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COMMITTEE ON CIVIL AND HUMAN RIGHTS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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December 8, 2022
Start: 10:18 a.m.
Recess: 3:36 p.m.

HELD AT: Council Chambers-City Hall

B E F O R E: Nantasha M. Williams,
Chairperson

COUNCIL MEMBERS:

Rita C. Joseph
Christopher Marte
Kristin Richardson Jordan
Rafael Salamanca, Jr.
Inna Vernikov
Joann Ariola
Vickie Paladino
Shahana Hanif
Eric Dinowitz
Kamillah Hanks
Gale A. Brewer
Robert Holden
Shekar Krishnan
Sandy Nurse
Oswald Feliz
Carmen N. De La Rosa
Alexa Avilès

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A P P E A R A N C E S

Annabel Palma
Chair and Commissioner of the New York City
Commission on Human Rights

JoAnn Kamuf Ward
Deputy Commissioner of Policy and External
Affairs at CCHR

Yusuf Dahl
Formerly incarcerated

Lizzy Couret
Struggling to find safe, stable housing because
of criminal record

Leah Faria
Senior Community Organizer for the Women's
Community Justice Association

Andre Ward
Associate Vice President of The David Rothenberg
Center for Public Policy at the Fortune Society

Mary Ann Rothman
Executive Director of the Council of New York
Cooperatives and Condominiums

Melissa Gomez
Real Estate Broker located in Queens Village

Ryan Monell
Real Estate Board of New York, REBNY

A P P E A R A N C E S (CONT.)

Geoffrey Davis

James E. Davis Stop Violence Foundation

Logan Phares

Political Director of Open New York

Jacquelyn Samone

Policy Director at the Coalition for the Homeless

Nancy Sicardo

Community Leader with WCJA Women's Community

Justice Association of Special Projects

Juanita Lewis

Executive Director of Community Voices Heard

Nick Peters

Policy Associate for the Housing Watchdog Group

Housing Rights Initiative

Rachel Miller-Bradshaw

State Committee woman of the 78th Assembly

District

Myrna Calderon

Board President of Fordham Hill Owners

Corporation

Hong Chen

In opposition of 632

Yanling Wagner

Community Translator and Interpreter

A P P E A R A N C E S (CONT.)

Jorge Renaud
National Criminal Justice Director at Latino
Justice PRLDEF

Sebastian Solomon
Associate Director for Policy for Greater Justice
New York at the Vera Institute of Justice

Julian Morales
New York Civil Liberties Union, NYCLU

Melinda Thaler
Board Member of the West Side Community
Organization

Yiatin Chu
President of Asian Wave Alliance

Susan Lee
Founding President of the Alliance for Community
Preservation and Betterment

Wendell Walters
Manager of Policy and Advocacy with the Osborne
Association

Shameeka France
Women Prison Association

Douglas Powell
Brooklyn New York Leader of the Homelessness and
the Civil Rights Union

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A P P E A R A N C E S (CONT.)

Anna Shpakovshaya
Advocate for the Child Victims Act

Carl Garrison
Minister of Homeless Outreach at the Manhattan
Church

Christopher Leon Johnson
In opposition of 632

Maria Danzilo
Executive Director of One City Rising

Alexandra Dougherty
Senior Staff Attorney and Policy Council of the
Civil Justice Practice at Brooklyn Defender
Services

Lauren Velez
Associate Director for New York at the
Corporation for Supportive Housing or CSH

Annette Tomlin
Vocal Leader

Edward Kline
Managing Member of a Law Firm at Offices in
Manhattan and Brooklyn

Blandon Kasnana

Robert Altman
Queens and Bronx Building Association

A P P E A R A N C E S (CONT.)

1
2
3 Terry Davis Merchant
4 Program Director of Housing and Homelessness at
5 Trinity Church Wall Street

6
7 Hilton Web Jr.
8 In support of Intro. Number 632

9
10 Darren Mac
11 Co-Director at Freedom Agenda

12
13 Jacob Shrader
14 Landlord for 44 years

15
16 Shen Quack
17 New York City voter and a father of two public
18 school children

19
20 Ann Corchec
21 Small housing provider

22
23 Eric Dillon Berger
24 Small property owner in New York, in opposition

25
26 Sara Newman
27 Director of Organizing for the Open Hearts
28 Initiative

29
30 Jacob Malafsky
31 Supervising Attorney at Queens Legal Services

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33 Rocaman Cooper
34 In opposition of 632

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A P P E A R A N C E S (CONT.)

Bernadette Ferrara
In opposition of 632

Ramon Bergen

Robert Lee
Small housing provider of two to four families in
Brooklyn

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SERGEANT AT ARMS: This is a microphone check. Today's date is December 8, 2022, on the Committee on Civil and Human Rights located in Council Chambers recorded by Steven Sadowsky.

SERGEANT AT ARMS: Alright everyone, can you please find seats at this time. Once again, if you just came in and you are here to testify on Civil and Human Rights, we need you to come up to the Sergeant at Arms desk, fill out a witness slip. Even if you did register online, please fill out a witness slip at the Sergeant at Arms desk. If you're here for Civil Service and Labor, you need to be next door in the Committee Room. We're going to ask everyone to please silence electronic devices. Private conversations for the hearing, please take outside to the rotunda. No cheering or booing please. If you want to boo, thumbs down. If you want to cheer, wave your hands. Thank you very much.

For those on Zoom, if you'd like to submit testimony, you may do so at testimony@council.nyc.gov. Again, that is testimony@council.nyc.gov. Thank you for your cooperation. Chair Williams, we are ready to begin.

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CHAIRPERSON WILLIAMS: Good morning everyone. My name is Nantasha Williams and I serve as the Chair to the Committee on Civil and Human Rights. Today, we will be hearing Intro. 632 sponsored by my colleague Majority Leader Keith Powers. If passed, this bill would prohibit housing discrimination on the basis of arrest record or criminal history.

We are all aware that there is an ongoing housing crisis in our city. Source of income is something that I just want to like uplift and highlight here as well because that is another component of fair housing.

We know that the process of finding a new home can be long, stressful, and financially draining. When vacancies are limited, it can often feel like a competition just to schedule a viewing and have a chance at signing a lease. Those with arrest records or criminal history had the added hardship of not knowing whether a potential landlord will even allow them to live on their property.

As of this year, over 1.5 million people are incarcerated in federal or state prisons in the United States. Four times the number since 1980. Members of marginalized communities, such as

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2 communities of color, LGBTQIA plus and those of
3 histories of mental illnesses are disproportionately
4 incarcerated. Furthermore, one in three people in
5 the United States has a criminal record. In New
6 York, 2.3 million people have a criminal record of
7 some kind and approximately 750,000 New York City
8 residents have a criminal conviction.

9 Many formerly incarcerated people have loved ones
10 that they need to help provide for. A recent survey
11 of formerly incarcerated people and their families
12 found that 79 percent of participants were denied
13 housing due to either their own or a loved one's
14 criminal record. The lack of availability of housing
15 for formerly incarcerated people is a barrier to
16 reintegration and can perpetuate the cycle of
17 criminality of not addressed. For example, a study
18 by the Urban Institute found that 61 percent of
19 formerly incarcerated individuals were less likely to
20 be reincarcerated if they receive supportive housing.

21 While housing for formerly incarcerated people is
22 necessary, it is necessary and important. We also
23 know it is important for people to feel safe in their
24 homes. This bill balances those needs by
25 establishing exceptions for people who commit violent

1
2 acts while in housing for those who are on New York
3 Sex Offense Registry. This bill is a crucial step to
4 reintegrating people into our society that have
5 justly or unjustly been involved in our justice
6 system and are seeking to build their lives and
7 support their families.

8 I'd like to thank all of my colleagues joining me
9 here today, as well as all of the wonderful staffers
10 that work hard to put this hearing together. Lastly,
11 I'd like to thank everyone providing testimony and
12 feedback today. We appreciate the time and effort
13 that you have taken to have your voices heard. Now,
14 I'll be turning it over to Majority Leader Powers for
15 some remarks on his bill and just wanted to
16 acknowledge that I've been joined by my colleagues,
17 Council Member Marte, Hanif, Joseph, Paladino,
18 Ariola, Vernikov, and I think that is it. And I just
19 want to say I know this is a spicy bill, as I've been
20 calling it but I hope that we all can execute our
21 opinions and our testimonies in a manner that is
22 respectful, as I plan to lead a very respectful and
23 orderly hearing and I really do look forward to
24 hearing everyone's concerns for the bill and also the
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testimonies of people who are in support of the bill
thank you so much and over to you Majority Leader.

MAJORITY LEADER POWERS: Thank you Chair Williams
and thank you everyone for being here today. My name
is Council Member Keith Powers, Majority Leader of
the City Council. Thank you for allowing me an
opportunity to speak about my bill Intro. 632, the
Fair Chance Housing Act, which of course by its name
is clear. It's about giving people a fair chance.

I am very grateful for the 30 colleagues of mine
who signed on as a sponsor and hope that many more
will join us. It is clear and every New Yorker knows
we are facing a devastating affordable housing crisis
that impacts every single community across the five
boroughs. Thousands of our fellow New Yorkers are
sleeping on the streets, in our shelters every night
and it is incumbent upon our city leaders to use
every tool we have to tackle that crisis. We have
the opportunity to advance a solution to one of the
biggest challenges facing our city and help lift
people out of homelessness and into permanent
housing.

As of 2019, nearly 750,000 had a prior
conviction. That is ten percent of the adult

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2 population of New York City. When you add in their
3 families and our loved ones and the people that rely
4 on them for support, you get into the millions of New
5 Yorkers who are facing a barrier to housing. We know
6 that four million incarcerated individuals are ten
7 times more likely to be homeless in the general
8 public and frequently end up in our shelter system.
9 Public safety as we talk about everyday is a top
10 priority and access to safe, stable housing is s
11 foundational element of public safety. I want to say
12 that again. Access to safe and stable housing is
13 foundation to public safety.

14 New Yorkers overwhelmingly agree with that. A
15 survey of 62,000 residents found that affordable
16 housing and reducing homelessness were the two top
17 public safety priorities. 62,000 residents found
18 that affordable housing and reducing homelessness
19 were the two top public safety priorities. Just two
20 weeks ago, the Consumer Financial Protection Bureau
21 found that background check reports are full of
22 inaccuracies. Renters pay for but rarely get to see
23 the contents of the background check and inaccuracies
24 are nearly impossible to get corrected. How can we
25

1
2 continue to support a system that is filled with so
3 many mistakes and errors.

4 Over the past several months I've spoken to
5 countless tenants, landlords and housing providers
6 and organizations on both sides of this issue. I
7 want to be clear; this legislation does not preclude
8 landlords from screening potential tenants to the Sex
9 Offender Registry. It does not preclude them from
10 trying to check if they have a good credit score and
11 can pay the rent. It does not mean they cannot do an
12 evaluation of the tenant to be a good tenant.

13 I think we all agree that New Yorkers deserve
14 access to safe and secure housing and what I hope to
15 take away from testimony today, including the stories
16 of people that you will hear from today who continue
17 to face those barriers to housing, is that denying
18 people housing does not make us any safer. Instead,
19 it means more people are living on the streets and in
20 the shelters. People have paid their dues and their
21 families will struggle to find stability and the
22 vicious cycle of incarceration and homelessness will
23 continue. And yes, there are children and families
24 that are suffering because they have a loved one who
25 is subject to this discrimination.

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So, today's about a choice for New York City. Will we be the city that extends a hand to people that are ready to rehabilitate their lives and offer second chances or will we continue to tell people that discrimination is allowed on the greatest city on earth.

I want to say one more thing. We have heard for weeks now, people trying to use this as a political opportunity. We have heard from people that are trying to make this into a political conversation. This is an opportunity to have a serious conversation about housing in our city on the same day that the Mayor is giving a speech about housing as well. I hope to hear from the Administration their support of this legislation and I continue to ask my colleagues to support this and to give New Yorkers access to safe and stable housing. Thank you.

CHAIRPERSON WILLIAMS: Thank you. I just wanted to make a quick announcement that if you registered online, please also fill out a witness sheet here in person. So, if you've registered online, please also come and fill out one of the witness sheets in the front.

1
2 Alright, and now I'll turn it over to Committee
3 Counsel to swear in my favorite agency. I guess I'm
4 biased. The Commission for Human Rights.

5 COMMITTEE COUNSEL: Thank you Chair Williams.
6 Good morning and welcome. My name is Jayasri
7 Ganapathy, I'm Counsel to the Committee on Civil and
8 Human Rights. Before we begin testimony today, we'd
9 like to acknowledge Council Member - yeah sorry, also
10 my colleague Council Member Dinowitz is here. Oh,
11 and oh and Council Member Hanks. So, I would like to
12 remind everyone that is joining us via Zoom that you
13 will be on mute until you are called on to testify.
14 I'll be calling on public witnesses to testify after
15 the conclusion of the Administrations testimony and
16 Council Member questions. So, please listened
17 carefully for your names to be called at that time.

18 Council Members, you will be called on questions
19 after the full panel has completed their testimony.
20 Please note for the purposes of this hearing, we will
21 be allowing for a second round of questioning and
22 Council Members have three minutes for their
23 questions. For public witnesses, once your name is
24 called, you will have two minutes and if you are
25 joining us via Zoom, a member of our staff will

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unmute you and the Sergeant will give you the queue to begin, so please listen for that.

I will now swear in the Administration. Today we will be hearing testimony from the Commission on Human Rights. At this time, I will administer the affirmation. Can you please raise your right hands? Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this Committee and respond honestly to Council Member questions? Commissioner Palma?

ANNABEL PALMA: I do.

COMMITTEE COUNSEL: And Director Ward, Deputy Commissioner Ward. Commissioner Ward.

JOANN WARD: You got it. Yes, I do. Thank you.

COMMITTEE COUNSEL: Thank you. You may begin Commissioner.

ANNABEL PALMA: Good morning Chair Williams and members of the Committee on Civil and Human Rights. Thank you for convening today's hearing. I'm Annabel Palma, Chair and Commissioner of the New York City Commission on Human Rights. Joining me today for questions and answers is JoAnn Kamuf Ward, Deputy Commissioner of Policy and External Affairs at CCHR.

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2 I will speak about Intro. 632, which would amend
3 the New York City Human Rights Law to expand access
4 to housing and address discrimination based on prior
5 arrests or conviction, which has a disproportionate
6 impact on Black and Latinx New Yorkers.

7 The New York City Commission on Human Rights is
8 the agency that enforces the New York City Human
9 Rights Law. One of the broadest and most protective
10 antidiscrimination laws in the country. To fulfill
11 our dual mandate of enforcement and fostering
12 intergroup relations, the Commissions two largest
13 units are community relations and law enforcement.
14 The Community Relations Bureau is responsible for
15 outreach and education and partners with a wide array
16 of community groups, sibling agencies and
17 stakeholders across New York City.

18 We have an array of community liaisons and
19 advisors including in the area of reentry following
20 incarceration. The Law Enforcement Bureau conducts
21 testing, allegations of discrimination, initiates
22 complaints and answers settlements that addresses
23 individual and structure discrimination. The Human
24 Rights Law prohibits discrimination in housing,
25 employment and public accommodations and includes 27

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2 protected categories including age, gender,
3 disability, race and national origin. The law has
4 been amended and expanded many times over the years
5 to address the multiple forms of discrimination that
6 impact New Yorkers. The Human Rights Law already
7 prohibits discrimination in employment on the basis
8 of criminal history but that protection does not
9 currently extend to housing. The Commission has a
10 track record of enforcing protections for New Yorkers
11 with a history of criminal system involvement.

12 Since the 1970's when the Commission was given
13 joint enforcement authority with the New York State
14 division of human rights over correction law Article
15 23A. Which addresses the use of criminal history and
16 employment decisions. Additional protections in
17 employment have since been added to the New York City
18 Human Rights Law.

19 In 2015, the Fair Chance Act was passed, which
20 prohibits most employers, labor organizations, and
21 employment agencies from inquiring about or
22 considering a job applicants criminal history into
23 asked a conditional offer employment has been made.
24 However, the Fair Chance Act does allow an
25 individuals criminal history to take into account in

1
2 limited circumstances. As a result, the Human Rights
3 Law prohibits advertisements and inquiries about
4 criminal history and guarantees that job applicants
5 receive proper notice and opportunity to be heard as
6 part of an employers individualized assessment of the
7 prior arrests and convictions before an employer can
8 reject a candidate.

9 Employers must also indicate the specific
10 connections between a background check and the
11 specific position for which an applicant is being
12 considered. Since 2015, to enforce these provisions,
13 the Commission has filed complaints from individuals
14 alleging employment discrimination based on past
15 involvement with the criminal legal system and
16 conducted testing, which has resulted in commission-
17 initiated complaints that address systematic
18 employment discrimination based on criminal history,
19 with a focus on restorative justice remedies.

20 Commission settlements in this area have resulted
21 in employee partnership with reentry organizations
22 that invite people with criminal histories in the job
23 applicant pool and incorporation of the New York City
24 Fair Chance and Employment Protection and the job
25 applicant for offices nationwide.

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2 In our outreach and education, we work closely
3 with sibling agencies and employers. The Commission
4 is also grateful for its close partnerships with many
5 advocates and community groups that have worked with
6 us over the years to educate New Yorkers about Fair
7 Chance Employment Protections, including the Legal
8 Aid Society, Vocal New York, the Community Service
9 Society, Cases, the Fortune Society, the Oswald
10 Association, Women Prisons Association, Black Vests
11 for Social Justice and the Youth Justice Network.

12 Turning to Intro. 632, the Administration
13 supports the intent of the bill. Fair Chance Housing
14 Legislation aligned the Commissions longstanding
15 commitment to advancing equity for all New Yorkers
16 and we support the goal of removing barriers to
17 housing. The Administration is also committed to
18 public safety and wants to ensure that legislation is
19 aligned with the administrations priority.

20 Intro. 632 will prohibit discrimination against
21 individuals who have been arrested or convicted by
22 making it unlawful, discriminatory practice for a
23 property owner, real estate broker, landlord or their
24 employee or agents who inquire about or take adverse
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2 action based on a housing applicants arrest or
3 conviction history with some narrow exceptions.

4 Adverse actions would include denial of rental
5 application, higher application fees, failure to
6 review an application or the imposition of additional
7 requirements or less favorable lease term. The bill
8 will also prohibit housing providers from directly or
9 indirectly expressing a limitation based on rental
10 applicants arrests or conviction history. For
11 example, by stating in ads and application materials
12 that they will not approve tenants with arrests or
13 conviction records. The Administration supports the
14 aim of ensuring that New Yorkers can access housing
15 and the criminal history should not disqualify
16 someone from housing opportunities. The current
17 bill, some limited background checks is mandatory
18 exclusion based on particular conviction or where
19 federal, state or local law requires the
20 consideration of criminal history.

21 It also permits review of the States Sex Offender
22 Registry. The bill also contains notice provisions
23 and requires housing providers to conduct individuals
24 testament and requires landlords to review mitigating
25 evidence before taking an adverse action.

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2 The current bills provisions do not apply to
3 those renting out a unit or a room in their families
4 home if the home is two families or smaller, or to
5 people seeking a roommate. The Administration is
6 continuing to review the bill and looks forward to
7 hearing from stakeholders and working with the City
8 Council to identify the best approach to meeting the
9 objective of expanding access to housing for all New
10 Yorkers.

11 City and states across the country have enacted
12 of similar bills to Intro. 632, including Seattle,
13 Oakland, the District of Columbia, Los Angeles,
14 Detroit, County Illinois, New Jersey and Oregon,
15 among others. The loss of these jurisdictions limit
16 the review of criminal history by housing providers.
17 These laws recognize the impact of longstanding
18 discrimination in the criminal legal system and they
19 recognize that contact with the criminal legal system
20 alone should not bar people from assessing housing
21 for themselves and their families.

22 The Commission believes housing is a basic need
23 and a fundamental right to building a stable life.
24 Removing barriers to obtaining housing can pave a
25 vital pathway for thousands of New Yorkers and their

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2 families to thrive. This includes individuals
3 recently returning to their communities from custody
4 and those with older records who have previously been
5 denied housing. It can also address a pervasive
6 housing practice that has a disproportionate impact
7 on Black and Latinx individuals.

8 In recent years, more than 20 percent of adults
9 who enter New York City shelters have come from
10 prisons and research shows that jail and prison stays
11 tend to increase the risk of homelessness. A stable
12 home is a foundation of a persons wellbeing. It also
13 enhances the wellbeing of their families and
14 communities. A stable home enables people to find
15 and maintain employment and promotes better health
16 outcomes since a stable home enables people to access
17 health treatments and care for children and other
18 dependents. Increasing access to housing also
19 significantly reduces rates of child poverty and
20 rates of recidivism.

21 In conclusion, amending the Human Rights Law to
22 ensure more pathways to stable housing is a means to
23 strengthening individuals and family health safety,
24 education and wellbeing.

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2 For all the reasons I have discussed, the
3 Administration supports the intent of this bill and
4 the Administration looks forward to working with the
5 Council to ensure that we come to a measure where
6 everyone can agree on a bill. Thank you so much. We
7 now welcome your questions.

8 CHAIRPERSON WILLIAMS: Thank you Commissioner.
9 We are happy to hear that the Administration supports
10 the intent of this bill. So, the purpose of this
11 bill as has been stated is of course to prohibit
12 housing discrimination. So, how often do you think
13 people are denied housing as a result of having a
14 criminal record?

15 ANNABEL PALMA: Thank you for the question. The
16 Commission as you know, our law currently prohibits
17 discrimination on the basis of race and national
18 origin and disability in housing. There's no
19 protected category currently related to arresting
20 conviction records, so we don't collect complaints
21 data on that front because it's not something that we
22 have jurisdiction over. What I can say and the
23 Commissioner has talked about some of the outreach
24 and partnerships that we've developed in the context
25 of Fair Chance employment, is that we hear quite

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2 often and this is anecdotal but that individuals have
3 been denied housing because of an arrest or
4 conviction record. We also have seen and heard from
5 other jurisdictions about individuals who are
6 deterred from ads that reference arrests or
7 conviction records because many people don't want to
8 go through the process of looking for housing to your
9 point Chair Williams. It's lengthy and tiresome only
10 to then be rejected. So, we've heard about denials
11 both at you know because people put it in ads or
12 applications. We've heard people go through a
13 process not to have a disclosed reason that they've
14 been discriminated against but feel that it is
15 because of arrest or conviction and there are studies
16 from other jurisdictions that indicate that when
17 there is testing done in this arena, people with a
18 criminal history are more likely to be denied, even
19 if that's not the formal policy, a blanket
20 prohibition on arrest and criminal histories. But I
21 think to the Commissioners point, we are very happy
22 to be here today to both hear from all of the
23 stakeholders in the room about – and I think some
24 will come with direct experience to your question
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2 about what it is like to go through the housing
3 process with arrest or conviction history.

4 CHAIRPERSON WILLIAMS: Thank you and so, I know
5 you said you are not collecting data specifically on
6 denial for housing but you are collecting data on
7 employment complaints, Fair Chance Act related
8 employment complaints. So, can you give us an
9 estimate of how many of those complaints you normally
10 receive? And while you find that information, I just
11 want to acknowledge that we've been joined by Council
12 Member Holden via Zoom and also Council Member
13 Brewer.

14 ANNABEL PALMA: Sure, thank you. Uhm, yeah, so
15 we have been as the Commissioner said in her
16 testimony looking at the use and prohibition of using
17 criminal arrests and conviction records in employment
18 since the 70's. We have numbers with us from 2015 to
19 today, so it is an area where we get a very, very
20 high number of inquiries. I would say it's the area
21 where we get the highest number of inquiries most
22 likely. We've had about 800 claims filed with our
23 agency since 2015 and approximately 30 claims filed
24 per year in that space. We do hundreds of trainings
25 a year on employment protections and about half of

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2 those are specifically about Fair Chance in
3 employment. And I would say just as a caveat to
4 those numbers, we only see the discrimination that is
5 brought to us right? So, if an individual faces
6 discrimination, they don't file a complaint. That's
7 not part of the landscape of numbers that we're
8 presenting.

9 CHAIRPERSON WILLIAMS: Thank you, so as stated in
10 my opening statement, housing access is a
11 longstanding problem in New York City with many
12 people in shelters due to inability to access
13 housing. Could you share I guess maybe anecdotally
14 or any information you have on how criminal
15 background checks impact housing access? Are you
16 able to share?

17 ANNABEL PALMA: Yes. Uhm, so I think I mean, one
18 thing like a starting point for this is that
19 currently private landlords are not required to do
20 background checks, right? We understand that 80 to
21 90 percent of private landlords do do background
22 checks and they're the protections in our law against
23 discrimination would apply but the challenge and I
24 think uhm Councilman Powers referenced this a little
25 bit is that there is data that criminal background

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2 checks can be inaccurate. There's also data not from
3 New York or there may be data from New York but I
4 have not seen that. I have looked at data from other
5 jurisdictions that say even when there's a policy,
6 say we would not consider someone with a felony
7 record right? A slice of conviction history, that
8 that's often applied unevenly to applicants. So, I
9 think there's a few places where it would be very
10 helpful if Fair Chance legislation does pass in New
11 York City. Education and outreach are essential,
12 ensuring that all the stakeholders know what the
13 protections are. What rights and obligations are.
14 That includes landlords and it includes applicants
15 and that's why a second piece of Fair Chance Housing
16 Legislation that we feel very strongly about is that
17 the legislation is very clear and understandable by
18 all the stakeholders in this process.

19 JOANN WARD: Can I actually - I want to just say
20 one thing because there's federal law here too. So,
21 I talked a little bit about city law, where there's
22 federally subsidized housing, there are a set of
23 rules and regulations that would apply. There are
24 under uhm, for HUD funded housing, there are two
25 instances where there's a mandatory exclusion of

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2 individuals. This was referenced in our testimony
3 and that was included as a carve out in the Intro.
4 632 that we're talking about today and then there's
5 other requirements that Public Housing Authorities
6 have particular policies in place.

7 CHAIRPERSON WILLIAMS: Thank you. One more
8 question for now before I turn it over to the bill
9 sponsor and then to Council Member Vernikov. I just
10 wanted to talk a little bit about source of income
11 discrimination. You know that's my baby and
12 contributes to this unhoused population with again,
13 many people who are in shelters that actually have
14 housing vouchers unable to get an apartment for the
15 same similar type of discriminatory practices. This
16 year, CCHR received additional funding to staff the
17 source of income unit. And so, I just wanted to know
18 if you have any updates on how this has impacted your
19 enforcement and would the source of income unit be
20 charged with also enforcing the provisions of Intro.
21 632 if it were to pass or is it just - does it go
22 into your overall enforcement bureau that you have,
23 the cadre of attorney's and?

24 ANNABEL PALMA: Thank you Madam Chair for the
25 question and Deputy Commissioner coming forward will

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2 share the numbers we have in terms of source of
3 income. I will tell you that our LEB unit is charged
4 with enforcing the law and that will continue. So,
5 should Intro. 632 be passed, it will be under the
6 jurisdiction of our law enforcement bureau, which
7 handles all claims and investigations for the agency.

8 JOANN WARD: Yeah, I think I mean the numbers
9 that we have again are reflective of who brings
10 complaints to us. We have done a lot of testing in
11 this area and we also in the past two years have had
12 between 20 and 40 claims. Now, there's also cases
13 that get resolved for a complaint is filed and that
14 happens in this instance, where sometimes it's uh,
15 you know we're reaching out to a landlord and we are
16 indicated there is a potential violation of our law
17 and someone is then accepted into an apartment. Is
18 that a direct result, we can't always say but I think
19 to the Commissioners point, having a dedicated unit
20 has some strengths right. There are people who are
21 focused on one area but often times it's useful to
22 have it spread across the Law Enforcement Bureau
23 because a complaint doesn't necessarily come to us
24 with just one issue, it might have multiple layers.
25 And so, there's a benefit to having our entire Law

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2 Enforcement Bureau addressing these claims and I
3 think it will depend what ultimately the legislation
4 looks like and where we are, how it's housed and
5 staffed.

6 CHAIRPERSON WILLIAMS: Were you able to hire
7 additional people? Because I know last time we spoke
8 about the source of income unit, it was significantly
9 understaffed and I just looked at the Comptrollers
10 report and your agency was second on the list for
11 being understaffed.

12 ANNABEL PALMA: We have hired individuals to the
13 source of income unit and we have individuals in the
14 pipeline. We're working with OMB to onboard those
15 individuals to make sure we have a complete source of
16 income unit.

17 CHAIRPERSON WILLIAMS: Thank you. I'll turn it
18 over to Majority Leader Keith Powers for a few
19 questions.

20 MAJORITY LEADER POWERS: Thank you. Thank you
21 Chair. I'm just going to move quickly here. Last
22 month, two weeks ago actually, on November 15th, the
23 Consumer Financial Protection Bureau issued two
24 reports on the tenant background check industry. Are
25 you familiar with those reports?

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ANNABEL PALMA: I am not.

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MAJORITY LEADER POWERS: Okay, so they revealed in two reports that people are denied rental housing because negative information report that belonged to someone else. Outdated information remains on reports and any inaccurate or misleading details by arrests, criminal records and eviction records are not corrected or removed from reports.

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Renters pay for background check reports but often do not see them and struggle to get hours fixed. Renters often do not receive adverse action notices, a legal right for renters, and are not able to dispute errors or misleading information quickly enough to avoid a denial from housing of their choice.

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There are well stated issues and documents. This is from a federal agency that for consumer protection about the problems with reports. So, here's my first question. Are you familiar with the background checks and as I understand it, in my experience, and tenants never have access to those background reports. Is that fair to say?

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2 ANNABEL PALMA: I would not say never, I think,
3 often what is in the background checks is not known
4 to an individual applying to housing.

5 MAJORITY LEADER POWERS: Okay, thanks for that.
6 And so, if you are one of the individuals here whose
7 name incorrectly appears on a background report and
8 you're paying for it and you have no visibility to
9 it, how do you correct that error?

10 ANNABEL PALMA: So, I do not know the answer to
11 that question but what I will say about the bill, uhm
12 and Fair Chance legislation is something that we
13 think is important, as is to the extent there are
14 carve outs or exemptions, uhm the current version of
15 the bill and also the bills that have passed in other
16 jurisdictions create a process so that individuals
17 can learn if there is an adverse action taken. What
18 was the basis for that adverse action? And I think
19 the second important piece of that is an opportunity
20 to provide mitigating or rehabilitation evidence.
21 So, it might not come in the background report itself
22 but that's something that exists in our Fair Chance
23 Employment Law and something that I think can help
24 address to a point some of the concerns that you are
25 raising.

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2 MAJORITY LEADER POWERS: Okay and under current
3 practice right now, it's fair to say that potentially
4 there are individuals whose name is being matched to
5 somebody else's criminal record or there's
6 potentially, and this is what the report finds, so
7 I'm just confirming that that's what you believe is
8 potentially experienced here in New York City. There
9 is potential for people to be in a background report
10 where that information is incorrect or it belongs to
11 somebody else. Is that fair to say?

12 ANNABEL PALMA: Yes, I think there is that
13 potential.

14 MAJORITY LEADER POWERS: Okay, thanks for that.
15 So, uhm, I think that's a starting point of a concern
16 for me, is that we are utilizing which two weeks ago,
17 we have federal aid consumer protection agencies
18 coming out and saying that there are you know,
19 inaccuracies, misinformation, mismatching happening
20 here and yet, we are continuing to rely on them to
21 match people to housing here in New York City.

22 When you talk about the fees that we're talking
23 about here, which can be sometimes up to \$100, \$95,
24 \$50. An individual who is going through that
25 experience is paying fees every single time. We

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2 heard from somebody earlier who I think had to apply
3 for 20 apartments for finding one because of this
4 issue. And those fees add up and it becomes another
5 barrier in addition to the criminal history where you
6 are now ending up paying money you know endlessly to
7 try to find an apartment. In my district for
8 instance but in many districts here as well, the
9 process for finding an apartment in New York City is
10 extremely complex and you will never have the
11 opportunity to either in many cases, to even meet the
12 landlord and be able to provide information to them
13 to document that that's either not you or that you've
14 gone through the rehabilitation process and that you
15 deserve it.

16 So, I guess my question is, are you concerned
17 with the notion that there are individuals here in
18 the city who are looking for housing who may not ever
19 have the opportunity today to provide documentation
20 or evidence to their landlord that they have - they
21 are a good tenant?

22 ANNABEL PALMA: The Administration I think
23 supports the intent of this bill because we recognize
24 that there are many barriers to accessing housing and
25 that arrest and conviction history historically and

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2 today has been one of those barriers. And we believe
3 that getting more people into housing enhances the
4 wellbeing of those individuals, their communities and
5 the city as a whole.

6 I think we are looking at how to balance that
7 priority with the priority of public safety and what
8 that looks like in Fair Chance Housing
9 operationalizing Fair Chance Housing. Uhm and I
10 think may be responsive to some of your points, in
11 other jurisdictions, the background check is delayed
12 in the process in some instances. So, a landlord
13 can't collect fees until they give someone notice of
14 the background check and then there's a process that
15 kicks in. There's a lot of different versions of
16 what this could look like and I think we are
17 interested in hearing today and reviewing these
18 reports and hearing from other experts to identify
19 what is the best approach for our city.

20 MAJORITY LEADER POWERS: Okay and just a few more
21 questions. Would you agree that the more discretion
22 and more caveats involved in this legislation, the
23 more potential for this to be used in a
24 discriminatory fashion?
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2 ANNABEL PALMA: I think it will depend what the
3 caveats are and what the process is. I think
4 hypothetically, I can't speak to that.

5 MAJORITY LEADER POWERS: Would you be concerned
6 that the continued use of the background check
7 reports could adverse or potential still use of that
8 information to discriminate against a tenant?

9 ANNABEL PALMA: Sorry, can you say that again?
10 Sorry.

11 MAJORITY LEADER POWERS: Do you believe that
12 continuing to provide with some caveats, which you're
13 advocating for caveats and continued discretion,
14 could potentially reverse and continued adverse
15 discrimination against individuals, even if the law
16 states otherwise?

17 ANNABEL PALMA: I think there's always the
18 potential for discrimination, regardless of what the
19 law says or doesn't say and I am not prepared to say
20 what a law would do without having a clear sense of
21 the exact provisions.

22 MAJORITY LEADER POWERS: Okay, you had made a
23 statement -

24 JOANN WARD: Council Member, I would just add
25 that I think you know this is where we see the

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2 potential of outreach and education being pivotal to
3 the communities. Through our Community Relations
4 Bureau we have the means to make sure that
5 communities are educated. That landlords are
6 educated and that we're working with community
7 partners to ensure again that they understand what
8 the law covers and that landlords understand what the
9 law covers and what they should and shouldn't be
10 doing.

11 MAJORITY LEADER POWERS: I understand that but I
12 think the concern from individuals who face this
13 barrier to housing is that, when you continue to
14 provide information, even if we're telling them they
15 can't use it or can't utilize it, that by seeing it,
16 it will still reverse into adverse action against
17 them to be able to find housing. Is that a concern
18 of the Administration?

19 JOANN WARD: Again, you know the Administration
20 believes in the intent of the bill and believes in
21 making sure that the barriers to housing are
22 eliminated. And so, we look forward to working with
23 the Council and with the stakeholders to ensure that
24 we can get to a place where the bill addresses those
25 concerns.

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2 MAJORITY LEADER POWERS: Okay, I was hoping for a
3 simple yes because that should be the answer to that
4 question, to be honest. That continuing to utilize
5 the information when you are prohibited, the answer
6 should be yes. Not based on how the legislation is
7 written.

8 There are a number of – oh, I wanted to pick up
9 on a statement you said earlier. There was something
10 about uneven application of this even when there are
11 laws in place. Can you describe what you mean by
12 that?

13 ANNABEL PALMA: Sure, so I did want to just also
14 build on what the Commissioner was saying and like,
15 the Administration does not believe that a criminal
16 record or arrest or conviction history should
17 disqualify someone from housing.

18 So, the things that we are – the things that the
19 Administration is looking at is to the points we made
20 earlier, clear, potential look backs in some
21 circumstances. What that looks like is going to be
22 informed by what everyone says here today.

23 MAJORITY LEADER POWERS: I understand that but
24 your first sentence and your second sentence disagree
25 with each other and what I was asking is, the

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2 question I have is you send me a statement about the
3 law being applied still unevenly even when there are
4 caveats in other city's and other jurisdictions. I
5 just wanted to understand what you meant by when you
6 said it was applied unevenly.

7 ANNABEL PALMA: So, an example and I think this
8 is from a report from Louisiana but we can get that
9 to Council afterwards, is that a housing provider
10 might have a policy that says, we do not accept
11 people with felonies, right? And two people might
12 walk into that building separate hours or separate
13 days and one might say, well, I have a felony and
14 that person might hear a message that says, that one,
15 that might be okay. Go through the process. And
16 another person might hear, you just shouldn't apply.
17 So, I think like any law or policy, it can be applied
18 differently in different circumstances and that is -

19 MAJORITY LEADER POWERS: Which could be an
20 argument against what the position you guys are
21 advocating for is, is to create additional
22 discretion, which then would be applied unfairly to
23 people who might be in the same circumstance.

24 ANNABEL PALMA: I think that's a potential
25 challenge with any law or protection but the

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2 Administrations goal is to achieve the aims of
3 reducing barriers to housing and that will be
4 steadfast in the review of what the process looks
5 like in New York City taking account for our housing
6 market and the needs of residents.

7 MAJORITY LEADER POWERS: Okay, and just one last
8 question. Thank you to the Chair for my time.
9 You're advocating for some changes to the bill. Can
10 you delineate them more specifically for me. This
11 bill has been introduced for a couple months now.
12 You guys have had a lot of time to think about this
13 and to have a clear position on it. You've had the
14 opportunity to look at other jurisdictions. I've
15 looked at them as well.

16 So, I just wanted to have more clarity on what
17 exactly are the caveats you guys are asking for?

18 ANNABEL PALMA: So, I think we are taking very
19 seriously our duty of listening to the public and
20 hearing from people to your point, who have lived
21 experience and who are in the room today and also
22 those who can't be here in the room today. I think
23 what I can is that the Administration is considering
24 some look backs and some limited circumstances but I
25 can't give any more details than that.

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MAJORITY LEADER POWERS: And just to pick up on that. Look, you do agree that a look back period could be applied unevenly and could lead to continued discrimination even with the law being on the books, is that fair to say?

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ANNABEL PALMA: I think there's always the potential for error.

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MAJORITY LEADER POWERS: Okay. I would say greater than that but the – do you have the resources if somebody calls you to complain about uneven of application right now to do enforcement against that.

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ANNABEL PALMA: Yeah, so that is where if someone calls us and they have stated something, that would be a claim, colorable claim under the Human Rights Law. We would look at that and that's what we do and we do have the resources to do that and we've effectively been doing that in employment.

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MAJORITY LEADER POWERS: Thank you. I got my look from my Chair to stop talking, so I'm going to listen to her and I'll head it back over to her. Thanks so much.

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CHAIRPERSON WILLIAMS: Thank you. I'll turn it over to Council Member Vernikov.

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COUNCIL MEMBER VERNIKOV: Thank you Chair

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Williams. Thank you everybody for being here. I'm

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just going to use some of my time for questioning to

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do an opening and then I'll come back to you for

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questions after.

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CHAIRPERSON WILLIAMS: Council Member Vernikov,

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I'm sorry, we just want to encourage members to stay

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because Council Member Holden has a question, so we

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need to maintain quorum, so he can ask his question.

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I just wanted to flag that sorry.

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COUNCIL MEMBER VERNIKOV: Thank you. The Fair

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Chance for Housing Act, this is the narrative that

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was sold to the public when this bill was introduced.

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But in reality there is nothing fair about this bill.

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This bill is passed in its current form which strip a

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property owners right to conduct a criminal

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background check on potential tenants. That means a

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landlord would not be able to stop those who

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committed or are still committing serious crimes from

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moving onto their property, to live next door to

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families with children and seniors because the

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landlord would have no idea who is a serious criminal

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and who has committed a minor offense five or ten

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years ago. That would make it possible for

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2 murderers, burglars and drug dealers to move to the
3 apartment next door. Why does this body continuously
4 abandoning the law-abiding citizen while constantly
5 descending those who break the law?

6 While crime is at all time high in our city, this
7 body continues to pass legislation that encourages
8 criminal behavior by constantly rewarding it. Of
9 course, we should give second chances to those who
10 have made mistakes in the past. But as a society, we
11 can never do that at the expense of the safety of
12 children, seniors and innocent civilians. This is
13 why this bill cannot pass in its current form.

14 Since I've made my apposition against this bill
15 known, I have taken dozens of calls from New Yorkers
16 from various communities opposing this bill. From
17 Asian American communities, from immigrant
18 communities, from Black and Brown communities and
19 many others. I'm not talking about rich landlords.
20 I'm talking about middle class tenants. I'm talking
21 about a single mom, trying to make ends meet who
22 happens to own a two-family home which she does not
23 occupy and would now be prevented from knowing if a
24 violent criminal will move into her house.

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2 I am talking about tenants from a residential
3 complex, which houses communities of color and prides
4 itself on safety and the ability to maintain that
5 safety only because they're able to conduct criminal
6 background checks.

7 I am talking about an 85-year-old grandmother who
8 lives on her own in an apartment building. I
9 appreciate some of the work that organizations like
10 Fortune Society do to rehabilitate individuals who
11 have committed crimes in the past, to integrate them
12 into society. I think that both opponents and
13 proponents of the bill agree on one thing.

14 Individuals who have in the past committed minor
15 offenses or those who have been completely
16 rehabilitated from their criminal past should not be
17 shunned from society. Can I just have 30 seconds?

18 Thank you.

19 But with this well-intentioned purpose, comes a
20 dangerous outcome. Stripping a property owner of his
21 or her legal right to conduct a criminal background
22 check will also undoubtedly endanger law abiding New
23 Yorkers. It also comes with hypocrisy, a steady
24 regulation allows and requires the New York City
25 Housing Authority to reject potential tenants based

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2 on criminal history, while private property owners
3 would be required to house criminals.

4 There's also married to the argument that
5 proposed Fair Chance Housing Act, which intends to
6 prohibit housing discrimination will in fact cause
7 more housing discrimination. As landlords will not
8 be legally allowed to conduct a criminal background
9 check, some may and will profile based on other
10 factors such as skin color. It is my hope that we
11 come to a reasonable compromise that will assure that
12 those with a negative past are given the proper
13 chance to be meaningfully integrated into society,
14 while at the same time, protecting law abiding
15 citizens. Thank you.

16 CHAIRPERSON WILLIAMS: Thank you. We're going to
17 go to Council Member Holden because he's on Zoom and
18 then to Council Member Ariola.

19 COUNCIL MEMBER HOLDEN: Yes, thank you Chair and
20 I appreciate the consideration because I'm on Zoom.
21 I have a question. The Department of Education has
22 regulations that prohibits anyone with a felony from
23 working in a school. So, why would the same city
24 then force property owners to have felons live in the
25 same building with children? Anyone?

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2 ANNABEL PALMA: So, we're not here to speak about
3 the Department of Education rules. Thank you. Uhm,
4 what I can say is that housing is essential to meet
5 almost every other basic need. If you don't have
6 housing, you don't have often a shot at employment.

7 COUNCIL MEMBER HOLDEN: The answer to that would
8 be that the city could get more supportive housing.
9 They can get more transitional housing if a person is
10 having that much difficulty and you know finding a
11 location to live but as a property owner and again, I
12 have several three family homes. In fact, that's
13 probably predominant housing that I have in my
14 district, yet the landlord can't decide you know that
15 this person might be a risk to their families and our
16 families are the most important to us, our children.

17 So, there's another side to this and you
18 mentioned I think - you mentioned that some
19 municipalities have carve outs. Can you - you
20 mentioned one or two of them. Do you have another
21 carve outs that they had exemptions for other cities?

22 ANNABEL PALMA: Yes, I just want to restate the
23 administration's position, which is that we see Fair
24 Chance Legislation as an opportunity to balance some
25 of the things you're talking about. Safety for all

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2 New Yorkers with enhancing access to housing for all
3 New Yorkers.

4 COUNCIL MEMBER HOLDEN: Well, this is a hearing,
5 I'd like to hear some of them because we're going to
6 paint with a broad brush here and we're taking the
7 rights away from property owners but yet it doesn't
8 hold true with public housing. You know this
9 wouldn't hold to public housing, am I correct?

10 ANNABEL PALMA: So, there are federal rules and
11 regulations and we referenced some of those. There's
12 two areas where there's a mandatory exclusion, which
13 as you know is carved out in the current version of
14 the bill. And there are also some permissive areas
15 where housing providers who receive federal funding
16 can have screening tests, screening processes. We
17 also know that in New York City, our own public
18 housing authorities are constantly revisiting these
19 policies. But I do want to go to the question of
20 other juris-

21 SERGEANT AT ARMS: Time expired.

22 COUNCIL MEMBER HOLDEN: So, the public housing
23 can discriminate but private, they have to take
24 felons, mass murderers or anything, you know serial
25 killers but public doesn't.

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ANNABEL PALMA: Well, no one is allowed to discriminate because the Human Rights Law protects everyone against discrimination based on their identity characteristics and there's 27 protected categories. I'd be happy to talk about the other jurisdictions or provide that information at a separate time.

COUNCIL MEMBER HOLDEN: I think now is the time but alright we'll go beyond that. One more question or at least I'll try to get if I have enough time. Is there a possibility that without exemptions to this bill that the landlord and you know also tenants in the building who couldn't do a background check could be physically harmed by this bill?

ANNABEL PALMA: Landlords will retain most if not all of their current ability to deal with individuals who are threatening people or property that are tenants and to handle violations of lease terms.

COUNCIL MEMBER HOLDEN: That's really - you didn't answer the question. If you're not going to answer the question, why be here?

CHAIRPERSON WILLIAMS: Thank you Council Member Holden. We'll try to do -

COUNCIL MEMBER HOLDEN: Is my time up?

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CHAIRPERSON WILLIAMS: Yeah, your time was up like a minute ago but it's okay.

COUNCIL MEMBER HOLDEN: Okay, I'm sorry. Thank you Chair.

CHAIRPERSON WILLIAMS: It's okay. No problem, we'll try to do another round of questions. We want to get to all Council Members and so, if Council Member can respect the time limit so we can do another round, uhm, that would be awesome. Over to you Council Member Ariola.

COUNCIL MEMBER ARIOLA: Thank you Chair. Thank you for coming to testify today. On the surface, Intro. 632 sounds like a great idea. Preventing housing discrimination is a goal we should all strive for. However, as it's currently written, it is unrealistic and puts landlords and tenants at risk. Unilaterally prohibiting landlords from looking into criminal background of potential tenants opens the door to tragedy. It removes vital discretionary abilities from landlords, abilities that allow them to rent to those they feel are comfortable sharing their homes with, who they feel comfortable allowing their tenants to share their hallways with. Those tenants are often times children and seniors. This

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2 bill as it's being presented today would allow
3 violent offenders to share the floor space with
4 unknowing residents who may very well become victims
5 as a result and once someone does get attacked by a
6 violent new tenant, why should we wait for that
7 moment to the invoke the laws that protect landlords
8 and the rules and regulations of their lease
9 agreement? Because we all know how difficult it is
10 to remove someone whose becoming problematic once
11 they're inside of your apartment.

12 We need to focus on all of those law-abiding New
13 Yorkers who are just trying to go about their lives
14 to live in peace. Instead of focusing on these law-
15 abiding citizens, this bill creates a new protected
16 class called criminals and further erodes the public
17 safety by potentially bringing crime from our streets
18 into our homes.

19 I look forward to hearing those who will testify
20 today and being part of the conversation. I believe
21 in second chances and there is a way for this
22 legislation to be beneficial to those who deserve one
23 but we need to be reasonable and acknowledge that
24 Intro. 632 is to broaden its scope and needs further
25 definition. We need to stop bending over backwards

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to those who break the law. There are consequences for breaking the law and we need to make public safety a priority once again in this city. Thank you.

CHAIRPERSON WILLIAMS: Thank you.

[APPLAUSE]

SERGEANT AT ARMS: Quiet please.

CHAIRPERSON WILLIAMS: Yeah, if you can practice this, that would be awesome. Thank you, thank you. So, the next Council Member I'll go to is Council Member Paladino.

COUNCIL MEMBER PALADINO: Good morning everybody and thank you very much for being here. Appreciate listening to you. I, like my colleagues agree completely. This is lopsided. This is off balance. What we are talking about here is not about discrimination. It's about not allowing the transparency that the property owners and the landlords and the tenants deserve. The very idea that you are stripping away the rights of these property owners, by not doing a simple task such as a background check, a criminal background check. That allows anybody to walk into your door and you just

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2 have to accept them as it is or her as it is. That
3 is not fair.

4 Real estate's extremely expensive here in the
5 city and these people have put everything they've
6 earned and worked for on the line in order to make an
7 investment in the homes that they own. And the idea,
8 the real cusp of this is that is that you are taking
9 away the rights of the landlords to do what is
10 rightfully their right. And that is to perform the
11 background checks. We're talking about murderers and
12 rapists and pedophiles that are going to come and
13 live next door to us.

14 Look, this is not discrimination, this is reality
15 and as it was stated before, we are now allowing
16 felonies, convicted felons to come and live into our
17 homes. I'm all about second chances also. Life is
18 about second chances but at some point and what point
19 do we draw the line? And to strip landlords of their
20 right is wrong. Rewrite 632 and let's revisit it.
21 Thank you very much.

22 CHAIRPERSON WILLIAMS: Thank you. I will now
23 turn it to Council Member Krishnan and I just want to
24 acknowledge that we've been joined by Council Member
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2 Krishnan, Council Member Nurse and Council Member
3 Feliz.

4 COUNCIL MEMBER KRISHNAN: Thank you so much
5 Council Member Williams, Chair Williams for today's
6 hearing. I first want to start by saying and I would
7 hope everyone would agree, that everyone deserves to
8 have a roof over their head and a bed to sleep on at
9 night. We're in the middle of a housing crisis right
10 now, and we're not going to solve that crisis by
11 making it more difficult for people to find a home.
12 Every one and every New Yorker also deserves to feel
13 safe too and we have to invest in strategies that
14 truly keep people safe. I know it is utterly
15 destabilizing and devastating when you lose a home or
16 you're boxed out of housing. As a lawyer for low-
17 income tenants for many years, I have represented
18 clients in exactly this situation who have been
19 homeless, who have been forced out of their homes,
20 who are forced to live in shelter and I have seen
21 their lives upended overnight and I have seen their
22 struggle when they are discriminated against and
23 cannot find housing. People in homes equal safer
24 communities.

1
2 And so, my first question for you and thank you
3 so much for testifying today. Is you would agree
4 correct, that race discrimination is prohibited under
5 our Fair Housing Laws right?

6 ANNABEL PALMA: That's correct.

7 COUNCIL MEMBER KRISHNAN: You would also agree
8 that source of income discrimination is prohibited
9 under our Fair Housing Laws?

10 ANNABEL PALMA: That's correct.

11 COUNCIL MEMBER KRISHNAN: Would you agree that
12 the two of the top forms of housing discrimination in
13 this city are race discrimination and source of
14 income discrimination?

15 ANNABEL PALMA: I would agree with the caveat
16 that disability discrimination is also quite rampant.

17 COUNCIL MEMBER KRISHNAN: Correct, as I said, two
18 of the top three. The top three according to the
19 Human Rights Commissioner Reports, race
20 discrimination, disability discrimination and source
21 of income. Or source of income discrimination first,
22 disability discrimination and race discrimination.
23 So, source of income discrimination, race
24 discrimination are two of the top three forms of
25 housing discrimination in this city and I would

1
2 venture to say, two of the top three forms of housing
3 discrimination nationwide. Would you also agree that
4 those who are trapped in our criminal system and
5 coming out of criminal custody are overwhelmingly
6 people of color?

7 ANNABEL PALMA: I think the data indicates that
8 is true.

9 COUNCIL MEMBER KRISHNAN: Would you also agree
10 that those who are trapped in our criminal system or
11 coming out of our criminal system can or will likely
12 require the assistance of public benefits?

13 ANNABEL PALMA: I can't speak to that.

14 COUNCIL MEMBER KRISHNAN: So, I would say uhm as
15 a lawyer who has represented many clients in these
16 situations that often times because they've been
17 incarcerated for a long time, because it's often very
18 difficult to find housing, many of them will depend
19 or require public assistance or public benefits and
20 discrimination based on public benefits is otherwise
21 known as source of income discrimination. So, I
22 would say, if we know that race discrimination and
23 source discrimination are both illegal under our fair
24 housing laws, if we know that they are two of the top
25 forms of how discrimination in this city and they are

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2 prohibited practices under our Fair Housing Laws.
3 Then I think we must also agree as a city that
4 discrimination based on your criminal history, which
5 implicates those two forms of prohibited housing
6 discrimination is a proxy for those forms in housing
7 discrimination and if we want to actually end housing
8 discrimination in this city, we have to stop those
9 proxy's as well.

10 Again, people in homes equal safer communities.

11 Thank you.

12 CHAIRPERSON WILLIAMS: Thank you Council Member
13 Krishnan. I'll turn it over to Council Member Joseph
14 for questions.

15 COUNCIL MEMBER JOSEPH: Thank you so much. My
16 first question, in New York City, there's nearly
17 about 750,000 that have conviction records. That's
18 almost 11 percent of the adult population. Do you
19 know how many of those are currently unhoused?

20 ANNABEL PALMA: Uhm, I, I do not.

21 COUNCIL MEMBER JOSEPH: I would love, since I sit
22 on this Committee, maybe you can get that data back
23 to us. That would be very helpful, thank you.

24 As a general rule, I'm not even talking about the
25 bill specifically. How does the nine people from

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2 housing make our city safer? Colleagues? It sounds
3 like -

4 ANNABEL PALMA: No, the Administration is
5 committed to removing barriers to housing. We see
6 that as a critical piece of Fair Chance legislation.
7 What we are here to do today is to listen to all the
8 stakeholders and to identify what is the best pathway
9 forward. So, as several people have referenced,
10 there are other jurisdictions with these protections.
11 Fair Chance Housing Legislation. In some of those
12 jurisdictions there's limited time look back. So,
13 landlords can look back three years and that's it.
14 In some of the jurisdictions, they mirror what is
15 under federal law, the two mandatory exclusions from
16 housing.

17 So, being on the lifetime Sex Offender Registry
18 and manufacturing methamphetamines in the homes and
19 those are the restrictions. So, there's a wide array
20 of approaches. There are jurisdictions like New
21 Jersey where there's time married with certain types
22 of arrests or conviction records.

23 There is a lot of versions of how to do this. I
24 think this Administration want's to do it correctly
25 for our city and we want to balance what have been

1
2 the predominant themes of this hearing which are
3 safety for all New Yorkers and reducing barriers to
4 housing for everyone.

5 COUNCIL MEMBER JOSEPH: So, you would agree that
6 getting people housed make our city safer rather than
7 less safe, because I'm hearing it's about safety. We
8 understand that but as you mentioned earlier, there's
9 certain criteria's.

10 ANNABEL PALMA: Yes and there is clear data that
11 shows that stable housing is linked with lowering
12 recidivism and we do believe that getting people into
13 housing is a cornerstone of wellbeing both for
14 individuals and families.

15 COUNCIL MEMBER JOSEPH: Well, thank you for that.
16 So, housing does make people more safe, I got it.
17 Okay. If people can't access housing because of a
18 crime they did many years, to me that's perpetual
19 punishment. It's almost equivalent to a lifetime
20 sentence because even if you get convicted of a minor
21 crime, you have a record that carried with you
22 forever. What's the current justification for
23 legalizing housing discrimination? I'm a former
24 teacher so I always ask questions like that because
25 as I was teaching, I saw a lot of my students into

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2 the shelter system because some of their parents
3 served time. They deserve a second chance, so that's
4 why I'm asking these questions, I also have the Ed
5 Chair, I'm going to ask these questions because
6 they're important. I saw for the past ten years how
7 many of our students if you look at the data that has
8 entered the shelter system because their parents came
9 home from prison and they could not find a home to
10 live in.

11 ANNABEL PALMA: So, I will respond to say that
12 we, and we said in our testimony. This
13 Administration and the Commission see's housing as a
14 human right and our goal is to reduce barriers to
15 housing and the Administrations position is that a
16 criminal history, which here we're talking about
17 arrests and convictions, which are very different;
18 should not disqualify someone from housing. But how
19 we balance some of the priorities is the question on
20 the table in which many people in this room have
21 expertise and opinions that we would like to hear and
22 learn from and use to make this Strong, Fair Chance
23 Housing legislation for New York City.

24 COUNCIL MEMBER JOSEPH: Thank you. Thank you
25 Madam Chair.

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2 CHAIRPERSON WILLIAMS: No problem. Uhm, I just
3 also wanted to sort of center this on like facts and
4 not fear, and so I just want to just state that this
5 law does not apply to New York State Offender
6 Register. I've been hearing a lot about sex
7 offenders. This law does not apply to them. This
8 law also does not apply to two family owner occupy
9 housing or rooms in owner occupy housing. And all of
10 this must comply with laws protecting victims of
11 domestic violence, sex offenses or stalking. So,
12 let's sort of center facts when we're talking about
13 this legislation and I just wanted to make that. And
14 with that, I'll turn it over to Council Member Nurse
15 for questions.

16 COUNCIL MEMBER NURSE: Thank you Chair. I guess
17 I just have some questions that - around even the
18 practice of people going to look at an apartment.
19 Can you confirm there's a pretty wide spread practice
20 of when you reach out to a broker, the broker will
21 ask you what's your credit score and how much income
22 you make before even, even their willing to respond
23 to you or show you to an apartment?

24 ANNABEL PALMA: Council Member Nurse, I thank you
25 for your question and I respect the question,

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2 however, the New York City Commission on Human Rights
3 focuses on enforcing the New York Human Rights Law.

4 COUNCIL MEMBER NURSE: Sure, but I'm saying
5 anecdotally.

6 ANNABEL PALMA: We don't have the expertise to
7 speak on what that process is like. We do have the
8 knowledge of speaking of when someone goes through a
9 discrimination process and they bring a complaint to
10 us.

11 COUNCIL MEMBER NURSE: Right, okay, well, I would
12 just say in my experience and what we hear
13 anecdotally, is that from our office is that most
14 people won't even get the opportunity to go look at
15 an apartment.

16 Based on the income levels in my district and the
17 fact that brokers are requiring you know four or
18 five, you know ten times the actual rent for them to
19 even get a response back. So, it's fair to say I
20 would think that most people who are coming out or
21 coming home from prison or incarceration who don't
22 have credit or who aren't earning \$100,000 or more in
23 income, probably won't even have the opportunity to
24 look at most things being rented right?

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2 ANNABEL PALMA: So, I just wanted to use this as
3 an opportunity just to continue to highlight and
4 amplify already the so many barriers that exist for
5 anyone to even look at an apartment. To even look at
6 a room. There's so much filtering out based on race,
7 based on credit, based on basic questions. If right
8 now, any of us looked at Craig's List and said -
9 reached out the phone number listed and said, I'd
10 like to look at this room, the chances are you
11 probably won't. At least not in the district where
12 East New York and Brownsville and Bushwick and folks
13 are coming from 11207, 11028. Those zip codes that I
14 represent who send a lot of folks upstate or who have
15 a lot of folks upstate in prison systems coming home,
16 they're not ever going to look at the apartments that
17 are going up in my district. They're not going to
18 ever look at the homes that are being purchased by
19 some random LLC. We don't know who the owner is.
20 They're never, ever going to even get a chance to
21 communicate again to those brokers.

22 So, there are already so many barriers and this
23 narrative that people are going to be forced into the
24 homes of these good landlords is absolutely absurd.

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2 Because they probably won't ever even get a chance to
3 look at the actual house. Thank you Chair.

4 CHAIRPERSON WILLIAMS: Thank you. The next
5 Council Member I'll go to is Council Member Restler
6 followed by Brewer.

7 COUNCIL MEMBER RESTLER: Thank you so much Chair
8 Williams and to Majority Leader Powers for your
9 leadership on this issue. Proud to be one of the 31
10 co-sponsors on this bill and I will say it's always
11 good to see you Chair Palma and have you back in the
12 Council Chambers. Thank you for being here and thank
13 you for the great work that you do. Uhm, this bill
14 is a moral imperative and I'd like to just build on
15 something that Council Member Joseph was saying a
16 moment ago. Over the last decade we've seen the
17 single adult homeless population in New York City
18 grow by 1,000 a year.

19 Chair Palma, as a recent DSS leader, you know
20 this well. And the primary driver on the single
21 adult side of our homelessness population are
22 formerly incarcerated individuals. It is a great
23 thing that we've seen the state prison population
24 shrink from 60,000 people to 30,000 people over the
25 last decade or so. However, we are not providing

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2 housing in any way for the people who are exiting our
3 state prisons. Our jail population in New York City
4 has shrunk by about 30,000 to 6,000 over the last 30
5 years but we have failed to provide transitional
6 housing and long-term housing for people that are
7 exiting incarceration and the existence, the
8 perpetuation of discrimination against formerly
9 incarcerated individuals in housing. That is
10 tragically perfectly legal in the City of New York is
11 a disgrace. It has to end and I'm gravely
12 disappointed by the testimony of the Administration
13 today.

14 You know I was reading a HUD report from just
15 June of this year that noted private housing
16 providers should consider not using criminal history
17 to screen tenants for housing. Criminal history is
18 not a good predictor of housing success. Why is Eric
19 Adams in conflict with our democratic president Joe
20 Biden on this issue?

21 JOANN WARD: Thank you Council Member Restler. I
22 would say that the Administration supports the intent
23 of this bill. That's why we're here today. We want
24 to continue to work and partner with the Council to
25 ensure that we can strike that balance of breaking

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2 down barriers to housing while also keeping our city
3 safe and you know the Commission has had – has and
4 will continue right, to always support removing
5 barriers to housing for all New Yorkers.

6 COUNCIL MEMBER RESTLER: I just have to ask for
7 brief answers because I'm unfortunately going to get
8 kicked off in 58 seconds. So, do you believe in the
9 accuracy of the background checks that are provided
10 to landlords? Just yes or no.

11 ANNABEL PALMA: Some are accurate and there is
12 data that strongly indicates that some are not.

13 COUNCIL MEMBER RESTLER: So, many background
14 checks are inaccurate, yet you're asking landlords to
15 rely on inaccurate information. When they come back
16 and they find that an individual does have previous
17 convictions, which of those convictions do you expect
18 the landlord to ignore and which do you expect to
19 take into consideration?

20 ANNABEL PALMA: Under the City Human Rights Law,
21 no one is required to do a background check and we
22 are not asking –

23 COUNCIL MEMBER RESTLER: But you're encouraging
24 it. By failing to support our legislation, that we
25 are insisting on today, you are saying that we should

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2 not prevent discrimination against formerly
3 incarcerated.

4 ANNABEL PALMA: No, the Administration position
5 is that we want to talk about what look backs could
6 look like. This bill has exemptions as the Chair
7 mentioned.

8 COUNCIL MEMBER RESTLER: Or sex offenders and
9 rightly so and that law is absolutely protected in
10 state law. However, you are insisting that landlords
11 look at people's previous criminal convictions and
12 whatever they may be and you expect them to ignore
13 some and embrace others and discriminate for some but
14 not for others. It is not a sensible policy. This
15 is the right approach. This is the bill we need to
16 pass and I really hope the Administration will come
17 to its senses and start protecting the rights of
18 formerly incarcerated individuals.

19 ANNABEL PALMA: We do strongly believe in the
20 rights of all New Yorkers and that includes people
21 with arresting conviction histories. That is part of
22 our law in multiple places.

23 COUNCIL MEMBER BREWER: Thank you very much. I'm
24 Gale Brewer representing the upper west side and I'm
25 also the author of the Fair Chance Act, which

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2 increased access to employment opportunities for
3 those with criminal records and also, a foster mom
4 with kids who have had records. So, I'm very
5 familiar with this issue. My question to you is, I
6 don't disagree with my friend Chair, Commissioner
7 Annabel Palma and with the Human Rights but the
8 question I have is and no, you have not been specific
9 with some of the other localities that have passed
10 such laws. Do you have a sense of what's worked,
11 what hasn't worked and are there places specifically
12 that we could learn from? Are there policies that we
13 could learn from? I read your testimony but I didn't
14 see it listed.

15 ANNABEL PALMA: Sure, so uhm, the Commission as
16 part of our efforts to support Fair Chance Housing
17 Legislation has been in touch with our counterparts
18 and a number of jurisdictions, so as I mentioned,
19 Seattle is one jurisdiction where the Fair Chance
20 Housing Legislation simply mirrors the exclusion in
21 federal law. So, there is the ability of landlords
22 and I am pretty sure it's after a conditional offer
23 that housing is available can look at those two
24 particular crimes and that's the scope of what is
25 permitted in background checks. So, that's Seattle.

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2 In Cook County Illinois, after someone is
3 determined to be prequalified by looking at a number
4 of the things that Councilman Powers mentioned at the
5 top, reference checks, credit history, someone is
6 determined to be prequalified and before anyone pays
7 for a background check, there is, the, that is when a
8 housing provider would give someone notice that they
9 will run a background check and there's an
10 opportunity to withdraw or there's a process if a
11 criminal background check is reviewed.

12 There are also jurisdictions like Washington DC
13 and the State of New Jersey that have certain look
14 back periods by a number of years depending on what
15 the particular underlying offense would be.

16 COUNCIL MEMBER BREWER: Okay.

17 ANNABEL PALMA: And can I just one piece from
18 that, as an enforcement agency whose been looking at
19 Fair Chance employment and our conversations with
20 some of jurisdictions is that the education and
21 outreach is always pivotal but in the places where
22 the guidelines are confusing and not very clear and
23 easy to understand for both landlords and applicants,
24 that is a struggle to foster compliance.

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COUNCIL MEMBER BREWER: Okay. With the employment as you know, it's the same issue. Offer me the job and if I get it, then you can ask if I have a criminal history but you can't discriminate before I'm offered the job. So, there are some similarities to what you're describing here. And I guess my other question would be, have you done any kind of or has somebody done an evaluation to see if these different policies work? In other words, are people getting housing? Is there a reduction in those recidivism etc.? Is that also part of the policy analysis?

ANNABEL PALMA: Yes and so, part of the conversations with jurisdictions that we've talked to or that these policies are having the intended positive impact of increasing access to housing and people have said, landlords appreciate the clarity where the law is very clear and so do applicants.

COUNCIL MEMBER BREWER: Okay, so there will be some analysis that some academic is doing of these different policies to the best of your knowledge to see if they're actually working, not just anecdotal?

ANNABEL PALMA: Yes, and there is a lot of literature in the employment space and increasingly,

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2 there is literature from other jurisdictions on the
3 housing space as well and that will definitely inform
4 the conversation.

5 COUNCIL MEMBER BREWER: Okay, thank you Madam
6 Chair.

7 CHAIRPERSON WILLIAMS: Thank you. Next, I'll go
8 to Council Member Marte followed by Council Member
9 Hanks.

10 COUNCIL MEMBER MARTE: Hi everyone. My name is
11 Christopher Marte. I am also happy to be a sponsor
12 in this bill. Everyone deserves to be housed here in
13 New York City. My question is about how do we
14 actually enforce this legislation. There's a lot of
15 third-party providers that offer this as a suite of
16 services, where you get your credit rating,
17 historical background, and they also add in criminal
18 background checks. What can the city do to make sure
19 that those third-party providers are not even
20 offering that service to property owners and to other
21 LLC's?

22 ANNABEL PALMA: I think what the Human Rights
23 Commission can do is articulate in our law and in our
24 guidance and rules what is required under any law
25 that City Council would pass and that would

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2 ultimately be signed by the Administration. In our
3 conversations with other jurisdictions, one of the
4 things that has come up is partnerships with some of
5 the vendor organizations who likely have to change
6 their product to fit. Which is the product is the
7 screening tool but we know from other jurisdictions,
8 Seattle and Cook County Illinois that those changes
9 are possible.

10 We don't have expertise in the kind of vendor
11 litigation, I mean, vendor legislation and what
12 governs those pieces but that is definitely an
13 important part of the picture.

14 COUNCIL MEMBER MARTE: Right now, when anyone
15 applies to be a part of a co-op or to live in an
16 apartment, many don't have to explain why they
17 rechecked the applicant. How can we enforce this law
18 to make sure that people understand that they're
19 actually being discriminated against? Because
20 sometimes it's almost impossible to find out whether
21 it was because of your criminal background or because
22 it was something else listed on your background
23 check.

24 ANNABEL PALMA: So, under this law as currently
25 written, it covers sales as well. So, the same

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2 process would be in place. I am also not an expert
3 in state law but I know there is a state bill that is
4 pending to improve transparency in co-op sales but I
5 can't say anything about the details of that.

6 COUNCIL MEMBER MARTE: Thank you.

7 CHAIRPERSON WILLIAMS: Are you done Council
8 Member? You good? Okay. Next, I'll turn it over to
9 Council Member Hanks.

10 COUNCIL MEMBER HANKS: Thank you Chair Williams.
11 Thank you very much. So, I kind of wanted to dig
12 into a little bit of the questioning my colleague
13 Council Member Brewer had started, which is really
14 talking about other jurisdictions that have
15 prohibited criminal background checks on housing.

16 So, in New Jersey in particular, do we have any
17 insights on how that law is being enforced in New
18 Jersey? What about like, have we reached out and
19 looked at other you know uhm, our counterparts and is
20 there a way to better understand the challenges, the
21 complexities involved in enforcing this and what can
22 we use at take aways to kind of make sure that we're
23 using the best practices to get this done?

24 ANNABEL PALMA: Yes, thank you for, for the
25 question and again, one of the goals of being here to

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2 listen for this Administration is to make sure that
3 we are getting it right. Some of these laws have
4 been on the books since 2017. Maybe a few a little
5 bit earlier. Most of our counterparts report on the
6 complaints they receive, so that's an important way
7 for us to track kind of what is happening. We also
8 do have relationships with the enforcing agency in
9 New Jersey. I mean, I have had conversations with
10 New Jersey and Seattle, Cook County and others about
11 how things are going.

12 One of the challenges is that if there's an open
13 investigation or complaint, people can't talk about
14 it right? So, they can only tell us what is closed
15 or something that they've already resolved. We
16 understand that in New Jersey, a lot of the initial
17 violations and there were I'm going to say dozens. I
18 want to say in the 30's as publicly reported in the
19 first year or two.

20 COUNCIL MEMBER HANKS: Violations in?

21 ANNABEL PALMA: Of the provisions that say you
22 cannot advertise or ask about criminal history. The
23 majority of those were in the advertisement arena.
24 That's partly because a, they couldn't disclose a
25 more complex investigation but also, because there is

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2 a lack of awareness of the law. That translates also
3 into our Fair Chance employment. We see a lot of
4 violations at the like, at the first step in the
5 process. Which would be, we have an application or
6 we have an ad that deters someone from applying
7 because of it references arrest or conviction
8 history.

9 COUNCIL MEMBER HANKS: Is there a way that or
10 would you think it would be important to have a
11 standardized sort of background check that was
12 universal that everyone used so there wouldn't be an
13 interpretation? Is that something that other
14 jurisdictions and states have been using? I'm really
15 trying to get to a point where we're all looking at
16 the same information, interpreting the same
17 information and then making sure that we're using it
18 to get people in housing.

19 ANNABEL PALMA: I think this goes also to
20 Councilman Marte's question. As I understand it and
21 I am not an expert in these background checks. There
22 sort of regional versions of companies running, third
23 party companies that run a suit of screens, which
24 include credit history, rental history and conviction
25 history. But there's also ways to limit what is part

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2 of a screen. So, that would be whether companies
3 would adopt a uniform one I don't know and I think I
4 would withhold judgement until we knew what it was.
5 I think in our Fair Chance employment arena, we have
6 - and many of the protections of our law, we create a
7 sort of notice and uh, model or a sample document
8 that people can use because we understand resources
9 are limited. So, there are things that we can do
10 like that but that wouldn't be a background check.
11 That would more be things for landlords or tenants.

12 COUNCIL MEMBER HANKS: Thank you so much.

13 CHAIRPERSON WILLIAMS: Thank you. I just wanted
14 to acknowledge that we've been joined by Council
15 Member Salamanca and we are entering our second round
16 of questions. So, Council Members if you have a
17 second round of questions, let me know and let's try
18 to be as synced as possible.

19 I just wanted to ask a few questions about public
20 housing. So, currently public housing has been
21 mentioned today, is not contemplated as subject to
22 this law. Earlier this year as he, as President
23 Biden, declared April 2nd Chance Month. He emphasized
24 the importance of helping justice involved people
25 reenter society and find safe and stable homes. As

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2 a part of that effort, Secretary Fudge directed an
3 agencywide review of HUD's program to be more
4 inclusive of justice involved people. And in
5 October, the HUD offices were to propose updates and
6 amendments to agency guidance that improve
7 inclusivity. Taking this into account, do you see
8 any role for CCHR in extending this non-
9 discrimination policy to people residing in NYCHA?
10 And I know there's some jurisdictional issues but it
11 would be interesting to hear your opinion on what is
12 happening on the federal level. I know other Council
13 Members mentioned that NYCHA has more strenuous
14 regulations than this bill would allow, so just
15 wanted to know how you've been reconciling this.

16 ANNABEL PALMA: I think this goes to the
17 collaboration at the Administration level, so that
18 agencies just like Councilwoman Hanks was mentioning,
19 where can we gather data? Internally understanding
20 how these processes are working where they are used
21 by our own agencies is one step of that process and
22 there are a number of different pieces of that that
23 we are still evaluating to identify again, where are
24 the look back periods helpful? Where are they not
25 helpful? What are we seeing as reasons that people

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2 are being denied and how does that play into this
3 legislation? And just to your point about the HUD
4 guidance. That has not been – in October, there was
5 a deadline to release some information that has not
6 come to pass, so there are some memos out there but
7 we await seeing what HUD has to say and for that to
8 be part of our considerations whether or not Fair
9 Chance legislation comes to pass because it will have
10 an impact on the federally subsidized housing in New
11 York regardless.

12 CHAIRPERSON WILLIAMS: Have you been coordinating
13 or working at all with HUD and NYCHA regarding this
14 at all or is it just your own research, paying
15 attention to what's happening?

16 ANNABEL PALMA: I turned myself off. Uhm, no, I
17 mean we speak with NYCHA and with HPD. We have been
18 following very closely. HUD regulations on this
19 score and that's also been a point of discussion when
20 we talk with other jurisdictions who face a similar
21 framework. Where the Local Law might say one thing
22 and then federal regulations say something different.
23 So, trying to figure out how to reconcile that and if
24 there will be further federal guidance on that as
25 well.

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2 CHAIRPERSON WILLIAMS: Thank you. I will come
3 back for some other questions but wanted to turn it
4 back over to the bill sponsor Majority Leader Keith
5 Powers for additional questions.

6 MAJORITY LEADER POWERS: Thank you. I'll be
7 brief because I know we have a lot of people here.
8 The Mayor is giving a housing speech right now and
9 according to New York Post, oh, I think the opening
10 line or one of the opening lines was there's nowhere
11 for people to go.

12 Under the recommendations that you're asking for
13 where there would be levels of discretion involved or
14 look back there. Look, where do people go in the
15 meantime?

16 ANNABEL PALMA: I think this is a question that
17 is outside the scope of the Commission on Human
18 Rights but we're happy to further discuss this -

19 MAJORITY LEADER POWERS: Well, I can ask the
20 Chair then. She's worked at - you worked at the
21 homeless services, so where do individuals go in this
22 case?

23 JOANN WARD: Council Member Powers, I respect
24 your question and you know today the focus is talking
25 through Intro. 632 and the intent of the bill. And

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2 you know the Commission has always supported making
3 sure that there aren't any barriers for any New
4 Yorker to access housing. And so, for today, we want
5 to continue to work with you, to work with the
6 Council to ensure that 632, that Intro. 632 can come
7 to fruition with a host of – you know with an
8 agreement where everyone can feel comfortable. Where
9 people are not denied housing but we also have a
10 focus on keeping New Yorkers safe.

11 MAJORITY LEADER POWERS: Understood and I
12 appreciate your work and you've always been a good
13 partner but I will say, there is an ability under
14 your position to deny people housing, which undercuts
15 the argument of people have nowhere to go that the
16 Mayor is talking about right now. So, I think there
17 needs to be a little bit of reconciliation between
18 the broad housing goals the Administration is talking
19 about.

20 By the way, I am with you guys on so much of
21 this. We need to build more housing. We need to
22 create more opportunities, more affordable housing.
23 I have been – in my district we support housing. We
24 support places for people who are homeless to go. We
25 do not vilify people who are struggling and need a

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2 helping hand and I've been outspoken about that from
3 the day I walked into office until recently. We did
4 a great new Project Renewal. Supported a housing
5 project in my district and it was a great project and
6 is the type of housing we also need to build in New
7 York City. It is the type of principles we need to
8 uphold and you know, for many of us who are up here,
9 we are the one's who are often saying yes to giving
10 people housing opportunities and understand the big
11 goals here. We're not standing in the way of those
12 things while advocating for this legislation but I
13 guess the critical question here that we do have to
14 ask is, where do people go? And if we're not - as
15 the Mayor rightfully says, not building affordable
16 housing. We're not creating the pathways to housing
17 but we are putting in barriers or keeping some
18 barriers in the way. The question is, what happens
19 to those individuals?

20 And as you guys have noted in your testimony, the
21 stability in housing does decrease recidivism. It
22 does increase the ability for public safety in this
23 city.

24 And so, I'm going to end at that note, but I
25 think that what the Mayor is talking about right now

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2 and what we're hearing do have some conflict with
3 each other or at least we have to answer that
4 question of where do people go? If we're talking
5 about look back periods and things like that. People
6 who have paid their sentence are being asked to
7 continue to pay that sentence in housing but not in
8 the criminal justice system anymore. And I think
9 that has major repercussions for peoples ability to
10 rebuild their lives.

11 So, I look forward for anybody who's speaking up
12 about this legislation today to also work with us to
13 find places to house those folks who are not going to
14 be able to find an apartment. That will mean
15 requiring to build more homeless shelters in the
16 city. Find and build more supportive housing and I
17 anticipate that if those folks are going to oppose
18 this bill, they in that time period will start to
19 help us solve that other crisis that we are creating,
20 which is a crisis of homelessness. And I will look
21 forward to working with them to do that and do that.
22 And I will tell you this, I know I will be doing
23 that. I will be supporting affordable housing and
24 housing my products in shelters and things like that

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1
2 to help my fellow New Yorkers and I hope others will
3 join me in that. Thank you.

4 CHAIRPERSON WILLIAMS: Just reminding people to
5 practice this. So, the next Council Member I'll turn
6 it over to is Council Member Vernikov for a second
7 round of questions.

8 COUNCIL MEMBER VERNIKOV: Thank you. I believe
9 you testified earlier that there isn't any specific
10 data or evidence to support that individuals who are
11 denied housing based on criminal records. Is that
12 correct?

13 ANNABEL PALMA: Can you say that again please?

14 COUNCIL MEMBER VERNIKOV: I think you testified
15 earlier that you don't have any data or evidence to
16 support that individuals who are denied housing based
17 on criminal records. Is that correct?

18 ANNABEL PALMA: I said, at the Commission we
19 don't collect that information because it's not
20 something that's within our jurisdiction. There are
21 studies and data by other people that point in that
22 direction but I said, we as the Commission, don't
23 collect that information.

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2 COUNCIL MEMBER VERNIKOV: But the information that
3 you have is that it's based on opinions and anecdotal
4 information, correct?

5 ANNABEL PALMA: I think there's a wealth of both
6 academic and think tank studies that point to the
7 fact that stable housing is a factor in reducing
8 recidivism and ultimately enhances wellbeing and
9 safety.

10 COUNCIL MEMBER VERNIKOV: But right now, you
11 don't have in your hands evidence that there has been
12 housing discrimination based on criminal records.
13 It's just based on opinions right?

14 ANNABEL PALMA: It's not based on opinions; it's
15 based on studies but I don't have those studies with
16 me today. That is correct.

17 COUNCIL MEMBER VERNIKOV: You don't have the
18 studies, so we're proposing a bill to ban background
19 checks, criminal background checks. To prohibit
20 housing discrimination based on anecdotal information
21 and opinions that there has been housing
22 discrimination based on criminal arrest records.
23 Uhm, so, I understand some of your testimony that you
24 don't fully support the bill as it stands right now,
25 is that correct?

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2 ANNABEL PALMA: Yeah, we support the intent of
3 the bill but want to work with Council and other
4 stakeholders to ensure that – and the Administration
5 as well that I mentioned, that the bill is the best
6 bill it can be for all New Yorkers.

7 COUNCIL MEMBER VERNIKOV: Are there specific
8 parts of the bill that – well, let me rephrase. What
9 are the specific parts of the bill that you don't
10 support?

11 ANNABEL PALMA: Uh, the pieces that the
12 Administration is reviewing and thinking about is the
13 potential for look back periods for certain offenses.

14 COUNCIL MEMBER VERNIKOV: Thank you. So, uhm, I
15 understand that you understand the bill very well.
16 So, let me ask you a question. If this bill passes,
17 will a property owner be allowed to check whether or
18 not a potential tenant has committed robbery,
19 burglary or arson in the past? If it passes the way
20 it is right now.

21 ANNABEL PALMA: Private landlords would not be
22 looking at past behavior as a predictor of tenancy
23 though as we said, there's different rules under
24 federal law for federally subsidized providers.
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COUNCIL MEMBER VERNIKOV: Okay, so somehow the landlord does find out that potential tenant has committed robbery, burglary or arson in the past, would that landlord be able to reject the tenant, the application based on that knowledge?

ANNABEL PALMA: On that basis alone?

COUNCIL MEMBER VERNIKOV: Yes, on that basis alone.

ANNABEL PALMA: No.

COUNCIL MEMBER VERNIKOV: And if a potential tenant applies to rent an apartment and the landlord learns through a friend that there's a warrant out for that persons arrest, can the landlord then deny that application based on that knowledge?

ANNABEL PALMA: Based on an outstanding warrant? That's the question right?

COUNCIL MEMBER VERNIKOV: Yes.

ANNABEL PALMA: I'd have to get back to you on that.

COUNCIL MEMBER VERNIKOV: Okay, so if a potential tenant who is applying to rent an apartment say murdered a child in the past. Would a landlord be able to check that information in order to consider if the tenant can move in should this bill pass?

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2 ANNABEL PALMA: Should the current version of the
3 bill pass, a landlord, private landlord would not
4 look back at arrest or conviction history.

5 COUNCIL MEMBER VERNIKOV: So, he wouldn't be able
6 to check if a tenant murdered a child in the past?
7 Yes or no?

8 ANNABEL PALMA: They would rely on the other
9 tools that landlords have to review individuals for
10 tenancy.

11 COUNCIL MEMBER VERNIKOV: So, no, right?

12 ANNABEL PALMA: Yes, I said that.

13 COUNCIL MEMBER VERNIKOV: Okay. Does the uhm,
14 CCHR receive housing discrimination complaints based
15 on criminal history?

16 ANNABEL PALMA: That is not something that is
17 within our jurisdiction, so it's not again something
18 that we count. We do have at least one case though
19 where under a theory of disparate impact, there was a
20 settlement with a landlord. A larger landlord who
21 was uhm, had a blanket prohibition on tenants with
22 arrest or conviction history and that was found to
23 have a disparate impact based on race and national
24 origin.

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2 COUNCIL MEMBER VERNIKOV: So, we're talking about
3 one case, yes?

4 ANNABEL PALMA: There's currently one case that
5 the Commission has handled. There's also a larger
6 universe and body of law but we have one case that I
7 can speak to, yes.

8 COUNCIL MEMBER VERNIKOV: Okay, one case. Uhm,
9 do you know approximately how many complaints there
10 are per year based on you know discrimination –
11 discrimination complaints based on criminal arrest
12 records?

13 ANNABEL PALMA: In employment?

14 COUNCIL MEMBER VERNIKOV: No, in housing.

15 ANNABEL PALMA: At the Commission, we don't track
16 those because it's not a protective category in our
17 law.

18 COUNCIL MEMBER VERNIKOV: Okay.

19 CHAIRPERSON WILLIAMS: Thank you Council Member
20 Vernikov. You have, how many more questions do you
21 have? One more?

22 COUNCIL MEMBER VERNIKOV: 30 seconds. I got to
23 pick my best question then. Would you agree that if
24 this bill actually passes the way it is that it will
25 create more housing discrimination?

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2 ANNABEL PALMA: The Administration is supporting
3 the intent of the bill but not the current version.
4 I have not seen evidence in the jurisdictions that we
5 have looked at and talked to, that fair chance
6 legislation has led to more discrimination.

7 COUNCIL MEMBER VERNIKOV: Thank you.

8 CHAIRPERSON WILLIAMS: Just one thing, I want to
9 acknowledge that we've been joined by Council Member
10 Carmen De La Rosa and I see Council Member Holden has
11 his hand up for a second round of questions.

12 COUNCIL MEMBER HOLDEN: Thank you Chair again for
13 the second round. I appreciate it. So, there are
14 already protections for tenants when landlords do
15 background checks right? It's within the fair credit
16 reporting Act. It restricts the type of information
17 that landlords can access and requires them to inform
18 perspective tenants that they'll be conducting a
19 background check.

20 So, the city you know has many programs to help
21 you know ex-cons to find housing. Like, the New York
22 City Rent Frees Program or you know alternative
23 enforcement programs, tenant protection units, Right
24 to Counsel. So, are these programs not working?

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ANNABEL PALMA: I'm unable to speak to the breathe of these programs but I think a lot of them are only tangentially related to the question at hand, which is how do we improve access to housing for New Yorkers, while also considering public safety?

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COUNCIL MEMBER HOLDEN: Yeah, because you know I agree with my colleague Keith Powers that uh why isn't the city building more affordable and transitional housing and supportive housing to give you know ex-cons you know a second chance. This is what I think should be done. If we're going to restrict homeowners and again, I have a lot of three family homes. The landlord lives in the homes. They're going to have rent. They don't have to rent to sex offenders right according to bill?

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ANNABEL PALMA: The bill doesn't talk about who you can rent to or not. It talks about what's permissible to look at as part of the application process.

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COUNCIL MEMBER HOLDEN: So, it doesn't permit you to or it does permit you to look at sex offenders correct?

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ANNABEL PALMA: The current version of the bill does allow housing providers to look at the State Sex Offender Registry.

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COUNCIL MEMBER HOLDEN: But like my colleague Vernikov just said, what about a person that murdered a child?

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ANNABEL PALMA: Currently, a private landlord would not use a criminal background check, so that information might not be known through that channel.

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COUNCIL MEMBER HOLDEN: Right, so you see the problems here. And you see that, and I know it what would happen because I've heard from a lot of residents who own the three-family home or the homes in my district, that they'd just leave the apartment empty rather than go through this. So, that's the danger here when you paint with a broad brush and you have some things that don't make sense. Like, uhm, you can't somebody, let's say an arsonist and he's a serial arsonist. The persons had 12 convictions; you still cannot find out? You still can't do a background check on that part of it. And so, you're putting your family in danger. Nobody in his right mind would do that who owns a three-family home. Believe me. Nobody would do that.

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SERGEANT AT ARMS: Time has expired.

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COUNCIL MEMBER HOLDEN: So, there's the problem.

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Thank you so much. Thank you Chair.

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CHAIRPERSON WILLIAMS: You're welcome. Now, I

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will turn it over to Council Member Ariola.

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COUNCIL MEMBER ARIOLA: Thank you Chair. Has

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CCHR considered that if a landlord can no longer

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check a criminal record of a potential tenant,

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there'll be some landlords that may look at the

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person applying to rent a property and judge them

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based on the color of their skin and assume that they

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have committed crimes and won't accept their

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application opening up more doors for discrimination?

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ANNABEL PALMA: So, as I think it was Councilman

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Marte identified. Race discrimination is one of the

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most prevalent forms of discrimination that we see at

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the Commission. It is prohibited. It still happens.

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The evidence that we've looked at from the employment

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sector and from other jurisdictions do not point to

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the fact that there are - there's increased racial

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discrimination as a result of this law.

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COUNCIL MEMBER ARIOLA: That doesn't exactly

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answer the question but because I think since they're

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not able to do a criminal background check no matter

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2 what the color. If they feel intimidated by that
3 person, they may or may not approve an application.

4 So, uhm, my next question is, does CCHR believe
5 it's fair that the NYCHA New York City Housing
6 Authority is exempt from this and can still conduct
7 background checks, yet and reject people based on
8 their arrest record but not private property owners
9 or condos and co-ops and people who are shareholders
10 and real property owners do have to do that.

11 ANNABEL PALMA: So, the bill as written has a
12 carveout for the fact that federal rules currently
13 put different obligations and requirements on
14 federally subsidized housing than on private
15 landlords.

16 So, not all private landlords do background
17 checks. They're not required to do background checks
18 and as we discussed in response to Councilwoman
19 Williams questions, we are in touch with our
20 colleagues at NYCHA and HPD, who are also constantly
21 revisiting to ensure that their policies are reaching
22 the right balance of the priorities we've been
23 talking about, which is getting people into housing
24 and safety.

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COUNCIL MEMBER ARIOLA: But if this bill were to pass in its form now, then there would be a complete inequity when you own the building privately or you're a co-op owner or a condo owner, then if you are running a federally funded NYCHA housing project, is that correct?

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ANNABEL PALMA: There would be a different set of rules and regulations and that mirrors how it is now. Private landlords are not bound by the same rules and regulations as federally subsidized housing.

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COUNCIL MEMBER ARIOLA: Thank you. In 2015, the City Council passed Fair Change Act I'm sorry, Fair Chance Act banning criminal background checks for uhm, by an employer. Do you have data that shows that it helped formerly incarcerated people get jobs?

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So, as I referenced before, there are a number of studies out there on Fair Chance employment both in New York City and other jurisdictions that indicate that Fair Chance Laws have overarchingly increased call backs and employment for people with arrest or conviction histories.

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COUNCIL MEMBER ARIOLA: Thank you. Thank you for the second round.

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CHAIRPERSON WILLIAMS: No problem. Just some final questions about funding. I know we have an upcoming November MOD hearing today as well. How will expected citywide budget cuts effect CCHR's operations? How does this impact housing discrimination enforcement in particular? It's one thing to have a law but it's another thing for the law to be enforced and that tends to be a problem across many agencies. So, if you could share your thoughts on the funding impacts.

JOANN WARD: Thank you for your question Madam Chair and as you and I have previously spoken on many occasions, while we have to uhm, in the Administration strike a balance in terms of budget, CCHR has a great dynamic team that continues to do the work day in and day out. We continue to work with OMB to you know raise our agency needs and OMB — and we're in constant communication with them. Should this bill be passed, our team is prepared to ensure that we are able to enforce the law.

CHAIRPERSON WILLIAMS: On November 21st, OMB Director Jacques Jiha released a vacancy reduction letter, stating all agencies must reduce city funding

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2 full time civilian positions that were vacant as of
3 October 31, 2022, by 50 percent.

4 As I mentioned earlier, I was quite alarmed that
5 your agency was second on the Comptrollers report and
6 so, I'm quite concerned and would love to know what
7 is the total number of positions CCHR is currently
8 budgeted for? And how many of these positions are
9 currently vacant?

10 JOANN WARD: CCHR is currently budgeted for 140
11 positions.

12 CHAIRPERSON WILLIAMS: And how many are vacant?

13 JOANN WARD: We currently have 109 staffed
14 individuals.

15 CHAIRPERSON WILLIAMS: So, you have 140 budgeted
16 and you have currently 109 people on staff?

17 JOANN WARD: Correct.

18 CHAIRPERSON WILLIAMS: Okay. Uhm, why were there
19 no vacancy reductions listed within the November plan
20 for CCHR? Should we expect these vacancy reductions
21 or has the administration exempted your agency?

22 JOANN WARD: We have not been exempted. We're
23 working with OMB. We're working through our budget
24 needs with OMB as we speak.
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CHAIRPERSON WILLIAMS: Okay, is it fair to say that you currently have the necessary staff to enforce existing laws?

JOANN WARD: We continue on a daily basis to enforce the human rights law.

CHAIRPERSON WILLIAMS: Okay, I just wanted to make a statement that I do hope the Administration prioritizes CCHR and the work that they're doing, especially considering the proposed reduction plan and of course looming intricacies for next years budget. And Council Member De La Rosa has a question.

COUNCIL MEMBER DE LA ROSA: Thank you. Sorry, I was Chairing next door, so thank you for the opportunity Chair Williams. Since some of my colleagues are interested in data, I wanted to ask uhm, is there any data or any proof that a person who has been formerly incarcerated is unable to pay their rent?

ANNABEL PALMA: We don't have data on that.

COUNCIL MEMBER DE LA ROSA: Okay. Is there any data that a person who is formerly incarcerated or any complaints of a person who is formerly

1
2 incarcerated that has not been able to adhere to the
3 terms of their lease?

4 ANNABEL PALMA: That type of complaint would not
5 come to us.

6 COUNCIL MEMBER DE LA ROSA: Uhm, is there any
7 information that you have in terms of folks who have
8 put in complaints for discrimination based on being
9 formerly incarcerated or the inability to find
10 housing due to that circumstance?

11 ANNABEL PALMA: I did mention the one case that
12 was I believe it was a commission-initiated case
13 though, so it was not based on a complaint that came
14 to us. Because we don't have jurisdiction over that,
15 we don't track that and we don't receive complaints
16 on that basis.

17 COUNCIL MEMBER DE LA ROSA: To your knowledge, if
18 a person were to be uhm, we've heard this talking
19 point on the sexual registry, sexual offenders
20 registry. Would anything in this bill preclude a
21 landlord from searching on that registry?

22 ANNABEL PALMA: So, as drafted, 632 permits
23 review of the registry and puts in place notice
24 requirements and then the ability of individuals to
25 either provide information that it was inaccurate or

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2 that they have rehabilitated or to present other
3 mitigating factors.

4 COUNCIL MEMBER DE LA ROSA: Is there any
5 information that the agency may have or the
6 Commission may have around the warehousing of 60,000
7 apartments in New York City?

8 ANNABEL PALMA: That is outside the scope of the
9 Human Rights Law and our jurisdiction.

10 COUNCIL MEMBER DE LA ROSA: Thank you. I just
11 want to say for the record that it is an impossible
12 situation to try and find housing when you're trying
13 to rehabilitate your life. If at every turn there is
14 an obstacle and it is not sufficient for us to try
15 and hide street homelessness by creating larger
16 obstacles for people to find housing.

17 So, we cannot continue to talk through both sides
18 of our mouths when it comes to the rehabilitation of
19 people that have paid their debts to society.

20 CHAIRPERSON WILLIAMS: Okay, thank you to my
21 colleagues for asking such thoughtful questions and
22 thank you to the Administration for your testimony.
23 We do encourage you to stay and listen to the
24 testimonies today. I know you said that's one of the
25 things you want to do as you work with us to pass a

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2 bill that you feel is most suitable to combatting
3 housing discrimination and I appreciate your
4 preliminary support of the intent of this bill. And
5 I just want to again reiterate to the Administration,
6 I know you all have to say what you have to say here
7 at the testimony that CCHR is prioritizing the budget
8 because we have many wonderful laws that really
9 support the most marginalized New Yorkers but if your
10 agency is unable to enforce existing laws, I'm
11 concerned about your ability to enforce future laws.
12 So, I do hope that that is prioritized. Thank you
13 and we'll turn it over to the public in a minute and
14 I'll turn it over to Jayasri for some housekeeping
15 things.

16 COMMITTEE COUNSEL: Thank you Chair. We'll give
17 the Administration a few minutes to gather their
18 things and we will turn to public testimony next.
19 I'd like to remind everyone that unlike our typical
20 Council hearings, we will be calling individuals one
21 by one to testify if they are online. If you are
22 here in person, when you are called, please take a
23 seat at the table and you can begin once the Sergeant
24 starts the timer.

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Council Members who have questions for a particular panelist should let me know and I will call on you after the panelist has completed their testimony. For panelists, once your name is called, a member of our staff, if you are online will unmute you and the Sergeant at Arms will give you the go ahead to begin. If you are here in person, please make sure you push the button on the mic and the red light goes on, so we can hear your testimony. And please wait for the Sergeant to announce that you may begin before delivering your testimony.

We will be starting in a few minutes, so if you don't mind sitting tight, we'll actually just call the first panel so you can get situated. We have Yusuf Dahl, Lizzy Couret, Leah Faria and Andre Ward.

Thank you. We will be starting shortly and just a reminder that you will have two minutes to deliver your testimony.

Thank you. So, on this panel we have Yusuf Dahl, Lizzy Couret, Leah Faria and Andre Ward. You can all begin when you are ready.

YUSUF DAHL: We defer to her first if that would be fine if we could start in that order. Thank you.

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2 LIZZY COURET: My name is Lizzy Couret and I live
3 in Brownsville Brooklyn. I struggle with finding
4 safe, stable housing because of criminal record. I
5 support this bill because it will help women and
6 families like mine to get home. They deserve a
7 successful life.

8 Before I went to prison, I was 21-years-old
9 living on the street and dealing with mental illness.
10 I've been home from prison since 2008 and have never
11 been in trouble again yet securing housing has been a
12 real challenge. For example, last year my boss
13 introduced me to a real estate broker who showed me
14 an apartment complex in Manhattan. It was perfect
15 within my price range but because of my criminal
16 record, I was rejected. I was on the waiting list
17 for NYCHA for eight years and I'm pretty sure I'm not
18 getting anything because of my history.

19 I rebuilt my life after prison. I was employed
20 in different fields, most recently as a cleaner at
21 corporate building. For several years, I was
22 connected to housing through Housing Plus. A
23 nonprofit that provides affordable housing to women
24 who are justice impacted. I was also a good tenant
25 who paid rent on time.

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Right now, I'm living with friends. It's not my own place and I'm tired of not having something that's not my own. My whole life I wanted a home to call my own. For those who say this bill would threaten public safety, I say that's unfair. I am 53, sorry. I am 53 years old and disabled after having a stroke. What can I do to hurt anyone and I'm still being excluded from housing because of something that happened decades ago. I'm sorry.

For women home is a foundation to build on. A place for our children and families for those of us who have served our time. It is unfair to let past criminal records continue to haunt us. Let us move on and be productive. We deserve fair access to housing. I urge the City Council to support this bill. Thank you.

CHAIRPERSON WILLIAMS: Thank you for your testimony.

LEAH FARIA: Good afternoon Chair Williams and the rest of the Council. My name is Leah Faria and I am the Senior Community Organizer for the Women's Community Justice Association, which works to end mass incarceration for women, families and gender-expansive people.

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2 Women are especially vulnerable to housing
3 discrimination based on a criminal record. When I
4 was released in 2019, getting a home to call my own
5 was a real struggle. I applied to at least three
6 apartments but having to check that box asking if I
7 had a conviction, resulted in me never hearing back
8 from those landlords.

9 Checking the box was like going through the
10 trauma of the court system all over again. I served
11 22 years in prison without a single disciplinary
12 infraction, proving that I was fit to return to the
13 community. Within 30 days of my release, I had a
14 job. I had the means to pay the rent, I did the time
15 without getting into trouble, yet I was still not
16 being given a second chance. No one wanted to rent
17 to me. My choices was to live in a shelter or live
18 with my mom. I lived with my mother and it was not a
19 good situation. It was difficult for me to get the
20 remote work parts of my job done and to get sleep
21 because there was constant disruption.

22 I refused to give up and finally connected with
23 Providence House, which provided me supportive
24 housing and which provides supportive housing to
25 justice-impacted people and others in need. It's

1
2 been two years of living there and having a place to
3 call my own feels great. It is freedom, it is my safe
4 place. Turning the key to my apartment and having
5 somewhere to rest my head at night gives me a sense
6 of peace. I pay my rent-on time every month, and
7 probably have one of the cleanest apartments there.
8 But Providence House can't be the solution for
9 everyone with a criminal record. There is not enough
10 space. The bill to Fair Chance for Housing is a big
11 part of the solution.

12 Housing is a human right. Please pass this
13 measure so that other women like myself, get the
14 opportunities they deserve. All I wanted was an
15 opportunity to be treated fairly yet I was denied.

16 ANDRE WARD: Good afternoon Madam Chair. Thank
17 you for hosting this and to the other Council
18 Members, thank you for being present.

19 My name is Andre Ward. I am the Associate Vice
20 President of The David Rothenberg Center for Public
21 Policy at the Fortune Society. The Fortune Society
22 has been around for over 55-years offering supports
23 reentry services for people who have been convicted
24 of different crimes. You know we do this by
25 believing in the power of peoples capacity to change

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2 and changing minds through education and advocacy to
3 promote the creation of a fair, humane and truly
4 rehabilitative justice system.

5 One of the things that's more than a quarter of
6 our new clients says that homelessness or being
7 homeless is an unstable situation. This is a
8 constant plea from the individuals walking through
9 our doors and many times, participants meet all of
10 the requirements to have a housing application
11 accepted. However, in far too many instances,
12 acquiring a place to call home is an uphill battle
13 because of their past criminal system involvement.

14 Comments are like, they were the driving force
15 behind the development of the Fortunes Castle Gardens
16 Apartment building, which is a mixed, affordable and
17 supportive housing development in West Harlem.
18 Approximately 90,000 square feet of residential
19 space. It's composed of 113 units. 50 supportive
20 housing apartments for homeless individuals with a
21 history of criminal, legal system involvement.

22 And next door to the castle is the Fortune
23 Academy, which provides emergency short term and
24 long-term supportive housing for homeless formerly
25 incarcerated people. And what I want to highlight is

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2 that you know it's important to really consider this
3 bill 632. In the following context: There's an
4 ongoing housing crisis that we all know about it.
5 It's well documented that people with criminal system
6 histories face barriers in obtaining housing.

7 Now, I've been to different institutions in this
8 country and in this city. I've taught at many
9 college institutions. Taught at Harvard, at Yale.
10 I've lectured at different institutions to empower
11 people. I'm someone who has a five-year-old
12 daughter. I'm someone who's went to the highest
13 levels of academia. Schedule to graduate my
14 doctorate degree in 2024 and yet, would you deny me
15 housing if I applied for housing? Maybe so because I
16 have a conviction history.

17 And so, it's important to note that this
18 legislation is important and I'm not the exception,
19 right. We're talking about anybody that has a
20 conviction history, had the capacity to live a life
21 of contribution.

22 I've counseled thousands of families and
23 individuals about how to navigate this system. I
24 facilitated restorative justice circles between
25 people who have been harmed and people responsible

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2 for causing the harm on many occasions. And
3 invariably, those who have been harmed said
4 unequivocally, they were rather something different
5 to happen to people who may have harmed them rather
6 than being put in prison and jail.

7 I'm speaking based on experience as a
8 professional. So, Intro. 632 is an important bill to
9 pass and we thank you Madam Chair and certainly
10 Majority Leader for putting this on and we thank the
11 Council Members who may have given them opposing
12 feedback because it's helpful for us to understand
13 what those who are opponents of the bill have to say
14 because we lead with facts rather than fear. Thank
15 you.

16 YUSUF DAHL: Good afternoon. Thank you
17 Chairwoman Williams, the Council and to my fellow
18 panelists for sharing really tremendous and brave
19 testimony.

20 My name is Yusuf Dahl and at 18-years-old, I was
21 sentenced to prison for ten years for the
22 distribution of drugs. In the ensuing 25 years, I
23 have built a successful property management business,
24 served as president of Wisconsin's largest trade
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2 association, graduated from Princeton University and
3 now have a teenage daughter.

4 The challenge in front of this Committee is to
5 determine whether the private problems of folks like
6 us warrant definition of a public problem enhance
7 your intervention. Some folks will argue no. They
8 will say that the market is working and that
9 landlords are making rational decisions that secure
10 the safety of their properties and the wellbeing of
11 their tenants. As a landlord that has operated 200
12 affordable housing units, I can sympathize with that
13 perspective. I've spent much of my mid-20's and late
14 20's acquiring buildings, pouring gallons of sweat
15 equity into them and pouring all of my hard-earned
16 dollars into those investments.

17 Instinctively, like many of the opponents of this
18 bill, I would resist any effort to constrain my
19 ability to determine who I could rent to. However,
20 instincts are not the best way to manage a critical
21 resource in our communities that is foundational for
22 all of our hierarchy of needs.

23 I have directly signed hundreds of leases and
24 have oversaw the execution of well over 1,000. The
25 most important predictor of success in housing is

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2 income and credit history. Inquiring about someone's
3 criminal history denies folks access to housing for
4 debts that have been paid and for factors that have
5 nothing to do with their ability to be successful as
6 a tenant.

7 I know this first hand. I was recently recruited
8 to lead an education nonprofit and was denied access
9 to neighborhoods that offered my daughter access to
10 high quality schools. My income and rental history
11 were irrelevant. Could that landlord make a credible
12 case that I would stiff him or harm his existing
13 tenants? Absolutely not and I don't even think that
14 that landlord would try to, yet they would likely
15 oppose this bill because of the perception that they
16 are going to lose control.

17 And as I say to landlords across the country,
18 this is really just a perception because this
19 legislation and I want to be clear to the members of
20 this Council, this legislation will not harm the
21 business or safety of this community. It will simply
22 correct the market failure that is constantly judging
23 folks perpetually for the worst thing they've every
24 done. Thank you.
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2 CHAIRPERSON WILLIAMS: Thank you. I just want to
3 remind the panelists and future panelist to please
4 stick to the time. I really don't want to cut you
5 off. That also goes for my colleagues, so if you
6 could please stick to the time, that would be most
7 appreciated so we can hear everybody. Do any of my
8 colleagues have any questions?

9 Okay, I just want to acknowledge that we have
10 been joined by Council Members Velazquez and Kagan
11 and also Minority Leader Borelli and the bill sponsor
12 has a question.

13 MAJORITY LEADER POWERS: Thank you for testifying
14 your stories and your advocacy and your grace here as
15 well. There's 750,000; this is for anyone but this
16 is 750,000 New Yorkers, almost 10 percent of the
17 adult population in New York City who have a prior
18 conviction and could be barred from housing because
19 of background checks but certainly, that's not the
20 amount of people that are committing crime in the
21 city that are not part of the numbers that we see.
22 We talk about public safety, yet you hear in the last
23 couple of weeks, a broad brush being painted about
24 people who have records and a broad, when we talk
25 about broad things on my bill, we actually hear the

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2 opposite on the other side, which is a broad intent
3 to tell everyone who has ever had what you said, the
4 worse day of their life that they should live with
5 that forever, for a period of time, you name it. And
6 that's clearly not true. The facts are on our side
7 on that one. 750,000 people and when you look at the
8 numbers of who is committing crimes, yeah, that's not
9 what we hear every day.

10 So, I just want to reiterate that and maybe ask
11 Andre if you can speak more to the people you're
12 working with and their efforts to rehabilitate their
13 lives and how housing can be essential to that. And
14 also, I want to just, we ask you to speak to the
15 Mayor's point about a time period and how that might
16 be destabilizing somebody at the exact moment when
17 they need stabilization.

18 ANDRE WARD: Yes Council Member, the Fortune
19 Society serves over 9,000 people annually that have
20 had some contact with the criminal legal system. And
21 we have had proven concept of success based on people
22 going on to live a life of contribution once they go
23 through our various programs. We have a suite of
24 different services for which we offer to people.
25 Ranging from behavioral health to substance use

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2 treatment to employment readiness, to education etc..
3 And one of things that essential in all of that is
4 housing. In our housing portfolio, we've been able
5 to provide housing for thousands of people throughout
6 the 20 plus years that we have been servicing the
7 people that we care about. We don't throw them away.
8 We don't look at them as things or objects to be
9 placed somewhere or not by us. We embrace their
10 humanity because we know that they have the capacity
11 to contribute to society just like anybody else.

12 The Mayor in effect has made statements relative
13 to why people should you know or why we should look
14 at aspects of the bill in a way that we should focus
15 on heinous crimes in some way and what we're
16 suggesting and what we maintain and believe is that
17 someone who has a conviction, irrespective of what it
18 may be, should also be dealt with fairly and treated
19 humanely. And in the bill itself, it has the
20 carveout specific to what people have asserted on the
21 opponent side, the sexual offense registry etc. So,
22 that's a short answer Council Member.

23 MAJORITY LEADER POWERS: Thanks, and just one
24 more question and I'll hand it back. This for Yusuf,
25 who has experience obviously in this field. When a

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2 landlord or property manager or anyone who's in this
3 field receives a background check and is particularly
4 in a really high demand market; my district being one
5 of the highest demands in the entire world in the
6 country. And the sort of rapid nature of how the
7 apartment process goes in New York City and other
8 jurisdictions as well, the landlord or progenitor is
9 going to receive a document that basically says
10 whether there's a criminal offense or not. Is that
11 fair to say? But it's not going to have any evidence
12 or information about what the status is of
13 rehabilitation. The landlords unlikely didn't ever
14 in New York City meet the actual tenant that they're
15 going to rent to because we have a robust system with
16 brokers and other ways, property managers and things
17 like that.

18 So, I guess that's two questions in one. One is,
19 how do we know if you're giving broad discretion that
20 had to compare one individual versus another anyway
21 when you talk about rehabilitation. We talked about
22 giving discretions as other people here have said.
23 How do we know, how would a landlord ever know the
24 status of an individual anyway if they're being asked
25 to continue to be able to judge them based on using a

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2 criminal record? Well, let me start there. Let me
3 ask that question.

4 YUSUF DAHL: So, contextualizing it in what you
5 had mentioned, which is a particularly robust market.
6 What most landlords will do is they're just going to
7 take the applicant that has a perfect record right.
8 So, if you have any type of blemish on your record,
9 so a past conviction, that conviction can be 25 years
10 ago. It doesn't matter in a tough rental market like
11 this, that person will be discriminated against.

12 MAJORITY LEADER POWERS: Thank you. Enough said.

13 CHAIRPERSON WILLIAMS: Uhm, I think uhm Minority
14 Leader Borelli has some questions.

15 MINORITY LEADER BORELLI: Uhm, I appreciate all
16 your comments and I guess, I just want to hear your
17 perspective on how to answer some questions that
18 people who are concerned have asked us.

19 Uhm, the recidivism rate of violent crimes, 65
20 percent of people are rearrested within five years.
21 That's two-thirds of people. With property crime, 78
22 percent. So, four out of every five. What is the
23 reaction to that when people say that given the
24 recidivism rate excuse me, aren't people taking
25 reasonable precautions when not renting to someone

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2 with a specific criminal conviction? I'll ask the
3 panel. I don't who wants to answer.

4 ANDRE WARD: I think one of the things to
5 consider and thank you for that Council for that
6 question. One of the things to consider is that
7 there's no scientific evidence that determines
8 whether or not someone that has a conviction history
9 is going to be a problematic tenant. That's a fact.
10 And in no way am I trivializing the data that you
11 shared. We know in New York State that data is
12 accurate. However, again, there's no evidence at all
13 Council Member that even though there's property
14 crime that happens, it's still not a determining
15 factor in whether or not a person will be a good
16 tenant because they have a conviction history. It's
17 just not.

18 MINORITY LEADER BORELLI: But the bill doesn't
19 bar a landlord or owner or co-op or etc. from still
20 renting to someone who fits in the statistical
21 category potentially but can otherwise prove that
22 they are a good fit for a particular housing unit.
23 We just had a conversation with all four of you and
24 you all made very compelling cases as to why you
25 should be housed in some particular location or why

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2 you'd be a good fit for any building. The bill
3 prevents this conversation from happening. Why is
4 that a bad thing?

5 ANDRE WARD: I think a part of it is that it's
6 irrelevant. I think the fact of the matter is that
7 if someone is able to pay their rent, if they have
8 proof in terms of being a person that is otherwise
9 fit to be living somewhere because they're a human
10 being, they're a good person and they have character
11 references to prove that; I think that should
12 suffice. And we maintain that a human being should
13 have access to housing irrespective of like what they
14 have done in the past in their lives.

15 MINORITY LEADER BORELLI: But a criminal
16 conviction of say a hate crime wouldn't be an
17 indicator of someone's character?

18 ANDRE WARD: You know I think when we talk about
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20 MINORITY LEADER BORELLI: I'm not trying to be
21 gotcha -

22 ANDRE WARD: No, no, no, I don't take umbrage to
23 that Council Member at all. I welcome it. I think
24 when you talk about a hate crime right, that's
25 something else categorically right that may fall

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2 outside of the purview of what we're talking about
3 here. You talk about a hate crime right. We're
4 still saying that a person should have access to
5 apply for housing regardless of their convictions and
6 not being discriminated against because it. So,
7 whether it's a hate crime, whether it's someone who
8 unfortunately has taken someone's life, someone who
9 has stole a candy bar. We're saying that people
10 should have the opportunity to be able to apply for
11 housing and not be discriminated against because of
12 their conviction history.

13 MINORITY LEADER BORELLI: Thank you. I agree
14 with you.

15 CHAIRPERSON WILLIAMS: Council Member Borelli.

16 MINORITY LEADER BORELLI: I'm just going to wrap
17 up.

18 CHAIRPERSON WILLIAMS: Okay.

19 MINORITY LEADER BORELLI: I agree with everything
20 that was said and I guess my point is that the
21 conversations around these issues and the
22 conversations around what mitigating life choices one
23 has made that you brought up, there are plenty of
24 things people have done post incarceration that make
25 them great people. The bill bans the questioning of

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that or the conversation about that and that's why I have some opposition. Thank you.

CHAIRPERSON WILLIAMS: No problem. Council Member Vernikov.

COUNCIL MEMBER VERNIKOV: Thank you. Mr. Ward, I just want to thank you for some of the work that you are doing. I think it's incredibly important. Supporting the four million incarcerated. Helping them with finding housing and jobs, adjusting to civilian life and educational opportunities. Those are all good things but some of these individuals are still dangerous offenders and we can't help them by placing the lives of civilians in danger.

So, my question for you, my first question for you is, if the bill passes, can someone who committed murder in the past end up living in an apartment building with seniors and children, specifically because the landlord was not allowed to check their criminal record?

ANDRE WARD: First, I just want to say for the record, we don't refer to people as offenders at the Fortune Society. We don't use language like ex-con's, convicts, etc. Because in that term alone, it's dehumanizing and it denotes a certain kind of

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2 interpretation that perpetuates right, this kind of
3 like idea of who's worthy and who's not. That's one.

4 If a housing development has an application and
5 that application is accessible to the public for
6 someone to apply, then anyone should be able to apply
7 irrespective of what they've been convicted of and
8 they should not be discriminated against because of
9 their conviction history.

10 So, if that housing development has seniors that
11 are living there, the children are living there or a
12 mixture of both in some ways, people should still
13 have the opportunity to apply for housing and not be
14 discriminated against because of their conviction
15 history.

16 COUNCIL MEMBER VERNIKOV: Would the Fortune
17 Society support a bill that would prohibit housing
18 discrimination against those who have committed minor
19 offenses but not exempt those who have committed
20 serious crimes such as murder?

21 ANDRE WARD: We don't prohibit anyone from
22 accessing our housing. Even people that have been
23 convicted of sex offenses, we don't do that.

24 COUNCIL MEMBER VERNIKOV: And a murder?
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2 ANDRE WARD: And murder. If someone who has a
3 conviction, whatever it may be, we don't look at a
4 person based on their conviction.

5 COUNCIL MEMBER VERNIKOV: It doesn't matter if
6 they murdered someone?

7 ANDRE WARD: It doesn't matter to us because
8 they're human beings who served their time, paid
9 their debt to society and ultimately like any other
10 human being, coming back into the world or living in
11 the world should have access to the same rights as
12 anyone else. So, no, we don't.

13 COUNCIL MEMBER VERNIKOV: Okay, so I understand
14 it's your prerogative to protect murderers. The
15 Fortune Society is also a landlord, correct?

16 ANDRE WARD: Yes, the Fortune Society is a
17 landlord and we don't protect murderers, we honor the
18 humanity in someone who has committed harm to someone
19 else. So, as they can begin to inspire other people
20 to not cause harm to someone else. So, we're not
21 protecting anyone Council Member. We're simply,
22 we're simply holding them in a way that they can feel
23 cared for. Because the people that we serve, those
24 who among that 80 percent of Black and Latinx people
25 who are obviously impacted by systems in this country

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2 and racism. We know that many of them never had a
3 first chance to begin with. And therefore, we showed
4 them what first chances look like and new
5 opportunities look like by bringing out the best in
6 them, so that when they go in the world, they show
7 other people what potential looks like. What living
8 a life of contribution can look like and how that can
9 show up in the communities that they go into and they
10 will live in.

11 COUNCIL MEMBER VERNIKOV: Okay, so I'll rephrase,
12 you don't protect murderers, you honor them.

13 CHAIRPERSON WILLIAMS: Council Member Vernikov.

14 COUNCIL MEMBER VERNIKOV: Just one.

15 CHAIRPERSON WILLIAMS: Okay, 20 seconds and if
16 you could - everyone could be synced. We have over
17 50 people registered to testify and I want to respect
18 everybody's time. I would love to stay here and
19 listen to all of the questions and all the responses
20 but we just simply don't have that time. So, just
21 reminding everybody to be uhm intentional about the
22 time you're using. To respect the time clock and
23 also reminding our wonderful guests to please use
24 sign language when you're applauding as to not
25 disturb the testimonies. Thank you so much.

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COUNCIL MEMBER VERNIKOV: Thank you. So, as a landlord, do you conduct criminal background checks?

ANDRE WARD: No, I don't. I don't.

COUNCIL MEMBER VERNIKOV: I meant the Fortune Society.

ANDRE WARD: The Fortune Society does not conduct criminal background checks, right. And you know, I'm thankful for your questions Council Members but I have to obviously and I'll say this quickly out of respect for Madam Chairs that I honor all human beings, even you Council Member. Because it's the right thing to do as a human being and this is what the Fortune Society teaches the people that we serve to honor all human beings irrespective of what they've done, who they support, the things they're involved in. We know that human beings have the capacity to do good and to change.

CHAIRPERSON WILLIAMS: Thank you.

COUNCIL MEMBER VERNIKOV: It says in your website that some programs in the Fortune Society require a background check and/or additional training.

ANDRE WARD: What? Where there are certain positions right? If they need to be filled by employers, that could be a possibility and I'm

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2 qualifying this for the record. That could be a
3 possibility.

4 COUNCIL MEMBER VERNIKOV: So, you do sometimes
5 conduct criminal background checks?

6 ANDRE WARD: No, we don't conduct them
7 specifically.

8 COUNCIL MEMBER VERNIKOV: What does that mean?

9 ANDRE WARD: What I mean by that is, if they're
10 employers that are looking for candidates, we will
11 speak with the people that we serve and we will
12 manage the relationship with the employers relative
13 to background checks in that way.

14 CHAIRPERSON WILLIAMS: Thank you Council Member
15 Vernikov and now, I'll go to Council Member Kagan.

16 COUNCIL MEMBER KAGAN: Thank you Madam Chair.
17 Thank you. So, first of all, I would like to say
18 that all of you are admirable examples and nobody
19 will judge our anything like this. So, thank you for
20 being here. Thank you for testifying.

21 Also, I'm definitely for a second chance and as
22 Council Member is finding programs for formerly
23 incarcerated. My question is, in the current form,
24 so we have zero objections to the current form of
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2 this bill, no objections. Not a single chance,
3 everything is okay?

4 YUSUF DAHL: Well, I'll respond to the spirit of
5 the bill and I think just to reiterate what I said,
6 what determines the success of a tenant and you know
7 I respect so much the work of Andre and the Fortune
8 Society, I'm not coming at this from a social service
9 perspective. I am a landlord. I own a property
10 management company. What determines the success of a
11 tenant is their ability to pay rent and their history
12 of being able to pay those bills in a responsible
13 manner. That is what determines the success of a
14 tenant. When we start to factor in some of these
15 other things and I appreciate you believing in second
16 chances but everyone does not think the way you do.
17 And literally, I have just been denied access to an
18 apartment because of a conviction that's over 25
19 years ago. This stuff is real and it happens to
20 folks every single day.

21 COUNCIL MEMBER KAGAN: And it's terrible. I
22 agree with you, it's terrible, so I believe this bill
23 should be amended to the situations like you just
24 described. For example, this bill specifically right
25 now saying that sex offenders could be prohibited

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2 from living in certain apartments. You know like so
3 sex offenders are already like not humans, not second
4 chance, how about this? So, why not any other
5 categories of convictions of situations like repeat
6 [inaudible 2:27:05] etc.

7 So, that's my point, why not amend this bill to
8 make like I would say, easier and safer for everyone?

9 ANDRE WARD: Thank you Council Member for that.
10 To amend the bill to begin to expand the categories
11 will diminish the impact of the bill itself and the
12 purpose and aim of it.

13 Individuals who are designated to be on the sex
14 offense registry, that outcome came about as
15 something based on what we discussed. But to broaden
16 those categories will diminish it, so the next thing
17 people will say, they stole a candy bar. We should
18 be able to know, right?

19 And I'm not trivializing. I really believe that
20 there's people out there that think that because the
21 broadness of people's perception on crime etc.,
22 doesn't discriminate in terms of what it is right?
23 If you are convicted of something, you are criminal,
24 right? We've heard someone say you know these are
25 criminals, irrespective of like what they've done,

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how minimal it has been but to broaden that category as far reaching and it will obviously diminish to impact the bill itself.

COUNCIL MEMBER KAGAN: What about most violent offender, would you consider this exception for this bill?

ANDRE WARD: I don't know what you mean necessarily Council Member by the most violent offender. If you're able to describe that, I'm happy to hear it but I don't know what you like mean by the most violent offender.

COUNCIL MEMBER KAGAN: Several violent crimes is like, released from jail, committed again and released from jail, committed again several times. Would you consider this as exemption from this?

ANDRE WARD: I believe that if someone has committed an offense, they've served their time, they're released. Ultimately they should have the opportunity to be able to apply for housing and not discriminated against because of their conviction history.

COUNCIL MEMBER KAGAN: So, even if they're released three times for example, so no exemptions what so ever?

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2 ANDRE WARD: We believe in human beings capacity
3 to change Council Member. Two, three times, many of
4 us have made poor decisions two, three times and have
5 been given opportunities to be able to still move
6 forward in our lives. We may not have been convicted
7 of a crime Council Member but certainly, we have been
8 given opportunities because of grace and
9 understanding and support and resources. We have
10 been able to move forward in our lives. We believe
11 the same thing, that people have the capacity to
12 change.

13 COUNCIL MEMBER KAGAN: Thank you.

14 CHAIRPERSON WILLIAMS: Thank you. Uhm, I just
15 have one question. I know CCRH said they were not
16 collecting this data but I know you guys do a lot of
17 extensive research and so, I wanted to know if you
18 all have collected data on how often people are
19 denied housing as a result of having a criminal
20 record. Do you have any anecdotal data or anything
21 you could share around the discriminatory practices
22 to sort of substantiate the need for such a bill
23 outside of it being a fair human rights thing to do?

24 ANDRE WARD: We have done some research Madam
25 Chair in the white paper and there's some data that

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we could pull that seeks to respond to what you're asking.

CHAIRPERSON WILLIAMS: Okay, yes, I would love to receive that data. I know you said you own a management company. So, just in terms of your industry, are you able to kind of share how common a practice is for folks who ask for criminal background checks by management companies and/or landlords? Are you aware of how often that happens percentagewise?

YUSUF DAHL: It's a well published fact that approximately 90 percent of landlords utilize background check services to determine the fit of a tenant.

CHAIRPERSON WILLIAMS: Thank you. I don't think I see any other questions. I want to thank the panel for your testimony and look forward to working with you. Thank you.

COMMITTEE COUNSEL: Thank you. We'll next call Mary Ann Rothman, Melissa Gomez, Ryan Monell, and Geoffrey Davis.

You can go ahead and start when you're ready. Just the Administration gets sworn in.

MARY ANN ROTHMAN: Good afternoon Chair Williams and members of the Committee. My name is Mary Ann

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2 Rothman and I'm the Executive Director of the Council
3 of New York Cooperatives and Condominiums, which is a
4 membership organization providing information,
5 education and advocacy for housing, co-ops and condos
6 located throughout the five boroughs of New York City
7 and beyond. More than 170,000 New York families make
8 their homes in our member buildings which span the
9 full economic spectrum from very modest income
10 restricted housing to solid middle class apartment
11 complexes and upscale dwellings. The people who live
12 in New York co-ops and condo's are not only the
13 owners of their buildings, they're also the electors
14 of their communities governing boards and the
15 neighbors who share the dealing units and its common
16 space.

17 As homeowners, they often remain in place for
18 decades, stabilizing and contributing to their
19 neighbors. The safety and security of every member
20 of a co-op or condo community are of utmost
21 importance to any board who are making management
22 decisions, including the review of new resident
23 applicants.

24 Intro. 632 would restrict the ability of co-ops
25 and condo's to examine criminal history in such

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2 instances. While we appreciate the Council's
3 commitment to criminal, legal reform and protecting
4 the rights of disenfranchised New Yorkers, we must
5 oppose this overly broad legislation as antithetical
6 to sound management and resident safety. With every
7 admissions application board seek assurance that the
8 candidate understands all responsibilities associated
9 with cooperative living that they'll be contributing
10 members of the community and will not harm or
11 jeopardize the safety of the community in anyway.

12 We do not take the —

13 SERGEANT AT ARMS: Time expired.

14 MARY ANN ROTHMAN: Can I do one more paragraph?
15 One more paragraph? We do not take the position that
16 prior involvement with the criminal justice system
17 should automatically disqualify applicants for
18 housing. Our concern is that cooperative ownership
19 communities must continue to have the ability to
20 manage and regulate their operations and finances
21 including making thoughtful admissions decisions
22 within the parameters of the existing human rights
23 law.

24 We therefore urge the City Council to seek a
25 better balance between the rights of persons with a

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2 criminal history and property owners ability to
3 provide safe housing to tenants. Thank you.

4 MELISSA GOMEZ: Good morning all. My name is
5 Melissa Gomez, I am a Real Estate Broker located in
6 Queens Village. I am here as 2022 Vice Chair for I'm
7 sorry, no Chair, for New York City Working Issues
8 Group for New York State Association of Realtors,
9 which has 13,000 realtor members in the five
10 boroughs, along with 64,000 members statewide.

11 You have my speaking points, so it gives you a
12 little bit of my history. I'm not going to go into
13 that. We hear speaking against Introduction Number
14 632. We understand the housing crisis. Obviously,
15 I'm in real estate, I get it. There is a big problem
16 all across the board on many different fronts.
17 However, this bill does not address certain issues
18 that we think are - we would hope that the Council
19 Members will look at other jurisdictions to look and
20 see and hopefully enact something that would be more
21 fair or just kind of look at things from different
22 perspectives. We feel that if, I feel if all short
23 in addressing the root of the problem. There are
24 violent criminals. There are criminals that are
25 career criminals. Unfortunately, the reality is that

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2 for some people, they do not know another way of life
3 outside of criminal activity because that is what
4 they were taught.

5 I can say this because I have friends that have
6 been rehabbed and it is different if you committed a
7 crime ten years ago versus committing something six
8 months ago and then going back into it and committing
9 it again. I am fearful for the 80-year-old lady that
10 is living in a two family, that is not owner occupied
11 and the tenant that is coming in is an identity theft
12 person. I am fearful for the person that has had a
13 meth lab in prior properties and now this property is
14 no longer deemed viable. I am fearful for the person
15 that has the property has brothel and the FBI has
16 come in and broken down. There's a lot of things I
17 think it does not take into consideration and I would
18 hope it does. My biggest fear in this or my two big
19 issues, one, NYCHA is federally funded. I am self-
20 funded as an owner and it's not fair that a federally
21 funded organization has a right to check it and I do
22 not.

23 Also, my biggest fear honestly as a minority, my
24 family is from the Dominican Republic. I am Brown.
25 People will now look at us and instead say, you know

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2 what, you probably have a criminal background because
3 you're Black or Brown and instead, and if we think
4 that racism does not exist; we've heard it all
5 morning and the reality is that as a person that is
6 minority, I can tell you, racism is very much alive
7 and well. And my fear is that people will use this
8 as a reason, their preconceived notion as the reason
9 as to why they will deny housing and we're actually
10 going to create a bigger problem of housing access
11 for people where they could honestly show, you know
12 what? I am not a criminal. Please don't assume that
13 about me and I think it's the travesty not to take
14 other things into consideration. So, I really would
15 hope that we look at other jurisdictions as other
16 areas across the country that have looked at fair
17 chance and just say okay, what's working. The
18 blanket area of this bill is not.

19 RYAN MONELL: Well, thanks Chair Williams and
20 it's really great to be able to speak on this really
21 important issue. I also want to thanks to the
22 sponsor of the bill. I know Majority Leader; I'm
23 looking at Joe Borelli over here. Majority Leader
24 Keith Powers for the continued dialogue on you know
25 this conversation and you know I want to say I'm now

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2 on Vice President for Government Affairs for the Real
3 Estate Board of New York. Over recent years, we've
4 really been focused on making sure that we also
5 further the shared goal that we have of housing
6 access. But I do want to say that we do have some
7 concerns in terms of balancing that priority with
8 that of building security and building safety, public
9 safety.

10 You know one of the models, it wasn't presented
11 today I think is what Detroit has done, which is a
12 much more nuanced approach in regards to ensuring
13 that there is an appropriate look back period
14 provided for consideration. As well as something
15 that would be taken into consideration I think
16 hopefully by this Committee as well, which would be a
17 process through which CCHR could look at potential
18 erroneous denials of applicants if it has been found
19 that they've been discriminated upon.

20 Also, we appreciate that the bill includes
21 identification language. We look forward to
22 continuing the conversation around that to ensure
23 that it's also strengthened. And finally, to Mary
24 Ann's point earlier, you know sales and rental
25 processes are very different. We want to make sure

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that there is some continued conversation around that as well to ensure that those processes are both taken into consideration in regards to how this processes are different. So, with that said, happy to take any questions. Appreciate the opportunity to testify today.

CHAIRPERSON WILLIAMS: Thank you. I believe we have one person online.

COMMITTEE COUNSEL: We have Geoffrey Davis who is on Zoom.

GEOFFREY DAVIS: Hello, can you hear me?

SERGEANT AT ARMS: Starting time.

GEOFFREY DAVIS: Can you hear me?

COMMITTEE COUNSEL: Yes, we can hear you.

GEOFFREY DAVIS: Alright beautiful, alright.

Hello everyone, I'm Geoffrey Davis from the James E. Davis Stop Violence Foundation. I wanted to make a point that this subject of public safety and housing; of course, housing is a human right. Housing is very important. Housing is a human right but it can't go up against public safety. Right there in the Chamber in City Hall, every City Council Member had to go through a metal detector. You had to go through a metal detector because of public safety. 19 ½ years

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2 ago there was a shooting right there in that building
3 and the laws haven't changed where a human being
4 died. My brother, Councilman Geoffrey Davis, your
5 colleague and then they changed the law Mayor
6 Bloomberg to say everyone has to go through a metal
7 detector and their guests. Public safety two years
8 prior to that, two blocks away, there was a tragedy
9 where 3,000 people were killed in the World Trade
10 Center. And then they changed the laws, now it's
11 tougher to get through at the airports. Public
12 safety let's not wait till a tragedy. Yes, we
13 believe in second chances, third changes, fourth
14 chances etc., etc., but property owners have the
15 responsibility and the obligation to provide safety
16 to the tenants. To their family first, to the
17 tenants that live in the building and to a community.

18 Now, if the bill is amended, if you haven't been
19 in prison in 20 years, okay, we understand that
20 you've been rehabilitated. But if you continue over
21 and over and over to get arrested, how does the
22 landlord know that? How does the landlord know that
23 you got arrested over and over and over again? The
24 landlord won't know that. How does the landlord know
25 that you're a pedophile?

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2 In terms of the rate, the registry, the registry
3 is only for New York. That means somebody from Ohio
4 could have did a valid crime and raped and hurt
5 someone and then come to New York and you wouldn't
6 know because you couldn't do a criminal background
7 check. We do background checks to save - take away
8 background checks for day care centers.

9 SERGEANT AT ARMS: Your time's expired.

10 GEOFFREY DAVIS: Take away background checks for
11 banks. You can't take away - thank you. I
12 appreciate it.

13 In conclusion, I want to acknowledge my brother,
14 the honorable Council Member James E. Davis, law
15 enforcement officer, district leader, a reverend and
16 of course the City Councilman and thank you. Amend
17 it and let's get it right but please don't put the
18 two against each other. Thank you, God Bless.

19 CHAIRPERSON WILLIAMS: Thank you. Before we turn
20 to Council Member questions, I just want to reiterate
21 that currently as the bill stands it exempts two
22 family houses, so I just want to reiterate that
23 again, facts. So, it is exempted.

24 UNIDENTIFIED: If they're owner occupied. If
25 it's not owner occupied, it's not exempt. I just

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want to make sure that we have the correction on that.

CHAIRPERSON WILLIAMS: Okay, so the bill sponsor will clarify that but like I said, it is exempt because I know you said if it's owner occupied but when you say that it's not, it creates this narrative that it has nothing to do with the bill. So, it's still two-family households even if it's owner occupied if you want to be specific is exempt. So, I just wanted to reiterate that.

You can, I'm sure people will ask you questions and you can clarify, I just wanted to continue to like talk about the facts of the bill versus some things that I've heard during the hearing and I'll turn it over to Council Member Velazquez for questions.

COUNCIL MEMBER VELAZQUEZ: Thank you Chair. I have a quick question for REBNY. Does REBNY and its members have experience with similar laws outside of New York? And what have you found to be the best practices?

RYAN MONELL: Yeah, so thank you Council Member for the question. A number of our members have a national presence and so, we've done a lot of

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2 conversation over the previous couple of months since
3 the bill was introduced in regards to looking to see
4 which municipalities, which states have done things
5 similar and what has worked, what has not. I
6 mentioned Detroit earlier in my brief remarks. We
7 found that the Detroit model is a model that you know
8 we should consider replicating due to the fact that
9 it does create a fairly good balance from the
10 perspective of our membership in regards to ensuring
11 that we have housing access as well as public safety
12 and building security taken into account.

13 And so, that process again in Detroit, which of
14 course is a fairly progressive city. Basically, it
15 would allow for a preliminary process to occur
16 without looking at criminal backgrounds. After that
17 process is facilitated and someone gets through that
18 process effectively, they would be able to – the
19 criminal history would be able at that point to be
20 considered. However, that criminal history that is
21 able to be considered is somewhat scaled back to
22 account for only the most significant convictions
23 against person or property as well as those
24 convictions that occurred in most recent years.

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There's also as I mentioned earlier, the opportunity to essentially go through a process to rebut as a tenant or perspective tenant, if you feel like you've been wrongly discriminated against. To which the equivalent of CCHR and Detroit would deliberate that process and make that a determination if you were discriminated against. So, we believe that would be a process being we would encourage the Council considering. We're happy to talk about the models as well at a future time.

COUNCIL MEMBER VELAZQUEZ: Next question, have you heard that the criminal history is a significant prohibitor to housing access here in New York City?

RYAN MONELL: So, I think one thing that we really have heard from our membership is that it's not necessarily about ensuring you have the opportunity to reject someone from entering into one of your buildings. It's more about ensuring that you have the ability to abide by the obligation that all landlords have in New York, which is warrant of having ability to ensure that you're accommodating all persons in a building.

So, it's not necessarily about denying someone. There's very rarely in LEC membership that I

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2 represent, have their been folks who have been denied
3 based off of criminal history. But with that said,
4 we don't - we do not acknowledge that this is a real
5 issue that we want to make sure we're solving for.
6 But by and large, ensuring that you know we're
7 accommodating all tenants, whether they're existing
8 or perspective is very important.

9 COUNCIL MEMBER VELAZQUEZ: Thank you.

10 COUNCIL MEMBER WILLIAMS: Council Member Brewer
11 for questions.

12 COUNCIL MEMBER BREWER: Thank you very much. My
13 question is obviously, we're all trying to address
14 this housing situation and I am convinced that
15 recidivism is reduced if people have housing. I
16 think we can all agree with that. So, then the
17 question is, if uhm, you are agreeing with that and I
18 think you do, then are there ways that you think; I
19 know you mentioned Detroit but here in New York, that
20 you could both understand that there are a need for
21 these individuals? Some today; I know many people
22 will have records and I know that they are hard
23 working. Obviously we have individuals who have no
24 record and don't pay their rent and don't you know

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2 pay their mortgage. It's not just those who have a
3 record.

4 So, my question is, can you see some ways in
5 which this bill could make sense, both for you as
6 property owners, co-op representatives, realtors and
7 at the same, give the opportunity for those who need—
8 Detroit sounds good. It sounds a little complicated.
9 We're a very big city. We don't have a lot of
10 inspectors, so I don't know the specifics of it but
11 are there ways that you think we could have some kind
12 of a way of seeing this bill forward or some
13 opportunity for those who need the housing? There is
14 a need for these individuals to get housing?

15 RYAN MONELL: Yeah, I think you know, speaking
16 for REBNY at least, we certainly agree that housing
17 access is an issue in New York City and looking at
18 the most nuance perspective in terms of how to
19 balance that priority, an important issue with that
20 of building security and public safety, it's
21 something that I think we believe can be met.

22 In looking at other models, yes, we're different
23 than Detroit but I think there is significant
24 evidence based off of what other progressive, large
25 American cities have done to help combat against

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2 those who have gone through the criminal justice
3 system or justice involved would have no threats in
4 the cells or others. And how we can ensure that
5 those individuals receive access to housing, while
6 also ensuring that as I mentioned, we're abiding by
7 the warrant of habitability and ensuring that
8 building safety and security is secure, is ensured.

9 COUNCIL MEMBER BREWER: Thank you.

10 CHAIRPERSON WILLIAMS: Council Member Borelli.

11 MINORITY LEADER BORELLI: Thank you. My question
12 was nearly identical to Councilwoman Velazquez's to
13 Mr. Monell, so I'll just make a brief statement. It
14 seems as though the real estate industry and
15 different organizations and entities has been
16 proactive in looking at places like Detroit. New
17 Jersey has a bill which sets up significant
18 restrictions as to who and when a landlord or co-op
19 can do background checks on a potential renter. So,
20 there are opportunities to make a compromise and I
21 think the industry in this case has been the one,
22 whether it's this iteration of the bill or previous
23 iterations of the bill in the last Council who have
24 repeatedly made attempts to compromise and find
25 common ground. And I think that needs to be stated

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on the record and I think that needs to be reminded that this is an industry that's acted in good faith on this particular issue and hasn't been just a brick wall. So, it needed to be said and I said it. Thank you.

CHAIPERSON WILLIAMS: Thank you. The next Council Member I'll turn it to is Council Member Kagan.

COUNCIL MEMBER KAGAN: Thank you. My question is like, first of all, do you support the intent of this legislation? The intent?

MARY ANN ROTHMAN: Much as the City Commission on Human Rights has said, uhm, I support a balance of fair housing or housing availability for people who paid their debt to society. But as a representative of co-ops and condo's, where we're talking about ownership and we're talking about incoming owners having in essence, potential access to funds of the organization and so on, I think that some level of access for the screening of applicants for co-ops and condo's is an absolute necessity.

COUNCIL MEMBER KAGAN: So, you're not against the intent of the legislation but you're seeking significant amendments to the proposed bill correct?

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2 MARY ANN ROTHMAN: I'm seeking to absolutely
3 protect the safety, the finances and the well-being
4 of all tenants in a building while not opposing
5 fairness in housing.

6 COUNCIL MEMBER KAGAN: Thank you.

7 CHAIRPERSON WILLIAMS: Majority Leader Keith
8 Powers.

9 MAJORITY LEADER KEITH POWERS: Thank you. First
10 of all, thank you all three of you for your testimony
11 and thank you just for being thoughtful and I know
12 that we may have some disagreements at this point.
13 That's the exact point of the bill but I think all of
14 you are coming at this with a spirit of collaboration
15 and trying to find something that does hold up all
16 the intents and purposes. And I want to say and I
17 just want to respond to something that was just said.
18 All three people sitting on this panel now are people
19 I've had a dialogue and a conversation with around
20 this bill and whether we agree or disagree at the end
21 game or at this point and time, we all haven't been
22 acting in the spirit of trying to see if there's a
23 way to move forward with the bill and that has been
24 the spirit from the beginning. From the bill
25 introduced to today.

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2 It's been always the way I work and the ways I
3 operate and I have pretty strong convictions about
4 the need to tackle housing discrimination in the city
5 and that's why I'm sitting here today but I just want
6 to say that the spirit in the last few weeks has not
7 been about compromise and so, being told today that
8 there are folks who are compromising and willing to
9 compromise with an allegation that others are not
10 willing to do that, I find to be disingenuous. But I
11 will say that we have – do have plenty of dialogue
12 and opportunities to talk about ways to do this and
13 I'm glad that other folks are coming around to the
14 spirit of compromise today and talking about
15 collegiality, in a way that hasn't been the spirit in
16 the last few weeks. But I thank the three of you
17 because I think you really have upheld that spirit.

18 To Ryan, I had a quick question for you on the
19 Detroit law. You're saying it's effective and I've
20 heard a lot about the Jersey law and the Detroit law
21 as being effective in their things but I think that
22 one concern I have is that they're effective from the
23 standpoint of the people who own the apartments and
24 other property managers. Meaning they continue to
25 have an opportunity to screen and to filter.

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2 The other side of that equation is housing
3 opportunity and giving people an opportunity to
4 house. Do you have any data about increased access
5 to housing for people with criminal prior conviction
6 or any other data to say it's been successful in
7 terms of offer and access to opportunity?

8 RYAN MONELL: Yeah, we can provide that to you I
9 think. I mean, obviously we're a trade association,
10 we represent owners and managers. Uhm, and so our
11 perspective is in the guides of making sure that you
12 know, we understand where they're coming from. But
13 by and large, the folks that we represent, you have a
14 national presence I think you know share the same
15 goal that we're talking about today, which is housing
16 access right?

17 And by and large have looked at the models across
18 the country to best engage here in New York City and
19 I think from that perspective, they have told us that
20 models like Detroit have found the best balance in
21 regards to ensuring that folks who need access might
22 be justice involved in the past. But therefore, have
23 eventually been able to get that housing they needed,
24 has best been demonstrated in Detroit.

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2 But to your point, we can be much more facts
3 based and data driven in future conversations and
4 talk further about what we think would be best.

5 MAJORITY LEADER POWERS: I appreciate that and
6 I'd be remised not to ask my high school classmate
7 Melissa a question. Nice to see you again.

8 MELISSA GOMEZ: Oh, it's a pleasure.

9 MAJORITY LEADER POWERS: We find ourselves on the
10 other side sometimes but I appreciate your spirit. I
11 just wanted to ask a quick question because I know
12 that REBNY's talking about the Detroit model. Do you
13 want to speak a little bit about what because I
14 didn't hear specifics about what you guys might be -
15 I know your intent and purposes but what are things
16 that you are seeking?

17 MELISSA GOMEZ: So, REBNY speaks I think a lot of
18 times maybe for the big guy. I speak for the little
19 guy. This does include two families that are not
20 owner occupied. I just want to make sure that's on
21 the record.

22 And I think that just for a landlord, it's more
23 about maintaining the property. You know like, if
24 you don't want to - like I said, you're not looking
25 to rent to somebody that has had a history of damage

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2 to a property or you don't want to put your tenants
3 in a situation where they could have some type of
4 damage.

5 So, I think it's you know, I looked a little bit
6 at Detroit. I've looked at New Jersey. I think it's
7 a great idea to have a look back period. I think
8 it's a great idea to maybe have just different types
9 of categories and I mean, there's a lot of issues to
10 this problem or a lot of issues that cause this
11 problem that have not really so much to do with
12 housing but maybe other things that we could do as
13 far as funding for other programs and looking at more
14 transitional housing and things like that as well.

15 But I think just more from an owner perspective,
16 a small owners perspective, it's just more of, I
17 don't want to rent to a meth lab. I don't want to
18 rent to somebody that has had you know issues with
19 regards to people that they've lived with in the past
20 or something like that. Somebody that's been charged
21 with multiple gun charges in the past and so on.
22 Like, there are concerns with that.

23 RYAN MONELL: And just really quickly, I mean the
24 one thing that's different amongst the Detroit model
25 compared to other, what other cities have done is the

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2 appeals process, which I mentioned earlier. Which I
3 think really would help solve for some of the
4 problems and challenges we've heard from the Council
5 today including erroneous criminal background
6 reporting as well as to your point Majority Leader.
7 You know ensuring there's somewhat of a balance based
8 off of the rights to ensure that discrimination does
9 not happen for those who are trying to find housing
10 while also creating an appeals process for you know a
11 landlord to really demonstrate specifically why
12 someone was denied. If they really do find it to be
13 important to do so.

14 MAJORITY LEADER POWERS: Thank you guys. Thanks
15 for testifying.

16 COMMITTEE COUNSEL: Thank you. We'll now move on
17 to the next panel. We have Kandra Clark, Robert
18 O'Connor, Logan Phares and Jacquelyn Samone.

19 It looks like we don't have a couple of our
20 panelists but you can go ahead.

21 LOGAN PHARES: Thank you Chair Williams, Council
22 Member Powers and members of the Committee for the
23 opportunity to share testimony in support of this
24 legislation.

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2 My name is Logan Phares and I serve as the
3 Political Director of Open New York. Open New York
4 is an independent grassroots, pro housing,
5 nonprofit. New York is in a housing crisis. Our
6 government created the patterns of exclusion and
7 segregation we see today through policies that
8 protect powerful property interests and wealthy
9 homeowners, rather than getting tenants more options
10 and power.

11 To create more renter power and combat the
12 exclusionary nature of New York's housing market, we
13 must build more housing specially in neighborhoods
14 that have failed to do their fair share to welcome
15 new neighbors. While also protecting potential
16 tenants from discrimination, including justice
17 impacted individuals.

18 We know that New York's housing crisis
19 disproportionately impacts our most vulnerable
20 neighbors. Unfortunately, formerly incarcerated
21 individuals experience some of the highest barriers
22 to acquiring stable housing and the competitive
23 nature of our housing market means that landlords can
24 deny housing without consequences.
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2 Without housing opportunities many justice
3 impacted New Yorkers are forced into our overcrowded
4 shelter system. The Fair Chance for Housing Act is
5 essential to successfully reintegrating these
6 individuals and reducing the number of New Yorkers
7 experiencing homelessness.

8 Housing or the lack there of is at the root of
9 many issues, including recidivism and poor health
10 conditions. Passing the Fair Chance for Housing Act
11 would create a safer and healthier New York. In all,
12 tackling our challenges requires an ambitious,
13 progressive and holistic approach that both removes
14 barriers to housing growth and protecting tenants
15 from discrimination. If the City Council truly
16 believes that housing is a human right, they will
17 work to quickly pass Introduction 632. Thank you for
18 your time and consideration.

19 MAJORITY LEADER POWERS: One quick question since
20 the Chair is busy. Thank you for your testimony and
21 thank you guys for your support and obviously, you
22 guys, as Open New York has been a stanch advocate of
23 building new housing and opening opportunities to
24 that. And you know, what I've said all along is that
25 in addition to building new housing and creating

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2 opportunities for more people to live here, they also
3 have to take down those barriers.

4 Are there other barriers that you see today in
5 existence that are standing in the way when it comes
6 to housing opportunities for New Yorkers?

7 LOGAN PHARES: Uhm, yeah, so we are taking a
8 holistic approach to the housing crisis in New York
9 City and antidiscrimination protections are one of
10 those that we're thinking about a lot more,
11 specifically I wanted to mention today is source of
12 income discrimination and co-op discrimination.

13 And so those are some things that we're also
14 thinking about as well. We also need tenant
15 protections and it's important to build a lot more
16 supply in the city to give renters more power.

17 MAJORITY LEADER POWERS: Thank you. Thanks for
18 your testimony. I think Council Member Borelli has
19 asked for an up zoning in his district last I heard,
20 so you guys might want to focus on that.

21 LOGAN PHARES: Oh, great.

22 MINORITY LEADER BORELLI: It took me three years
23 to get 60 houses built. I'm trying.

24 LOGAN PHARES: Well, we'd love to talk to you
25 about that.

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2 COMMITTEE COUNSEL: Sorry Council Members but
3 before we jump into questions further, we do have one
4 more panelist on this panel who is on Zoom, Jacquelyn
5 Simone.

6 JACQUELYN SIMONE: Hi, may I begin?

7 COMMITTEE COUNSEL: You can begin.

8 JACQUELYN SIMONE: Thank you for holding this
9 important hearing. My name is Jacquelyn Simone and I
10 am the Policy Director at the Coalition for the
11 Homeless. We've also submitted written testimony
12 with the Legal Aid Society. We support prohibiting
13 housing discrimination on the basis of arrest or
14 criminal record and we strongly urge the Council to
15 pass Intro. 632 as soon as possible.

16 Homelessness is the tragic outcome for too many
17 New Yorkers in prisons and jails. Even though stable
18 housing is vital to a successful reentry. The
19 disproportionate impact of over policing and
20 incarceration on communities of color is one driver
21 of homelessness among impacted Black and Latinx New
22 Yorkers and this bill would advance racial justice by
23 reducing barriers to permanent housing for a large
24 subset of people currently languishing in shelters
25 and on the streets.

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2 With an all-time record number of people sleeping
3 in municipal shelters each night, the city must
4 utilize all available tools to help New Yorkers move
5 into permanent housing quickly starting with this
6 bill. Discrimination on the basis of arrest or
7 criminal record takes a disproportionate toll on New
8 Yorkers of color because of systemic racism in the
9 criminal legal system.

10 When landlords use background checks, they are
11 overwhelmingly denied the benefits of secure housing,
12 safety, stability and health benefits to Black and
13 Latinx New Yorkers. This discrimination makes it
14 more difficult for individuals leaving jail or prison
15 to find housing and avoid long-term homelessness.
16 Each year, since 2015, more than 40 percent of people
17 released from state prisons to New York City were
18 released directly to shelters. The connection
19 between incarceration and homelessness is long
20 standing. Law enforcement that criminalizes
21 homelessness including encampment sweeps, further
22 fuels the cycle of homelessness and involvement with
23 the criminal legal system.

24 When landlords are permitted to discriminate on
25 the basis of arrest or criminal records, they

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exacerbate the homelessness crisis at a time when we must make it easier for New Yorkers to find housing, not harder.

Intro. 632 is an urgently needed tool that helps tackle homelessness and improve public safety without involving new public expenditures. In fact, this bill will save tax dollars by ending the prison to shelter pipeline and reducing the need for shelters. If opponents are worried about the safety of children, what about the children whose parents have an arrest or conviction record? Should their entire families be stuck in shelters indefinitely? Shelters that notably, the same Council Members who oppose this bill also oppose when they were cited in their district.

COMMITTEE COUNSEL: Thank you.

SERGEANT AT ARMS: Time has expired.

JACQUELYN SIMONE: It is time for the city to finally ban discrimination that deprives people of the stable housing and dignity to thrive. Thank you.

COMMITTEE COUNSEL: Thank you. Council Members, do you have any questions? I'm sorry, I interrupted you earlier. Seeing none, we'll move onto the next

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2 panel. We have Katherine Gerald, Nancy Sicardo,
3 Juanita Lewis and Nick Peters. You can go ahead.

4 NANCY SICARDO: Good afternoon. My name is Nancy
5 Sicardo. I am a Community Leader with WCJA Women's
6 Community Justice Association of Special Projects.
7 Women are the nurtures and caregivers in our society
8 and we need fair access to housing. Fair Chance
9 Housing is such an important law that it would have
10 made a high difference in my life as I reentered
11 society.

12 I spent two years on Rikers and two years in
13 prison and when I got home, it took me a couple of
14 more years to own my own apartment. Looking for a
15 place to live throughout the whole city was extremely
16 frustrating. Landlords told me straight up that they
17 did not want to take a chance on ex-cons. And let me
18 correct that, formerly incarcerated or call me by my
19 name Nancy Sicardo.

20 I used to beg landlords to give me a chance but
21 it didn't matter. I was demonized because of my
22 conviction. Because I couldn't find my own place, I
23 ended up living with my mother for a couple of more
24 years. It was not a good situation. It was horrible
25 for me. I couldn't think, I couldn't function. It

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2 felt like a former incarceration [INAUDIBLE 3:07:07]
3 handcuffs. I had to be home at a certain time. I
4 had to let her know where I was going. My mental
5 health and substance use issues is what led me to
6 prison and not being able to get a home of my own was
7 very damaging for me. I finally found a nice
8 landlord and he gave me a chance and I got the first
9 apartment that was my own. I showed and proved I was
10 a good tenant. I made my own repairs. Took care of
11 my own place and paid my rent on time. Because after
12 all, it's all about landlord and tenant disputes in
13 order to maintain an apartment in New York City.

14 I needed a chance. Everyone with a record who
15 served their time deserves that chance, especially
16 the mothers, the daughters, and the sisters who are
17 the anchors of our families and of our communities.
18 My apartment is my home. My apartment is my number
19 one love. My apartment means stability and sanity to
20 me. My home is my kingdom. It is the throne to the
21 Queen that I am. My peaceful place where I feel safe
22 and secure. If you want a woman to be successful in
23 reentering society, please pass this legislation.
24 Women are coming home from prison wanting to do the
25 right thing but they don't have a roof over their

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2 heads. Housing is a human right and no one should be
3 discriminated against because of past conviction.

4 I urge the City Council to support this bill to
5 empower the women and the families and to represent
6 the unrepresented is a representation of how solid
7 our souls are. Thank you.

8 JUANITA LEWIS: Thank you to the Committee on
9 Civil and Human Rights. Chair Williams, Majority
10 Leader Powers and other Council Members for this
11 opportunity to testify in support of a Fair Chance
12 for Housing Act, a Fair Chance for Housing.

13 My name is Juanita Lewis and I'm the Executive
14 Director of Community Voices Heard. We are the
15 largest Black led multi racial organization in New
16 York State and our members are in support of passing
17 this legislation. The Fair Chance for Housing Act is
18 a tremendous opportunity for the New York City
19 Council to redress decades of state sanctioned
20 discrimination and racism. I've been organizing in
21 Black and Brown communities in New York State for
22 over 13 years and let me tell you from my experience,
23 racism is deeply engrained in our housing systems.
24 Even though it's changed forms and it certainly
25 didn't end in 1968 with the Fair Housing Act. There

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2 are two parallel tales that we know of but we don't
3 always see how they still are connected. The tale of
4 redlining and the tale of mass incarceration.

5 Beginning in the 1930's, redlining made it nearly
6 impossible for Black families and other redlined
7 residents to purchase homes and build wealth. When
8 redlining was prohibited with the passage of the 1968
9 Fair Housing Act, we began to see the rise of mass
10 incarceration. On surprisingly redlined
11 neighborhoods, were the first to be policed and
12 incarcerated. It's clear there are mass policing,
13 arrests and incarceration policies have
14 disproportionately targeted communities of color
15 without actually making us any safer. Let me just
16 say that again, it's clear that our mass policing
17 arrests and incarceration policies have
18 disproportionately targeted communities of color
19 without actually making us any safer and as a result
20 of that, 80 percent of New York City residents with a
21 conviction today are Black and Brown.

22 Today, landlords can no longer discriminate
23 against people based on their race but they can
24 discriminate based on past convictions, which
25 continues to push our Black and Brown community

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members out of safe and stable housing. They do this under the guides of safety but we have to ask ourselves, does denying anybody access to housing make us any safer? Landlords or real estate developers have pushed against Fair Chance Housing, saying that it will have a negative impact on our rental properties and that they are concerned about liability. Or even though the bill explicitly states landlords will not be liable for provisions.

COMMITTEE COUNSEL: Thank you.

JUANITA LEWIS: Thank you.

COMMITTEE COUNSEL: Of course, please uhm, if you are unable to complete your testimony, please know you can submit written testimony through the Council website. We accept written testimony up to 72 hours after the hearing.

Yes, I believe we have Nick Peters on this panel.

CHAIRPERSON WILLIAMS: Is that person online?

NICK PETERS: Yup, hey, can everyone hear me?

SERGEANT AT ARMS: Starting time.

NICK PETERS: Okay, great. Hey good afternoon everyone. I would like to thank the Committee for letting me provide this testimony today. My name is

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2 Nick Peters, I am the Policy Associate for the
3 Housing Watchdog Group Housing Rights Initiative.

4 Over two years ago, HRI began diverting some of
5 our time and resources to combating housing
6 discrimination. Our organization has educated tens
7 of thousands of people on this issue and our
8 investigations led to a lawsuit in 2021 against 88
9 real estate companies for discriminating against
10 Section 8 voucher holders, as well as one this year
11 against 124 companies for discriminating against City
12 FHEPS voucher holders. The largest fair housing
13 lawsuits by defendant size in New York City's
14 history.

15 The Fair Chance for Housing Act will ensure
16 support for a population that deeply lacks any
17 protections in finding housing, which has led to
18 rampant discrimination against people who have served
19 time. This bill is essential for the moral fabric of
20 our city. Those who are formerly incarcerated face
21 too many roadblocks in order to find safe and secure
22 housing, with many ending up in shelters or back in
23 prison. If New York City wants to be tough on crime,
24 it should seek to prevent crime from happening in the
25 first place by ensuring a roof over people's heads.

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2 Over 40 percent of individuals released from
3 State prisons to New York City have gone right into
4 our shelter systems since 2015. Homelessness is not
5 just morally reprehensible; it is fiscally
6 irresponsible. Homelessness increases shelter costs,
7 court costs, law enforcement costs, hospital costs,
8 sanitation costs, unemployment costs, all costs. New
9 York City passing the Fair Chance for Housing Act is
10 a moral necessity. Where do we want the formerly
11 incarcerated to go? These individuals won't
12 disappear, and they urgently need homes just like any
13 other New Yorker. These are New Yorkers who have
14 served their time and should now be integrated back
15 into society. That integration is made much more
16 difficult when the entire housing industry is
17 actively barring these individuals from having a
18 place to call home.

19 This legislation is not just pivotal to reducing
20 crime and the cost of homelessness, it is beneficial
21 to the countless tenants who are being discriminated
22 against, taxpayers, and society as a whole. With this
23 all being said, Housing Rights Initiative would like
24 to voice its unequivocal support for the City Council
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to pass Intro 632. I thank the Committee for their time today.

CHAIRPERSON WILLIAMS: Thank you. I'll turn it over to Minority Leader Borelli for questions.

MINORITY LEADER BORELLI: Thank you. I have a question for Executive Director Lewis because she is of Bureau of the Fair Housing Act. Uhm, and again, this is not a gotcha question. I don't mean it to be. The latest guidance from HUD on applying the Fair Housing Act from 2016 on criminal convictions, a provider must show that there is a demonstrable risk to safety and/or property in order to discriminate based on a previous criminal conviction.

Therefore, anyone who's merely convicted of a crime but does not pose or can't be shown to pose a risk of resident safety or property. They already have protections under federal law against discrimination. So, in theory this policy that we're voting on potentially, would extend new benefits and the only class of people right now that are not protected under federal law are those people with criminal convictions and who do or can demonstrably show that they pose a risk of resident safety or property.

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2 Why is it and I'm only asking this because this
3 is the question that people have to us. Why is it
4 good policy to add this class of people to those we
5 are not allowed to discriminate against?

6 JUANITA LEWIS: So, I wouldn't say this is about
7 carving out and protecting a different class of
8 people. You're protecting human beings. And so,
9 this is an opportunity for this policy to right
10 wrongs that we have already seen that historically
11 happened in our city. And so, when we've already
12 talked about the housing crisis that we are currently
13 in, we're already talking about the fact that you
14 have individuals coming home from being incarcerated
15 that are in need of housing. This is just to me,
16 right as an organizer and as an executive director,
17 this is a no brainer. To be able to pass this
18 legislation to protect all New Yorkers regardless of
19 their - whether or not they were incarcerated or not.
20 This is about protecting human beings and allowing
21 individuals to have housing that they have the right
22 to.

23 MINORITY LEADER BORELLI: Again, I think, I think
24 if someone can be demonstrably shown to be a threat
25 to property or resident safety, I think perhaps the

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2 protecting New Yorkers might be on the side of
3 preventing them from renting an apartment and I think
4 that's where we disagree but I have no more questions
5 for you and thank you for your time and your
6 testimony.

7 CHAIRPERSON WILLIAMS: Thank you. Are there
8 anymore questions? Thank you so much for your
9 testimony.

10 NANCY SICARDO: Thank you.

11 JUANITA LEWIS: Thank you.

12 COMMITTEE COUNSEL: Thank you. Next, we will
13 call Rachel Miller-Bradshaw, Myrna Calderon, Hong
14 Chen and Yanling Wagner.

15 RACHEL MILLER-BRADSHAW: So, good morning Civil
16 and Human Rights Committee and all my fellow elected
17 officials. I am Rachel Miller-Bradshaw, the State
18 Committee woman of the 78th Assembly District. I
19 oppose Intro 632, widely known as the Fair Chance for
20 Housing Act. In fact, even the title of the bill is
21 deceptive in this case. The federal governments Fair
22 Housing Act of 1968 was designed to protect
23 individuals from racial and social discrimination
24 rather than their own behavior, the opposite of this
25 bills intentions.

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2 The New York City Council I feel are supporting
3 controversial legislations like Intro. 632 without
4 our opinion essentially taking our voice from us. As
5 the bill stands, it's reckless. It needs a lot of
6 work. It jeopardizes the safety of New Yorkers in
7 their own homes under the guides of equity. Most
8 violent criminals in New York City looking at the
9 data happen to be African American. And landlords
10 will easily conflate this with the fallacy that the
11 majority of Black New Yorkers are criminals, which
12 they are not.

13 The majority of Black and Latino residents are
14 law abiding. Absent a criminal background check,
15 landlords around the city are bound to revert into a
16 pattern of racial profiling under the façade of
17 protecting their current tenants and property. We
18 have many high profile Black elected officials in
19 this city. I see one cheering but nearly 60 percent
20 of the homeless households are also Black. Our
21 officials believe homelessness is a result of housing
22 discrimination, ignoring the effects of lopsided
23 economic development.

24 Here's some statistics from our own Mayor Adams
25 in 2022, shows that 25 percent of approximately 1,500

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2 people arrested for burglary committed another felony
3 within 60 days and according to the National
4 Institute of Justice, almost 44 percent of criminals
5 released from prison returned within their first
6 year.

7 So, to be clear, I wholeheartedly believe in
8 redemption of rehabilitation but there must be
9 accountability and extended proven history of model
10 behavior for this to occur. I really think that we
11 should stop making Black and Brown neighborhoods
12 social experiments and we even take the sponsor of
13 the bill Keith Powers, who lives in a high earning
14 neighborhood where the rent in his own building, you
15 have to be able to pay \$9,000 monthly. It seems a
16 little hypocritical because 99 percent of them won't
17 be able to even afford ex-offenders to even live in
18 his neighborhood or his building.

19 So, I appeal to this Committee, Speaker Adrienne
20 Adams and those within the Black, Latino and Asian
21 Caucus, to stand with me in voting against this bill
22 in its current state. It needs a lot of work. Thank
23 you.

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2 COMMITTEE COUNSEL: It doesn't look like the
3 other two panelists are here. Are they? Oh, go
4 ahead.

5 MYRNA CALDERON: Thank you. Is this on? Okay,
6 thank you esteemed members of the New York City
7 Council. I appreciate the opportunity to address my
8 concerns over the Fair Chance Housing Act Bill number
9 632, proposed by Council Member Keith Powers and
10 supported by many of you.

11 My name is Myrna Calderon. I am the Board
12 President of one of the largest privately owned and
13 funded cooperatives in the City of New York located
14 in the Bronx, Fordham Hill Owners Corporation. We
15 just proudly celebrated our 40th Anniversary of
16 turning renters into owners, people who look just
17 like me.

18 We are proud, we are proud to say we are diverse
19 multicultural, intergenerational working-class
20 community of various financial means. Our nine
21 buildings plus one rental building campus prides
22 itself in the safety and security we provide to our
23 shareholders and residents. In fact, it is one of
24 our major selling points. When residents and
25 visitors enter our complex, including the Mayor

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2 recently, they can exhale and let their guards down.

3 Yes, we have been called the oasis in the Bronx.

4 This bill in its present form will shatter that
5 assurance. Our main job as a cooperative board as
6 has been stated before, is to ensure the financial
7 stability of our corporation and the safety of our
8 residents. This bill will prevent this board and
9 other cooperative boards from doing the jobs we were
10 elected to do. We currently rely on criminal and
11 terrorist background checks. Not to exclude
12 potential residents but to make a better-informed
13 decision. We owe that to our retired seniors to
14 ensure that the person who lives next door to them,
15 will be vetted to the best of our ability.

16 We have many single women. Nurses who work crazy
17 hours that deserve to feel safe when they get home.
18 I have one, two more lines. Three more lines.

19 When the city talks about affordable housing, we
20 are the definition of that. Indeed, when families
21 are being forced out of Inwood and Washington
22 Heights, they find a safe, affordable place to land
23 at Fordham Hill. We deeply ask you to reconsider
24 your support for this egregious bill that will hurt
25 the very communities, the Black and Brown, Latino

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2 communities you claim to want to help. Thank you
3 very much.

4 COMMITTEE COUNSEL: Thank you. You can go ahead.
5 You can both sit at the table if you'd like.

6 HONG CHEN: Hi, good afternoon everyone. So,
7 thank you to giving me this chance to explain myself.
8 So, I'm from Queens. I have been there for almost
9 ten years. So, in the last ten years, I never check
10 any backgrounds. Three years ago, we get a new
11 tenant without checking background again but those
12 tenants bring a nightmare to my neighborhood. They
13 partied day and night and they become very
14 aggressive, nasty to my neighbors. Every day at one
15 o'clock, two o'clock, three o'clock in the morning.
16 I get a phone call from my old neighbors complaining
17 about them and meanwhile, I still have to be 24 hour
18 and on call for emergency call from the hospitals.

19 I was guilty. I tried to help them to keep them
20 out but there's nothing I can do. I complained to my
21 district attorney to complain to the police office
22 but nothing can help me out and recently, I find my
23 tenants on the news. They searched by policed. They
24 have an open case from Kansas for [INAUDIBLE 3:24:05]
25 State of Illinois and that was eight years ago, they

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2 arrest. So, it was my mistake. I feel so guilty.
3 During that period of time, I wanted to kill myself.
4 I bang my head to the wall. I cry, I cry in the car
5 because I bring this nightmare into this neighborhood
6 and there's nothing I can do. I beg to God. I
7 worked through this whole pandemic as a healthcare
8 professional. I never be so afraid. I try my best
9 to save life because this is my job and this is the
10 job I'm supposed to do because they paid me for this
11 job but these tenants destroyed my life. Almost
12 destroyed the belief of God.

13 So, ladies and gentlemen, I want you to consider
14 this bill seriously. Please, I'm here today. I'm
15 strongly opposing this bill because as a human being,
16 we are responsible for what we're doing. We are
17 responsible for what we're taking. As a human being,
18 the God tell us that God always help somebody who
19 help themselves first. So, please, stop using
20 housing as human as an excuse because we deserve our
21 human right. Thank you so much everybody.

22 CHAIRPERSON WILLIAMS: Thank you and thank you
23 for sharing your testimony. I think Council Member
24 Ariola will ask a question. Are you testifying as
25 well?

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YANLING WAGNER: Yes.

CHAIRPERSON WILLIAMS: Oh.

YANLING WAGNER: Okay, sorry, hi, thank you very much. My name is Yanling Wagner. I'm just coming here as a community translator and interpreter. I work with the community a lot. I work with Mayor Bloomberg before and also, work with the local community whoever has a problem.

I recently experienced a couple, an older Chinese couple who were beaten up by their tenants and they were in their 80's and they had no place to go after they got hits and got hurt in the hospital. These are the information that we constantly encounter in the community. So, it's important for us to know who is coming to our house. Like, uhm, I just heard from another Council Member who just mentioned that we don't want to bring the street crimes to our homes and we need to protect our seniors and our children and certainly, it's important for the community. I'm not a landlord but I'm a neighbor and my neighbors children are going to the marijuana stores on the same street and they're constantly having the ambulance coming to the safety, to the neighborhood.

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2 So, this is very important. It's not just
3 protecting the landlords or the real estate business,
4 it's protecting everyone else. And I'm certainly
5 very sympathetic to the people who don't have access
6 to housing. But we should be able to have other ways
7 of solving this problem but I certainly don't think
8 this bill 632 is going to solve this problem.

9 And we also, as a home owner, I think we deserve
10 to have our human rights also. Like I just see this
11 is the government, the people, by the people and for
12 the people. It should be for all the people. That's
13 what I would like to hear and like to see and I'm
14 strongly opposing this 632 bill. Thank you very
15 much.

16 CHAIRPERSON WILLIAMS: Thank you. The couple
17 that you mentioned, did they own the home?

18 YANLING WAGNER: Yes.

19 CHAIRPERSON WILLIAMS: Okay, so I know there was
20 a little back and forth, but just wanted to reiterate
21 that currently, it is if you are owner occupied,
22 homeowner, you would be exempt. So, thankfully that
23 couple who unfortunately was beaten up, you know they
24 would have the opportunity to run background checks
25 because they are owners of the home. I know there

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2 are concerns that were raised here and I know that we
3 are really taking those concerns as a consideration
4 but I just want to continue to reiterate you know the
5 current components of the bill. And with that, I'll
6 turn it over to Council Member Ariola for questions.

7 COUNCIL MEMBER ARIOLA: I just want to make a
8 statement. I really do appreciate all of you that
9 came in. Why? One, because you have other jobs and
10 you took the time to come today. You're not a paid
11 advocate. You are residents of New York City and you
12 are small landlords who have other jobs that help
13 supplement your income by renting out properties.
14 You are the majority of people who will not benefit
15 from this bill as it is written and you're the people
16 that we need to listen to. You're not part of a
17 larger co-op and condo board or a real estate board.
18 You are a mom-and-pop shop that runs affordable
19 housing for its tenants safe, affordable housing.
20 That's what we look for in this city and that is what
21 you're providing. I want to really thank you for
22 that. And that's why this bill cannot be passed in
23 its current way that is being proposed.

24 And you're also not saying don't pass the bill.
25 You're saying pass a bill that protects us more as

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2 small business owners. So, thank you again for
3 coming out. For saying what you've been through and
4 sir, certainly, we can really empathize with what
5 you've been through and I said earlier, if, if we
6 pass a bill that protects all people, not just those
7 who need housing but those who are providing the
8 housing, then we would never have to resort to what
9 you've had to go through and that's what we're here.
10 We're listening and we're going to work with Council
11 Member and Majority Leader Powers to make sure that
12 all aspects from all people, from all walks of life
13 are being heard. Thank you so much.

14 CHAIRPERSON WILLIAMS: Thank you. Hold on, more
15 questions. Majority Leader Keith Powers has a
16 question.

17 MAJORITY LEADER POWERS: No, you know what in the
18 spirit of time, I'll give up my questions but thank
19 you guys for this time.

20 CHAIRPERSON WILLIAMS: Give us one second. I
21 know Council Member Holden has a question but we
22 don't have quorum, so Council Member Holden, if you
23 could just text me your question please, so I can
24 read it out loud for you. I have my phone in my
25 hand. He doesn't have a question?

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2 MAJORITY LEADER POWERS: I'll just ask, could we
3 give a second because Council Member Holden's at home
4 and if he can have an opportunity to ask questions.

5 CHAIRPERSON WILLIAMS: Give us one second.

6 COMMITTEE COUNSEL: Thank you for your patients
7 if you just give us a couple of minutes. [3:32:52-
8 3:33:55]. If this panel - we'll move on to the next
9 panel but if you could - some of you could stay while
10 we try to reconcile what's happening right now, that
11 would be awesome. Thank you so much for your
12 testimony. If you can try to stay for a little bit
13 longer to see if we can reconcile, so Council Member
14 Holden can participate. If not, I'll come and talk
15 to you, release you to go about your life but if you
16 could stay just a little bit longer, that would be
17 great. Thank you so much.

18 Thank you. Next, we'll be calling on Antonio
19 Jorge Renaud, Sebastian Solomon, Julian Morales and
20 Jorge.

21 ANTONIO JORGE RENAUD: Chair, Council Members,
22 thank you very much. I appreciate the opportunity to
23 come and testify in support of this measure. My name
24 is Jorge Renaud, I am the National Criminal Justice
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2 Director at Latino Justice PRLDEF. I don't live in
3 New York; I live in Austin Texas.

4 I've been out of prison for 15-years now and I
5 make over \$100,000 a year in salary, yet I am
6 homeless. I don't mean to say that I'm unhoused. I
7 don't live in the streets. I am without a home.
8 Denied what used to be the American dream of home
9 ownership or even renting an apartment in my own name
10 because of a conviction in 1991 for robbery in Texas.

11 I've been employed since the day I was released
12 in 2008. I graduated from the University of Texas
13 with a Master of Science in 2012. I have not had an
14 issue with the CJ in over 30-years. But because the
15 way our society discriminates against individuals
16 convicted of committing crimes, no matter how distant
17 their history, my salary, position in my community
18 don't matter when it comes to my ability to purchase
19 a home where I could live securely.

20 I can't even be sure of securing rental housing
21 and I could end up on the streets at given moment.
22 But it's not just a New York problem. This is an
23 American crisis. The [INAUDIBLE 3:36:15] Project
24 estimates that between 70 million and 100 million
25 individuals in this country have criminal records and

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2 all are subject to discrimination rooted in the idea
3 of once a criminal, always a criminal.

4 The folks here have made a connection between
5 being unable to rent or buy a home and the worst
6 thing mental health and substance abuse issues.
7 Other people have spoken eloquently to the
8 overwhelming evidence that this policy is rooted in
9 racism. What others may not do here today is plead
10 with you to please set a national example. This
11 city's homelessness crisis worsened when our Governor
12 decided to score political points by shipping buses
13 full of innocent migrants to this city. He knew full
14 well that the hearts of New York would not allow
15 these individuals to be left without resources.
16 Texas, and in fact, this country looks to you for
17 humane leadership. I ask that you please make the
18 right choice here today. Thank you.

19 SEBASTIAN SOLOMON: Hello, my name is Sebastian
20 Solomon and I am the Associate Director for Policy
21 for Greater Justice New York at the Vera Institute of
22 Justice. Thank you for the opportunity to provide
23 testimony today.

24 Denying people housing makes communities less
25 safe. When individuals with criminal legal system

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2 involvement are unable to access housing, they do not
3 disappear. Instead, they face uncertainty and with
4 limited options turn to overcrowded, unsafe homeless
5 shelters or life on the street.

6 Despite arguments that admitting people with
7 conviction histories would put other tenants at risk,
8 no evidence connects having a conviction with being a
9 bad tenant. As others have mentioned, United States
10 Housing and Department of Housing and Urban
11 Development, recently declared that criminal history
12 is not a good predictor of housing success. Citing a
13 study that found that the performance of tenants with
14 a criminal history was similar to that of
15 participants without a criminal history.

16 New Yorkers already face significant obstacles in
17 finding a place to live. Affordable housing is in
18 short supply. Housing vouchers are scarce and
19 landlords regularly refuse to rent to voucher
20 holders. Denial of housing based on arrest or
21 conviction compounds these challenges, impacting
22 hundreds of thousands of New Yorkers and their
23 families. Stable housing strengthens communities and
24 improves public safety for all. Housing
25 substantially increases the likelihood that a person

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2 returning home will receive support from their
3 family, find and retain employment and avoid
4 additional convictions.

5 When people reentering their communities are
6 housed and supported, everyone is safer. We applaud
7 the Council's proposal to bar consideration of a
8 person's involvement in the criminal legal system in
9 most situations. However, we are concerned that
10 housing providers will still be able to deny people
11 on the basis of the seriousness of the offense in
12 limited circumstances. By allowing consideration of
13 this factor, the proposal is likely to result in
14 discrimination against those convicted of more
15 serious offenses.

16 Instead of focusing on the applicants past,
17 housing decisions should be based on current
18 circumstances relevant to their likelihood of success
19 as a tenant. We therefore call on the Council to
20 swiftly enact this important piece of legislation but
21 ask you to first strengthen protections where the
22 bill permits continued consideration of justice
23 involvement.

24 Thank you for the opportunity to speak to you
25 today.

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2 JULIAN MORALES: Good afternoon everyone. My
3 name is Julian Morales and I am here on behalf of the
4 New York Civil Liberties Union, NYCLU as their senior
5 housing strategist to express our upmost support of
6 Intro. 632 Fair Chance for Housing Act.

7 I would like to thank the City Council Committee
8 on Civic and Human Rights for hosting this hearing
9 today. We will be submitting our former written
10 testimony to you all but we wanted to share some
11 quick remarks about who we are, our history on
12 housing work and why we support Intro. 632. NYCLU is
13 the New York affiliate of the American Civil
14 Liberties Union, a non-for-profit, non-person
15 organization with eight offices across the state of
16 New York and over 180,000 members and supporters.

17 The NYCLU defends and promotes the fundamental
18 principles and values embodied in the Bill of Rights,
19 the US Constitution and the New York Constitution
20 through an integrative program of litigation,
21 legislative advocacy, public education and community
22 organizing.

23 NYCLU has a long history of pushing the envelope
24 on housing issues for decades. From creating the
25 special inclusionary project in 1974 to fighting back

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2 the Koch Administration on homelessness and creating
3 the freeze in the 1980's. Most recently in 2017
4 being a litigating partner on the historic settlement
5 at the Broadway triangle in Brooklyn, which won
6 almost 400 units of affordable housing along with
7 funds to support housing, counseling and legal
8 representation. We care deeply about civil rights of
9 the people who have served time in prison. Most
10 importantly – the most important thing we can do for
11 civil rights and public safety is to ensure that
12 every chance a successful reintegration into
13 communities.

14 Denying housing, our core civil right that
15 provides stability and sense of community for those
16 with criminal convictions is unjust and
17 counterproductive. Passing the Fair Chance for
18 Housing Act would further racial justice in New York
19 City. Racial inequities across communities of color
20 are seen at levels of – at every level of the
21 criminal legal system.

22 As a result, today, almost 80 percent of people
23 with conviction records in New York City are Black
24 and Hispanic. We must not allow the impacts, the
25 racial impacts of the criminal legal system to

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continue to perpetuate harm to New Yorkers seeking to meet the basic human need. We strongly support this bill and we hope that you pass it immediately. Thank you.

COUNCIL MEMBER VERNIKOV: Thank you. I have a question for Mr. Jorge Renaud. Uhm, Mr. Jorge, from your testimony, it seems like you would agree that once a criminal, not always a criminal, correct?

JORGE RENAUD: Yes.

COUNCIL MEMBER VERNIKOV: Okay, so uhm, those who have been rehabilitated, like yourself should be given a chance at housing, correct?

JORGE RENAUD: One, I don't know of any definition of the word rehabilitated that I would accept and two, is that I think everyone should be given a chance.

COUNCIL MEMBER VERNIKOV: I'm sorry, I couldn't hear you.

JORGE RENAUD: I said that I don't accept the word rehabilitation in any meaningful sense. I don't think that there was something wrong with me that needed to be fixed.

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2 COUNCIL MEMBER VERNIKOV: Well, if someone has
3 committed a crime in the past but hasn't done
4 anything wrong in the last 15 years -

5 JORGE RENAUD: Hasn't gotten caught.

6 COUNCIL MEMBER VERNIKOV: I'm sorry?

7 JORGE RENAUD: Hasn't gotten caught.

8 COUNCIL MEMBER VERNIKOV: Hasn't done what?

9 JORGE RENAUD: Being sent back to prison only
10 means that you were caught for doing something.

11 COUNCIL MEMBER VERNIKOV: Hasn't committed a
12 crime in 15 years.

13 JORGE RENAUD: Okay, right.

14 COUNCIL MEMBER VERNIKOV: Right so uhm -

15 JORGE RENAUD: It's a false measure is what I'm
16 saying.

17 COUNCIL MEMBER VERNIKOV: So, you agree that it's
18 important for us to see if someone was in fact
19 rehabilitated? Meaning, they have not committed any
20 crimes in the last 15 years or so, 10 years?

21 JORGE RENAUD: I don't think that it's important
22 to anyone outside of the individual himself or
23 herself to make that definition. I don't think it's
24 important for you or anyone else to decide whether or
25 not I have been rehabilitated based on whether or not

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I have come into contact with the criminal justice system. Because there are, there are, one of the reasons that New York has such a high recidivism rate is because they have a high parole replication rate. They send a lot of people back to prison for technical violations that are not breaking the law.

COUNCIL MEMBER VERNIKOV: Okay, so but if this bill passes, you understand that we can't even know that because the landlord would not be allowed to even check whether somebody has been committing crimes in the last year or two?

JORGE RENAUD: Yes ma'am, I understand that under this bill but I don't think it makes a difference whether or not one has been or has not been.

COUNCIL MEMBER VERNIKOV: I understand. Thank you.

CHAIRPERSON WILLIAMS: Thank you Council Member Vernikov for helping me Chair. Is there any other questions for the panel? No? Just me and Council Member Vernikov. Thank you so much for your testimony.

COMMITTEE COUNSEL: Thank you. Next we will Mary Conway-Spiegel, Melinda Thaler, Yiatin Chu and Susan Lee. You can get started whenever you're ready.

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MELINDA THALER: Good morning, good afternoon.
My name is Melinda Thaler, I'm a Board Member of the West Side Community Organization, a member organization of upper west siders advocating for issues of community betterment and I'm also a Professor of Regulatory Law.

I'm also a victim of violent crime and that is a title I will carry for the rest of my life. Screening housing applicants is essential because it minimizes imposing my life sentence on others just like me.

In other cities, laws that prohibit criminal background checks for housing carve out particular categories of crime that have high risk of repeat offenses and the laws allow background checks for only those specific crimes.

In those jurisdictions that carve out high risk categories of crime, applicants are given an opportunity to present evidence of rehabilitation and other information pertinent to the nature and severity of the conviction. New Jersey and Detroit are two examples.

Introduction 632 has a narrow exemption for sex offenses but not no other exemptions. Nothing or

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2 arson, murder, burglary and other crimes. These are
3 glaringly absent from the bill that the Council is
4 now considering and that is a major reason why the
5 bill should not be approved.

6 What's more, these criminal background bans have
7 been tried in the employment context and they have
8 failed and wound up hurting the very communities they
9 are trying to help. Studies overwhelmingly show that
10 when decision makers are blocked from knowing
11 anything about an applicant's criminal background,
12 they resort to making their assumptions. They look
13 at gaps in employment history or residency and
14 wonder, what does this gap represent?

15 Without the ability to answer this question,
16 employers assume the worst and resort to racial
17 profiling. Two leading professors of social justice
18 and policy development hold up these exact kinds of
19 criminal background bans as failures where
20 legislators have neglected to think through how the
21 laws will effect those whose behaviors they are
22 trying to control.

23 They say that while the aim is to give people
24 with a criminal record a greater chance and I quote,
25 "unfortunately laws without lookbacks have failed and

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2 studies have discovered that these laws have the
3 undesirable – 20 seconds, effect of reducing
4 employment opportunities for low-income, low-skilled
5 Black and Hispanic men by approximately 14 percent.

6 Let's not make the same mistake for housing that
7 was already made in the employment context. I urge
8 you to vote against this bill in its current form.
9 Thank you.

10 MARY CONWAY-SPIEGEL: Hi, my name is Mary Conway-
11 Spiegel. I'm a resident in an apartment in lower
12 Manhattan. I handed out photographs of a resident in
13 our building who is terrorizing us currently. Here
14 are some data. NYPD has been onsite at our location
15 32 times. I have 22 pages of documentation of this
16 gentleman terrorizing our building, assaulting
17 owners, punching people and ruining the property.
18 There is a picture of glue, spray glue he put in a
19 common fire door. I guess my question about 0632 is
20 this, where is the structure that is going to support
21 these people? I don't see any infrastructure. I
22 don't see any scaffolding at all. There was
23 questions asked about how is this going to be
24 policed? How is this going to be executed going
25 forward? How is it going to be supported? I mean,

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2 who is supporting these people as they move into
3 housing? This gentlemen who has currently been
4 arrested at least 12 times is being supported by the
5 city. This has been going on since 2019. It is now
6 2023 and the city tries to get APS to come to our
7 location to give him mental support so he can go to
8 mental health court, but nothing is happening.

9 So, there is currently no support in a situation
10 where a criminal is in our building. There is no
11 support for the owners and the residents. How in the
12 world is 632 going to be supported when we can't even
13 get rid of someone in our building who is committing
14 crimes?

15 YIATIN CHU: Good afternoon everyone. Thank you
16 Chair Williams. Thank you Council Member Inna
17 Vernikov. Unfortunately, I don't see Keith Powers
18 still here, the Majority Leader. I wish he was still
19 here listening to our testimony.

20 CHAIRPERSON WILLIAMS: He has a joint hearing.
21 He is literally next door.

22 YIATIN CHU: Okay, well, hopefully he can listen
23 to our testimony because we're here at two o'clock
24 and I signed in a little before 9 a.m. My name is
25 Yiatin Chu. I'm President of Asian Wave Alliance.

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2 I'm here to urge Council Members to oppose Intro.
3 632. New Yorkers have the right to feel safe in
4 their homes and our law should protect residents from
5 known risk in a fair and transparent manner.

6 Asian New Yorkers have the highest homeownership.
7 42 percent in New York City, 50 percent in Queens, 77
8 percent in Staten Island. If passed, this will
9 effect Asian's disproportionately in New York City.
10 Many Asian families own multifamily homes that they
11 rent to supplement their income and consider as their
12 nest egg for retirement. These are not the one
13 percenters. These are working class families who
14 struggle to make mortgage payments, pay taxes and
15 expenses for upkeep.

16 Not only have homeowners and small landlords have
17 been distressed and harmed by protenant policies made
18 worse in the past three years, they are not put in
19 danger of living upstairs from possible dangerous
20 criminals.

21 Intro. 632 is another attack on all of us. Our
22 electives continue to prioritize the lives of
23 convicted criminals over the safety of hard-working
24 New Yorkers. This is a deceptive bill. The reality
25 is that landlords don't live in the buildings that

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2 they rent out. We, as neighbors, as the community
3 members, bear the brunt of the harm. This is a
4 safety concern for all the residents who share the
5 same entrances, elevators and laundry rooms with
6 neighbors who have had a violent criminal history.

7 After a long day of graving our streets and
8 subways, we all deserve the right to come home to a
9 place of safety and security. 632 in its current
10 form threatens to take that away. We call on the
11 City Council Members to pass responsible laws that
12 protect New Yorkers, not put more of us in harms way.
13 Thank you.

14 CHAIRPERSON WILLIAMS: Thank you. Do you have
15 questions Council Member Vernikov? Thanks for your
16 testimony and I just want to say, I hear what you're
17 saying and uhm, housing in New York City is so
18 complicated. I have so many friends who have tenants
19 who are harassing them that don't have criminal
20 records and they have trouble getting rid of those
21 tenants because unfortunately our laws do favor
22 tenants most of the time. And so, I recognize what
23 you're saying. I don't necessarily think getting rid
24 of this bill is going to address the issue that you
25 have. I think we have to be comprehensive in our

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2 approach and also think about ways to protect
3 homeowners, condo owners, folks who are in co-ops
4 that do have members and residents that are causing a
5 whole bunch of chaos and so, I hear that. It's
6 actually something that my office has been working on
7 because I actually have majority homeowners in my
8 district. I do not have a lot of tenants in my
9 district, and so, I'm very sensitive to issues that
10 small property owners have. And so, I just wanted to
11 kind of mention that to you, that this bill, I get
12 what you're saying. You want to kind of, from your
13 perspective, you want to sort of limit sort of -

14 YIATIN CHU: No, no, you're misunderstanding me.
15 The first thing I think about is the only power that
16 I have left on behalf of the people in my building is
17 a criminal background check. Because the system of
18 trying to help this man in a progressive way to get
19 social services, to go to mental health court, to not
20 go to jail. Because he probably shouldn't go to jail
21 but it seems like the only tool I have now on behalf
22 of the people in my building is a criminal background
23 check. Other than that, we've spent almost four
24 years doing all the right things, APS, counseling,
25 help, court.

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CHAIRPERSON WILLIAMS: Right and so, all I'm saying and I get what you're saying, you're talking about support and services for folks who are struggling with something. Maybe mental health, etc., and so -

YIATIN CHU: So, I want a criminal background check for the next person.

CHAIRPERSON WILLIAMS: I know and all I'm saying to you is, I hear that and I think there are other things that the city can do to support what you're saying, that does not necessarily have to do with criminal background checks.

YIATIN CHU: But that's not what happens on the ground.

CHAIRPERSON WILLIAMS: I hear you.

YIATIN CHU: I'm sorry. It's like a restaurant. You guys are front of the house. The back of the house is a whole other thing.

CHAIRPERSON WILLIAMS: So, that's something, I hear you and so, while we try to reconcile this bill, all I'm saying is there are other measures, other measures that are currently not in place that would also get to what you're saying that have nothing to do with this bill. I just mentioned to you that I

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2 have people who own homes who have tenants that are
3 harassing them. That are very problematic and they
4 don't have any type of criminal backgrounds and they
5 still have trouble and fears of safety. And so, all
6 I'm saying is, I get what you're saying and I think
7 there is a comprehensive approach that is needed that
8 does not just deal with criminal background checks
9 but the housing system as a whole.

10 So, thank you so much for your testimony. I
11 think we have one more person that's testifying.

12 YIATIN CHU: Can I just -

13 CHAIRPERSON WILLIAMS: Right after the person
14 testifies because I didn't even realize that you
15 didn't testify.

16 MELINDA THALER: I testified already.

17 YIATIN CHU: She did.

18 CHAIRPERSON WILLIAMS: Oh, you, sorry you.

19 SUSAN LEE: Yes. Good afternoon. Thank you
20 Chairwoman Williams and thank you Council Member
21 Vernikov.

22 My name is Susan Lee, I'm the Founding President
23 of the Alliance for Community Preservation and
24 Betterment. I am a resident of lower Manhattan. I
25 am a constituent of Christopher Marte, who has

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2 refused to meet with me when I have expressed my
3 concern about this legislation.

4 Our housing system certainly needs reform but we
5 repeatedly overshot the runway in those efforts.
6 Intro. 632 is a perfect example. On the surface,
7 this bill would seem like a laudable attempt to
8 address housing and discriminatory practices.

9 However, as currently written, this bill would do
10 neither. Instead, it could destabilize the housing
11 market and harm the most vulnerable.

12 Earlier this morning, some Council Member had
13 asked questions about criminal background checks and
14 the percentages of discrimination in the ban the box
15 employment. According to a study in 2018, in the
16 Journal of Labor economics, ban the box studies have
17 shown that Black mans chances of being hired has
18 decreased by 5.1 percent and Hispanic men by 2.9
19 percent. On the flipside, when more information are
20 available, such as credit and drug tests, the
21 employment prospects improve. I fear that this
22 legislation should it become law, will increase the
23 discrimination of Black and Hispanic men because of
24 the pretense that they might be involved in the
25 criminal justice system.

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2 And some of the other issues that others have
3 brought up, such as shortage of housing, crowded
4 shelters, these are the things that the government
5 should be doing. It shouldn't be upon private
6 property owners to resolve these issues. Lastly,
7 with conclusive, collaborative dialogue, the needs of
8 all parties could be addressed. I urge the City
9 Council to be bolder and more comprehensive. A
10 better bill is possible if you just took the time to
11 write it. Thank you.

12 CHAIRPERSON WILLIAMS: Thank you.

13 YIATIN CHU: Can I make a comment in response?

14 CHAIRPERSON WILLIAMS: Yeah.

15 YIATIN CHU: Thank you for your sentiment. Uhm,
16 you obviously, it's clear that there are things that
17 are being carved out, such as sex offenders right?
18 And we recognize that there are certain crimes that
19 we don't want to bring into our residences. There
20 are many others. I want to just cite in an instance
21 that that is very real. We have Chinese landlord
22 that have predominantly a Chinese building in the
23 lower east side. He should know, he or she should
24 know if someone that they're putting in the building
25 has a history of being convicted for anti-Asian hate

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2 crimes. Why is that not considered? I mean there's
3 assaults. There are so many violent history of
4 people that can come in. Yes, there are some that
5 are rehabilitated and have not committed and those
6 should be given a chance but there are also ones that
7 have repeat offenses. Offenses that actually bring a
8 lot of harm to their neighbors and their community.
9 This bill does not address that. This bill address
10 sex offenders, that's great but you know what? What
11 about everything else that people living in that
12 building should be concerned about and will be
13 concerned about?

14 As Council Member Holden rightfully said, we do a
15 lot of checks to protect our children in schools.
16 They spend eight hours in school and we protect them.
17 They spend the other hours at home. Where are we in
18 protecting the kids that return home? Shouldn't they
19 be safe? Shouldn't they be free from criminals?

20 I think these are commonsense things that need to
21 be written into the law. And we need you as
22 representatives to really take the time and go
23 through these concerns and address them in this law
24 and not just be bleeding hearts for people that yes,
25 some of them do deserve second chances but there are

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2 one's that really are violent, are evil and are
3 repeating offenses that will cause harm to law
4 abiding citizens.

5 CHAIRPERSON WILLIAMS: Thank you.

6 YIATIN CHU: Thank you.

7 CHAIRPERSON WILLIAMS: I respectfully disagree
8 with some of things that you said but I just want to
9 reiterate, this is the purpose of the hearing. So,
10 you were able; I have given you extra time to talk
11 about your opinion because we do value everyone's
12 opinion and we do want to hear those concerns and
13 efforts to make sure that this bill doesn't have a
14 lot of the unintended consequences that you so
15 eloquently discussed.

16 So, I just wanted to say like, this is a part of
17 the process of listening, so you know that was
18 introduced but a part of that is hearing from people.
19 Hearing your opinion about the bill. Working with
20 the bill sponsors to then make perhaps whatever
21 amendments may or may not make sense. So, I just
22 wanted to kind of empower you that this is why we
23 hold hearings, is to hear from people, all sides.

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2 COMMITTEE COUNSEL: Thank you. We'll now call
3 Wendell Walters, Shameeka France, Douglas Powell and
4 Pastor Carl Garrison. You can go ahead.

5 WENDELL WALTERS: Good afternoon. Thank you to
6 the Committee. Thank you to the Chair. I know he's
7 not here but thank you to Council Member Powers for
8 his leadership on this issue. My name is Wendell
9 Walters, I'm a Manager of Policy and Advocacy with
10 the Osborne Association, similar to the Fortune
11 Society. We do criminal justice service and policy
12 through our programs. Osborne is one of the oldest
13 and largest organizations of this type in the state
14 serving 10,000 participants each year.

15 Osborne is also a proud member of the Fair Chance
16 for Housing Campaign as a service provider. We
17 understand the reentry obstacles that returning
18 citizens face. We work with people reentering every
19 day and we know that having a place to call home
20 provides a level of stability they so badly need.

21 As been stated several times today, there are
22 750,000 New York City residents, 11 percent of the
23 adult population who are effectively locked out of
24 the hunt for housing all together because they have
25 an arrest or a conviction record. The prison and

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2 jail populations as we know in New York State have
3 dramatically reduced in the last 20-years and each
4 year since 2015, as Jackie was saying earlier, more
5 than 40 percent of those released from prison enter
6 the New York City shelter system. We believe housing
7 stability is a matter of public policy and public
8 safety. People are most vulnerable after released
9 and being unhoused can impact all aspects of their
10 life. They're also at risk of ending up back in jail
11 and prison if forced to navigate street life and
12 unsafe shelters.

13 We as a city must create more supportive housing,
14 traditional housing for the previously incarcerated.
15 We also must create greater access to public housing
16 and prevent the private housing market from unfairly
17 discriminating against those with a conviction
18 history.

19 New York City has always been – if I could have a
20 couple seconds. New York City has always been the
21 city where it's difficult to find affordable place to
22 live and that's just for the average New York City
23 resident. It's many more times difficult for a
24 person with a conviction record. Landlords are
25 disqualified as individuals, even though we know

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2 their prior conviction does not correlate to whether
3 or not you are successful. Tenant [INAUDIBLE
4 4:03:35] avoid the racial impact of this practice.
5 80 percent of those with conviction histories in New
6 York City are Black and Brown. How can we as a city
7 exempt all these people? Three-quarters of a million
8 people from an opportunity to find a place to call
9 home. We support Intro. 632. We call on City
10 Council to pass Intro. 632 as soon as possible.
11 Thank you.

12 CARL GARRISON: Am I on? I want to thank the
13 City Council for this opportunity, really
14 appreciative. My name is Carl Garrison, I am the
15 Minister of Homeless Outreach at the Manhattan Church
16 for the past 30 years and I've seen a lot of trends
17 in working with the populations who are unhoused and
18 also, for those who have conviction records. And as
19 a member of the faith community, I just have to speak
20 from that lens and I believe this is a moral issue.
21 I've recognized all the testimony and the concerns
22 but this indeed is a moral issue. Our New York City
23 is in a crisis right now of homelessness, lack of
24 affordable permanent housing, and a lack of access to
25 that kind of housing and conviction records of those

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2 formerly incarcerated are being used as a barrier.
3 And we've heard it before, the numbers, the
4 staggering thousands of New Yorkers, hundreds of
5 thousand New Yorkers have conviction records and they
6 are Black and Brown and they are being retraumatized,
7 restigmatized and discriminated against in concern
8 for housing and this is indeed is a moral issue. And
9 I just, you know I uhm, I said it earlier today at
10 the rally, you know the absence of faith does not
11 doubt its certainty and I'm just kind of astounded
12 quite frankly at how certain the opposition here is
13 to know the outcomes of those who want housing in the
14 future. I don't have that ability. I'm amazed that
15 people, oh, you right? Do you feel me on that?

16 So, I'm concerned, I'm concerned about that.
17 Uhm, that is lack of faith quite frankly. And I just
18 want to say this last piece, as a member of the faith
19 community, you know we want to work in partnership
20 with the City Council and with New York. We have
21 communities that we welcome brothers and sisters. We
22 believe in strong communities, love in communities,
23 who affirm our brothers and sisters who have been
24 incarcerated. So, this is not a one off. We want to
25 work in tandem with you. Amen.

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2 SHAMEEKA FRANCE: Well, happy thankful Thursday.
3 I appreciate this opportunity to the Council and
4 anybody, the landlords and the people that stand and
5 they're moving in this movement.

6 So, me, I was released from prison in the middle
7 of a pandemic and I applied 460 plus apartments. But
8 it wasn't until I got the opportunity for the
9 landlord to see me for not the thing that I did but
10 the person who I was. That I was able to continue on
11 my life as a productive member of society.

12 Today, I work for Women Prison Association, the
13 longest organization in the field of serving women in
14 justice and families in New York City. I have
15 provided over – provided thousands of Fentanyl test
16 strips and Narcan to citizens of this great city.

17 I work with organizations like Osborne and
18 Fortune Society and WCJA and the door, to keep the
19 doors open and help the people that was in a place of
20 darkness to see light to live a life that's worth
21 living, to be a catalyst of change. I pray that you
22 all really see the impact and the need to have stable
23 housing. So, I can have that clarity. So, I can
24 have moments of magnitude that can help the people in
25 my community.

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2 I mean, it's already barriers with just coming
3 home and your credit is messed up but having that
4 light and having the peace to move forward is so
5 essential. Thank you.

6 DOUGLAS POWELL: My name is Douglas Powell. I'm
7 a Brooklyn New York Leader of the Homelessness and
8 the Civil Rights Union. I've been incarcerated for
9 34 years. I was forced to come homeless when I came
10 out of prison. They took me to a shelter in shackles
11 like I was coming off the [INAUDIBLE 4:08:37]. Like
12 I was a slave or something. I had shackles and
13 handcuffs on going to the shelter. I'm being
14 released but I still got on shackles and handcuffs.

15 This is not about the felonies. It's about race.
16 It's about Black people. You see them Asian people
17 that just was talking? I live in Rego Park now.
18 That is the racist neighborhood I ever been in and
19 there's nothing but Asian's in there. And if you go
20 in the store, they will follow you around like you
21 getting ready to steal something. So, that garbage
22 that they was talking up here because that what it
23 was was garbage. You know what I'm saying because
24 they want Black people to live in Black people
25 neighborhood because it's not their neighborhood

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2 because they from China, Hong Kong. We from New
3 York. This bill has got to be passed. It got to be
4 passed, so that other people can live better. All
5 New Yorkee's need a permanent house to live. Not
6 just White people. Not just Asian people but all
7 people. You know what I'm saying?

8 If it wasn't for Unlock New York City, I would
9 still be in that shelter. I was in the shelter for
10 three and a half years fighting to get out. And they
11 wouldn't let me out and the only reason why I got the
12 charge that I got is because the judge, Judge Wash
13 P50 Kings County told me he didn't want to hear
14 nothing I had to say. And if I go to trial, I was
15 going to blow. So, where did that leave me? I had
16 to plead guilty or I wouldn't even be speaking to you
17 all right now.

18 So, I was forced to get a crime. I was forced to
19 be a felon, just like most Black people that go into
20 the system. Because as soon as you into the system,
21 ain't no real way out for you because you ain't got
22 no money and the lawyer they gave me was a
23 prosecutor. She was supposed to be a defense lawyer
24 but she was the DA. Didn't believe a word I said
25 even though everything I said and showed her wasn't

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2 true. Then they came back and said, this is what
3 we're going to do for you. We're going to give you
4 two and a half years but you got to plead guilty
5 right now and we're going to let you go home but they
6 never let me go home. Even though I pleaded guilty,
7 they made me go upstate and take all these programs
8 and I successfully completed and while I was upstate,
9 I saved three White people lives that they never talk
10 about but they still hit me at the parole board. But
11 I saved three people lives up in the prison system.
12 You know what I's saying?

13 CHAIRPERSON WILLIAMS: Thank you for your
14 testimony. I just want to acknowledge we've been
15 joined by Council Member Avilès.

16 Oh, my name say - it's missing the two l's.

17 COMMITTEE COUNSEL: Thank you. We will now call
18 the next panel. Thank you so much. Next we have
19 Anna Shpakovskaya (SP?), Christopher Leon Johnson,
20 Maria Danzilo, and Edward Klein.

21 CHAIRPERSON WILLIAMS: I just want to thank
22 everybody for your patience. I know you've been
23 waiting a long time to testify and for the folks
24 virtually, we will come to you in one panel. After
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1
2 the next panel, we'll go to the virtual room, so just
3 wanted to thank everybody so much for your patience.

4 CHRISTOPHER LEON JOHNSON: Good afternoon. My
5 name is Christopher Leon Johnson. First off, I want
6 to say thank you to every Council Member that was
7 here. Thank you to the members right now, Mrs.
8 Williams, Mr. Powers, Mrs. Avilès. Thanks to
9 everybody that came here before. I know it was a
10 long day, so we want to go. I know, long day. Me
11 too.

12 So, first off, I want to say that this opposition
13 to this bill 632 is not a republican matter. I heard
14 this Carmen De La Rosa, she said that's a GOP matter.
15 That's not a GOP matter. I'm a registered
16 democratic. I'm a registered democrat. I vote for
17 Kathy Hochul on the working families line in the
18 general election against Lee Zeldon and I'm opposed
19 to the bill.

20 This is not a democratic matter. This is not a
21 worker family conservative republican matter. This
22 is a human matter, human lives matter. I'm opposed
23 to this bill because I care about the lives of the
24 law-abiding citizens in NYC. Law abiding citizens
25 should be living next to non-rehab able criminals.

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2 If this bill is passed, they'll have dire
3 consequences to the law-abiding tenants that rent the
4 properties and the law-abiding homeowners and the
5 landlord that own the properties. People will have a
6 higher chance of getting seriously hurt or even
7 killed if this bill gets passed.

8 I know there's members here that have families,
9 they have kids, they have wife's, they have brothers,
10 they have sisters. I have a niece and if you care
11 about them, you wouldn't vote for this bill. I know
12 this bill had like over 30 sponsors, like you know
13 you need 26. I know I can't convince all of them to
14 go for this bill but I know at least ten that go for
15 this bill because the tenants go against this, this
16 won't get passed to the City Council.

17 So, I just hope that ten members that see this
18 testimony, every body that's oppose this bill goes
19 against this and thank you for having me out here. I
20 really appreciate it and just please vote against
21 this bill. I'm opposed it. This is a bad bill and
22 thank you for everybody. I appreciate it. Take
23 care.

24 COMMITTEE COUNSEL: Thank you. You can go ahead.
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2 ANNA SHPIKOVSHAYA: Good afternoon. Good
3 afternoon Majority Leader and thank you for having us
4 here. I hope everybody is good. I'm one of the
5 advocates for the Child Victims Act from a few years
6 ago, it passed. It's been a very long time in
7 passing and the majority of the City Council
8 supported it privately. So, that increases the
9 penalties for past crimes against children and many
10 of you were supportive of it, which we really
11 appreciate.

12 I understand that there are a lot of people who
13 have been incarcerated sitting in this room and they
14 deserve to be treated with dignity and respect as
15 human beings and we have really, this society
16 appreciates that you have come out and recovered and
17 you put in the effort to do that.

18 At the same time, I am afraid of committing a
19 crime because there are consequences for that. I was
20 raised with fear of committing a crime and I have
21 military in my family. I'm friends with cops, I just
22 hugged one yesterday. Uhm, but at the same time, I
23 really care about the society but I also care about
24 safety. So, there has to be a balance and a better
25 written bill if you will pass a bill, you should be

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2 or consider to have the words that allow the 90
3 percent of landlords who do backgrounds on people to
4 be safe in conducting their business in the way that
5 they feel comfortable because they do not want to be
6 marginalized. And the victims of child sex abuse
7 that just had the bill passed to support them, want
8 to feel safe as well.

9 So, I am asking about it to consider a rewritten
10 bill just like I advocated for the Child Victims Act.

11 CHAIRPERSON WILLIAMS: Thank you so much for your
12 testimony. I will now call the next panel.

13 COMMITTEE COUNSEL: Thank you. Next, we will be
14 calling Alexandra Dougherty, Lauren Velez, Annette
15 Tomlin, Audrey Johnson and Samantha Balak.

16 CHAIRPERSON WILLIAMS: And thank you so much for
17 your patience. I wish there was a way to expedite
18 these hearings but I don't think there is. Hi, you
19 may begin.

20 ALEXANDRA DOUGHERTY: Hi, good afternoon. My
21 name is Alex Dougherty. I'm a Senior Staff Attorney
22 and Policy Council of the Civil Justice Practice at
23 Brooklyn Defender Services.

24 So, first of all, thanks for the opportunity to
25 speak today in support of removing barriers to

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2 permanent affordable housing for all New Yorkers. At
3 BDS, we see how our clients who are moving out of the
4 shelter system or relocating due to an eviction
5 proceeding or spend months looking for new stable
6 housing during which time they face eviction or
7 extended stays in the shelter.

8 For many of our clients, housing options are even
9 further limited by an arrest or conviction. These
10 clients are also ineligible for federally subsidized
11 housing, which is allegedly the housing of last
12 resort. By shutting people out of the city's limited
13 affordable housing stock, discriminatory background
14 checks prevent people from stabilizing their families
15 and perpetuate cycles of homelessness. Therefore,
16 BDS enthusiastically supports Intro. 632 as an
17 important first step towards guaranteeing equal
18 access to housing. We urge the Council to pass the
19 bill in its current form. Altering the bill by
20 creating a ban the box system or by carving out
21 specific offenses or look back periods would permit
22 discrimination to continue unchecked on the basis of
23 a conviction or arrest.

24 I'll just speak briefly about ban the box system.
25 The city's Fair Chance Act, which the Administration

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2 spoke about earlier is an example of the ban the box
3 law in the employment context. And in our
4 experience, employers routinely violate this law by
5 failing to conduct the required analysis or by
6 issuing the boiler plate denial without considering
7 folks mitigating evidence.

8 We've also seen some large companies who choose
9 to violate the law because they decide that a
10 violation is left costly than complying with the
11 process. We also see how this process has a chilling
12 effect on our clients who are seeking employment but
13 give up on the process because of confusion or delay.
14 So, we think that a similar model in the housing
15 context would be equally ineffective at overcoming
16 bias against folks seeing housing with conviction or
17 arrest history and I see I'm out of time, so I'll
18 just direct the Council to our written testimony with
19 more extensive comments. Thank you so much.

20 LAUREN VELEZ: Hi and thank you for the
21 opportunity to speak with you all today. My name is
22 Lauren Velez and I am the Associate Director for New
23 York at the Corporation for Supportive Housing or
24 CSH. CSH's mission is to advance solutions that use
25 housing as a platform to deliver services, improve

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2 lives of vulnerable people and build healthy
3 communities. We're deeply committed to sustaining
4 and increasing access to permanent housing solutions,
5 especially for folks who are highly impacted by
6 homelessness like individuals involved in the justice
7 system. We have 30 plus track year track record of
8 innovation investment in New York City as a nonprofit
9 and a CDFI.

10 We know that there are massive barriers to
11 obtaining housing for folks experiencing homelessness
12 in New York City. And these barriers are even more
13 prominent for those community members who have
14 histories of incarceration. Maintaining practices
15 that push people further away from obtaining safe,
16 affordable housing only perpetuates cycles of
17 institutionalization, trauma and involvement in
18 crisis systems. Formerly incarcerated people are
19 nearly ten times as likely to experience homelessness
20 as the general public. Being unable to access
21 housing forces people into unstable, uncomfortable
22 situations at best and dangerous, sometimes illegal
23 situations at worst.

24 Fair chance for housing is a step in the
25 direction of dismantling these barriers so that

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2 people can find a home and start to rebuild their
3 lives. We encourage Council to take this step and be
4 a part of change that will significantly impact the
5 homelessness crisis in our city and expand affordable
6 housing access to people who are justice involved.
7 We know that housing, particularly supportive housing
8 helps reduce recidivism.

9 The Frequent User Systems Engagement or FUSE
10 initiative was piloted by CSH in collaboration with
11 New York City over a decade ago. This program
12 identified folks who were high utilizers of jail,
13 shelter and healthcare systems, assisted them in
14 obtaining housing and stabilization through
15 engagement and services. The FUSE pilot was proven
16 to significantly decrease shelter hospital stays and
17 jail stays, which resulted in an overall reduction of
18 costs related to these services. In other words,
19 housing works. It stabilizes lives, reduces crime
20 and makes communities healthier. There's no evidence
21 that supports the idea that someone with a criminal
22 history is more likely to be evicted or be a bad
23 tenant.

24 I know I'm out of time but I'd be remiss if I
25 didn't take this opportunity to spotlight the fact

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2 that homelessness, law enforcement interaction and
3 incarceration all impact Black and Latina communities
4 at highly disproportionate rates. Historically
5 racist systems and practices have perpetuated
6 generational cycles of poverty and over
7 representation of minority populations and crisis
8 systems. This comes at a high cost both literally
9 and figuratively. The cost of maintaining these
10 crisis systems, high EDU use as well as the cost of
11 housing somebody in jail and prison is far higher
12 than the investment that we take to get folks housed.
13 Those are the costs for taxpayers. The other costs
14 are paid by folks experiencing homelessness
15 themselves.

16 They are far more likely to have unaddressed
17 physical and behavioral health issues, at higher risk
18 for infections and complications, and being subject
19 to violence. Continuing business as usual only
20 guarantees that we will continue to perpetuate harm
21 and penalize people who have already paid their debt.
22 Thank you.

23 ANNETTE TOMLIN: Good afternoon everyone. My
24 name is Annette Tomlin and I am a Vocal Leader and I
25 thank you all for the opportunity to speak. The

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issue that I have okay, even though I am in support of this bill is that how do we allow a person that has already served their time become more of a functional part of society if we don't give them an opportunity to get housing and employment?

Being in prison and doing your time, showing a repentance, you shouldn't have to carry that for the rest of your life. And if you want to speak about criminal, let's do a background criminal of the history of everything that United States did that's unjust. Thank you.

CHAIRPERSON WILLIAMS: Yeah, short and sweet.

ANNETTE TOMLIN: To the point.

CHAIRPERSON WILLIAMS: Yes, thank you so much for your testimony. Really appreciate it and really, really appreciate your patience. Thank you.

ANNETTE TOMLIN: Thank you.

LAUREN VELEZ: Thank you.

ALEXANDRA DOUGHERTY: Thank you.

COMMITTEE COUNSEL: Thank you. We will now shift over to witnesses who are remote. If you, you know are in person here and you wish to testify, please make sure to fill out a slip with the Sergeants. Right now, we will be calling Edward Kline followed

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2 by Blandon Kasnana(SP?) and then Robert Altman.

3 Edward, you can go ahead when the Sergeants call
4 time.

5 SERGEANT AT ARMS: Starting time.

6 EDWARD KLINE: Okay, thank you very much. May I
7 start?

8 SERGEANT AT ARMS: Yes.

9 EDWARD KLINE: Thank you. My name is Edward
10 Kline. Good afternoon. Thank you for conducting
11 this hearing and hearing simple New Yorkers out. I
12 am a managing member of a Law Firm at Offices in
13 Manhattan and Brooklyn and I have lived in this
14 beautiful city of ours for over 60 years.

15 I'm here to discuss the proposed statute Intro.
16 632 before the Committee. Respectfully, my heart
17 goes out to some of the people that have spoken this
18 morning. But the bottom line is, that the civil
19 rights nature of this proposal should really focus on
20 the hundreds of thousands, frankly millions of
21 tenants that would be adversely effected by the law.
22 The Committee members believe I understand in the
23 effort to protect those who have been through the
24 criminal justice system and want to give them a
25 second chance. But this whole sale forbidding any

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2 background checks of any sorts on anyone simply
3 ignores the rights of every tenant in the city to
4 live safely and soundly in their homes. Please don't
5 ignore the 50,000 signatures and negative comments
6 and negative emails when the statute was brought up
7 approximately a year and three months ago. The
8 public has spoken regarding this proposal and that
9 public outcry needs to be taken into effect and taken
10 into consideration by those who represent their
11 constituents.

12 This is not a landlord tenant issue. It has
13 nothing to do with landlord tenant. It's simply a
14 human rights issue. We have to balance the rights of
15 a few. Yes, the rights of a few. Those who have
16 been incarcerated have rights. Against the rights of
17 the million plus tenants to live free and live
18 safely. Please consider also the huge increase in
19 violent crime over the past two years. I'm not
20 implying that these people are necessarily a part of
21 that but the crime wave has occurred over the past
22 year, year and a half. It's partly because of the
23 wholesale changes that were made to the criminal
24 justice system by the New York State legislature
25 approximately two years ago.

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SERGEANT AT ARMS: Time expired.

EDWARD KLINE: Okay, I just wanted to say thank you very much. Please vote the bill down and have a nice day.

CHAIRPERSON WILLIAMS: Thank you.

COMMITTEE COUNSEL: Thank you. Next, we will have Blandon Kasnana followed by Robert Altman and then Terry Davis Merchant. Blandon, you can go ahead when the Sergeants call time.

SERGEANT AT ARMS: Starting time.

BLANDON KASNANA: Excellent, thank you very much. The first line of a New York Post article reads, an eight-year-old boy is fighting for his life after accidentally shooting himself in the head with an illegal gun in his Bronx home on Monday. And his father was charged in connection with the tragedy.

The father mentioned here was housing an illegal gun and actually had a history – had a violent criminal background. This does not imply at all that all people who have a past criminal background would result in this kind of risk to life but the fact is, that it does happen. And in our co-op community, we delt with this first hand and we know that the

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2 screening process is our first line of defense in
3 keeping all of our residents safe.

4 Fordham Hill is an historic tower in the Park
5 community and it's been established after decades of
6 research that tower in the park communities have an
7 increased risk to safety and an increased incidence
8 of crime. Right now, we incur a de facto task by
9 also employing 30 security guards to ensure the
10 safety of all residents in our community. What's
11 ironic about this that this bill does not take into
12 account architecture type. It provides an exclusion
13 for one- and two-family homes that are owner occupied
14 but the type of buildings that actually have a
15 greater risk to crime and safety to all, are not
16 excluded.

17 Fundamentally, all co-op owners who themselves
18 may own one unit. Why are they excluded? What I
19 have found in my history is that, and the history in
20 serving on this co-op board, is that it's the owners
21 who want to sublet their apartment that actually
22 provide rents that are below the levels even of
23 affordable housing. The family and friends that I
24 have in other boroughs also provide housing at
25 affordable and lower rates than -

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SERGEANT AT ARMS: Time expired.

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BLANDON KASNANA: We have a right to know. We have a right know. We have a right to know. Thank you.

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COMMITTEE COUNSEL: Thank you. Next, we have Robert Altman followed by Terry Davis Merchant and Hilton Web Jr. Robert, you can go ahead when the Sergeants call time.

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SERGEANT AT ARMS: Starting time.

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ROBERT ALTMAN: Thank you. I'm Robert Altman, I represent the Queens and Bronx Building Association. I'd like to thank you for the opportunity to testify today. I have submitted the testimony already, so I won't be reading from it. I'll hopefully keep this briefer than the two minutes. I would like to say that this bill is not flushed out. It's not even close to being flushed out. There are major inconsistencies within it and I really don't think it's a serious effort to attempt to do justice to the matter.

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However, this is the first hearing. The problem is often after a first hearing, the next time the bill has a hearing is when there's a vote. I would like the Committee to promise the public, not just

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2 our association, that once there is a full bill, that
3 fully represents one, people are seriously
4 contemplating that there would be a hearing on that
5 as well. That's what is appropriate and proper for
6 an issue of this magnitude. Thank you and have a
7 nice day.

8 COMMITTEE COUNSEL: Thank you. Next, we will
9 move to Terry Davis Merchant followed by Hilton N.
10 Web Jr. and then Darren Mac. Terry, you can go ahead
11 when the Sergeants call time.

12 SERGEANT AT ARMS: Starting time.

13 TERRY DAVIS MERCHANT: Good afternoon Chair
14 Williams and members of the Civil and Human Rights
15 Committee. My name is Terry Davis Merchant and I am
16 Program Director of Housing and Homelessness at
17 Trinity Church Wall Street. Thank you for the
18 opportunity to testify today to express our full
19 support of the Fair Chance for Housing Act Intro.
20 632. To end housing discrimination on the basis of
21 arrest or criminal record in New York City.

22 Trinity Church Wall Street in the episcopal
23 church has a congregation of more than 1,600
24 parishioners that represent all five boroughs and
25 form an ethnically, racially and economically diverse

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2 congregation guided by our faith and our values,
3 Trinity Church is a strong supporter of the Fair
4 Chance for Housing Act. We believe it is critical to
5 break the cycles of mass incarceration, mass
6 homelessness and housing instability for countless
7 New Yorkers. A landlords legal ability to deny
8 housing based on ones criminal record has far
9 reaching impact on the lives of both justice involved
10 individuals and their families. Conviction based
11 housing discrimination often forces those leaving
12 jail and prison to enter into the shelter system. It
13 also dramatically reduces their ability to reconnect
14 with their families and rebuild their lives,
15 undermining financial stability, ability and
16 opportunities to build wealth for their families and
17 future generations, despite the fact that they have
18 paid their debt to society.

19 Even long after an individual's incarceration,
20 conviction-based housing discrimination often haunts
21 justice involved New Yorkers for the rest of their
22 lives. An unjust form of perpetual punishment.
23 Further, as shown by a recent New York City Speak
24 survey, New Yorkers recognize that access to safe,
25 stable housing and reducing homelessness are critical

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2 for making the city safer. Simply put, housing
3 discrimination on the basis of an individuals
4 criminal record, perpetuates the cycle of
5 homelessness and poverty and does not make our
6 community safer. We commend Council Member Powers
7 and the 30 other Council Members who have signed on
8 as cosponsors and you for your leadership and courage
9 to support this critical measure.

10 SERGEANT AT ARMS: Time expired.

11 TERRY DAVIS MERCHANT: We urge the city and City
12 Council to work with City Hall to finalize and enact
13 this bill. Thank you.

14 COMMITTEE COUNSEL: Thank you. Next, we will
15 call Hilton Web Jr. followed by Darren Mac and then
16 Maria Danzilo. Hilton, you can go ahead when the
17 Sergeants call time.

18 SERGEANT AT ARMS: Starting time.

19 HILTON WEB JR.: Good afternoon City Council
20 Members. My name is Hilton Wen Jr. and I appear here
21 today in support of Intro. Number 632, the Fair
22 Chance for Housing Act. To both of my supporters and
23 my detractors, I will start with one question. What
24 must a person do to repay their debt to society. I
25 spent 27 years, nine months and three days in prison

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2 since November 13, 1989. I was free from
3 incarceration on August the 16th 2017 and since then
4 I have acquired a Master of Social Work degree from
5 Leeman College. Passed my license exam on my first
6 try and I'm now a licensed Master of Social Work
7 Working as a harm reduction, mental health counselor.

8 Some of you might be amazed and some [INAUDIBLE
9 4:34:41] but the Department of Corrections and
10 Community Services, the Office of Professional
11 Discipline of the United States Department of
12 Education, Leeman College of CUNY, have all
13 determined through various both rigorous and onerous
14 examinations that I am a person of good moral
15 character.

16 I have a credit score of 745 and rising. I have
17 a job and yet I am unable to secure a permanent place
18 to live because of something I didn't even do in
19 1989. I'm not here to redress that injustice but
20 today's injustice. Wherein people with criminal
21 legal histories are subjected to discriminatory
22 practices, which unreasonably extends our punishment
23 far past a reasonable expiration date. It is both
24 difficult and invasive to obtain an apartment in New
25 York City already with landlords and realtors

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2 requiring complete tax form, including all W2's. 12
3 months of bank statements, four pay stubs, a salary
4 which is 40 times the monthly rent and an application
5 fee so they can pay an incompetent company to do a
6 background check. I work every day and return home
7 to supportive housing at the Fortune Society and I am
8 one of the lucky ones. I stand before you to ask
9 what about my sisters and brothers who aren't as
10 fortunate as I? I beg you to level the playing
11 field. Pass Intro. Number 632 this year, simply
12 because how long must our punishment continue to
13 satisfy your unreasonable need -

14 SERGEANT AT ARMS: Time expired.

15 HILTON WEB JR.: Thank you for your time and
16 attention. Now, please get to work.

17 CHAIRPERSON WILLIAMS: Thank you for that.

18 COMMITTEE COUNSEL: Thank you. Next, we will
19 call Darren Mac followed by Maria Danzilo and then
20 Jacob Shrader.

21 DARREN MAC: Thank you Chair Williams, Majority
22 Leader Powers and all of the Committee Members for
23 holding this hearing today. My name is Darren Mac, a
24 Co-Director at Freedom Agenda, which is a member led
25 organization dedicated to organizing people and

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2 communities directly impacted by incarceration to
3 achieve decarceration assist and transformation. You
4 know we believe in fairness and justice.
5 Unfortunately, for far too long, new practices like
6 housing discrimination against people with past
7 convictions has continued to be a roadblock for
8 successful reentry into society. How can we say we
9 live in a fair and just city when a person has paid
10 their debt to society and we keep punishing them?
11 How can we say that the housing system in our city is
12 a fair system if some of the most marginalized people
13 are legally discriminated against? Unfortunately, we
14 know that there still are some people who
15 discriminate against people due to their race.
16 However, we cannot end racial discrimination in
17 housing if we don't end conviction record
18 discrimination. Given the well documented, over
19 representation of the people of color in our criminal
20 legal system, denying people housing based on
21 convictions records is often a proxy for denying
22 people based on race.
23 That is how the new Jim Crow works. For those,
24 you know our city has an opportunity to move our city
25 towards fairness and justice. The Fair Chance for

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Housing Act can address this new Jim Crow practice in our city. So, we urge City Council to pass this bill in its current form, so that we can move our city a step closer to a just and fair society. And I'll be submitting my written testimony. Thank you.

CHAIRPERSON WILLIAMS: Thank you.

COMMITTEE COUNSEL: Thank you. Next we will call Maria Danzilo followed by Jacob Shrader than Shen Quack.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Uhm, it looks like we do not have Maria on the Zoom at this point, so we'll move to Jacob Shrader(SP?) followed by Shen Quack(SP?) and Ann Corcheck(SP?).

SERGEANT AT ARMS: Starting time.

JACOB SHRADER: Good afternoon. I am Jake Shrader. Am I being heard?

COMMITTEE COUNSEL: Yes.

JACOB SHRADER: Uhm, okay. I have been a landlord for 44 years. I have managed rooming houses. I have managed other multiple dwellings. I have managed student housing. I own these buildings. I also possess a master's degree in Public Administration with a concentration in regulatory

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2 affairs and I am here to speak on behalf of not the
3 750,000 homeless or convicted people but on behalf of
4 the other eight million seven hundred and fifty
5 thousand who stand to suffer greatly. The arguments
6 that I have heard here saying that a person's
7 recidivist criminal activities and no indication of
8 the future, whether there is no evidence. Please,
9 the newspapers, the public record is full of evidence
10 that predicts that there will be a large proportion
11 of recidivist activity on criminal issues.

12 I, myself, have not only been a landlord in these
13 buildings that I've managed but I've lived in them as
14 well and I can tell you from my personal experience,
15 we have had a number of criminal elements in them. I
16 had one super who was murdered by a tenant. I had
17 myself, I had somebody plotting to kill me. He was
18 basically would set up people to be robbed and killed
19 to steal their money. I got rid of him. I will not
20 tell you how but I will tell you that six weeks after
21 I got rid of him, which by the way, was personal to
22 him murdering another one of my tenants -

23 SERGEANT AT ARMS: Time expired.

24 JACOB SHRADER: The rent collector in the next
25 building he moved to was found beaten, strangled, and

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2 murdered for the rent money that she was collecting.
3 If this is the kind of people we are going to be
4 forced to keep, we can't run our businesses. Every
5 homeless person, every person deserves a place to
6 live but you can't depend on private industry to do
7 this. This has to be a public effort and this
8 housing has to be built and run by the city -

9 COMMITTEE COUNSEL: Thank you.

10 JACOB SHRADER: It will mean in taxes. I'm
11 willing to pay but this doesn't work. It has to be
12 defeated. This bill cannot pass. Thank you.

13 CHAIRPERSON WILLIAMS: Thank you. I'll now turn
14 it to Council Member Avilès.

15 COUNCIL MEMBER AVILÈS: Thank you Chair so much.
16 Uhm, you know I think the thing I've been puzzling
17 all day and for quite a long time is this notion of
18 removing discriminatory practices and removing
19 practices that harm or exclude does not infringe on
20 the rights of others who have the privilege of
21 exercising full rights. And this bill certainly
22 doesn't remove the right and privileges of ownership.
23 Nor does it remove the rights and privileges of being
24 able to assess and decide to whom you would like to
25 rent units to.

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2 And so, I guess I would implore my colleagues to
3 think very critically around this notion that
4 removing discriminatory practices actually removes
5 rights of people who have the privilege of deciding
6 things to do. And so, I would encourage my
7 colleagues to continue to support not only this
8 legislation but continue to raise the bar and oppose
9 all discriminatory practices and invest in those
10 systems and housing that we need because it is true,
11 as the gentleman before me noted. We need
12 significant investments in housing so that all New
13 Yorkers are housed no matter their income. And so, I
14 applaud my colleagues from moving this in the right
15 direction. I look forward to voting and demystifying
16 and debunking the consistent fear mongering that
17 seems to be happening around this issue. This is not
18 removing the rights and privileges that owners are
19 exerting. It is asking to remove a discriminatory
20 practice that has been proved to be the case not only
21 in New York City but across the country. Thank you
22 Chair.

23 CHAIRPERSON WILLIAMS: Thank you and now we will
24 return back to Zoom.

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COMMITTEE COUNSEL: Thank you. Next, we will move to Shen Quack followed by Ann Corcheck and then Eric Dillon Berger.

SERGEANT AT ARMS: Starting time.

SHEN QUACK: Can you hear me okay?

SERGEANT AT ARMS: Yes, we can.

SHEN QUACK: Hi, my name is Shen Quack. I am a New York City voter and a father of two public school children with an elderly step parent living in an apartment, rental apartment. I am also in Council Member Powers's district. I am here to urge the Committee and Council to vote no on Intro. 632. People who want to give second chances to those with contact with the criminal justice system are being fooled by this bill. This bill will make it even harder to find a place to live for those who have truly learned from their mistakes and are ready to become productive law-abiding members of society. When there are background checks, those seeking a place to live are treated as individuals. The records efforts to overcome past mistakes can be brought to light and discussed in good faith with whom they seek to rent from. These individuals will not be expected by those with very serious criminal

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2 histories and haven't reformed their ways. There are
3 also existing laws banning discrimination in housing.
4 However, when you ban background checks, property
5 owners will use other data sources to assess whether
6 to rent to someone.

7 For example, they may look at demographic data on
8 groups with the highest rates of crime and make a
9 decision not to rent to an entire group based on
10 this. This will hurt individuals who have learned
11 from their mistakes from getting a second chance.
12 Worse property owners simply will drop the market or
13 demand even higher prices to rent. And housing will
14 become even more scarce and expensive. Law abiding
15 tenants will also be fearful of the neighbors and may
16 even leave the city all together and seek to live
17 where public safety is protected by elected
18 officials.

19 Property owners and law-abiding tenants will
20 leave New York City before the [INAUDIBLE 4:45:56]
21 New York City of tax revenue. This will worsen the
22 city a death spiral and accelerate the looming and
23 solvency already caused by the criminal laws and to
24 record crime rates in city streets and subways. Give
25 second chances with transparency and individual merit

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2 and keep all New Yorkers safe in our homes. Vote no
3 on 632. Thank you.

4 COMMITTEE COUNSEL: Thank you. Next, we will
5 move to Ann Corcheck followed by Eric Dillon Berger
6 and then Sara Newman.

7 SERGEANT AT ARMS: Starting time.

8 ANN CORCHECK: Hi, uhm, good afternoon. Uhm, I'm
9 not a Social Worker. I'm not a Vocational Counselor
10 and I'm not trained in any way to help a formerly
11 incarcerated person navigate his or her reentry.
12 What I am is as small housing provider and I am
13 charged with providing you know good services to the
14 renters that live in my building and you know, that
15 includes heat and hot water and other you know, well-
16 maintained facets of the building. And they also
17 count on me to provide them with safety. I have
18 doors that lock properly with high tech keys. I have
19 a video intercom, so that they can see whose buzzing
20 for access to the building. I get my sprinklers
21 inspected, my boiler inspected, my fire extinguishers
22 inspected. I do all of these things to keep them
23 safe.

24 So, I also need the ability to do background
25 checks to do the same. So, the fact that this bill

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2 is even being discussed is a glaring spotlight on the
3 fact that New York has failed miserably in providing
4 supportive housing. We need all sorts of supportive
5 housing but in this case, you know we should have
6 housing that will provide the wrap around services
7 that this population needs. You cannot put this
8 burden on the small housing providers. It's simply
9 unfair.

10 Our family has provided housing for 40 years in
11 district 6. I heard earlier today that my
12 Councilwoman Brewer actually authored this bill. So,
13 I'm calling on her to maybe rewrite another bill
14 because this one will be a failure. I'm asking the
15 other Council people to consider; you know reconsider
16 their support of this bill. And I just want to add
17 one more thing. One of the groups I heard testify
18 earlier today was someone from the Fortune Society.
19 The Fortune Society has not a great track record.
20 Last summer, a small property owner out in Queens,
21 his name is Roger Compass, uhm, his story was
22 detailed in the — many newspapers you know with a
23 tenant that was placed by the Fortune Society in his
24 home.

25 SERGEANT AT ARMS: Time expired.

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ANN CORCHECK: Where he destroyed the property and uh, you it's just made an incredibly difficult condition you know for the property.

COMMITTEE COUNSEL: Thank you.

ANN CORCHECK: So, I ask you not to support 632. Thank you.

COMMITTEE COUNSEL: Thank you. I believe the Majority Leader has questions.

MAJORITY LEADER POWERS: Thank you. Nice to see you. Thanks for the testimony. I just wanted to clarify because she's not here. Council Member Gale Brewer had an author of the legislation around employment, the Ban the Box legislation I believe she was referring to. I just wanted to correct that because I know you had made a comment on that.

ANN CORCHECK: Okay, yes, thank you yeah, because the way I heard it, she authored this bill, so thank you for clarifying that, I appreciate it.

COMMITTEE COUNSEL: Thank you. Next, we will move to Eric Dillon Berger followed by Sara Newman and then Jacob Malafsky.

SERGEANT AT ARMS: Starting time.

ERIC DILLON BERGER: Hello, my name is Eric Dillon Berger, I'm a small property owner in New York

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2 and I oppose this bill because it eliminates the
3 ability to differentiate between degrees or age of
4 offense making no distinction between the person and
5 convicted of a fist fight and a monster who has
6 carved their initials on somebody else with a knife
7 and I met that monster.

8 Some individuals are so dangerous that they merit
9 additional scrutiny. Yet, a tenant with a high
10 income who stopped paying their rent and storing
11 their \$20,000 Harley filled with gasoline inside
12 their apartment and parking this \$100,000 Hummer
13 outside. He was served with a notice to cure and
14 upon service turned to my senior dad, who lived in
15 the apartment next door and said, you do know I went
16 to jail for killing somebody right?

17 That was an implicit threat meant to intimidate.
18 He had forged his W2. Said he was on parole after
19 killing someone with an illegal gun in Brooklyn.
20 Now, we do background checks. This is a ten-unit
21 building, not exempt under this bill, where my
22 sibling also lived upstairs and it took over eight
23 months to evict this person. Now, it might take two
24 years. The threat that this person used does not
25 rise to the standard of a crime that NYPD would

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2 interdict, which everyone – an everyone recognizes
3 this threat for what it is.

4 It's wonderful that some people manage to get
5 their lives right but not all tigers can or do change
6 their stripes. And we have a right to protect our
7 homes, our families, and other tenants by fairly
8 screening. Criminal histories can be inaccurate but
9 that inaccuracy goes two ways. Many times, there's
10 no record of crimes that were committed. The monster
11 who carved his initials on someone went to prison for
12 20 years for manslaughter.

13 But no one knows about the other stuff because
14 the victims I knew, they were too terrified to report
15 it. Just because some data is inaccurate doesn't
16 mean we disregard all data. There is a solution.
17 Several of the states, notably New Jersey have
18 antidiscrimination laws which fairly balance
19 legitimate right to protect the public by evaluating
20 severity and age of convictions. We urge you to
21 adopt their common-sense approach. Thank you.

22 CHAIRPERSON WILLIAMS: I just want to say and
23 I've tried not to like invoke my opinion here but you
24 know, we're nearing the end, I hope. That uhm it is
25 really discouraging to hear some of the inflammatory

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2 language used by people that oppose the bill and I
3 really wish that people chose other words. In
4 addition, one of the talking points and I don't know
5 who decided to make this a talking point and I've
6 heard it recycled quite a few times here, that
7 somehow this bill will add to the marginalization and
8 discrimination that Black and Brown people feel while
9 accessing housing because people will automatically
10 assume that every single or most Black and Brown
11 people that are looking for an apartment somehow have
12 a criminal record and because they can't check that
13 false notion that they may have by a criminal
14 background check, this will lead to further
15 discrimination.

16 This is as Jayasari so eloquently said, there's
17 so many pretext that exist and that have existed for
18 so long and so, it is disingenuous to essentially use
19 us against us by claiming that this is somehow going
20 to increase discrimination.

21 So, I just wanted to like put that on the record
22 because it's been quite nauseating to sit here for
23 the last couple of hours and listen to inflammatory
24 language and to listen to notions and claims that are
25 baseless in my opinion. So, I just wanted to state

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2 that and nothing to do with what you said sir but you
3 said monster and that really triggered me. And so, I
4 just wanted to put some of my thoughts and opinions
5 on the record. Thank you for your testimony and
6 again, I just want to thank everyone so much for your
7 patience. This has been a long hearing and we do
8 want to hear everyone's thoughts. Whether you are
9 for or against the bill, so I just want to thank
10 everybody again for your patience and for testifying
11 today. Thank you.

12 MAJORITY LEADER POWERS: Yeah, thank you Council
13 Members. I wanted to end my day here with you to say
14 something quite similar, which is the key message
15 that I took away today from opponents of this bill is
16 that they, if not allowed to use a background check,
17 they will use racism as a key tool to discriminate
18 against New Yorkers. I have to ask the people that
19 are standing out on the steps of City Hall going into
20 the press, how they feel about that because that is
21 the key takeaway from my sitting here for hours
22 today. Is that they will discriminate. They will
23 continue to discriminate because there is an
24 incentive or an imperative here for them to want to
25 discriminate and the message, if the message is, we

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2 will instead broad use a broader brush to tell
3 anybody who doesn't look like me that they can't live
4 in housing. That we should think about deeply who
5 are making those arguments and why we are listening
6 to them. And for anybody who's making and repeating
7 their arguments, I should think they should start
8 listening closer to those arguments that are being
9 made.

10 I also want to say that today was a big day
11 around housing. The Mayor made a very big
12 announcement around housing and we here talking about
13 housing and in the room next door they were talking
14 about the HPD budget and DOE budget and things like
15 that and it's clear housing is on everybody's mind.
16 We got to build it. We have to make it affordable.
17 If you don't let New Yorkers access it, we are
18 wasting opportunities time and time again. And I
19 call here on the Adam's Administration to take a
20 deeper look into the housing discrimination policies
21 that are pervasive throughout this city to create a
22 much fairer system.

23 At this point, I will stop talking because
24 there's nobody here except for those who have
25 stanchly sat here to listen. But I want to remind

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2 New Yorkers the discrimination and the racism in this
3 city is real. We have to use our tools to dismantle
4 it and my time is up. Thank you guys. Thank you
5 everyone for being here today.

6 COMMITTEE COUNSEL: Thank you. Next, we will
7 have Sara Newman followed by Jacob Malafsky and then
8 Maria Danzilo. Sara, you can go ahead when the
9 Sergeants call time.

10 SERGEANT AT ARMS: Starting time.

11 SARA NEWMAN: Thank you. Thank you Chair
12 Williams, Majority Leader Powers on the Committee for
13 the opportunity to testify today. My name is Sara
14 Newman and I am the Director of Organizing for the
15 Open Hearts Initiative, which is an organization made
16 up of hundreds of New Yorkers throughout the city who
17 welcome and support homeless neighbors.

18 As folks have mentioned, there are over 60,000
19 people in shelters right now and one of the biggest
20 issues that we hear about every day from our
21 neighbors in the shelter system is how difficult it
22 is to exit shelter and access housing, even if you
23 have a voucher to help pay the rent. Even if you
24 have a job, even if you have a good credit score. On
25 average people stay in shelters for nearly 500 days

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2 and housing discrimination is one reason why. Our
3 neighbors with conviction records have an especially
4 difficult time finding housing.

5 People with conviction records are family
6 members, friends, and neighbors. 750,000 New
7 Yorkers have a conviction record. That is more than
8 one in ten adults in New York City. When people
9 access permanent housing, they don't just disappear.
10 They are still here, just with less stability in
11 their lives. And I also want to note that several
12 folks opposing this bill have brought up supportive
13 and transitional housing as an alternative. Many of
14 those folks have opposed those things when they've
15 come up in their own neighborhoods. The bottom line
16 is that housing for everyone makes everyone safer.
17 The Fair Chance for Housing Act wouldn't just be life
18 changing for the 750,000 New Yorkers with a
19 conviction record. It would also strengthen every
20 neighborhood in New York City.

21 Council Members, I hope you've seen today that so
22 many of your constituents support this bill and know
23 that even more are standing behind. If you couldn't
24 be here today or couldn't stay for the full length of
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1
2 time, we urge you to pass Intro. 632 immediately and
3 without watering it down. Thank you.

4 MAJORITY LEADER POWERS: Sara Newman, nice to see
5 you. Thank you for testifying here today and thank
6 you for waiting a long time. Your organization if I
7 recall formed out of a battle around homelessness and
8 shelter siting in the city, is that correct? Yes, I
9 see you nodding, so also I take that as a yes. And
10 time and time again, is it fair to say that when we
11 ask communities to support supportive housing in
12 shelters, we find resistance to that?

13 SARA NEWMAN: Absolutely. Uhm, and you often
14 hear many of the same arguments deployed. You know
15 there is a supportive housing project that will be
16 specifically serving folks who have complex medical
17 needs who are formerly incarcerated and experiencing
18 homelessness that is being considered in the Bronx
19 right now and we are hearing the same arguments about
20 fears around having criminals in the neighborhood.
21 The same kind of vitriolic offensive languages about
22 monsters, animals. Uhm, it's very inconsistent for
23 folks today to be arguing that that's -

24 MAJORITY LEADER POWERS: You could almost block
25 out the headline and keep the language and the

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2 argument, it would sound exactly the same when its
3 shelter, supportive housing or in this case, is that
4 fair to say?

5 SARA NEWMAN: Yeah, I think that's totally
6 accurate because I think the real concern that folks
7 have are - it's not a good, big concern about you
8 know is this the right policy? Is this the right
9 particular type of housing? It's not wanting to see
10 people who look different, who make them
11 uncomfortable, who you know they're afraid of.

12 MAJORITY LEADER POWERS: Yeah, thanks Sara.
13 Thanks for testifying.

14 COMMITTEE COUNSEL: Thank you. Next, we have
15 Jacob Malasfsky followed by Maria Danzilo and then
16 Rocaman Cooper. Jacob, you can go ahead when the
17 Sergeants call time.

18 SERGEANT AT ARMS: Starting time.

19 JACOB MALAFSKY: Good afternoon everyone. My
20 name is Jacob Malafsky. I'm a Supervising Attorney
21 at Queens Legal Services. I want to thank everyone
22 for allowing me to testify today about 632. I'll go
23 briefly into LSNYC's history but I'll put it in my
24 written submission.

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2 LSNYC is the largest civil legal provider in the
3 country with over 700 staff across five boroughs
4 ready to protect the rights of more than 110,000 low-
5 income New Yorkers every year.

6 Intro. 632 is an important step to ending
7 perpetual sentences and allowing those with
8 conviction histories to live with dignity and
9 continue on the path of success. Providing stable
10 and affordable housing greatly reduces the risk of
11 recidivism and allow people to reintegrate to
12 society. Stable housing is a basic need and a
13 foundation that is critical to complete school and
14 hold a job.

15 As a tenants attorney for almost a decade, I have
16 witnessed the culture of housing to perpetuate that
17 individuals with a criminal conviction are bad or
18 monsters as some will call it and do not deserve
19 housing. This belief held by many landlords is
20 generally qualified in factor data and driven slowly
21 by stigmatism and stereotypes. This is dangerous to
22 both individuals who are reentering in our community
23 as a whole. Many of my clients are great resources
24 to their communities but are scared of pursuing
25 education or certain employment because of the

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2 chilling effect that occurs after being denied an
3 apartment. Being released from incarceration can be
4 a mirage of freedom because of all the obstacles one
5 must overcome. My clients have worked hard to
6 rebuild upon employment and/or go back to school. It
7 is not uncommon for landlords to overlook these
8 accomplishments and only focus on mistakes made in
9 the past, which maybe more than a decade.

10 While many of my clients are protected from
11 discrimination and employment and education, they do
12 not have the same protections in housing. A landlord
13 with no background or reentry can arbitrarily decide
14 when someone is rehabilitated and entitled to
15 housing. When a perspective tenant is denied an
16 apartment on this basis, the landlord generally does
17 not give a reason for their denial.

18 The perspective tenant has no opportunity to
19 provide additional documentation or any explanation.
20 This discrimination is currently protected by law.
21 Furthermore, it doesn't hurt just tenants wit
22 convictions but the entire -

23 SERGEANT AT ARMS: Time is expired.

24 JACOB MALASFSKY: Sorry, one sentence then. On a
25 personal level, I also have a conviction history and

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2 after I was released, I doubt that would be able to
3 finish college, go to law school, pass the bar
4 without stable housing, or I would be here today
5 testifying as a tenants rights attorney. Thank you
6 for allowing me to testify today and I'll write a
7 written submission later.

8 CHAIRPERSON WILLIAMS: Thank you.

9 COMMITTEE COUNSEL: Thank you. Next, we have
10 Maria Danzilo followed by Rocaman Cooper and then
11 Bernadette Ferrara. Maria, you can go ahead when the
12 Sergeants call time.

13 SERGEANT AT ARMS: Starting time.

14 MARIA DANZILO: Hi, thank you Madam Chair and
15 members of the Committee. My name is Maria Danzilo,
16 I'm Executive Director of One City Rising, which is a
17 community advocacy group whose mission is to bring
18 together communities from across the five boroughs to
19 restore New York's economy, enhance public safety and
20 improve education outcomes for every child. I'm also
21 an advisor to the group, New Yorkers for Competitive
22 Elections. I'm a mother of three children, a
23 lifelong New Yorker and I own a small rental
24 property, which I rent out significantly under
25 market.

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2 I appreciate all the courageous testimony this
3 morning and the well-intentioned purposes of the bill
4 and second chances are hugely important to all people
5 and I don't dispute that but I don't support this
6 bill in the current form.

7 After hours of testimony, I have heard no data
8 that shows that decarcerated individuals who are
9 working and able to pay their rent and able to
10 responsible tenants are being denied housing in a
11 scope that we justify diminishing private property
12 rights in New York City and putting the safety of
13 tenants throughout the five boroughs in a difficult
14 situation. Current law does not allow a landlord to
15 use criminal history as the sole justification for
16 denying rent and federal law makes it clear that it
17 is illegal to deny tenancy to someone based on their
18 criminal record unless they're also dangerous.

19 So, what this bill really is is a law that
20 reduces private property rights and we need to
21 encourage private property ownership in New York.
22 I'm an intellectual property lawyer for decades and
23 any reduction in property rights is going to have a
24 chilling effect on investing in property. That means
25 keeping property in good condition, renting all

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2 vacant units and restoring property to add to the
3 housing stock, which we so desperately need. This is
4 not a law that will effect government owned property
5 but this is a law that targets people who invested
6 their life savings in real property and reduces their
7 rights.

8 If this was a law that was looking to help people
9 coming out of prison, that would be a different
10 conversation but we're really talking about -

11 SERGEANT AT ARMS: Time expired.

12 MARIA DANZILO: A law that's protecting property
13 rights. Thank you.

14 COMMITTEE COUNSEL: Thank you.

15 MARIA DANZILO: At a time when New York State has
16 lost more tax revenue than any other state in the
17 country.

18 COMMITTEE COUNSEL: Thank you.

19 MARIA DANZILO: We really need to do more to
20 invest uh, uh, in private property. Thank you very
21 much. Thank you. Oh, I would like to make one more
22 comment and I do want to note that a number of people
23 were given extra time and I do think it's important
24 to make this a point, that statements have been made
25 but the law contains protections so that landlords

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2 will not be liable as a result of not doing criminal
3 background checks. But the language in the bill, I'm
4 a 40-year lawyer. I've been practicing law for 40
5 years, the language in the bill is not identification
6 and is adequate to provide protection to property
7 owners if they end up renting to someone who goes on
8 to hurt another tenant or a property. So, I do want
9 to say that the bill needs a lot of work in order to
10 be a good bill that protects everyone.

11 SERGEANT AT ARMS: Time expired.

12 MARIA DANZILO: Thank you. Thank you.

13 COMMITTEE COUNSEL: Thank you. Next, we have
14 Rocaman Cooper followed by Bernadette Ferrara and
15 then Michael Wexler.

16 SERGEANT AT ARMS: Starting time.

17 ROCAMAN COOPER: Hi, my name is Rocaman
18 Cooperman. I am a 22-year-old resident of this city.
19 I'm here to discuss the proposed statute before the
20 Committee. As a 22-year-old, interested in politics,
21 I have noticed one thing about this city currently.
22 The city wants to protect and defend criminals to
23 rather than law abiding citizens like myself.

24 Whether it be ignoring the supreme courts,
25 landmark ruling on the right to keep and bear arms or

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2 in this case, taking away a landlords ability to
3 protect their tenants by allowing them to run
4 criminal background checks on perspective tenants. I
5 feel for all the people who can't get housing due to
6 the fact that they have a record but it should not be
7 up to the city to tell the landlords that they cannot
8 run criminal background checks on any perspective
9 tenants. The City Council also seems to think that
10 if perspective tenant has any criminal background, a
11 landlord will not rent to that person. But most
12 landlords will rent to a tenant who committed a
13 nonviolent crime years ago.

14 The purpose of the criminal background check for
15 landlords is to prevent people who have committed
16 violent crimes from becoming tenants in their
17 buildings. The people of the city are fed up with
18 the crime that pervades the city and the politicians
19 who ignore these crimes and say the city is as safe
20 as ever. Why do you ignore the 50,000 negative
21 comments when the same statute was brought up before
22 the City Council a year ago. The public has spoken
23 up against this proposal. You were supposed to
24 represent your constituents. By considering this
25 bill today it is clear that the city has not learned

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2 anything by the rise in violent crime over the past
3 two years. This has occurred because of the
4 wholesale changes in New York States criminal law,
5 such as cashless bail. Please vote against this bill
6 and please do not diminish peoples concerns. Thank
7 you so much. Have a great day.

8 CHAIRPERSON WILLIAMS: I guess because I've been
9 here for many hours, my patience is wearing thin
10 because I don't think that we have diminished
11 anybody's concerns about public safety but I digress
12 and thank you so much for your testimony and we can
13 go to the next person.

14 COMMITTEE COUNSEL: Thank you. Next, we have
15 Bernadette Ferrara followed by Michael Wexler and
16 then Raymond Bergen.

17 SERGEANT AT ARMS: Starting time.

18 COMMITTEE COUNSEL: You have to accept the unmute
19 request Bernadette.

20 BERNADETTE FERRARA: It's not allowing me.

21 COMMITTEE COUNSEL: We can hear you.

22 BERNADETTE FERRARA: Okay, good. Thank you.

23 Good afternoon. My name is Bernadette Ferrara, born,
24 raised, educated, and still living in Van Nest. An
25 extremely diverse community in the East Bronx. We

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2 have two family, three family, multiple families in
3 apartment buildings. I serve on Community Board 11
4 representing Van Next since 2008 and I'm a founding
5 member and current president of the Van Nest
6 Neighborhood Alliance formed in 2010.

7 Today I speak as a lifelong Bronx resident. Like
8 defunding the police and declining to prosecute, low
9 level crime, this move will make apartment buildings
10 and entire communities less safe. No matter how our
11 governor tries to downplay crime, our public safety
12 is at risk walking down the streets or riding mass
13 transit. We're all vulnerable. I appeal to this
14 Committee to please find a middle ground. Here's
15 what I think would protect the rights of those who
16 might be wrongly accused of a crime or exonerated, as
17 well as promote community safety. All tenants should
18 undergo the same type of screening required before
19 landlords can rent to Section 8 tenants. Drug use,
20 certain types of criminal convictions, like producing
21 methamphetamines, sexual assault and credit eviction
22 checks. However, tenacity should not be denied in
23 cases where a sentence is suspended, discharged,
24 legally nullified or vacated, expanded or sealed, as
25 in the case of juvenile delinquency.

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2 This screening required to apply to both owner
3 occupied and absentee owners. Intro. 632 cannot pass
4 as it is right now and make our communities succumb
5 to even more public safety issues. It defies common
6 sense. A priority needs to be addressed right here
7 to what the barriers are and the focus is on that.

8 SERGEANT AT ARMS: Time has expired.

9 BERNADETTE FERRARA: And not tying the hands of
10 landlords with regards to not allowing background
11 checks. I implore the Committee to look at all of
12 this. Thank you for this time. Thank you.

13 COMMITTEE COUNSEL: Thank you. Next, we have
14 Michael Wexler followed by Ramon Bergen and Jeffrey
15 Maisel.

16 SERGEANT AT ARMS: Starting time.

17 MICHAEL WEXLER: Thank you kindly for the
18 opportunity. I'm Michael Wexler. I am a President
19 of the Board of the Lafayette Queens. I will send a
20 follow-up comments. My time here today was spent
21 learning about exactly what the issues were today.
22 Understanding why something such as a credit report
23 would be able to be used in order to make decisions
24 about tenants and something which I think many of my
25 residents would be concerned about, which is criminal

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2 history would not make many of my issues recovered by
3 Council Members Holden and Vernikov. Who I
4 appreciate being at many of the issues, which present
5 themselves in our community and I'll follow-up later
6 and leave the time to others who have prepared
7 statements. Thank you very much.

8 COMMITTEE COUNSEL: Thank you. Next we have
9 Ramon Bergen followed by Jeffrey Maisel and then
10 Robert Lee.

11 SERGEANT AT ARMS: Starting time.

12 RAMON BERGEN: Good afternoon everybody. My name
13 is Ray Bergen. I live in a co-op in Queens in a
14 development called [INAUDIBLE 5:11:12], where we have
15 32 buildings and over 1,000 residents and I can tell
16 you, without any criminal referral or anything like
17 that, we have enough problems dealing with tenants
18 where we have troubles and there's been occasions
19 where the police have been called but the thrust of
20 my comment is really on the fact that I think this
21 whole legislation is really a way to defer what the
22 problem is. The problem is that there is no decent
23 available housing for people who are released from
24 jail or who have issues in getting a good place to
25 live. The city should be taking the responsibility

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2 of building and providing apartments to people where
3 the rent would be affordable and they could build a
4 track record of some kind to show that they are in
5 fact good tenants, good people, and they should be
6 allowed the opportunity to live anywhere they want.
7 However, keep in mind that in co-ops in particular,
8 we have a board of directors. The board of directors
9 looks at the tenants information and they have to
10 make an informed decision as to whether they should
11 allow somebody to live in their cooperative and by
12 not having some type of a reference for background
13 check, it basically opens up the board to say, we'll
14 allow you in. We don't know everything about you but
15 you're welcome here and then what happens after that
16 person moves in, if there is some type of incident,
17 is the Board responsible? Will the board be sued.
18 Is there an incentive for someone to even be on a
19 board of directors if they can't make informed
20 decisions about who's going to live in their
21 property. Thank you very much.

22 COMMITTEE COUNSEL: Thank you. Next, we have
23 Jeffrey Maisel followed by Robert Lee.

24 SERGEANT AT ARMS: Starting time.
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2 COMMMITTE COUNSEL: I don't believe we have
3 Jeffrey; we'll go with Robert Lee.

4 SERGEANT AT ARMS: Starting time.

5 ROBERT LEE: Good afternoon all and I thank you
6 for allowing me to testify here today. I'm a small
7 housing provider of two to four families in Brooklyn.
8 I'm a second-generation owner. Many of my tenants
9 have been with me for two decades. I'm very involved
10 in all aspects of management. Recently I had a
11 problem at a building in Williamsburg with constant
12 drug dealing outside the store entrance, outside the
13 building entrance. These guys would not move. It
14 was one of your own Council Member Restler that
15 attended to this before I could blink. You know, and
16 it's all taken care of.

17 I'm very concerned for the safety of my tenants.
18 These are people that I've known for a very long
19 time. I feel obligated for their safety. I have
20 several tenants that have given birth to their
21 children in my building and I have watched these
22 children grow up. I understand the dilemma here but
23 how do I explain to one of these tenants if you know,
24 if an incident arises? You know, what do I say? I

1
2 have accepted many tenants present and past that have
3 had criminal backgrounds but they weren't violent.

4 Please, I ask you to please make safety a number
5 one priority and don't let this bill pass. Thank you
6 again so much for letting me speak.

7 COMMITTEE COUNSEL: Thank you. Uhm, next uhm,
8 actually I don't think we have anyone else here. If
9 you have not been called via Zoom or in person,
10 please make sure to fill out a witness slip or use
11 the raise hand function.

12 Okay, Sonya, you can go ahead.

13 SONYA: Uh, thank you and thank you for having me
14 today. Good afternoon Committee Members. I am
15 President of [INAUDIBLE 5:15:44] Corporation of
16 Directors. We're the largest housing cooperative in
17 the world centered in Bronx New York.

18 As a residential cooperative, real estate is
19 owned by tenant shareholders. As such, it should be
20 exempt from the proposal or coverage. As a Mitchel
21 Lama, affordable housing cooperative, real estate is
22 regulated by the New York State division of housing
23 and community renewal and subject to a regulatory
24 agreement would be United States Department of
25 Housing and Urban Development. Those entities have

1
2 detailed regulations governing the shareholder
3 selection process by River Bay.

4 Although subsections D and G proposit to carveout
5 entities subject to federal or state law, they do not
6 do so absolutely and it should. At a minimum
7 Subjection H, which should be amended to expressly
8 state that proposed legislation does not apply to
9 residential housing properties established under the
10 New York State private housing finance.

11 Further as drafted, the legislation should impose
12 additional and sometimes conflicting requirements on
13 New York State regulated Mitchell Lama cooperatives.
14 For example, the proposed legislation creates a
15 requirement that available housing units be held open
16 to applicants to dispute their denial based on the
17 proposed Local Law. Such a requirement would add
18 under complexity and delay to what is already a
19 lengthy and heavily regulated process. River Bay
20 currently has a multiyear waiting list with thousands
21 of qualified applicants waiting to move in. The
22 process is regulated by New York State but as
23 currently worded, the Local Law would apply with the
24 states current regulations do not contain identical
25

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2 requirements to the local law. The covered entity
3 does not send the notices required by the Local Law.

4 SERGEANT AT ARMS: Time has expired.

5 SONYA: Adding further details – regulated
6 multiyear waiting lists. As such, the River Bay
7 Corporation opposes this Council bill Intro. 632 and
8 respectfully requests that it not be enacted into law
9 unless Subjection H is amended to expressly state
10 that the proposal should not apply to the sale of
11 rental or affordable housing cooperatives established
12 pursuant to the New York State private housing
13 finance law. Thank you.

14 COMMITTEE COUNSEL: Thank you. Seeing no
15 additional witnesses, Chair I'll turn it over to you
16 for closing remarks.

17 CHAIRPERSON WILLIAMS: Whew, I think this is my
18 longest hearing. Uhm, and we did it. I want to
19 thank everybody so much for your patience. I just
20 wanted to give shout out to people that are still
21 here. I see the Fortune Society, Suzette from
22 Brooklyn and Community Voices Heard back there to
23 Minority Leader Borelli, who's still here and
24 Majority Leader Keith Powers that is still here for
25 this very important topic. I really appreciate

1

2 everyone's viewpoints, even the one's that are a
3 little triggering. I do hear you and I look forward
4 to working with the bill sponsor to address many of
5 the concerns that were raised today that helped to
6 break barriers of housing but also, help people
7 maintain their safety.

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So, thank you all so much and I look forward to
9 getting this bill passed. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 28, 2022