brewer from
22 Manhattan, who is to my far left always.

23 Okay. So whoever wants to testify
24 first, you can figure out on this panel how you
25 want to do it.

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[Pause]

[Foreign language]

CHAIRPERSON MENDEZ: It's not on.

Just--there you got it?

SERGEANT-AT-ARMS: There you go.

CHAIRPERSON MENDEZ: Okay.

[Foreign language]

CHAIRPERSON MENDEZ: Okay. So this testimony will be read in Spanish and there is a translator who will be translating it. Thank you.

ANNA ALAMEDA: My name is Anna Alameda, and I have lived in my apartment of three bedrooms more than over 36 years. My son and my grandson have lived with me for over ten years and I have asked that they've been included by the organization for a period of a long time and they haven't done so.

On the 3rd of March of 2010, I received a notification that my apartment was being occupied by people who were not authorized to do so, and being that it was my son and my grandson who were residing with me. On the following day, I received a second notice in which it stated that my apartment--that I had been

1 translated--that I would be translated to another
2 apartment with only one bedroom because NYCHA
3 thought that my apartment was extremely under-
4 occupied.
5

6 Okay. The notice said that I
7 should contact the office of the--the office so I
8 can have a--to meet someone and if I wouldn't have
9 done so, my application will be placed in an
10 active file. Afterwards, I haven't received any
11 notices with regards to my transfer.

12 Two months after, in May of 2010, I
13 received a notice that it said that my tenanship
14 was terminated because I had not been transferred
15 to an apartment that was smaller and that I had an
16 appointment or I had been summoned to go to a
17 trial in July of 2010, which was postponed
18 repeatedly--

19 CHAIRPERSON MENDEZ: Okay. Thanks.

20 ANNA ALAMEDA: --up to 2011. And
21 as a consequence, the case was removed.

22 Afterwards, in April of 2012, I
23 received another letter saying that my contract
24 was being terminated for not having the met the
25 laws and the regulations. And instructed that I

1
2 had to go to an appointment with the management
3 where I resided. This appointment was, again,
4 postponed so I can try to find an attorney, but
5 the date had not been established.

6 In no moment at all did NYCHA help
7 me include my son and my grandson in the lease or
8 in the application. If NYCHA had responded to my
9 requests to add my family, then I wouldn't have
10 been asked to move, nor would I have to deal with
11 the being afraid of being--my housing being
12 terminated and I will lose my apartment.

13 I am the plaintiff in this case,
14 having been initiated by the services of Legal
15 Services against NYCHA. At this moment, my
16 attorneys are working to resolve the situation so
17 they can include my son and my grandson in the
18 contract, the rental contract, which will allow me
19 to remain in my apartment.

20 [Foreign language]

21 CHAIRPERSON MENDEZ: Thank you very
22 much. Next person? We'll ask questions after
23 everyone gives their testimony.

24 WILL REESE JR.: My name is Will
25 Reese Jr. and I have been living in NYCHA

1
2 apartment for more than 50 years. I worked for
3 NYCHA for over 20 years before I was hurt on the
4 job and had to take disability and retire. In
5 2009, NYCHA began the process of terminating my
6 tenancy because I said that I failed to transfer
7 to a smaller apartment. During my termination
8 hearing I explained that when NYCHA asked me to do
9 so, I had [off mic] submitted a transfer request
10 in September 2007 and when I was notified that an
11 apartment was available in December 2008, I went
12 to look at because I had intent to move. I had
13 told NYCHA that my two daughters were living with
14 me and included them on my annual recertification
15 from six years from 2003 to 2009, and that was the
16 reason I turned down the apartment--I wanted to
17 keep my family together. At no time did anyone
18 from NYCHA offer to help me by having my daughters
19 removed from their mother's NYCHA household and
20 added to my household. At no time did anyone give
21 me a form to request permission to add them to my
22 household. I was never told, nor did I ever
23 imagine that by turning down the apartment, NYCHA
24 would terminate my tenancy and try to have me
25 evicted.

During my termination hearing I explained that, in spite of my concerns about my family, I was willing and able to move to a smaller apartment. Even though I was willing to cooperate with a transfer, I lost the hearing, my lawyers has been helping me appeal the decision, but I have lost two appeals. If I lose my apartment, I have nowhere else to go and will end up homeless.

11 AMY LEIPZIGER: Good afternoon, my
12 name is Amy Leipziger, I'm a--

13 CHAIRPERSON MENDEZ: [Interposing]
14 Grab the mic, please.

15 AMY LEIPZIGER: Good afternoon, my
16 name is Amy Leipziger, I'm a staff attorney in the
17 Housing Unit at Legal Services, New York City
18 Bronx, a constituent corporation of Legal Services
19 New York City, the nation's largest civil legal
20 services provider.

21 For over four decades, our office
22 has represented the civil legal service needs of
23 low-income and elderly families and individuals in
24 one of the poorest urban neighborhoods in the
25 country. We appreciate the opportunity to testify

1 before the City Council's Public Housing
2 Committee.
3

4 As you know, the New York City
5 Housing Authority has been focusing intensively on
6 addressing the previously neglected issue of
7 under-occupied apartments in an effort to maximize
8 the use of scarce public housing units. As we've
9 heard this morning, there are currently 15,000
10 units that are overcrowded and an estimated 56,000
11 units that NYCHA considers to be under-occupied.
12 Of the 11,000 families, or approximate 11,000
13 families in under-occupied apartments that are
14 currently on a transfer list, NYCHA does not have
15 enough small size apartments in which to place all
16 these under-occupied families. I'd like to make
17 it clear that we are not opposed to NYCHA's intent
18 to transfer tenants in apartments that are larger
19 than what they need in order to make room for
20 large families, however, based on our experience
21 with our clients, we are concerned about how
22 NYCHA's policies and practices surrounding
23 downsizing are needlessly putting elderly and
24 infirm tenants at risk of homelessness. My office
25 currently represents three public housing tenants

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2 in a federal court action against NYCHA alleging
3 that some of NYCHA's downsizing policies and
4 practices violate federal law. My testimony will
5 give the Committee a brief overview of the issues
6 we raised in our lawsuit and other issues that are
7 of concern to our clients who have been subjected
8 to NYCHA's policies.

9 As you heard this morning, NYCHA
10 distinguishes between households which are
11 extremely under-occupied, those who have two or
12 more extra bedrooms, and households that are only
13 under-occupied with a single extra bedroom.
14 NYCHA's written policy gives local project
15 managers complete discretion over which under-
16 occupied households will be required to move.
17 This obviously is an invitation to arbitrary
18 decision-making. Moreover, although NYCHA's
19 written policy states that all extremely under-
20 occupied households will be required to move, it
21 is apparent that that is not the case in practice.
22 Again, without written standards for which
23 families are/are not chosen to move, there will
24 inevitably be arbitrary decisions.

25 The experience of one of our

1 clients, who I call Ms. Williams, demonstrates the
2 unfettered discretion granted to local project
3 managers is not utilized wisely. Ms. Williams is
4 an 84 years old and has lived in her apartment for
5 over 40 years. Because she has only one extra
6 bedroom, she is classified as under-occupied
7 rather than extremely under-occupied. Given that
8 Ms. Williams is elderly and not in good health,
9 the project [off mic] could have used his
10 discretion to not require her to move. Instead,
11 she was selected for a mandatory transfer and,
12 although she expressed that she was willing to
13 move, she was put in a tenancy termination
14 proceeding because her request to stay in the same
15 building was regarded as a lack of cooperation.
16 NYCHA eventually settled the charges with Ms.
17 Williams, but only after our office notified them
18 of our intent to include her in the federal
19 lawsuit.
20

21 Ironically, we often hear from our
22 clients who have been targeted for downsizing that
23 they have been trying without success to add
24 family members to their households for years, as
25 you heard with Ms. Alameda's testimony. In these

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situations, NYCHA's failure to assist tenants in adjusting their household compositions contributes to the very under-occupancy that NYCHA says it wants to resolve. For example, our client, Mr. Jesus, is a disabled senior citizen and a native Spanish speaker--

CHAIRPERSON MENDEZ: [Interposing]
Amy, I'm going to ask you to try to summarize--

AMY LEIPZIGER: Okay.

CHAIRPERSON MENDEZ: --because we have your written testimony--

AMY LEIPZIGER: Okay.

CHAIRPERSON MENDEZ: --we have three more panels and I've been informed that we have a 1 o'clock hearing here. So I want to make sure I get everyone in, we get to ask a little bit of questions--

AMY LEIPZIGER: Okay.

CHAIRPERSON MENDEZ: --and try not to run too much over the 1 o'clock time period, which I was not aware of. So if you could sort of like--

AMY LEIPZIGER: Okay. I'll--

CHAIRPERSON MENDEZ: --summarize?

AMY LEIPZIGER: Okay. The--

CHAIRPERSON MENDEZ: And--

[Pause]

CHAIRPERSON MENDEZ: You can
summarize if--

AMY LEIPZIGER: [Interposing] Oh,
okay, I was waiting for you, I'm sorry.

So the federal lawsuit, the
primary--there were three issues that were
primarily raised. The first I've already
mentioned, the second is NYCHA's failure to
respond to add family members to the household,
and then send them letters notifying them that
they've been under-occupied, despite the fact that
for years, as Ms. Alameda said, they've been
trying to add household members, NYCHA then does
not respond to these requests or takes six months
to a year and then proceeds with termination of
tenancy proceedings against them.

Our second claim was that NYCHA
fails to provide a grievance. Rather than when
tenants receive these first or second letters and
say I have medical conditions, I have family I
want to add, rather than having a mandatory

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2 grievance per HUD guidelines, NYCHA instead waits
3 until they either don't respond to the letters or
4 does what they believe is not complying with the
5 rules and regulations and commences termination of
6 tenancy proceedings against them. So the tenant's
7 opportunity to say I didn't want to move for these
8 reasons or these are my concerns or this is what I
9 want to do when I want to work with NYCHA is when
10 their tenancy has already been at risk of
11 termination, as was the case with Mr. Reese. He
12 offered to move, at which point they said, oh, I'm
13 sorry, it's too late, you're already at risk of
14 termination of tenancy, we don't care that you're
15 offering to now cooperate, you know, you've had
16 the one bite at the apple as they said to us.

17 We're concerned about the
18 unnecessary evictions, we're concerned about the
19 failure to provide a grievance, we're concerned
20 about the defect in the notices. The first and
21 the second notices, not just the language issue,
22 but none of the notices make it at all clear that
23 by failing to respond to their letters or failing
24 to take appropriate steps, or what NYCHA believes
25 are appropriate steps, tenants then face

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2 termination proceedings, and they don't know why,
3 and they don't understand why they're getting them
4 because there's no clear explanation of what the
5 consequences are on any of the notices--the first,
6 the second, the third. When Mr. Reese filled out
7 the form saying he didn't want to transfer to the
8 apartment and he was turning it down, nowhere on
9 that denial did it say that by denying this
10 apartment, you risk termination of tenancy. So
11 the lack of notice to tenants is a big concern.

12 We're also concerned about the
13 inadequate reimbursement of moving costs because
14 NYCHA's offered \$300 to defray the moving costs,
15 which we know in New York City, \$300 won't get you
16 very far, especially if you're elderly or infirm
17 and you need special care or have been living in
18 your apartment for 40 years.

19 Our federal case started with three
20 tenants, Ms. Alameda is one of them, but since we
21 commenced the case we've had about a dozen other
22 tenants who have experienced problems contact us,
23 and we're currently in negotiations with NYCHA to
24 resolve some of these issues, possibly settle the
25 case and work to address some of the larger

1
2 problems with downsizing, but we are, obviously,
3 concerned about what's been happening with our
4 tenants in the Bronx and we hope that the Council
5 continue to monitor these issues and help us along
6 the way.

7 CHAIRPERSON MENDEZ: Thank you. So
8 some of the process we talked about earlier,
9 you're saying--clearly saying and I know from one
10 of your cases is not being followed, so I'll
11 certainly comb through your testimony and we'll
12 make sure that we address this with NYCHA and see
13 if we can get some resolutions.

14 I'm going to turn it over to my
15 colleague, Council Member Gale Brewer, who has a
16 question.

17 COUNCIL MEMBER BREWER: Thank you
18 very much. I was at another meeting earlier so I
19 didn't hear all of the discussion, but needless to
20 say, we get many, many similar issues on the west
21 side of Manhattan, so I am quite familiar with it.

22 My question is what would you
23 suggest would be a better process? My feeling, of
24 course, is that it has to be very human, I mean,
25 even if you have a two-bedroom and you're not

1
2 grossly under-occupied but under-occupied, maybe
3 it could be worked out that you could have
4 somebody else who's also elderly, just like we do
5 in the private sector move in. To me, there is
6 absolutely no human discussion.

7 I must admit, I also want folks to
8 stay in these developments because the people who
9 are being asked to downsize are often the backbone
10 of that development. So when you move them
11 somewhere else, there's a whole other reason
12 because we need to keep that, to be very honest
13 with you, long-term tenant who has made that
14 development possible in terms of the community,
15 the civic participation. So there's so many
16 issues here. My bottom line is, what would you
17 suggest would be a better process?

18 AMY LEIPZIGER: I think one of the
19 things that we're doing in the federal lawsuit is
20 to try and find a better process. One of the
21 sticking points was this unfettered discretion
22 which we've been concerned about, who is being
23 picked and why. And it's been very unclear as to
24 whether they are focusing on the extremely under-
25 occupied or just the under-occupied. I think if

1 we can sort of weed out situations, you know, as
2 Ms. Alameda suggested in her testimony, if we can
3 weed out situations where they have family members
4 that will move in with them that will rightsize
5 them or make under-occupied, that seems to be on
6 possible alternative. I think the option to,
7 honestly, move them in the same development or in
8 the same building, I think hasn't really fully
9 been explored as it was being talked about this
10 morning because a lot of the elderly tenants and
11 the ones who do have medical issues who have
12 doctors and are in the community for 40 years,
13 that's their biggest concern is, you know,
14 uprooting them and putting them in a development
15 in Staten Island when they've been in the Bronx 50
16 years and that's--

18 COUNCIL MEMBER BREWER:

19 [Interposing] I totally am opposed to that--

20 AMY LEIPZIGER: So--

21 COUNCIL MEMBER BREWER: --I feel
22 very--

23 AMY LEIPZIGER: --and there's a
24 lack of transparency as to what development
25 tenants are and have not transferred to, it was a

1 little unclear. Our experience has been there's
2 something about an inter versus intra-development
3 transfer and when the tenants don't respond to the
4 letters, they're put in one group but it's never
5 really clear which group they're put in or where
6 they're going to be, sort of where they're going
7 to be shipped off and I think part of the concern
8 is maybe opening up the process and saying, you
9 know, if they respond to the letters or when they
10 respond to the letters, what are their choices.
11 Not just you have to transfer but making it a
12 little more clear and I think someone's earlier
13 talked about, you know, possibly having NYCHA
14 management, the assistants maybe do better
15 training to sort of talk to the tenants about what
16 their options are.

18 COUNCIL MEMBER BREWER: So do you
19 think that your mitigation could involve some kind
20 of stakeholder discussion about how to do this?
21 'Cause everybody I know, if they can move down and
22 they can stay in the development, they will.
23 Everybody understands there are larger families
24 that need the apartment, but nobody wants to move
25 out of the community when they've contributed to

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2 it and their obviously kids who--I know many kids
3 now who, they can't find private housing, there's
4 just nothing affordable so they are moving back,
5 just like in the private sector. So my question
6 is, is there some mitigation that could involve
7 the chair or others participating in some kind of
8 different system as a mitigation?

9 AMY LEIPZIGER: I think it's going
10 to require more research and understanding of the
11 TSAP and the HUD guidelines because I think a lot
12 of it has sort of been shrouded in this sort of
13 thing that nobody understands and that sort of
14 came about in random selection. I think sort of a
15 coordinated effort to understand how are they, you
16 know, doing the clusters, how are they breaking
17 out, how are they figuring out who lives in what
18 development. If there is, you know, a development
19 that has, you know, a mix of people that are
20 severely under-occupied and overcrowded, is there
21 a way to sort of, within and still comport with
22 HUD guidelines and the correct process, is there a
23 way to sort of find the balance and sort of, not
24 apartment swap but something the kids--

25 COUNCIL MEMBER BREWER:

1 [Interposing] This is not an impossible job so we
2 all should be able to figure out. I'm sorry, it
3 makes me crazy. Thank you.

4 AMY LEIPZIGER: You and me both.

5 CHAIRPERSON MENDEZ: Maybe we
6 should do a little task force between the Council
7 Members 'cause we see these problems all the time
8 and then we can meet with the Authority, okay?

9 [Crosstalk]

10 CHAIRPERSON MENDEZ: Yeah, I know
11 you meet with them all, you meet with everybody,
12 Gale, just letting you know, letting everybody
13 else know she's awesome. Council Member Arroyo.

14 COUNCIL MEMBER ARROYO: Thank you,
15 Madam Chair. My questioning earlier when NYCHA
16 was at the table along the lines of what kind of
17 supportive services are provided to tenants, in
18 particular the elderly who have been living in
19 their apartments for decades. Change and giving
20 up is a very traumatic experience, we are
21 creatures of habit. Do you work with an
22 organization that can help the tenants navigate
23 through that psychological trauma that could
24 result from being forced or feeling forced to make
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this extreme change?

AMY LEIPZIGER: Speaking for myself personally, I don't. The tenants who become clients of mine, our office, we sort of become de facto social workers and help them navigate the process. So I don't know of one off the top of my head.

My other concern that was discussed earlier when they were talking about who was on the transfer list and what the breakdown was, there was talk about the elderly and the senior citizens but not the disabled because there are a lot of disabled families that are not senior citizens and I was unclear in that demographic who really was being--out of that 11,000, how that actually broke down. Again, off the top of my head I don't know of an organization. I know we have social workers in our office and I know other community organizations have social workers, but I don't know who would work one-on-one with tenants during this process. I would hope that NYCHA would take the step to, you know, bring people, counselors and people, in to work on that process but I don't know if that's in their budget, in

their purview, in their discretion so...

COUNCIL MEMBER ARROYO: Maybe it could be part of that task force work.

CHAIRPERSON MENDEZ: Yes, and NYCHA does have social workers on staff, they refer to their family something unit that goes and assists with other issues, so we'll find out exactly what with rightsizing how they're being utilized.

Council Member Melissa Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO:
Thank you, Madam Chair. And first of all--

Federal level

COUNCIL MEMBER MARK-VIVERITO: Mr. Reese, thank you for sharing your testimony. But I'm not understanding why, if there's requests being made by the resident to add composition to, you know, to add family members to the lease, what is the reply or the response to that request, especially when it's being four, five, six years in a row. What's the rationale? That you're getting--

AMY LEIPZIGER: I don't think there is one. I don't think there is one.

COUNCIL MEMBER MARK-VIVERITO: Was

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it just ignored in terms of the request Mr. Reese
or--

[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO: Just
never responded to.

WILL REESE JR.: No [off mic]
request for it and--

[Crosstalk]

FEMALE VOICE: Use the mic.

WILL REESE JR.: I request for it
but I didn't get it.

COUNCIL MEMBER MARK-VIVERITO: So,
I mean, but that's--you don't, in terms of
conversations with NYCHA as to, you know,
representing these clients, is there any sort of
response that's provided?

AMY LEIPZIGER: I've had clients--
[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO:
[Interposing] Is that a procedural issue, is it--

[Crosstalk]

COUNCIL MEMBER MARK-VIVERITO: --I
mean, I can't understand why they wouldn't--

CHAIRPERSON MENDEZ: [Interposing]

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Let me ask a question here. Mr. Reese, your case, besides asking, did you put anything in writing requesting--

WILL REESE JR.: A request for permission from my daughter's--

[Crosstalk]

CHAIRPERSON MENDEZ: [Interposing]
In writing.

WILL REESE JR.: Yeah.

CHAIRPERSON MENDEZ: In writing.
Senora Alaneda--

ANNA ALAMEDA: Alameda.

AMY LEIPZIGER: Alameda.

ANNA ALAMEDA: Alameda.

CHAIRPERSON MENDEZ: Alameda.

[Foreign language]

CHAIRPERSON MENDEZ: Okay. So the question here has been for each one if they requested, and they did and they put it on their household composition; and if they requested in writing, which they said they did and they never got a response from NYCHA as to adding them to their lease or not, there was just no response. So that is something we will follow up on.

AMY LEIPZIGER: Just to follow--

COUNCIL MEMBER MARK-VIVERITO: And
I just had a quick follow up, but you wanted to
answer.

AMY LEIPZIGER: Well, no, I was
going to say, I think there's -- my feeling is
there's two reasons it happens: One, because a
lot of tenants on their annual re-certifications
because there to hold this poacher household
members, but your income; when they want to make
requests they put they add their family members on
their household re-certifications because that's
what they're told to do and NYCHA fails to say or
there's a new household remember who's been added
here that may call them in, let me give them a
form, let me take a proactive step to see if
they're trying to add someone to their household
and stand a sort of -- I think NYCHA's a big
organization, I think things get lost. I think
forms aren't given when they're supposed to or
forms that tenants give in writing are lost or
misplaced or put into wrong files. I think some
of it's human error, I think some of it's
oversight, and I think some of it is NYCHA's

1 failure to, sort of, take a proactive approach.

2 I've also had clients go in and orally say I want

3 to add someone to the household and been told no.

4 It's happened on more than one occasion I've had a

5 tenant tell me they've tried to orally say please

6 let me add this family member, with no reason,

7 just no, we're not going to let you do it or no,

8 you know, some other reason has to be given. So I

9 think there's a lot of things that factor into it.

10 COUNCIL MEMBER MARK-VIVERITO: I

11 understand, but, you know, understood your

12 response, but it's not acceptable, you know, when

13 you're talking about--right, and I know you're not

14 just trying to justify--

15 [Crosstalk]

16 COUNCIL MEMBER MARK-VIVERITO: --

17 you're not justifying, but I was saying it's just

18 really--'cause we just had NYCHA at the table kind

19 of saying, oh, nothing's done, you know, no

20 actions taken. I mean, there's really conflicting

21 information that is being provided here today and,

22 obviously, you know, people's roof over their

23 heads is at stake here and so [off mic]. The last

24 question, I just had is because you indicated that

25

1
2 you are having ongoing conversations with NYCHA
3 talking about maybe the lawsuits being -- not
4 dismissed, you know, settled her figure, are they
5 being responsive to the recommendations that
6 you're providing about maybe how it's the process
7 needs to improve or change or, you know, what's
8 your sense of how that give-and-take is going?

9 AMY LEIPZIGER: We're having our
10 first settlement conversations next week, so I'll
11 have a better sense next week. But so far,
12 they've been receptive on, sort of, trying to
13 address some of the issues that we've been
14 concerned about.

15 COUNCIL MEMBER MARK-VIVERITO: Well
16 thank you, Madam Chair. Obviously, this is a very
17 complicated issue, there needs to be a lot of
18 flexibility, right, in the thinking and finding,
19 you know, solutions here, so I definitely welcome
20 the opportunity to form part of the task force and
21 try to see how we can contribute to this
22 conversation.

23 CHAIRPERSON MENDEZ: Okay. Thank
24 you. We got like half an hour, we still have
25 three more panels. I want to try to move this

1
2 along a little faster. Thank you for your
3 testimony.

4 [Foreign language]

5 CHAIRPERSON MENDEZ: The next
6 panel, please make your way there, Lucy Newman,
7 Kamilla Sjödin, and Paul Sawyer.

8 And I'm going to call the next two
9 panels so you can be ready. The panel after this
10 will be Ann Valdez, Guppa Alasaya, and Soraja
11 Bonita; and then the last panel will be Sonya
12 Pursia, Arnoldo Arsu, and Madelyn Innocente,
13 Insenta, Insent, Innocent, okay. So that will be
14 the panels that will be coming up in order after
15 this. Thank you.

16 LUCY NEWMAN: Good morning, good
17 afternoon, my name is Lucy Newman, I'm a staff
18 attorney at the Legal Aid Society. I wanted to
19 thank Rosie Mendez for her leadership of the
20 Public Housing Committee and the other Council
21 Members.

22 Just very, very briefly, we fully
23 support NYCHA's efforts to more effectively use
24 the apartments that they have, and especially if
25 that means enabling overcrowded families who are

1
2 currently living in unimaginably cramped conditions
3 to move into apartments that are more appropriate
4 for their family size. However, what we've seen
5 and what you've heard about this morning is that
6 in the past 18 months NYCHA kind of finally woke
7 up to this issue of under-occupancy and very, very
8 aggressively started pushing tenants to sign these
9 tenant transfer requests forms. And one of the
10 things that we've seen as well is that it's being
11 done with a real lack of uniformity so some
12 developments have been quite friendly about it and
13 then others have been outright rude and very
14 aggressive and threatening. So obviously, this
15 caused a great deal of anxiety amongst seniors.
16 This under-occupancy issue just came out of the
17 middle of nowhere and suddenly it was the issue of
18 the day.

19 The main problem is that even if we
20 get all of these under-occupied tenants onto the
21 waiting list, the fact is that NYCHA can't
22 effectuate all of the transfers necessary in order
23 to get all of the under-occupied apartments into
24 the rightsized apartments.

25 The makeup of public housing

1 composition of families has changed, as we know,
2 there's an aging population, and that is the
3 reality and that reality needs to inform the
4 process going forward. So what would ask is that
5 NYCHA presses the pause button on this aggressive
6 push to put people on the tenant transfer list.
7 We heard that they did 3,000 transfers last year,
8 yet there are 56,000 under-occupied apartments, so
9 there's going to take a very, very large number of
10 years to get them actually transferred at the rate
11 they're doing and in the meantime while they work
12 on making the process better and making necessary
13 changes and rethinking the way that they're going
14 to do these transfers in light of the realities,
15 they should go around to each development and
16 speak to tenants and actually educate them about
17 what their rights are, what NYCHA's obligations
18 are, and actually engage with them to work out how
19 we can make this actually work and build
20 communities rather than just throwing their weight
21 around and causing anxiety and fear amongst the
22 population.
23

24 PAUL SAWYER: Good morning or good
25 afternoon, my name is Paul Sawyer, I'm here to

1
2 deliver testimony on behalf of Assembly member
3 Linda B. Rosenthal.

4 Good morning, I am Assembly member
5 Linda B. Rosenthal and I represent the 67th
6 Assembly district, which includes the Upper West
7 Side and parts of Clinton, Hells Kitchen, and
8 Manhattan. I'm testifying today in regard to the
9 New York City Housing Authority's implementation
10 of its under-occupancy policy, the transfer of
11 residents who fall below Housing and Urban
12 Development occupancy guidelines into apartments
13 of appropriate size.

14 As a member of the New York State
15 Assembly's committee on housing and an elected
16 official who has assisted countless constituents
17 in the four NYCHA developments in my district--
18 Amsterdam Houses, Amsterdam Addition, Harborview
19 Terrace, and the dump site--I understand the need
20 to maximize utilization of the city's precious
21 public housing stock. I am, however, extremely
22 concerned by the lack of forethought that has been
23 evident throughout the process to implement and
24 enforce NYCHA's under-occupancy policy. I have
25 heard from dozens of public housing residents in

1
2 my district who have been given misleading and
3 often incorrect information by the housing
4 assistance to whom they were directed.

5 NYCHA began implementing it's
6 under-occupancy policy by sending letters in
7 English only to all tenants it believed to be
8 under-occupying their apartments. Many of these
9 tenants have lived in their apartments for
10 decades, some for their entire lives, and the
11 prospect of being forced to move from their
12 lifelong homes is fraught with emotion. NYCHA's
13 abrupt approach was particularly insensitive to
14 its tenants' needs. These letters did not explain
15 that the transfer was mandatory, whether there
16 were exceptions to the transfer requirements, or
17 the consequences for refusing to transfer or
18 failing to respond to the letter.

19 Instead of actually providing
20 residents with adequate information, NYCHA
21 instructed them to meet with housing assistance
22 who, it turns out, were woefully untrained on the
23 policy. Residents told me that they were first
24 advised by housing assistance that the transfer
25 was mandatory and then that it was optional. Some

1
2 were told that there were exceptions to the
3 transfer requirements, and later that no
4 exceptions existed.

5 My staff was even told by NYCHA
6 management office that the transfer was optional.
7 Residents could not make sense of all this
8 conflicting information, leaving them subject to
9 tenancy termination and eviction proceedings
10 without any explanation. Tell tenants through
11 this Kafkaesque process I wrote a letter to public
12 housing residents in my district offering my
13 assistance and clarifying the basics of the under-
14 occupancy policy. Some tenants who had either not
15 noticed or had intended to ignore the letter were,
16 in fact, willing to transfer once my staff
17 informed them that they would not have to move out
18 of their development. Others were glad they could
19 move to a new development with a high priority for
20 their transfer.

21 Many of the tenants who had
22 requested a transfer have now begun calling my
23 office because months after they submitted
24 transfer applications, they have still received no
25 word and no transfer from NYCHA. NYCHA appears to

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2 be putting more effort into trying to evict
3 tenants uninterested in transferring than it is
4 into actually moving the willing tenants.

5 Tenants might also be more willing
6 to move if they were kept within their own
7 buildings. NYCHA considers buildings far away
8 from each other to be in the same development,
9 even though tenants never would.

10 With many concerns on under-
11 occupancy not adequately addressed by the local
12 management office, I wrote to the chairman with a
13 list of questions. The response, three months
14 later, provided critical information that neither
15 I nor tenants had previously told. NYCHA wrote
16 that it not was not only prioritizing so-called
17 extremely under-occupied units--units under-
18 occupied by two or more bedrooms for transfer--but
19 that tenants not extremely under-occupying their
20 units "may generally decline to transfer without
21 the consequence of facing a termination of tenancy
22 proceeding." That NYCHA neither put this
23 information in writing for tenants nor adequately
24 trained housing assistance on this absolutely
25 critical piece of information is simply

unacceptable.

Moreover, NYCHA's letter contradicts the 2002 NYCHA's General Manager's Directive, GM3689, disseminated by the Legal Aid Society in a memo on under-occupancy. The directive states that tenants may refuse one apartment and only be taken for termination of tenancy proceedings after tenants refuse two apartments offered to them; that tenants are exempt from transferring under certain specific medical circumstances; and that tenants who move are entitled to a waiver of new security deposits and reimbursement of moving expenses. The letter I received by contrast states that tenants may not refuse any specific unit, that there are no exceptions to the transfer requirement, and that tenants will receive only \$350 towards moving expenses.

NYCHA's apparently changed its under-occupancy policy drastically since 2002, but has neglected to publicly issue any new directives, nor has it publicized any clear policy to which tenants and public housing stakeholders may refer. The need for such a publicized policy

1
2 could not be clearer, given the conflicting
3 information originally provided by housing
4 assistance and the class action lawsuit recently
5 filed against NYCHA, claiming that management
6 office has enforced the under-occupancy policy in
7 such radically different ways that NYCHA is out of
8 compliance with HUD regulations. Perhaps NYCHA
9 should use its recently-renewed \$200,000 contract
10 with a digital brand management consultant to
11 ensure that a clear, uniform policy is publicized
12 and widely disseminated, rather than simply to
13 bury NYCHA's bad press.

14 NYCHA must also act immediately to
15 ensure that all management staff is adequately
16 trained on the under-occupancy policy, make
17 transfers of those willing to move a top priority,
18 and provide more assistance than the meager \$350
19 it currently offers to its residents to assist
20 with moving expenses. Anything less at this point
21 would be insulting to all NYCHA tenants and
22 stakeholders.

23 Thank you.

24 KAMILLA SJÖDIN: I'll try to be
25 quick as well. Chairwoman Mendez, Council Member,

1 staff, good afternoon and thank you very much for
2 the opportunity to testify today. My name is
3 Kamilla Sjödin and I'm the supervising attorney of
4 the Housing Project at the New York Legal
5 Assistance Group. Our office is very concerned
6 about the way NYCHA has implemented its plan to
7 rightsize these apartments, even though we, of
8 course, like everybody else, understands where the
9 need is coming from.
10

11 We have seen several clients who
12 are seniors, have lived in NYCHA apartments for
13 many years, often several decades, who have
14 received transfer request notices, but failed to
15 fill them out, usually due to the lack of
16 understanding of the importance and potential
17 consequences of not responding to these notices.
18 We have one client in particular who is a senior,
19 a holocaust survivor, she came to the United
20 States in 1978, obtained her NYCHA apartment a few
21 years later. She currently lives in a three-
22 bedroom apartment in which she raised her
23 children, and her entire community is in and
24 around her particular project. Her mother, who is
25 also a holocaust survivor, even lives in the same

1 project. She speaks only Russian and, as a
2 result, did not understand the notices that NYCHA
3 has sent her and was, therefore, unable to respond
4 to them properly. As such, she is now faced with
5 either moving very far away or being evicted.
6

7 And the bottom line is people in--
8 who received these notices, they just don't, for
9 whatever reason, they just don't understand the
10 dire consequences of not responding appropriately
11 and the way that NYCHA wants. And then, if they
12 do have a good reason for not responding
13 appropriately, they're not given the opportunity
14 for a hearing or some way to work it out in the
15 way that they should be given.

16 We're additionally very concerned
17 that, you know, NYCHA sent out all these notices
18 without actually having enough rightsized or small
19 sized apartments for folks to move into and what
20 happens is it appears as if--and I'm not accusing
21 NYCHA, but it gives the appearance that they're
22 setting people up to fail, and fail and ultimately
23 get evicted.

24 And so for, you know, NYCHA
25 mentioned that they have not yet evicted anybody

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2 for not, you know, complying with the transfer and
3 moving into the rightsized apartment, however,
4 they find other ways to evict people. You know,
5 they have other grounds, they don't comply with
6 something else so their cases are being brought
7 against people who have received these notices,
8 maybe not for the ground of not moving into the
9 right apartment, but for a different ground. And
10 so, you know, that should be taken into account as
11 well.

12 And one of the things that I just
13 wanted to respond to quickly was the issue of
14 putting your family members on the NYCHA
15 composition. I believe that we--there was
16 actually a hearing about a remaining family member
17 process fairly recently and I believe at that time
18 most people testified that it's extremely
19 difficult to get NYCHA to give you the proper form
20 so that, not only you can have your family members
21 properly documented on the composition, but so
22 then they ultimately are entitled to then succeed
23 to that apartment. And I think, you know, there's
24 possibly like a motivation issue, but there's also
25 a lot of inconsistent information with respect to

1
2 being able to place your family members on the
3 family composition.

4 And just as a quick aside before I
5 go into my very quick suggestions, Councilwoman
6 Mendez, you mentioned that you have been working
7 on this at least for seven years and so it's just,
8 you know, as an office we would like to see NYCHA
9 to work with tenant advocates for the purpose of
10 making it smoother for everybody, for NYCHA, as
11 well as the people that are being affected. And
12 so it's, you know, it's kind of--I'm going to be
13 simple candid here, if they've known about this
14 problem for probably over a decade, why on earth
15 would they implement it this way? Why?

16 And so we suggest that they really
17 talk, you know, keep talking to legal services and
18 get input from other tenant advocates and tenants
19 themselves, of course. That they revise the
20 notices that go out to tenants and make sure that
21 they include clear instruction, as well as the
22 information regarding both the opportunity to seek
23 a grievance hearing if they don't agree with the
24 request, if there's a problem with the request,
25 and information about the potential consequences

1 of not even responding to the notice. The notices
2 must be available in different languages, I mean,
3 that should have been done from the outset.

4 Before moving to evict, they should review the
5 transfer request as part of the recertification
6 process when NYCHA have the opportunity to kind of
7 revise what's going on in their homes and show
8 NYCHA who lives with them. NYCHA should ensure
9 that their service--social services obligations
10 are met where appropriate and that they meet with
11 clients and talk to them and explain these things.
12 They should also standardize the process as to not
13 to violate anyone's due process rights and to
14 minimize arbitrary enforcement of this policy.

15 You know, housing assistants are somewhat
16 notorious for pursuing evictions against tenants
17 who they just don't like or who they don't get
18 along with and that needs to be addressed somehow.
19 And, finally, NYCHA should really ensure tenants
20 and the public that commencing eviction
21 proceedings against these long-time tenants should
22 be an absolute last resort and they should do
23 everything to prevent that.

24 Thank you very much for the
25

1 opportunity to testify today.

2 CHAIRPERSON MENDEZ: I want to
3 thank you for your testimony. If anyone has
4 questions, I ask that you keep it to a minimum.
5 But in terms of what you said, earlier Carlos
6 Laboy was here and he mentioned how he hears
7 there's a communication problem and that they are
8 going to be meeting with some advocates and with
9 us. I do believe that there will be an attempt to
10 do that and I hope--

11 [Off mic]

12 CHAIRPERSON MENDEZ: --they
13 actually listen to us and implement some of our
14 recommendations. So there has been some changes
15 in NYCHA in terms of staff, people who've retired,
16 new people have come on board, and I do hope that
17 all of this new individuals will lead to a more
18 openness to listen and to implement some of our
19 recommendations. Council Member Brewer.

20 COUNCIL MEMBER BREWER: I'll be
21 very quick. The foundation for seniors, which is
22 a nonprofit that works in the private sector,
23 sometimes a senior has a large apartment, they
24 match with a person from the community who wants a
25

1 less expensive bedroom. Is that something because
2 there aren't enough small apartments that you
3 think would work at NYCHA or not? I don't know, I
4 usually know the answer to the question before I
5 ask it, but this question I don't know the answer.
6 In other words, you got a large apartment, you
7 find somebody who's on the wait list, you put them
8 in that apartment, they're not related, would you
9 think that would work at NYCHA or not? Sometimes
10 personalities clash, but...

11
12 LUCY NEWMAN: Honestly, I'm not
13 sure if that's allowed under the rules, I think
14 right now only certain people are allowed to move
15 in with--

16 [Crosstalk]

17 COUNCIL MEMBER BREWER:
18 [Interposing] I'm good breaking rules that they
19 don't make sense.

20 LUCY NEWMAN: Yeah, I mean,
21 certainly, and I don't know if those rules are
22 federal or, you know, state implemented--

23 COUNCIL MEMBER BREWER: Okay.

24 LUCY NEWMAN: --but I think, you
25 know, they're--

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[Crosstalk]

COUNCIL MEMBER BREWER:

[Interposing] It's what's done on--

LUCY NEWMAN: --allowed to have--

[Crosstalk]

COUNCIL MEMBER BREWER: --every

West Side apartment that's got a large senior,
we're putting them in like crazy and it's working
really well. You know, the actor, the usher, the
Lincoln Center low-wage person. Go ahead.

LUCY NEWMAN: No, I mean the way
that occupancy in NYCHA's apartments works is that
you have to be related in some way, so you can't
just find a family--

COUNCIL MEMBER BREWER: Okay.

LUCY NEWMAN: --and put them in
your apartment. But I think also when--

COUNCIL MEMBER BREWER:

[Interposing] And that's HUD regulations, as far
as you know?

LUCY NEWMAN: Yeah, and also NYCHA
procedures. And so I think what we really need to
do is also start focusing on building more
apartments, especially for this aging population.

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COUNCIL MEMBER BREWER: Okay.

Thank you.

CHAIRPERSON MENDEZ: Thank you. I want to thank you for your testimony, I'll probably follow up with you guys individually. And thank the Assemblywoman for providing her testimony, that was also very helpful.

Okay. The next panel, Ann Valdez, Gorpert Alasaya, Serada Bonita. The panel after this will be Sonya Pursia, Arnoldo Arsu, Madelyn Innocent. And there will be another panel after this: Ava Fevrier, please excuse me if I mispronounce; and Terrell Adapo--I don't know if that's a J or an S--Adopojo? Adaposo?

MALE VOICE: Adelphi.

CHAIRPERSON MENDEZ: And they're from Adelphi University School of Social Work, who I mentioned earlier was here, and they'll be going on the last panel and there's space for others to go on that last panel if you so wish. Okay.

FEMALE VOICE: Gorpert Alasaya [off mic].

CHAIRPERSON MENDEZ: Excuse me?

FEMALE VOICE: Gorpert Alasaya had

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to leave [off mic].

CHAIRPERSON MENDEZ: Okay. You have any written testimony for him you want to submit into the record or read for him? No? Okay, thank you.

SERADA BONITA: Hi, my name is [off mic]--

CHAIRPERSON MENDEZ: [Interposing] Hold on, we need to press--

SERADA BONITA: This? Is it on? Okay.

CHAIRPERSON MENDEZ: Yeah.

SERADA BONITA: My name is Serada Bonita, I'm a resident leader at Stephen Wise Towers. I want to thank you all for holding this hearing.

I have my own story. I have a story as a tenant myself and my mother, who's 80-years old, living in an extremely under-occupied apartment. I reside in a two-bedroom apartment with three of my children and two of my grandchildren. My mother, about five years ago, lost a son in her apartment. It's the only son she had living with her at the time, he was found

apartment. Needless to say, during the years that

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2 she was begging for a smaller apartment, she was
3 staying at my house or I would have to go
4 downstairs and sleep with her 'cause she was
5 afraid to live in her apartment. Her dynamics
6 have changed now because she took in another son
7 who was supposed to care for her. He became ill
8 and had a stroke and now he's disabled and now I
9 have two disabled siblings living in an under-
10 occupied apartment, and I'm still living in an
11 over-occupied apartment.

12 My testimony today is that NYCHA
13 does not look at a file. I'm a tenant resident
14 leader, I've been involved in my community for
15 years, my family has been involved for years, my
16 sister, when she resided in NYCHA was a tenant
17 resident leader. I sit tenant patrol every day;
18 my mother sat tenant patrol every day. They look
19 at a file to show some compassion when they're
20 sending out these letters or doing anything. They
21 just don't look at a file to say this tenant is a
22 good-standing tenant, we provided much service to
23 the community, we still do. I still don't give
24 up, I still provide services to my tenants.

25 I came here today specifically to

1
2 hear what NYCHA had to say about downsizing so I
3 could feed back all my tenants because everyone is
4 receiving these notices and I have to be able to
5 provide them with some kind of hope that they
6 don't have to feel forced out of their apartments.

7 But I thank you all for letting me
8 sit here today and testify for me, my tenants, my
9 mother. Thank you all for having the hearing.

10 ANN VALDEZ: Good afternoon, my
11 name is Ann Valdez, I'm a leader at Community
12 Voices Heard, but utmost, I'm a third-generation
13 in Gravesend Houses in Brooklyn.

14 On the issue of rightsizing
15 tenants, I understand that things need to be done.
16 My mother, who was the second-generation in
17 Gravesend and her family was one of the first
18 placed there, recently passed away in April this
19 year and by July, when my sister needed to do the
20 income report and sign the lease, before she even
21 had a chance to tell NYCHA my mother was dead, the
22 housing assistant told us she already knew and was
23 already pushing papers in front of my sister to
24 transfer. We hadn't even began getting things
25 organized. My sister is a single woman who works

1
2 for the City, constantly helping me and my
3 children and my grandchildren to get by day-to-
4 day. And instead of housing being a little more
5 concerned about their residents, they treated my
6 sister, as well as other people, almost like
7 yesterday's trash. There was no compassion.

8 And, yes, you're correct, NYCHA has
9 a team of social workers in Gravesend. That group
10 of social workers is in a development that is
11 specifically for seniors and disabled--Haber
12 Houses--but yet, most of the tenants in the
13 residence in Gravesend and in Coney Island and all
14 over don't even know there's social workers there.
15 And I also would like to know what is the purpose
16 of those social workers if not to help the
17 tenants.

18 They offer you money, so I'm told,
19 to help you with moving expenses. No one offered
20 my sister any money. We're still in the process
21 of moving my mother's stuff out. We lived in that
22 apartment 43 years. I was raised in that
23 apartment. My two older children were born--one
24 almost actually born in the apartment. It's just
25 ridiculous how NYCHA's policies are not with any

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16 When they gave my sister the notice
17 at the time she was signing the lease telling her,
18 oh, you have to transfer, I was sitting right
19 there with her. I said she has to; oh, yes, she
20 has to. Since then, they've sent her a second
21 letter, I didn't get to read it yet, but the issue
22 at hand is that they don't try to help anyone,
23 they don't sit down with anyone. My sister's not
24 a senior, but I do know seniors as well who are
25 mortified. When they get these letters, they're

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2 so afraid because a lot of them, honestly, either
3 don't have family, have family very far away, have
4 language barriers, don't know the legal system.

5 That's another thing. I never seen
6 anything giving the tenant a list of what their
7 rights are. Just throwing the word mandatory can
8 really hurt a person and scare a person. These
9 people don't where to turn. So many people come
10 to me in my community asking all types of
11 questions about the laws and housing and what can
12 be done and can I help. And Community Voices
13 Heard is not a service organization,
14 unfortunately, sometimes we have to try and calm
15 people down and hopefully connect them with
16 someone that can help them. We're an organization
17 that goes above and beyond in changing policies
18 for the people, not the corporations. And this
19 issue is really heartening because I at one time
20 was one of those people who needed an apartment
21 and because of being cramped in an overcrowded
22 apartment with my mother and my sister and my two
23 children and myself, it got to a point where it
24 even turned into an ACS matter and I had to be put
25 into a shelter.

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So my point is, so much comes out of it when it can all be made simple if those social workers did an actual job of trying to deal with these issues and helping people instead of making everybody look like the bad guy.

Thank you.

CHAIRPERSON MENDEZ: Thank you. And thank you for always coming to our hearings and giving your testimony and, particularly today, sharing such a personal matter and I'm so sorry for your loss.

Ms. Bonia, I need to ask you a quick question and then I'm going to try to get these other two panels in. You live in actually in the same building as your mother.

SERADA BONIA: I sure do.

CHAIRPERSON MENDEZ: Okay. So I hope NYCHA was--you know, there's lots of people from NYCHA--thank you for all staying, I hope you were listening to this. I want to make sure I get your information so we can--

SERADA BONIA: Sure.

CHAIRPERSON MENDEZ: --I can follow up with you. Okay. Thank you.

The next panel, Sonya Pursia, Arnoldo Arsu, Madelyn Innocent. And if we can get the next panel ready: Ava Fevrier and Terrell Adopojo, you'll be next.

If you can grab--whoever's ready, grab the microphone and start giving testimony 'cause I'm being challenged to be out of here by 1 and the commissioner is already here to give testimony. So--

MALE VOICE: Yes.

CHAIRPERSON MENDEZ: --are you ready?

SONYA PURSIA: Do you want me to go?

CHAIRPERSON MENDEZ: Yes, you can start.

SONYA PURSIA: Good morning or good evening everybody. I'm so glad you give me the opportunity for to say something about our community because our community suffered [off mic] but we are the children of Jesus Christ.

I'm so glad you're doing something good for us because we need it. We need help--

CHAIRPERSON MENDEZ: [Interposing]

Excuse me, can you please say your name for the record?

SONYA PURSIA: My name is Sonya Pursia, I live in Carver House--

CHAIRPERSON MENDEZ: Thank you.

SONYA PURSIA: You welcome. I'm sorry. I'm here because we need to education of the people for the government. We need to say we suffered a lot in housing because the situation is very, very hard. If you don't something for us, we're going to be, again, homeless. Okay?

I'm so glad to see you again. You are very nice person. I know you believe in Jesus Christ, you are in the true way, okay? But that's the situation, [off mic] I want the housing try us like the superior animal because that's where we are. We [off mic] an animal, we are superior animal because we have a brain, we think, we know what we want to get, we know we want to do, we know everything. That's my opinion, my own opinion.

And as I thank you because you're taking action again the bad situation, you know? That's all right now.

CHAIRPERSON MENDEZ: Thank you.

SERADA BONIA: Thank you, and God
bless you.

CHAIRPERSON MENDEZ: Thank you so
much. Next?

ARNOLDO ARSU: Yes. My name is
Arnoldo Arsu and I've been dedicated to serving my
community for over 20 years. I have many issues
with NYCHA. One of my issues is that they forget
about families that live in public housing for
decades. NYCHA used to have a policy that
grandfathered residents who live in their public
housing for 20 years or more. The policy should
be reinstated. Many families have roots in public
housing, the working poor, who work their whole
lives, many two or three jobs just to get by,
sacrifice for the betterment of their families
that created entertainers, professional athletes,
supreme court judge, and Council Members, and the
things they get is to push out of their apartment
where they live for decades.

Residents who are now 60--excuse
me--residents who are now 60 years of age on a
fixed income such as SSD and retirement from

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2 decades of hard work, their health may have
3 declined and does not the strength to move to a
4 smaller apartment where their things can't fit.
5 So that means they are forced to take on a storage
6 bill that they can't afford. Please reinstate the
7 grandfather clause for residents of public
8 housing.

9 Thank you.

10 MADELYN INNOCENT: Hello everybody,
11 my name is Madelyn Innocent and I'm a longtime
12 resident of Douglass Houses and I'm a member of
13 Community Voices Heard who is concerned with how
14 this rushed attitude is placing residents who are
15 in under-occupied apartments.

16 I understand the urgency because
17 there are so many families on the waiting list. I
18 get it. But whose fault is it? I know Chairman
19 Rhea hasn't been at NYCHA for a very long time,
20 but he and NYCHA are frightening residents,
21 especially seniors, the disabled, and people who
22 have a language barrier. I don't think this was a
23 well-thought out plan as you are well aware by now
24 because of the uproar that has occurred. This is
25 the same as banks loaning money for a home that

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2 they knew in the long-run wouldn't be able to keep
3 up with the payments. It has sold fake notes that
4 NYCHA would not be able to let residents ever cash
5 in their ability to live life with happiness and
6 dignity.

7 Residents may not own these
8 apartments, but it's still their home to where
9 they raised their kids and their grandkids. I
10 wouldn't know how to explain this to my grandkids
11 if I had to, but the only way to explain it is if
12 you are poor, you have no voice and anyone can
13 throw you out of your home anytime you want to.
14 That is no way to treat anyone.

15 If it were a NYCHA family member
16 that this was happening to, you would be ready to
17 fight for their home. This is all we are doing.

18 There is a more efficient and
19 humane way of carrying this through. To expect a
20 senior or a longtime resident to be able to leave
21 everything know and have been accustomed to after
22 years of building community without any counseling
23 or consultations, is careless and inhumane.

24 There needs to be a thorough sit
25 down and explanation of the process and options,

1
2 especially with seniors. Senior citizens and
3 longtime residents should also have help with not
4 only dealing with the psychic trauma, but with the
5 physical trauma of moving their belongings.

6 Currently, NYCHA is offering a \$350 towards their
7 first month of rent to help with moving costs.

8 How is this possible this day and age especially
9 with a senior that has accumulated years of
10 furniture and life belongings to expect it to move
11 with \$350 of credit? When New York City can
12 anyone move 30 to 40 years of lifetime of
13 accumulations for a few hundred dollars? This is
14 unfair, traumatizing, and inhumane. NYCHA needs
15 to think of the residents first and fine-tune the
16 procedures so the residents are not unfairly
17 traumatized and are treated humanely with dignity
18 and respect.

19 And on a personal note, this is
20 just a little thing, I'm on disability myself. We
21 had a manager, Juan Bello [phonetic], in our
22 office, he left from about June, they transferred
23 him. I used to be co-chair of the grievance
24 committee and we developed a rapport with the
25 manager which he was working with us with the

1 seniors and the disabled, repairs, and whatever.
2 Now they're disarming the grievance committee
3 because I'm speaking at these hearings. My voice,
4 they don't want my voice heard. And I feel that
5 they're trying to suppress people who are trying
6 to help people. Now I'm not casting any
7 aspersions on anybody in particular, but I heard
8 earlier NYCHA was saying that the resident
9 associations are involved in this process. We get
10 no information. If I didn't come to these
11 hearings and I communicate with the residents that
12 are in need, they wouldn't know what their rights
13 are, they wouldn't know what the law is, they
14 wouldn't understand their leases. It's dependent
15 upon me, but now that I'm speaking, I am being
16 penalized for it. They asked for our resignation,
17 I have a meeting this week.

18
19 So I'm just stating that they're
20 trying to keep people who are involved quiet in
21 certain developments.

22 CHAIRPERSON MENDEZ: Okay. I'm
23 just going to say we've been joined by Council
24 Member Al Vann, who is chairing the next hearing.
25 We got two more people who are going to make their

testimony quick.

Ms. Innocent, I've seen you 'cause I know--

MADELYN INNOCENT: All of you.

CHAIRPERSON MENDEZ: --I saw you at the districting commission give your testimony, so you were active. You should not resign from that committee, I'm going to place a phone call, I will work with whoever your representative is. I think I believe when Carlos Laboy said that they want communication, I think that means from the tenants as well. If you had a good experience with Juan Bellow, it sounds like, that would make sense, he used to manage development in my district and he was very much loved. And, you know, maybe he should be giving sensitivity training to the rest of the managers or--

[Crosstalk]

MADELYN INNOCENT: [Interposing] I said that to him when he left.

CHAIRPERSON MENDEZ: So--

MADELYN INNOCENT: Yes.

CHAIRPERSON MENDEZ: --thank you all for your testimony. I really need to bring on

1
2 the next panel 'cause the other chair is waiting
3 and I don't want to keep the chair and the
4 commissioner--

5 MADELYN INNOCENT: Thank you.

6 CHAIRPERSON MENDEZ: --of the next
7 hearing from taking place. Thank you so much. So
8 thank you. As soon as you come in, just sit down,
9 identify yourself for the record and give your
10 testimony. And so these are some of the social
11 work students from Adelphi University. Thank you
12 for being here, for staying for the entire
13 hearing.

14 AVA FEVRIER: My name is Ava
15 Fevrier, thank you, Councilwoman Mendez, for
16 giving Adelphi School of Social Work the
17 opportunity to be part of this conversation.

18 I don't want to go into details
19 about all the stories that you've all heard
20 already, so I just had--when I thought about this,
21 I had some suggestions, and I thought--one of the
22 things I first thought about was policy and
23 regulation enforcement. Is there enough oversight
24 to ensure that rightsizing is done in a strategic
25 manner other than in this push from succumbing to

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2 the pressure of increased housing concerns in the
3 city? I think there should be a better system to
4 match the candidates who are willing to rightsize
5 and the families who need adequate housing. For
6 instance, I have one client I currently work with
7 and she had a traumatic experience in her building
8 and she called HUD development to ask to be
9 rightsized. And she's in a three-bedroom, she
10 wants a two-bedroom 'cause she has an autistic
11 grandson. And I've called on her behalf and they
12 said well she has to just wait for something to
13 come up; and I asked how long will that be and
14 they couldn't give me an answer and it was very
15 succinct and I think it was pretty much rude.

16 I think there needs to be a case-
17 by-case review method in which the results should
18 be in the best interests of the individuals and
19 the families that NYCHA services. Some, maybe
20 most of the letters generated and mailed out are
21 being ignored. Earlier I thought if you give a
22 tenant of 20 to 30 years who lived in a
23 development two chances before informing them that
24 they need to move, I don't agree with that at all.
25 What about having social service providers

1 strategically make visits to effectively
2 communicate and inform those who are reluctant to
3 move of their options, instead of making them feel
4 that they are being kicked out of their homes that
5 they've lived in for so long?
6

7 Lastly, I think there needs to be
8 more oversight and stricter enforcement for a
9 higher standard to be set for all NYCHA buildings
10 to be safe and properly kept for its tenants, and
11 I believe you may have more cooperation when it
12 comes to rightsizing. People understand better
13 when things are properly explained to them, when
14 you listen to them, and when you make them part of
15 the process. Thank you.

16 TERRELL ADOPOJO: Good afternoon,
17 my name is Terrell Adopojo--

18 CHAIRPERSON MENDEZ: [Interposing]
19 Hold it, the microphone is not on. Behind it,
20 yeah, press that. There you go.

21 TERRELL ADOPOJO: Okay. Testing,
22 test, okay. Good afternoon, my name is Terrell
23 Adopojo, thank you for having us here and giving
24 opportunity to speak on this issue.

25 I live in the Bedford-Stuyvesant

1 community of Brooklyn, and I know many residents
2 [off mic] housing development. Speaking with one
3 of them, I found out that there is a resident
4 member of the board and their concern was--thank
5 you--their concern was who will advocate for the
6 senior members of the housing development. Could
7 there be a specialized advocate that could come
8 and speak with the Council Members or the board to
9 know their special needs.
10

11 CHAIRPERSON MENDEZ: Thank you. I
12 want to thank you for your testimony, I think
13 you've mentioned some really important things. I
14 don't know if you get any academic credit. When
15 we start this task force, maybe you want to help
16 us out with some of that. But I want to thank,
17 again, Adelphi social work students for being here
18 throughout the entire hearing--

19 AVA FEVRIER: Thank you.

20 CHAIRPERSON MENDEZ: --and for your
21 insight, which I think is very valuable. I think
22 NYCHA was paying attention, right? I saw them
23 taking notes.

24 I want to thank my colleagues
25 who've stayed for the rest of the hearing. Oh,

1 Diana Reyna from Brooklyn joined us. And
2 particularly want to thank Chairman Al Vann who
3 has been very patient waiting for his hearing to
4 start. I look forward for all of us working on
5 this issue to make rightsizing a reality,
6 particularly for those overcrowded individuals,
7 but to move forward in a very thoughtful manner, I
8 don't think the policy that was outlined before is
9 being adhered to and we really need to change the
10 process to make sure that long-term residents who
11 have been good residents get treated with respect
12 and get given an opportunity to rightsize in the
13 appropriate way.
14

15 This hearing is coming to an end.

16 Thank you.

17 [Gavel]

C E R T I F I C A T E

I, Tammy Wittman, 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 *Tammy Wittman*

Date November 11, 2012