



TESTIMONY

Presented by

**Jocelyn Groden
Associate Commissioner
Bureaus of Social Services and Direct Services**

on

Oversight: Senior Affordable Housing

before the

**New York City Council
Committee on Aging**

jointly with

Committee on Housing and Buildings

on

**Thursday, December 12, 2019
10:00AM**

at

**Council Chamber, City Hall
New York, NY 10007**

INTRODUCTION

Good morning, Committee Chairs Chin and Cornegy, and members of the Aging and Housing and Buildings Committees. I am Jocelyn Groden, Associate Commissioner for the Bureaus of Social Services and Direct Services at the New York City Department for the Aging (DFTA). I am joined today by my colleagues from the New York City Commission on Human Rights (CCHR) and the New York City Department of Housing Preservation and Development (HPD). I would like to thank you for this opportunity to discuss our commitment to the dignity and well-being older adults.

As older adults continue to represent the fastest growing segment of New York City's population with nearly 1.73 million people aged 60 and older, it is estimated that by 2030 with the booming of the older population, one in five New Yorkers will be aged 60 and older. It is for this very reason that it is critical that we provide older New Yorkers with the proper tools and resources, both financially and/or socially, that allow them to stay in and their home and thrive.

DFTA's priority is to provide the services and resources older adults need to remain in their home. This includes in-home services such as case management, home care, home delivered meals, friendly visiting and social supports and community services like geriatric mental health supported through ThriveNYC, senior centers, senior employment, caregiver support programs, elder abuse and crime services (among many others) that work to meet the individual needs of older adults.

Some of the programs I would like to highlight as part of today's important discussion include Naturally Occurring Retirement Communities, Home-sharing, the Assigned Counsel Project and Minor Home Repairs.

Naturally Occurring Retirement Communities (NORC)

We are very proud of our Naturally Occurring Retirement Communities, often referred to as "NORCs". The term NORC refers to a residential location that is not age-restricted, nor built specifically for older adults, but that over time has become home to a significant concentration of older residents. Think of it as the perfect mix of aging in place, while giving older adults everything they need to age well. The goal of a NORC is to provide services which meet the self-identified needs of the older adults of a particular community so that they can remain independent and age-in-place. A NORC Program emerges from community empowerment and activism between senior residents, aging service providers, and other community stakeholders. NORCs push-in needed services. Many provide case assistance, healthcare management, health promotion, recreation and other needed services, such as transportation and escort, telephone reassurance, friendly visiting and in some cases light housekeeping.

Home-Sharing Program

The New York Foundation for Senior Citizen's home-sharing program seeks to match persons for whom shared living arrangements would enhance their financial and/or social well-being. The program is open to adults aged 18 years and older, and only one member of the match must be age 60 or older. Hosts own or rent apartments or houses in one of New York City's five boroughs and are open to sharing part of their dwelling with at least one other compatible person. Through the proprietary QUICK-MATCH system and a staff of professional licensed social workers, New York Foundation for Senior Citizens determines the most compatible share-mates by evaluating 31 lifestyle objectives.

In recent months DFTA has taken significant steps to redevelop the home-sharing program, focusing on a more robust communication, outreach, and partnership strategy. Understanding this is a focused program which requires a targeted approach, the home-sharing program, offers affordable housing and provides both social and financial benefits.

Affordable Housing Services

DFTA's housing specialists advise older adults on financial matters and entitlements, along with their rights as tenants. Their work also includes referrals for rental assistance programs as well as shared living residencies, Section 202 housing, market rate senior residencies with services, and affordable housing services designed for the general public.

Minor Residential Repairs Program

And finally, DFTA's Minor Residential Repairs Program is a small but essential component in DFTA's portfolio of services aimed at assisting older adult. Through this program, senior owners of private homes, condos, co-ops and renters, with consent of and after attempts to enlist the support of their landlords, are benefitting from free home maintenance and repair services.

CONCLUSION

Each of New York's older adults deserves and requires our resources and support, so they can live and thrive in the communities they built, raised their families in, and called home for much of their lives. DFTA supports the intent of these bills and welcomes the opportunity for further discussion and collaboration in order to ensure all aspects have been explored.

DFTA will continue to build and strengthen our partnerships with our sister-City agencies, bringing the 'aging-lens' into the conversation. As advocates for older adults, we are mindful that our priority is to keep older adults in their homes, happy and healthy. The best way for us to do this is to ensure that older adults are always represented, and that we continuously strengthen the relationships we have built with our sister agencies and external stakeholders. The City Council has also been a constant ally and partner in ensuring that older adults have a dignified quality of life.

It is imperative that we continue to build on our joint successes, and set the proper precedent for how we want our older New Yorkers to be treated.

Thank you again for this opportunity to testify.

Testimony of Zoey Chenitz
Senior Policy Counsel
New York City Commission on Human Rights
Before the Committee on Aging and Committee on Housing and Buildings
December 12, 2019

Good morning Committee Chairs Chin and Cornegy, and Members of the Aging and Housing and Buildings Committees. I am Zoey Chenitz, Senior Policy Counsel at the New York City Commission on Human Rights. Thank you for convening today's hearing. Before turning to Intros. 225 and 6, I will highlight some of the Commission's recent work. The Commission is the local civil rights enforcement agency that enforces the New York City Human Rights Law, one of the broadest and most protective anti-discrimination and anti-harassment laws in the country, now totaling 26 protected categories across nearly all aspects of city living: housing, employment, and public accommodations, in addition to discriminatory harassment and bias-based profiling by law enforcement. By statute, the Commission has two main functions. First, the Commission's Law Enforcement Bureau (LEB) enforces the City Human Rights Law, by investigating complaints of discrimination from the public, initiating its own investigations on behalf of the City, and utilizing its in-house testing program to help identify entities breaking the law. Second, through the Community Relations Bureau which is comprised of Community Service Centers in each of the City's five boroughs, the Commission provides free workshops on individuals' rights and businesses, employers' and housing providers' obligations under the City Human Rights Law and creates engaging programming on human rights and civil rights related issues.

Over the past four and a half years, since Commissioner Carmelyn P. Malalis took the helm of the agency, the Commission has implemented 28 changes to the City Human Rights Law, including seven new substantive areas of protection, and other statutory expansions of the agency's mandate and scope. At the same time, the Commission is increasingly becoming the preferred venue for victims of discrimination. In Fiscal Year 2019, the Commission fielded nearly 10,000 inquiries from members of the public, via calls, emails, and in-person intakes, the highest in Commission history, resulting in 785 complaints filed and 396 pre-complaint interventions. Also in Fiscal Year 2019, the agency obtained over \$5.3 million in damages for complainants, and nearly \$800,000 in civil penalties, for a combined total of over \$6 million, the highest in the Commission's history and over five times the amount of damages and penalties recovered in 2014, the year prior to start of Commissioner Malalis's tenure. In Fiscal Years 2018 and 2019 the Commission awarded approximately \$1.2 million in damages to complainants and over \$300,000 in civil penalties in housing cases related to disability.

Disability rights and access is one of the Commission's core priorities. In fact, a program within the Commission's Law Enforcement Bureau, called Project Equal Access, works directly with landlords and other housing providers to ensure that residents with disabilities can obtain accommodations in their homes and buildings without ever having to file a complaint or go through an investigation and litigation. Of course, if landlords are unwilling to make reasonable accommodations, a complaint is filed with the Commission's Law Enforcement Bureau, and the case proceeds through investigation and possibly litigation. The Commission's Project Equal

Access was able to achieve accommodations in 139 matters in Fiscal Year 2019, up significantly from the prior year. With respect to filed complaints, claims on the basis of disability consistently represents one of the most common types of complaints filed at the agency across all areas of jurisdiction.

The City Human Rights Law guarantees the right to accommodations for people with disabilities, unless providing such an accommodation would pose an undue hardship. "Disability" is broadly defined under our law to include "any physical, medical, mental or psychological impairment." This broad definition reaches most, if not all, of the disabilities or conditions that people may develop as they age, meaning that older New Yorkers who require reasonable accommodations to fully and safely enjoy the use of their homes have a right to request them from their housing providers under the disability protections in the City Human Rights Law. The cost of reasonable accommodations is borne by the housing provider.

A case resolved earlier this year demonstrates the strength of the City Human Rights Law's protections and the Commission's commitment to creating meaningful and wide-ranging change. The Law Enforcement Bureau resolved a case involving housing provider River Park Residences, L.P., in which a tenant alleged that River Park failed to reasonably accommodate his use of a wheelchair by refusing his repeated requests over several years to widen a bathroom door and install a roll-in shower in his apartment, and to make the building's entrance accessible. After the Law Enforcement Bureau investigated and issued a probable cause determination, the parties entered into a conciliation agreement requiring that River Park revise its anti-discrimination policies; create a website—the first of its kind as part of a conciliation agreement with the Commission—that is specifically designed to be accessible to individuals with disabilities and includes information about requesting reasonable accommodations; conduct anti-discrimination training for all employees; display the Commission's postings; and pay Complainant \$160,000 in emotional distress damages, the highest emotional distress damages award to date in a housing action. As further relief negotiated under the settlement, River Park has installed automated entrance and mailroom doors throughout the four buildings of River Park Towers to make the entire housing complex physically accessible.

In a Decision and Order issued by Commissioner Malalis in 2017 following a trial at OATH, the Commission awarded \$45,000 in emotional distress damages to a child and \$50,000 to the child's mother, in addition to a \$60,000 civil penalty, where a landlord refused for three years to provide a bathtub necessary for a child with a disability. The landlord also engaged in a campaign of harassment against the child and her mother by making false complaints to the police and the fire department and by filing an unwarranted eviction proceeding against them. The \$60,000 penalty could have been reduced to \$10,000 if the respondent had made the ordered reasonable accommodation within a certain period of time after the decision. Following an appeal, the Supreme Court upheld the Commission's decision in full and, because respondent failed to make the required reasonable accommodation on time, imposed the full civil penalty. Respondent was also ordered to undergo training and to post a notice of rights at the building.

Intro. 225 would require the installation in multiple dwellings of devices such as grab bars and shower treads for seniors and people with disabilities. The bill would allow eligible owners to

seek a tax abatement for certain related installations. We support the intent of the bill to ensure that people with disabilities, including older New Yorkers, are able to safely use their bathroom and remain in their homes. However, the Commission has some concerns that Intro. 225 could undermine existing disability protections under the City Human Rights Law that already require the provision of these types of accommodations. We are continuing to review the bill and look forward to working with Council to identify the best approach to meeting the policy objectives outlined in the bill.

Intro. 6 would require that when the owner of a dwelling unit serves a person who is 62 or older with a petition or notice to evict, the owner must also notify HPD of the resident's name, address, and phone number, so that HPD may then notify the person of available legal services. Violations are punishable as class A misdemeanors. The bill also requires that the Commission and HPD analyze the information received from housing providers concerning senior evictions, and issue a public report identifying any trends in senior evictions and any findings or patterns of discrimination in senior evictions.

Again, the Commission supports the intent of the bill to help older New Yorkers age in place, particularly in affordable housing. The Commission is also committed to working to identify and root out discriminatory patterns and practices in housing, across all areas of protected status, including age. We look forward to working with Council to ensure that the appropriate approach is taken to ensure that older New Yorkers are able to keep and enjoy their homes free from discrimination.

We appreciate the Council's attention to the critical issues and we will continue working with you, in partnership, to ensure that older New Yorkers and people with disabilities can safely enjoy and remain in their homes, surrounded by family and community. I look forward to your questions.



**Testimony of the New York City Department of Housing Preservation and Development to
the New York City Council Committees on Aging and Housing and Buildings
Regarding Senior Affordable Housing**

December 12, 2019

Good morning Chair Chin, Chair Cornegy, and members of the Committees. My name is Kim Darga, Associate Commissioner for Preservation at the New York City Department of Housing Preservation and Development (HPD). I am joined by my colleague Emily Lehman, Assistant Commissioner for Special Needs Housing at HPD, to discuss HPD's work supporting seniors in new construction. Thank you for the opportunity to highlight the multi-faceted efforts HPD has implemented, in addition to the many services provided by our sister agencies, to support New York's senior citizens by building and preserving historic numbers of affordable housing, protecting tenants from harassment, and using innovative tools to expand our efforts to those who need it the most.

It is no secret that this City is facing a housing crisis. Since Mayor de Blasio launched the *Housing New York* plan in 2014, New York City has accelerated the construction and preservation of affordable housing to levels not seen in 30 years. HPD is now positioned to speed up and expand the plan to build or preserve an additional 100,000 units, for a total of 300,000 homes by 2026. As a result, five years into the plan, we have established a new baseline for how affordable housing can and should be built in New York City. Already, this administration has financed over 135,000 affordable apartments through Fiscal Year (FY19) 2019, 57,000 of which serve very low income individuals making less than roughly \$37,000 per year, or \$48,000 for a family of three. This housing is available to all New Yorkers, including but not limited to the seniors that built this City and would like to remain here.

As part of *Housing New York*, the Administration committed to create or preserve 15,000 senior homes and apartments. Through the new expanded *Housing New York 2.0*, we are now committed to serve a total of 30,000 senior households residing in affordable apartments. To meet this additional commitment, we launched Seniors First in October 2017, a three-pronged strategy to better serve the housing needs of older New Yorkers on fixed incomes: 1. make more homes accessible to seniors and people with disabilities; 2. build new 100 percent affordable senior developments on underused NYCHA land and other public and private sites; and 3. preserve existing senior housing developments. These initiatives will increase the number of

affordable senior housing units within the City, as well as improve the ability of seniors who live in affordable housing today to age comfortably and safely in their current homes.

Helping New Yorkers Age in Place

Simple changes can make staying in one's home a viable, safer option and create a more accessible city for all New Yorkers. Making it possible for more seniors to stay in the homes they live in is an important anti-displacement tool as we work towards protecting our more vulnerable residents.

HPD is using a wide range of measures, from the physical to the financial, to ensure that seniors can stay in their homes and communities as they age, and to create inclusive neighborhoods for seniors and people with disabilities. HPD-funded rehabilitation projects are now required to include accessibility improvements identified through an enhanced building physical needs assessment. This holistic review not only identifies basic building system needs, like a roof or heating system, but also building-wide improvements to help seniors age safely in their homes. In exchange for HPD funds we require regulatory protections, or a longer term for existing protections, to ensure that rent remains affordable for existing residents.

In addition to this building-wide assessment, HPD's Aging In Place initiative offers existing senior residents modifications within their homes to help these residents live more comfortably and reduce the risk of falls. Our new HomeFix Program assists low- and moderate-income homeowners in 1-4 family properties fund home repairs by providing favorable financing for low-income and senior households.

Further, HPD continues to work with our partners in the City to increase enrollment in SCRIE, which freezes the rent for seniors living in rent-regulated apartments. This helps ensure that more of our seniors living in rent-regulated apartments can stay in their homes and the City they love without the fear of being displaced by escalating rents.

Finally, the de Blasio Administration has made protecting tenants from harassment a core part of its strategy to confront the affordable housing crisis. This Administration has worked in partnership with the City Council and various branches of government to tackle the issue with a comprehensive, multi-pronged approach. As a City, we are focused on keeping people in their homes and neighborhoods by successfully advocating with many members of the Council to close loopholes in rent regulation laws at the State level, creating and preserving historic numbers of affordable homes, empowering tenants with more resources, aggressively enforcing City codes, and utilizing all of our partnerships to create data-driven, innovative tools targeted at stopping harassment before it starts. We therefore understand the intent of the bills being heard today, but want to continue conversations with the Council to make sure we are getting at the same goals to protect seniors in a targeted and appropriate manner.

Building Senior Affordable Housing

Good morning, my name is Emily Lehman and I would like to speak to the additional efforts HPD is undertaking to bring new affordable housing units to a variety of populations,

including seniors. Over the course of the plan, HPD has financed nearly 44,000 new apartments for all New Yorkers, including seniors.

HPD is explicitly committed to supporting the City's seniors in our affordable housing portfolio. Since the start of the HNY plan in 2014, HPD has financed over 8,500 affordable senior apartments through over a dozen different housing programs. This work provides critical relief to a population of City residents who are projected to increase over the next two decades.

One important tool that we use to add to our affordable senior housing stock is our Senior Affordable Rental Apartments (SARA) program. SARA provides gap financing in the form of low interest loans to support the construction and renovation of affordable housing for seniors, 62+ years in age, with low incomes. Through September 2019, we have funded approximately 3,000 new affordable senior units through this program.

Our new construction term sheets for HPD financial assistance also encourage intergenerational housing, and we are now seeing projects benefit as a result of the Zoning for Quality and Affordability (ZQA) amendment, which makes it easier and less expensive to create quality, affordable senior housing. The passage of Zoning for Quality and Affordability (ZQA) by the Council, a key tool to modernize zoning rules, also enabled the creation of the Privately Financed Affordable Senior Housing program, which incentivizes the creation of new affordable senior units. And in addition to providing subsidy through SARA and other HPD financing programs, the City has also committed significant numbers of public sites for the development of new affordable senior housing.

The Future of Senior Affordable Housing

None of this work would be possible without the strong support provided to senior housing needs by our many partners and allies. HPD is excited to build on previous successful collaborations with the Department for the Aging (DFTA) through our expanded focus on seniors, and we are grateful for the information and assistance they have offered on our new tool to help the seniors in our portfolio age in place. HPD was part of the Advisory Committee for DFTA's "Aging In Place Guide for Building Owners" and believes it is a tremendous resource for private landlords who are interested in making changes to their buildings to enable their residents to continue living in their homes as they age and their needs shift. It is one of the aging-in-place guides that we often referenced to develop our Seniors First initiative. We also work with them closely when senior centers are in HPD projects, and in a variety of other ways to support this important population.

The City Council has also played an invaluable role in improving access for senior housing. I especially want to thank Chair Chin, as well as Chair Cornegy and Speaker Johnson, for their strong leadership in this critical area to serve some of the City's residents in the most need.

We are encouraged by the progress we have been able to achieve over the last six years through *Housing New York*, and are excited to see the results of our strong commitments going forward. Thank you for your time, and I am happy to answer any questions.



MEMORANDUM IN OPPOSITION FOR THE RECORD
INTRO. 6

The Rent Stabilization Association (RSA) represents 25,000 owners and managers of multiple dwellings in New York. The buildings that they own and manage contain over 1 million units of housing. RSA is opposed to Intro. 6 because remedies already exist for the problem the bill purports to correct.

Intro. 6 would require an owner to notify HPD prior to commencing a proceeding in housing court where a person 62 years old or older resides. The purpose would be for HPD to then provide guidance as to legal assistance available to the tenant. As a practical matter owners and managers have no way of knowing if a tenant residing in an apartment is 62 years old or older. There is no legal requirement for tenants to provide such information. For long term tenants this is especially true. For HPD there is no way of knowing the financial situation of a tenant referral. This may cause HPD to expend time and manpower on tenants that do not require any assistance at all.

The City Council passed a "right to counsel" law 3 years ago which when fully implemented will have the same net effect as Intro. 6. For the above reasons RSA thinks Intro. 6 is not necessary.



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**Comments of Suhali Méndez
Advocate, Disability Justice Program
New York Lawyers for the Public Interest**

to the

**New York City Council
Committee on Housing and Buildings
Jointly with the Committee on Aging**

regarding

**Installation of Protective Devices for Seniors and Persons with a Disability who Reside in
Multiple Dwellings, and the Provision of Tax Abatement for Certain Related Installations
Int. 0225-2018**

December 12, 2019

My name is Suhali Méndez and I am an Advocate in the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI is a civil rights organization with a robust disability rights practice, and housing advocacy for people with disabilities is an important part of our work.

NYLPI represents tenants in matters involving the need for reasonable accommodations, such as apartment and common area retrofitting, transfers to accessible apartments, and protection for use of service animals, as well as other housing discrimination issues. We appreciate the opportunity to provide testimony regarding accessible housing in New York City.

We commend Council Member Brannon's bill in ensuring that senior citizens and people with disabilities continue to live meaningful lives within their communities. Since our office works primarily with people with disabilities, my testimony will focus on this specific group.

Installation of Protective Devices

In our work, we often see various forms of housing discrimination which continues to be an issue for countless New Yorkers. Although the federal Fair Housing Act was passed more than 50 years ago, and the New York City and New York State Human Rights Laws were having likewise long been in effect, countless people in New York City continue to face discrimination when it comes to their housing needs. It was not until the 1990's that disability was covered in these laws.

New York City's housing stock is vastly inaccessible to people with disabilities. Landlords' failures to provide reasonable accommodations for their tenants – for example, providing an individual who is deaf with a smoke alarm that flashes -- constitutes discrimination and impacts the resilience of our communities by causing displacement.

Landlords are responsible to comply with anti-discrimination laws in New York City, and the City must enforce penalties for landlords who do not adequately address repairs or who otherwise discriminate against their tenants.

The installation of protective devices will allow people with disabilities to be able to live independently without a risk to their safety. It is important to make tenants aware of this right as well as being able to request this to their landlord/management company.

About New York Lawyers for the Public Interest

For more than 40 years, NYLPI has been a leader in advocating for marginalized New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy and to fortify capacity for both individual solutions and long-term impact.

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, and our landmark housing victories include access to New York City Housing Authority housing for persons with disabilities, as well as ensuring that countless private landlords accommodate their tenants with disabilities.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing to promote accessible housing in New York City. We appreciate the opportunity to provide this written testimony on behalf of our clients with disabilities who seek and deserve equal access to services. Please feel free to contact us at (212) 244-4664 or smendez@nylpi.org.



HANAC

Serving the needs of the community since 1972

**New York City Council
Committee on Aging & Committee on Housing and Buildings
December 12, 2019
*Oversight Hearing: Senior Affordable Housing***

Thank you Chairs, Council Member Chin, Council Member Cornegy and the other members present for the opportunity to testify today. My name is Stacy Bliagos and I am the new Executive Director of HANAC. HANAC is a multi-faceted social service organization that has served vulnerable populations for over 45 years, touching the lives of over 35,000 individuals with a wide range of programs and services for diverse and multi-ethnic communities across the City.

Before I begin my testimony, I would like to thank Speaker Johnson and the members of the Council for their steadfast support of HANAC's programs throughout the years. With our partnership we have been able to serve thousands of individuals and families with programming such as senior centers, youth development, and workforce training.

Today I would like to speak in support of increasing funding for affordable housing for our ever-growing aging population, which I know is a priority of this Council. As you know, New York City is home to more than one million adults over the age of 60 in Queens alone, we provide significant services for our aging population, where there is over a quarter million older adults. The need for affordable housing, and related services, is a critical issue the entire country is facing. The demand in New York City for sustainable, affordable housing continues to grow and unfortunately supply is extremely limited.

I am happy to report, with the support of the City Council and the Administration we opened a new senior affordable housing complex HANAC Corona Senior Gardens in the fall of last year in Corona, Queens. It is a 68-unit housing development which includes a ground floor pre-kindergarten program and will be one of the first Passive House certified buildings in New York for seniors. Passive House buildings use up to 90% less energy for heating and cooling a residence, compared to a traditional construction. The residential units were quickly occupied and the community is still clamoring for more affordable housing, which we all agree is needed.



HANAC

Serving the needs of the community since 1972

Overall, we operate 4 senior housing buildings totaling over 600 units and we have well over 30,000 seniors on our housing waitlist. HANAC also operates 4 senior centers across Queens and overall serves 3,575 older adults annually through various services such as congregate lunches and breakfast, exercise classes, art classes, mental health counseling, crime victim services, drug prevention outreach, informative classes, and much more.

Over the years we have witnessed a growing need for older adult programming and housing. With these services seniors are able to remain in their communities and also receive the services and care they need and deserve. We at HANAC have also seen a high demand for employment. While seniors are less likely to be employed, the number of working seniors is growing dramatically. We believe this is due to a lack of retirement savings, limited government support, and overall economic inflation, especially in housing, which is consequently driving many older adults to the workforce again. While we are here to discuss the senior housing crisis I would be remised if I didn't also address the new need for senior employment, training and support needed for those in the workforce.

We are grateful for the City Council's leadership in taking on this issue and support that it already gives for these services. These existing resources allow organizations such as HANAC to operate valuable programming and secure sustainable housing to our most vulnerable New Yorkers. This demonstrates not only the need that exists, but with these supports we are enabling seniors to live longer, healthier lives in the neighborhoods they cherish.

We look forward to continuing to work closely with your committees and your colleagues on the Council to help discover new and innovative solutions to house all seniors in quality affordable housing.



New York City Council
Committee on Housing and Buildings and Committee on Aging
Thursday, December 12, 2019, 10:00 a.m.

Testimony RE: Oversight – Senior Affordable Housing; Int.0006-2018; and Int.0225-2018

Good morning. My name is Peter Kempner. I am the Legal Director and Director of the Elderly Project at Volunteers of Legal Service (VOLS). VOLS was established in 1984 in response to federal cuts in legal services funding and our purpose is to leverage private attorneys to provide free legal services to low income New Yorkers to fill the justice gap.

Our Elderly Project and Veterans Initiative conducts regular free legal clinics in senior centers around the City; we provide technical support to community based organizations serving low income seniors by answering legal questions their clients face; we provide training on legal issues to community based organizations and to the public regarding proper end of life planning; we publish An Advocate’s Guide to SCRIE and A Guide to Burial Assistance and Funeral Planning for New Yorkers in Need; and we access the pro bono services of the private bar by training, supervising and pairing up volunteer lawyers with low income seniors seeking to have their life planning documents drawn up and executed. This allows seniors, who cannot afford to hire an attorney, to get Powers of Attorney, Health Care Proxies, Living Wills, Last Wills and Testaments as well as other advance directives done free of charge. These critical documents ensure that the wishes of seniors are carried out by the people they love and trust the most. They also ensure that seniors are able to live in the community for as long as possible, prevent displacement, and help to avoid costly and unpleasant legal proceedings like guardianships if someone becomes incapacitated.

We thank the New York City Council’s Committees on Aging and Housing and Buildings for holding this important hearing. Aside from needing to obtain advanced directives, the number one issue our clients face as low-income seniors is housing insecurity. The housing issues our clients confront include evictions, repairs matters, rent overcharges and tenant harassment. While we applaud and support Int. No. 6-2018 and its mandate to landlords to notify the Department of Housing Preservation and Development (“HPD”) of an eviction filing involving a tenant aged sixty-two or older, we believe that the Council needs to recognize the limitations of this approach. While the notification triggers HPD to provide a list of legal services providers to the tenant at risk of eviction, far too many of these tenants will not be able to avail themselves of these services.

The passage and implementation of the Universal Access to Counsel Law has been historic and this bill helps to ensure that those who may be eligible know how to access this program. Unfortunately, until Universal Access to Counsel is fully implemented, many seniors living outside the covered zip codes will not be able to get counsel under the program. Even after full implementation of Universal Access is achieved in 2022, there will still be many seniors who are cut out because their income exceeds the threshold of 200% of the Federal Poverty Level. In 2019, a senior whose income is a mere \$2,100 per month is considered over income to receive free counsel, regardless of their housing costs and other expenses.

Those excluded due to income include many elderly veterans. The youngest Vietnam era veterans are now 64 years old and the New York City veterans population is greying. Many of these veterans are considered totally and permanently disabled due to injuries sustained during their service. Due to these service connected disabilities, they receive benefits from the United States Department of Veterans Affairs in excess of 200% of the federal poverty level (currently VA benefits for a 100% service connected disabled veteran is \$3,106.04 per month) and therefore are disqualified from receiving counsel under the Universal Access to Counsel Program. These are the veterans who sacrificed the most in service to the nation and the guidelines for Universal Access deny them access to the program. Another bill pending before the Council, Int. 1104-2018, would remedy this by increasing the eligibility threshold for Universal Access to Counsel to 400% of the federal poverty guidelines.

Increasing eligibility to 400% of the poverty level will ensure that elderly disabled veterans are not excluded as well as other seniors whose income may exceed 200% of the poverty level. It would also bring the program in line with other programs like the Senior Citizen Rent Increase Exemption (SCRIE) which sets eligibility at \$50,000 per year, an amount which lines up almost exactly with 400% of the federal poverty level.

We are also concerned with how this measure is going to be enforced. Currently the Housing Court does not screen for the age of the tenant against whom an action is being brought. There will be no way for the Court or others to know that the tenant should have received notice under this statute if they do not know the age of the tenant. The statute also does not impose any requirement upon the landlord to discover the age of the tenant. Furthermore, the statute does not include any requirement that a landlord file proof with the Court that they put HPD on notice as required by the statute. Requiring proof of notice to be filed with the Court would serve to ensure compliance with the statute and failure to file proof could be grounds for enforcement actions.

Lastly, I would like to bring to the Committees attention recent proposed amendments to the SCRIE/DRIE rules issued by the administration. While a handful of the proposed amendments would further the purpose of the rent exemption laws, many of the proposed amendments would undermine the integrity of the programs and could result in the exclusion and removal of eligible individuals from their currently affordable, rent regulated apartments. Volunteers of Legal Service is a signatory to comments submitted by a collation of legal services providers outlining these concerns and I would be happy to share that letter with members of the committees. SCRIE/DRIE is a linchpin program in the City's quest to ensure that our seniors have safe and affordable housing and we should be strengthening the program not undermining it.

Thank you again for giving us the opportunity to testify. Volunteers of Legal Services looks forward to working with the City Council and the administration to ensure that New York City is able to best support our seniors in need.

Peter Kempner
Legal Director and Elderly Project Director



FOR THE RECORD

**Testimony of
Chris Widelo, Associate State Director
AARP New York**

**New York City Council
Committee on Aging
Committee on Housing and Buildings**

Intro No. 0006-2018

Intro No. 0225-2018

December 12, 2019

**New York City Hall
New York, New York**

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INTRODUCTION

Good morning Chairpersons Chin and Cornegy. My name is Chris Widelo and I am the Associate State Director for AARP in New York. AARP is a social mission organization with over 38 million members nationwide. On behalf of our nearly 750,000 members age 50 and older in New York City, I want to thank you for the opportunity to testify on these two pieces of legislation.

In March, AARP commissioned a report with the Center for an Urban Future that provided a wealth of new data about the aging of the population in New York City and across the state. The study reveals that the number of older adults in New York City—residents aged 65 and over—increased twelve times faster than the city's under-65 population over the past decade, and that there are now a record 1.24 million adults aged 65 and over living in the five boroughs.

According to the report, New York City added 237,478 older adults between 2007 and 2017, a 24 percent increase. During the same period, the city's under-65 population increased by 2 percent.

The study also shows that the boom in older adults is occurring throughout the five boroughs, with the biggest increase over the past decade in Manhattan (which experienced a 33 percent spike in the number of older adults) followed by Staten Island (27 percent increase), The Bronx (26 percent), Queens (22 percent) and Brooklyn (18 percent). The city's largest concentration of older adults is in Brooklyn (357,855) and Queens (353,536), which together are home to more than 700,000 older adults.

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Immigrants now account for 50 percent of New York City's 65-plus population, up from 44 percent in 2007. At the same time, the U.S.-born Latinx older adult population in the

city grew by 42 percent, accounting for the lion's share of the increase in native born older adults. The study also finds that one in five older adults is living in poverty, with the number of older adults in poverty increasing by 11 percent during the past decade.

Many older New Yorkers are living on fixed incomes and having trouble paying their rent. A 2014 AARP survey of New York City voters aged 50+ shows that affordable housing is a major concern for 54% of respondents, far surpassing other community concerns. In communities of color, this number is even higher – 67% of Hispanic voters identify housing as a major concern.

In 2015, AARP commissioned another survey of NYC voters, this time expanding the survey pool to include the Gen X and Boomer generations. Again, affordability was cited as a top concern, with 62% of Boomers and Gen X respondents expressing anxiety over their ability to afford housing in the future. This continues to be a concern for communities of color, with over 70% of African-Americans and Hispanics citing worry over their ability to pay their rent or mortgage in the coming years. These concerns have a potentially devastating effect for the City's population and economic growth, as 61% of Gen X and Boomer voters said they are considering leaving New York State to retire somewhere else because of the lack of affordability.

Last year, AARP New York teamed up with the Asian American Federation, Hispanic Federation, NAACP and the Urban League to release a report titled: *Disrupting racial and Ethnic Disparities: Solutions for New Yorkers 50+*. One of the key findings was the "cost burdened" status for 50-plus AA/B, AAPI and H/L New Yorkers and their vulnerability to gentrification and displacement. Additionally, when looking at other areas like health and economic security, the need to preserve and create affordable housing permeates all of these areas.

As the City's population continues to age, these concerns are likely to grow, and we need to use all of the tools we have to ensure we have appropriate and affordable housing for older New Yorkers now and in the future.

INTRO 6 AND INTRO 225

AARP would like to express our support for Intro 6 and Intro 225, introduced by Council Member Barron and Council Member Brannan, respectively.

With a lack of affordable housing options available in the city we need to protect older tenants from facing displacement, by ensuring the City receives advance notice of planned evictions of elderly tenants so that they can be provided with resources and legal assistance.

AARP has long been a proponent of age-friendly accommodations and modifications that can be made to make a dwelling safer. We appreciate that Intro 225 seeks to make these upgrades at no cost to the tenant and incentivize landlords through a tax abatement.

We also recognize that some older dwellings cannot easily be retrofitted with enhancements like grab bars if the structure of the dwelling can't support it. We need to ensure that they are installed safely and anchored properly and understand that to do so could require extensive construction that could be costly to landlords. As this legislation moves forward we hope that this potential issue can be taken into consideration.

Thank you for the opportunity to testify today.

John K. Carroll
President

Janet E. Sabel
Attorney-in-Chief
Chief Executive Officer

Adriene L. Holder
Attorney-in-Charge
Civil Practice

Alexander H. Ryley
Director of Elder Law
Civil Practice

**Testimony of
Alexander H. Ryley, Director of Elder Law, The Legal Aid Society Civil Practice
Before the New York City Council**

The Legal Aid Society appreciates the opportunity to testify before the Council's committees on these important issues and thanks the committees for their commitment to older and disabled New Yorkers.

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

For decades, the mission of The Legal Aid Society's Brooklyn Office for the Aging, where I am based as the Director of Elder Law for the Civil Practice of The Legal Aid Society, has been to move older adults from crisis to stability, with the goal of allowing them to live with dignity in their homes with a good quality of life. To achieve this, we use a staff of lawyers, social workers, and paralegals who work together to stabilize a client's situation and develop a plan for the future.

1. Int 0006-2018 – regarding eviction of elderly tenants

We support Int 0006-2018’s goal of conveying information regarding legal services providers to older adults who have been sued for eviction, and of requiring NYC HPD to report on the data it would receive from landlords about eviction lawsuits against older adults.

We note that, whereas Int 0225-2018 defines “senior” as a person age 60 and older, this bill sets the age of a “senior” at 62; we encourage the Council to adopt the lower age of 60 as it appears in Int 0225-2018.

It is unclear whether the intent of Int 0006-2018 is that HPD shall provide senior occupants with a list comprising only not-for-profit legal services providers. Because some senior occupants will not meet the financial eligibility requirements of providers of free legal services, we recommend that the list that HPD will provide to senior occupants include contact information for the various bar associations in New York City, which can refer older adults to private counsel who specialize in landlord-tenant law.

2. Int 0225-2018, regarding the installation of protective devices for seniors and disabled persons who reside in multiple dwellings

We applaud the Council’s interest in expanding older and disabled apartment-dwellers’ access to protective devices in their homes. Maximizing safety within the home is a crucial part of ensuring that an older or disabled person may live in the community for as long as they wish to do so and with the greatest possible autonomy.

We note that the New York City Human Rights Law (“NYCHRL”) already requires a landlord to make structural changes to an apartment occupied by a disabled person as a reasonable accommodation of their disability, at the landlord’s expense. See N.Y. Admin. Code Tit. 8, Ch. 1, §§ 8-102(18) and 8-107(15). The purchase and installation of the protective devices identified in Int 0225-2018 constitutes a type of reasonable accommodation of an apartment-dweller’s disability for which a landlord is already responsible under the NYCHRL. Int 0225-2018 shifts those costs to the taxpayer, and to that extent we oppose the bill.

However, Int 0225-2018 provides a welcome expansion of landlords' obligation to install protective devices, in that this legislation would entitle all New York City apartment occupants age 60 and older to the installation of protective devices in their homes. Many persons age 60 and older do not yet have a "disability" but would indisputably benefit from the installation of protective devices in their homes. Because current law requires the installation of such devices only for disabled persons, this legislation would result in a valuable increase in safety for apartment dwellers who are not yet disabled and who wish to age safely in place.

We appreciate the opportunity to testify before the City Council's Committees on Aging and on Housing and Buildings.

For further information, please contact Alex Ryley, Director of Elder Law, Civil Practice, at 718-260-4707.



**Testimony of Judi Kende
New York Market Leader
Enterprise Community Partners, Inc.**

**To the New York City Council
Joint Hearing
Committee on Aging
Committee on Housing and Buildings
Oversight- Senior Affordable Housing**

December 12th, 2019

Good morning. My name is Judi Kende, and I lead the New York office of Enterprise Community Partners, a national affordable housing nonprofit. Since the New York office opened in 1987, we have helped build or preserve more than 63,000 affordable homes for over 167,000 New Yorkers through capital investments, programmatic initiatives, and policy advocacy. We have committed more than \$3.6 billion in equity, loans and grants to affordable housing and community development in the State.

On behalf of Enterprise Community Partners, I would like to thank Chair Chin, Chair Cornegy and committees for convening today's hearing, demonstrating your continued advocacy and compassion for New York City's aging population. There are currently more adults over the age of sixty here today than at any other point in the city's history, and our older population continues to grow quickly.¹ Elderly New Yorkers are disproportionately rent burdened, with an estimated 32% of single seniors paying more than half of their income on rent.² It is therefore a pivotal time to prioritize affordable senior housing, along with other housing types geared towards low-income New Yorkers, in the city's overall development pipeline.

¹ <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2019.pdf>

² cbcny.org/sites/default/files/REPORT_RENTBURDEN_11122015_1.pdf



First, Enterprise joins our partners and fellow senior advocates in calling on the city to increase the per-unit allocation of service funds in the Senior Affordable Rental Assistance (SARA) program. Administered by HRA, the SARA program provides vital gap financing to support the construction of affordable senior housing. Currently, only \$5,000 in funding is awarded per SARA unit occupied by a formerly homeless senior. Units occupied by seniors coming from the general Housing Connect lottery system are not eligible for any city funding for services, though it is expected that services are made available to these tenants. While we appreciate the inclusive nature of the program as it stands, we do not believe that the currently-available funding is sufficient to ensure the type of robust programming that is required for older adults. Providers are often forced to offer fewer services, or are unable to offer the predominantly female human service workers in their buildings the competitive salaries they deserve. To address these challenges, and ensure funding is available for senior service providers to keep wages in pace with the recent prevailing wage increases, we recommend that the program's per-unit allocation be increased.

Next, while we applaud the city's efforts to develop senior housing on public housing land through NYCHA NextGen, the city must continue to develop new affordable senior housing on all types of land. We also recommend further coordination between city agencies, particularly DFTA, HPD, NYCHA, and City Planning, as development sites are selected with the potential to include space for senior programming.

Lastly, I would like to express my gratitude to HPD for taking the lead on home modifications for seniors through its Aging in Place initiative. In 2017, Enterprise New York launched the Healthy Aging in Place Demonstration Project, showing how age-appropriate home modifications improve the daily lives of seniors. We are glad to see the city incorporating home modification work into a multi-pronged strategy to better serve older residents.

Thank you and we look forward to our continued work with the Council to ensure that New Yorkers of all ages have access to a safe, affordable home.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK TO THE COMMITTEES ON AGING AND HOUSING AND BUILDINGS OF THE NEW YORK CITY COUNCIL CONCERNING INT. 06-2018 AND INT. 225-2018

December 12, 2019

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Council for the opportunity to testify on legislation that would expand certain protections for seniors and people with disabilities.

BILL: Intro No. 0006-2018

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to evictions of elderly tenants

SPONSORS: Council Members Barron, Brannan and Koslowitz

Int. 0006 would amend the New York City administrative code to require the owner of a dwelling unit to notify the NYC Department of Housing Preservation and Development (HPD) prior to or on the day the owner serves a petition of unit recovery to a senior occupant. The owner would have to provide HPD with the name, address and phone number of the senior occupant as well as that of the occupant's legal partner, if applicable. Failure to do so would qualify as a Class A misdemeanor. The bill requires HPD to provide the tenant(s) with a list of persons who can provide legal services. Additionally, HPD is obliged to collect and analyze the annual data from the owner notifications and will actively search for trends in senior evictions, which will be made publicly available.

REBNY understands the Council's concern for eviction proceedings and shares in its pursuit for fairness and justice in the process. However, except for senior housing, landlords generally do not collect information about or monitor the age of their tenants. To do so could conceivably lead to allegations of violating New York City's Human Rights Law which strictly prohibits age discrimination if, for example, it could be shown that a landlord declined to rent an apartment based on an applicant's youthful age. Consequently, it is unlikely that a landlord could comply with Intro 0006 without exposing herself to liability under New York City's Human Rights Law.

The City has made important strides in recent years to ensure more New Yorkers can obtain counsel in eviction proceedings. To ensure potentially vulnerable seniors have adequate protections in place, REBNY encourages the Council to provide adequate funding in this budget cycle to ensure all older adults have access to counsel in housing court as part of the City's universal right to counsel policy. In addition, REBNY suggests that the Council require HPD to create a simple, one-page form that could be distributed to all tenants served with an eviction proceeding notice that informs tenants of providers of legal services including under the City's right to counsel policy. Such a framework would ensure that all tenants, not just seniors, know how to obtain legal assistance and empower the tenant to act, rather than waiting on the agency to reach out with support.

BILL: Intro No. 0225-2018

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to the installation of protective devices for seniors and persons with a disability who reside in multiple dwellings, and the provision of a tax abatement for certain related installations

SPONSOR: Council Member Brannan

Int. 0225 would amend the New York City administrative code to require a dwelling owner to install bathroom safety measures for senior or disabled tenants upon request. Protective devices include shower, bathtub, and toilet grab bars as well as safe manner treads in the shower and bathtub. The dwelling owner shall annually notify tenants of her obligation to install the safety measures upon request.

The bill would also establish a tax abatement to help reduce the fiscal burden on dwelling owners to install the listed safety measures. For all installations from Fiscal Year 2014 onward, owners will be eligible for an abatement of with a cap of \$250 to \$800 dollars, depending on the extent of supporting retrofits needed to install the protective devices.

REBNY shares the Council's concern for the safety and well-being of seniors and people with disabilities. Measures such as grab bars and safe manner treads can offer protection against risk of serious injury. Consistent with the requirements of the City's Human Rights Law, dwelling owners already make reasonable accommodations upon request for residents with disabilities and seniors, including installing grab bars and treads. For this reason, REBNY generally supports the legislation and believes the inclusion of a tax abatement will encourage greater proliferation of protective measures for senior and disabled tenants.

However, it is important to note that the installation of grab bars may not be possible in bathrooms in some existing dwelling units, especially in older buildings. This is the case because grab bars must be adequately anchored in walls in order to work properly. Certainly, there are existing bathrooms with walls that cannot easily accommodate or properly support such equipment. Proper efforts to anchor equipment may necessitate opening walls to install reinforcement beams, incurring additional cost or exposing other issues such as lead that may require additional intervention and cost. These costs could easily exceed the value of the proposed abatement.

To address this situation, the tax abatement will need to be increased in order to offset the full cost of such work. While it is important to cap the abatement from a fiduciary perspective, such abatement will lose its utility over time if the cost schedule is not adjusted upward, at minimum, to increase as cost of labor and goods increase. An automatic mechanism for the cap to do such, typically tied to CPI, is recommended. Finally, the legislation should be modified to address situations where existing bathrooms simply cannot reasonably accommodate grab bars.

Further, we believe the legislation could be improved in the following ways:

First, landlords are already required to provide tenants with ample annual notices on an expanse of topics. The legislation would be improved if clarified that owners could distribute such notices electronically or post such a notice in the building lobby for a defined period.

Second, the legislation should be clarified in the context of cooperatives and condominiums to ensure that when a unit in such a building is rented it is the obligation of the unit owner to make such improvements rather than the cooperative or condominium.

Finally, the legislation appropriately addresses the installation of protective devices, but we would request clarity about responsibility for the maintenance and or replacement of such devices as proper maintenance is essential for the safe operation of these devices. The legislation should clarify that in situations where tenants damage the equipment that it not be the obligation of the owner not be held responsible for violating the requirements. In addition, the legislation should clarify that the tax abatement may also be utilized for work related to the replacement and maintenance of such systems.

Finally, more generally, REBNY encourages the Council to ensure consistency of definition between Int. 0006 and Int. 0225. Both pieces of legislation provide different ages for the term "senior," 62 and 60 respectively. Both bills should use 62 as the defined age for a senior. This would be consistent with other regulations, such the Senior Citizen Rent Increase Exemption (SCRIE), which is defined in accordance with New York State law.

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**TESTIMONY OF THE QUEENS & BRONX BUILDING ASSOCIATION
DECEMBER 12, 2019**

Good afternoon. My name is Robert Altman and I am the legislative consultant to the Queens & Bronx Building Association. I am here today to testify against Int. No. 6

QBBA opposes this legislation for two reasons. First, it makes a failure under it a class A misdemeanor. This is too stiff a penalty. Making something a criminal offense for a ministerial action is not appropriate. The penalty, if any, should be that the Landlord needs to serve the notice before eviction proceedings can proceed. This would result in a delay that would cost the landlord money, and is appropriate for a failure to file the notice. Second, there are going to be instances where a landlord might not know the age of its tenants. (In fact, this could be quite common with all the age-discrimination laws.) What happens in such instances if the tenant does happen to be 62 or over, but the landlord is unaware? The age could be determined by the courts and if the tenant is over 62, a notice can be provided to the tenant and a 30-day adjournment granted in order to allow for any legal services that HPD may provide. Rather than criminalize what might be an unintentional action, the proposed law needs to take into account a multitude of potential situations and legislate accordingly.

Thank you for your consideration.



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**Testimony from Selfhelp Community Services, Inc.
New York City Council
Joint Hearing
Committee on Aging, Chair Chin
Committee on Housing and Buildings, Chair Cornegy
December 12, 2019
Affordable Senior Housing**

Submitted by Katie Foley, Director, Public Affairs

Thank you to Committee Chairs Chin and Cornegy and the members of the committees for the opportunity to testify about programs that help older New Yorkers remain in their homes and communities as well as best practices in affordable housing development that enhance the quality of life for older adults.

Selfhelp was founded in 1936 to help those fleeing Nazi Germany maintain their independence and dignity as they struggled to forge new lives in America. Today, Selfhelp has grown into one of the largest and most respected not-for-profit human service agencies in the New York metropolitan area, with 46 programs throughout Manhattan, Brooklyn, Queens, the Bronx, Nassau, and Suffolk Counties. We provides a broad set of services to more than 20,000 elderly, frail, and vulnerable New Yorkers each year, while remaining the largest provider of comprehensive services to Holocaust survivors in North America. Selfhelp offers a complete network of community-based home care, social service, and senior housing with the overarching goal of helping clients to live with dignity and independence and avoid institutional care.

Our services are rooted in the idea that all individuals deserve to age with independence and dignity. Our services include: specialized programs for Holocaust Survivors; eleven affordable senior housing complexes; four Naturally Occurring Retirement Community (NORC) programs; four intensive case management programs; five senior centers; home health care and home health aide training; the Virtual Senior Center; two court-appointed guardianship programs; the Selfhelp Alzheimer's Resource Program (SHARP); and the provider for New York Connects in Queens.

We are focused on helping New Yorkers age with independence and dignity. Our affordable housing portfolio offers New Yorkers the opportunity to live in their own home while accessing the services they need as they age. In all of our housing developments, we engage with community partners,

healthcare providers, and the residents to provide high-quality housing plus services for low- and moderate-income New Yorkers.

Selfhelp Realty Group

Since 1963, Selfhelp has been building affordable housing. Today, Selfhelp Community Services is a major provider of affordable housing for seniors in New York City and on Long Island. Our housing portfolio includes twelve affordable apartment developments, comprising of 14 buildings located in Queens, the Bronx, Brooklyn, and Long Island, which house over 1,400 low- and moderate-income senior residents in attractive, functional apartments with supportive services as needed.

To accommodate the growing number of older New Yorkers who need affordable housing and would benefit from remaining independent in their own homes, we are committed to developing new affordable housing in New York. Current developments include:

- Hunters Point South, Queens, NY: Selfhelp was awarded the Hunters Point Parcel C project with TF Cornerstone (TFC), a 1,200 unit, 2-building project, comprised of 800 units of affordable housing, of which 100 units are designated for senior affordable housing. Selfhelp will provide services to the seniors, and is involved in the design of the building to assure its compliance with our standards for senior living.
- Bergen Place, Freeport, Long Island, NY: Construction is expected to begin in early 2020 for a 44 unit building, which is being designed by Studio Libeskind.
- 11 Park Drive, Wyandanch, Long Island, NY: In partnership with The Albanese Organization, Selfhelp will develop an affordable senior residence as part of the Wyandanch Rising 40-acre redevelopment, anchored by the Wyandanch LIRR train station.
- Sumner Houses, Brooklyn, NY: As part of NYC's Seniors First plan, Selfhelp was awarded land by the New York City Housing Authority (NYCHA) to develop a senior building on one of its existing public housing properties, Sumner Houses, in Brooklyn. We are partnering with the RiseBoro, Urban Builders Collaborative and Lettire Construction on this development. The building will have approximately 200 units and will have a community facility open to the entire Sumner complex.

The Need for Affordable Housing

The need for affordable senior housing with services remains as or more significant today as it was in 2016, when LiveOn NY first reported their findings that an estimated 200,000 seniors were on waiting lists for housing through the HUD202 program in New York City. In fact, housing challenges continue to plague older adults, as many seniors live on fixed incomes that cannot keep pace with rising rents; experience mobility challenges that limit housing options within an aging rental-stock; and are found to have high rates of rent burden, with 1/3 of individuals receiving SCRIE paying more than 70% of their income on rent. Given the current need for senior affordable housing, Selfhelp recommends that the City ensure that senior housing is prioritized in its overall development pipeline.

Selfhelp has been pleased to see the Administration's recognition of the need for senior specific housing as demonstrated through the investments and commitments included in the Seniors First

Initiative, which has brought about historic commitments to the production and preservation of affordable senior housing. Through this initiative and the Senior Affordable Rental Assistance (SARA) program in particular, Selfhelp was awarded land by the New York City Housing Authority (NYCHA) to develop a senior building on one of its existing public housing properties, Sumner Houses, in Brooklyn. We are partnering with the RiseBoro, Urban Builders Collaborative and Lettice Construction on this development. The building will have approximately 200 units and will have a community facility open to the entire Sumner complex.

Selfhelp sees the SARA program, which is often utilized in conjunction with NYCHA NextGen, as a success for the City. However, in recognition of the significant continued need and to continue to improve upon current efforts, we respectfully offer the following recommendation to increase to the per-unit allocation of service funds through the SARA service program administered by HRA. We recommend that HRA also make available \$3,000 per year per non-formerly homeless SARA unit, in addition to the \$5,000 currently available for services for formerly homeless tenants.

Currently, only \$5,000 in funding is awarded per SARA unit that is occupied by a formerly homeless senior, which makes up 30% of a building's units. Units occupied by seniors coming from the Housing Connect lottery system are not eligible for any city funding for services, though it is expected that services are made available to these tenants. While we appreciate and strongly prefer the inclusive nature of the program as it stands, currently available funding is insufficient to ensure the type of robust programming that is required for all older adult tenants.

We know that service coordinators within affordable senior housing can reduce healthcare costs and keep seniors healthier at home. Selfhelp's unique real estate model brings together safe and affordable apartments with our legacy of quality social services. At each Selfhelp building, we offer service coordination through SHASAM (Selfhelp's Active Services for Aging Model), which makes available social work services, education, and recreation, as well as access to skilled nursing and home care, if and when requested by the resident. The goal of SHASAM is to provide the appropriate level of assistance to allow older adults to remain in their apartments and not move to more costly settings such as assisted living or nursing homes. Recent research shows that access to SHASAM allows older adults to reduce their chances of being hospitalized and/or visiting an emergency room which reduced their overall Medicaid and/or Medicare costs.

Affordable Senior Housing as a Tool for Healthcare

Importantly, research on Selfhelp's service coordination model shows that this low-cost intervention has a significant impact on health. An investment in the SHASAM model would result in significant savings to the State's Medicaid program by preventing or lowering costs of emergency room visits and keeping low-income seniors out of costlier levels of care, such as assisted living or nursing homes. A New York-based study, conducted by Dr. Michael Gusmano of Rutgers University, compared Selfhelp residents with access to service coordination to a comparison group of seniors in the same zip codes without this support. The published research shows that residents of Selfhelp's housing are healthier than their neighbors who do not live in high-quality housing.

Research shows that residents in Selfhelp's affordable housing had:

- 68% lower odds of Selfhelp residents being hospitalized
- \$1,778 average Medicaid payment per person, per hospitalization for Selfhelp residents, versus \$5,715 for the comparison group
- 53% lower odds of a Selfhelp resident visiting an emergency room compared to a non-Selfhelp resident

The full report is available through the Journal for Health Affairs (the article is available upon request), and a white paper published by Selfhelp is available at www.selfhelp.net.

Conclusion

Thank you to Chairs Chin and Cornegy and the committees for holding today's hearing, and we look forward to working together. On behalf of the 20,000 clients we serve, I am grateful for the Council's support for affordable housing. For further questions, I can be reached at kfoley@selfhelp.net or 212-971-7605.



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Thursday, December 12, 2019

Testimony presented to:

New York City Council Committee on Aging and
New York City Council Committee on Housing and Buildings

Re: Affordable Senior Housing

Thank you for the opportunity to testify regarding the growing challenges facing older, low-income adults in need of safe and affordable housing.

WSFSSH is a non-profit organization which has developed, owned, managed, and provided supportive services to older adults for nearly 45 years. We are as an active member of the two advocacy organizations representing the concerns of older adults in need of supportive services – Live On NY and the Supportive Housing Network of New York (SHNNY).

Through our work, we are attuned to the fact that more seniors are living longer, frailer lives - but without the economic, physical, and social supports needed to remain safely housed and as necessary to 1) prevent extensive and costly hospital and nursing home stays and 2) avoid homelessness.

We respect to the former, we know that there are older adults who are effectively “trapped” in nursing homes and hospital beds, including within the City’s Health and Hospitals system, who cannot be discharged due to lack of an appropriate housing unit to accommodate their needs. With respect to the latter, the University of Pennsylvania recently reported that, without intervention, the NYC senior homeless population could grow to nearly 7,000 individuals by 2030.

New York City needs multiple tools to avert these situations. **Accordingly, WSFSSH supports Intro 6 and Intro 225.** By mitigating evictions and facilitating accessible design, these bills can deter hospital and nursing home stays as well as homelessness. But while necessary, these bills are also insufficient given the increasing need. Therefore, we wish to offer up additional recommendations for consideration by these Council committees:

1. Build More Service-Enriched Housing for Seniors

WSFSSH appreciates that NYC has already recognized the growing need for senior housing—a commitment demonstrated through HPD’s Seniors First Initiative which prioritizes preservation and accessibility improvements for existing units housing older adults and also encourages the development of new senior units on NYCHA land utilizing HPD’s Senior Affordable Rental Assistance (SARA) program. The HPD SARA program couples a capital subsidy for construction with an operating subsidy for services.

The Seniors First Initiative is an excellent framework which would benefit from an expanded focus on the new development component. The existing and anticipated demographic impacts we have noted above necessitate the creation of more new units than can be made available exclusively on NYCHA land. **Therefore, we strongly encourage the prioritization of new senior housing development within the HPD/HDC development pipeline and a commitment to utilizing the SARA program not only for NYCHA land, but also for private and City-owned sites.** WSFSSH was fortunate to recently be awarded the opportunity to develop an HPD-owned parcel in Highbridge for senior housing, and we advocate that similar sites be made competitively available in the future.

Equally important, we believe that an increase in the SARA service funding is necessary to ensure that appropriate services are provided on-site. Currently, \$5,000 in operating funding is made available per *homeless* senior unit per year, with no funding allocated for the majority of the occupants (70%) identified through the Housing Connect lottery system. Our concern is that *all older adults* (homeless and otherwise) need a minimum level of service enrichment to remain safely housed – including a 24-hour on-site staff presence who can respond immediately in the event of a tenant emergency. Particularly in light of the passage of Intro 1321, providers like WSFSSH cannot meet new prevailing wage mandates with the contract funding we are being awarded exclusively based on our homeless census. **Therefore, we strongly recommend that a SARA service subsidy of \$3,000 per year be allocated for each Housing Connect tenant, in addition to the \$5,000 currently made available for each homeless tenant referral.**

2. Provide Service Support for Seniors Living in NYCHA Housing

While existing, privately managed senior housing developments are eligible for preservation under Seniors First, and while NYCHA's senior-specific developments can benefit from capital improvements under RAD-PACT opportunities – there are no financial resources currently available to support on-site service provision for NYCHA seniors. These older adults, like all seniors, benefit from visits by social workers to ensure that their physical and mental health remains strong enough to avoid unnecessary hospitalization. **Accordingly, we advocate for the creation of operational funding to be allocated to qualified nonprofit service providers working in partnership with RAD-PACT development teams.**

Thank you once again for this opportunity to testify.

Paul M. Freitag
Executive Director, WSFSSH
212-721-6032 X1060
pfreitag@wsfssh.org

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Appearance Card

[]

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

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Name: KATELYN ANDREWS

Address: _____

I represent: LIVE ON NY

Address: 49 W. 45th St., 7th fl.

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Date: 12/15/19

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Name: Chris Widely

Address: 750 3rd Ave, NY, NY

I represent: AARP NY

Address: same

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Date: 12/12/19

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Name: Emily Lehman

Address: _____

I represent: HPD

Address: _____

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Date: 12/12/19

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Name: Kim Darga

Address: _____

I represent: HPD

Address: _____

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Name: Sunaji Méndez

Address: 151 W. 30th Street 11th Fl. NY NY 10001

I represent: NYLPA

Address: same as above

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Name: JOCELYN GRODEN

Address: CITY HALL

I represent: DFTA

Address: CITY HALL

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Name: Emily Lehman

Address: CITY HALL

I represent: HPD

Address: CITY HALL

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Name: Kim Darga

Address: CITY HALL

I represent: HPD/City

Address: CITY HALL

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Name: Zoey Chemnitz, Senior Policy Counsel

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I represent: NYC Human Rights

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Name: Alexander Ryley

Address: 111 Livingston St. 7th Fl B'klyn

I represent: The Legal Aid Society 11201

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Name: Stacy Rliacos

Address: HANAC, Inc.

I represent: _____

Address: _____

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Name: Jocelyn Gloden

Address: 2 Lafayette

I represent: DFTA

Address: Teshaing

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Name: Peter Kampner

Address: 40 Worth St., NY, NY 10013

I represent: Volunteers of Legal Service

Address: 40 Worth St., NY, NY 10013

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