Introduction 1003-A, Project Information Panel
New York City Council
Housing & Buildings Committee
Testimony by Commissioner Robert D. LiMandri
April 30, 2013

Good afternoon, Chairman Dilan and members of the Housing and Buildings Committee. I am Robert LiMandri, Commissioner of the Department of Buildings, and have with me; Mona Sehgal, General Counsel. Thank you for allowing me the opportunity to testify on this legislation.

Today, Administrative Code, including section 28-105.11 and Building Code section 3301.9, require that a myriad of signs and permits be posted along a construction site fence in order to provide project and safety contact information for the public. Intro. 1003-A is designed to minimize the visual impact of construction sites on the urban landscape. The proposed legislation would amend the Code to require contractors and building owners to consolidate permit postings and contractor signage into one informational panel that will improve the overall appearance of the job site. The proposed legislation will also require new information to be displayed on such sign, including a rendering or elevation drawing or zoning diagram of the building and the anticipated completion date of the project. This gives the public immediate information on how long construction activity will be continuing and how the building will look when completed. This uniform construction fence signage panel is referred to in the legislation as the "Project Information Panel." It is important to note that a smaller project information panel

is required for smaller construction sites, those with a street frontage of less than 60 feet, which would include lots for 1-, 2- and 3-family homes.

The Project Information Panel design will improve the overall appearance of job sites for our neighborhoods by: reducing clutter on construction fences; providing important information to the community; improving the street/sidewalk experience; standardizing the look of temporary protective structures. It requires the uniform coloring of construction fences and mandates that viewing panels be provided in fences installed after June 1, 2013.

The Department is committed to lowering the impact that a construction project may have on its surrounding community. In 2011, the Department launched the Construction Information Panel Pilot Program to encourage contractors and building owners to consolidate required construction signage and permits into a single new weatherproofed standard. One goal of the program is to communicate important information to the community at a site where there is a construction fence. This legislation continues that effort.

The bill is detailed as to the specifications and style guide for the design of the panel. In addition to the rendering, elevation drawing of building or zoning diagram of building exterior, the panel must also include the following: a title line saying 'work in progress', anticipated completion date, owner name, address and phone, contact information including website for project information, General Contractor name and phone for emergencies, 311 information (English and Spanish), and the primary permit (New Building or Alteration) with a link to the Department of Buildings website. The font,

color and size of the lettering, and finally, the location, including height above the ground, and size of the panel are also specified in the bill.

In addition, the proposed legislation replaces the current sidewalk shed signage with a new uniform sign, refered to as the "sidewalk shed parapet panel" that will provide information about the construction or demolition site, including the address and the name of the responsible party for the site.

It further authorizes the inclusion on the sidewalk shed parapet panel of the name or logo of a program acceptable to the commissioner for best construction site management practices where such site participates in such a program. A logo reflecting the Department's Program Acceptance may also be included, as seen in Figure 3301.9.2.1(2) of the proposed legislation.

The legislation would grant the Department authorization to establish by rule the standards for acceptance of a program that ensures best construction site management practices. Those standards would include: minimizing the impact of certain construction activity; lessening the impact to adjacent residents, like keeping pedestrian passageways uncluttered; and being responsive to communities by updating project information and contacts.

The rule will also "set forth the basis and process for removal of such acceptance and for the removal of the program's name and logo from the sidewalk shed parapet panel located at a particular site." We envision that these programs will lead to sites that are better lit and cleaner and will help minimize the impact of construction activity on neighbors.

The bill will also change the visible exterior of a construction site from what New Yorkers are currently used to seeing. Standards are set forth for uniform fence and shed materials. Each construction fence will have a Plexiglas viewing panel every 25 feet. Construction fences and sidewalk sheds will change from varying shades of blue to a consistent Hunter Green.

The goal of the bill is to improve the street/sidewalk experience, provide important concise information to the community, uniformity, and, transparency.

Thank you. We would be happy to answer any questions you may have.

FOR THE RECORD

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

Statement of the New York City Mayor's Office
on Introduction 188

Submitted to New York City Council Committee on Housing and Buildings
April 30, 2013

The Administration respectfully submits this statement in opposition to Introduction 188, which would amend the City's Administrative Code to impose on the boards of cooperative apartment buildings several burdensome recordkeeping requirements; create deadlines for board decisions; require boards to develop a standardized application; require each participating board member to sign a certificate of non-discrimination; and, in some instances, mandate automatic approval of an application when a board has failed to meet a strict deadline for providing written notification of its decision. Intro. 188 would create these additional impediments to private real estate transactions despite the existence of effective federal, state and local laws prohibiting discrimination in the sale and rental of housing.

While the Administration shares the Council's goal of eradicating discrimination in the City's real estate market, the need for this legislation – which imposes on the boards of even the smallest cooperative apartment buildings significant recordkeeping responsibilities and the risk of severe penalties simply for missing deadlines – is questionable. Indeed we note that the Council's Legislative Findings admit that Intro. 188 is supported merely by "anecdotal evidence of instances of housing discrimination," and that there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing." We note that, since 2000, the City's Human Rights Commission has filed only 22 complaints alleging discrimination in connection with cooperative apartment building offerings. While no amount of discrimination is acceptable, the low volume of complaints does not suggest the need for additional legislation in this area.

It is also unclear why the Council is singling out this particular type of real estate transaction for additional regulation when legal protections already exist. Housing discrimination is prohibited under the City's Human Rights Law (Admin Code § 8-107(5)), and under the state's Civil Rights and Human Rights Laws. These

prohibitions expressly apply to cooperative apartment buildings. See Executive Law § 296; Civil Rights Law § 19-a. Additionally, a federal prohibition on housing discrimination applies to the sale of cooperative apartments covered under the Fair Housing Act. It is therefore unclear what if any additional protection Intro. 188 gives to applicants.

We are also concerned that rather than serving as an effective discrimination-fighting tool, the proposed legislation will entangle smaller and less sophisticated boards that may be unable to meet its rigid timelines or strict recordkeeping requirements. In this regard, we are especially concerned about §8-1123(d)(1)(3) of the bill, which effectively mandates the extreme remedy of specific performance for failure to comply with the notice and documentation requirements, stripping boards of their discretionary power to veto the sale of shares in the coop and forcing them to enter into a business relationship with the applicant against their will and without an opportunity to be heard. Specifically, the bill provides that if a cooperative apartment board fails to send an applicant certain written documentation when denying the application within the 45-day statutory period, the applicant can request such documentation. After such a request, if the applicant fails to *receive* the documentation within 10 days, "the applicant shall be deemed approved to purchase the cooperative apartment for which the application was submitted."

Triggering automatic approval of an applicant without so much as a hearing is a draconian result that likely contravenes New York's business judgment rule and the well-established principle that the directors of a cooperative "have the contractual and inherent power to approve or disapprove the transfer of shares and the assignment of proprietary leases, absent discriminatory practices prohibited by law." Goldstone v. Constable, 84 A.D.2d 519, 520 (N.Y. App. Div. 1st Dep't 1981). This type of trap for the unwary raises serious due process concerns and completely displaces the discretion of a cooperative apartment board.

In sum, Intro. 188 would not expand existing federal, state or local civil rights protections in any meaningful way, but would impose new procedural burdens, rigid timetables and added financial risks on cooperative apartment boards. Even minor violations of these procedural requirements could subject such boards to civil penalties and in some cases, the extreme remedy of automatic approval of applications. For these reasons, the Administration respectfully opposes Intro. 188.

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

EDWARD C. BRAUNSTEIN
Assemblyman 26th District
Queens County

COMMITTEES
Aging
Cities
Insurance
Judiciary
Small Business
Transportation

Int. No. 188 Testimony by Assemblyman Edward C. Braunstein – April 30, 2013

While I am sensitive to the needs of New Yorkers, especially those who have encountered housing discrimination and have faced barriers to applications to buy a home in a cooperative apartment building, I am submitting testimony in opposition to Intro No. 188. The requirements imposed by Intro No. 188 are unduly burdensome and will be difficult to enforce.

Current law already prohibits discrimination in housing against eighteen groups of individuals. Requiring co-op board members to expressly state that they have not discriminated against an applicant is a requirement that creates a presumption that each board member has discriminated against applicants and is certainly redundant in light of existing civil rights statutes. These co-op board members are volunteers who put in a great amount of time to improve their communities and their neighborhoods, and therefore contribute to New York's quality of life. This additional requirement would be unduly burdensome and would discourage individuals from serving their communities.

An additional administrative burden is found in the amount of time in which the application must be approved. Because board members are volunteers, requiring 45 days to provide a written determination of whether the application has been approved or disapproved may in some cases be impracticable, or even impossible, to comply with.

Finally, the civil penalties are not an adequate incentive for compliance. The general public is permitted to apply for homes in a co-op building, and the Board's exposure to civil penalties would allow applicants to allege non-compliance with the law and will induce investigations into co-op boards by the New York City Commission on Human Rights.

The legislation creates several impracticable and burdensome requirements for co-op board members. As a result, board members will resign and our city will lose a group of volunteers who commit their time toward the improvement of their communities.

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Statement in Opposition

to Int. No. 188

April 30, 2013

My name is Andrew Brucker, and I am a practicing attorney in the City of New York. I have spent my entire 35 year legal career involved with cooperatives. I have written numerous articles for the New York Law Journal and trade magazines, been quoted in the New York Times (and other periodicals), and have lectured at over two dozen Continuing Legal Education seminars in the area of cooperative law. I am currently the Chairman of the NYC Bar Committee on Condominium and Cooperative Law. I founded my firm to specialize in coop and condo law twenty-five years ago, and my firm is currently general counsel to about 200 coops and condos (or approximately 25,000 apartments).

Every single cooperative which I have spoken with in regard to Int. 188 has been vehemently opposed it. In fact, more than one has mentioned to me that if this were to pass, the entire board would probably quit in light of the provisions in the law.

Discrimination

While there is no question that I, and every one of my clients, are against discrimination in housing, there is nothing in Int. 188 to stop discrimination. In fact we are all quite confused that Int. 188 states that there has been "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing,...." Yet this legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing.

There currently exists Federal, State and City Laws to prohibit discrimination in housing for 15 protected classes of individuals. Remedies are available in a number of forums, including: the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. A victim of discrimination need not even spend money and hire an attorney to right the wrong, as the filing of a complaint to Federal, State or City agency will commence an investigation. From my personal experience, this system seems to be working quite well.

It is my experience that the vast majority of denials by cooperative boards are due to the financial inadequacy of the prospective purchaser, which is a completely legitimate reason under the terms of the proprietary lease and the law. Furthermore, most boards make certain that any decision to withhold consent from a sale complies with all applicable laws. The most powerful deterrent against discrimination remains the *Biondi* cases, in which a court awarded punitive damages against a coop board member for discrimination and then another court held that the cooperative could not indemnify the member from such damages.

Time Limits

Int. 188 introduces time limits on the board that ignore the realities of cooperative governance and procedures. The requirement that a notice of a deficient application be provided ten business days after the managing agent's receipt of the application is unrealistic. Typically the application is delivered to the managing agent, and they check for glaring omissions. Then management sends it to the board. Considering that board members work and have family commitments, it would be impossible for this entire process to take 10 days.

Int. 188 also ignores the fact that many coops have no managing agent. Handling all of the tasks of both management and the board can be very intense, and these incredibly short deadlines do not help. In fact, I think a strong case could be made that Int. 188 discriminates against those cooperatives whose shareholders are low income households. Those coops often do not have a manager, and the board members take on the administrative tasks. However, they take on those tasks after work and on the weekends, thus making the strict deadlines nearly impossible to be met, and an unfair burden on volunteers.

Moreover, the legislation ignores the key role of an interview in the approval process. Once an applicant meets certain minimal requirements on paper, the next step is typically an interview. The interview typically does not take place until weeks after the review of the paperwork by the board. Very often, as a result of the interview, additional questions may arise, and additional information may be requested. Under this legislation, however, a cooperative board may not request additional information at this stage since the ten day time limit to request additional information has long passed.

Penalties and Legal Fees

The penalties imposed by Int. 188 are unwarranted and excessive. One provision forces a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to. This is nothing more than a penalty and is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser. Therefore, it violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

In addition, the ever increasing penalties in Section 8-1125 (b) for subsequent violations make no sense, since boards often change from year to year. Yet, under Int. 188, a current board who may be a day or two late must pay huge penalties due to the sins of prior boards who may have violated the provisions of the law.

In regard to the possible award of attorneys' fees, the award only to the applicant, and not the cooperative that may have been unfairly sued, is patently unfair and suggests a strong bias against cooperative boards.

Int. 188 imposes a variety of penalties for a board's failure to comply with the timelines or to issue the necessary statement. But those penalties are unrelated to whether the applicant has been approved. Thus, an applicant who has been approved – and,

therefore, could not claim discrimination – may be entitled to get his/her application fees back. That is illogical and evidences what appears to be a punitive attitude toward cooperative boards. Moreover, the imposition of attorneys' fees on a board, without a reciprocal right for the board to collect attorneys' fees where it has been vindicated, would appear to violate public policy. As the court decisions over attorneys' fees has shown in the landlord tenant context, this is a much litigated area and one where the amounts involved can be very substantial.

True Consequences of Int. 188

Int. 188 would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

Further, with unrealistic deadlines and penalties, boards will undoubtedly not take the time to carefully re-review those applicants on the cusp of approval. It would just be simpler to reject them, and that is what will undoubtedly take place. After all, the legislation indicates that the board may only "reasonably" request additional information. What board will want to take the chance of asking for additional information if they know the applicant can bring an action against the board for being unreasonable in its request?

Conclusion

We believe that discrimination in housing, including apartment cooperatives, is abhorrent. We also believe that it is rare in New York City coops. There are numerous laws and mechanisms currently in place to protect the public from discrimination. We feel very strongly that Int. 188 will not legitimately serve to prevent discrimination, but may instead create more rejections as board members feel the pressure of the unrealistically short deadlines of Int. 188. Int. 188 also subjects individuals who voluntarily serve on cooperative boards to increased and potentially frivolous litigation and exposure to personal liability that may not be insurable or indemnifiable, thereby chilling board service.

To the extent that the sponsors of Int. 188 truly wish to address discrimination, their concerns would be better served by a law that instead requires cooperatives to include with all rejection letters a Statement of Purchaser Rights and Remedies that will set forth, among other items, the agencies responsible for hearing discrimination complaints.

Respectfully submitted by:

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Testimony of Stuart M. Saft

Before The New York City Council Committee on Housing and Buildings

April 30, 2013

Honorable Members of the City Council:

My name is Stuart Saft and I am a lifelong resident of the City of New York. I am also Chairman of the Council of New York Cooperatives and Condominiums, an attorney representing the elected boards of dozens of cooperative housing corporations throughout the City of New York and the President of Park 86 Apartment Corp.

I have been actively involved in cooperative and condominium housing in New York City for more than 35 years having done numerous workouts of defaults in affordable cooperatives in Brooklyn, Queens and the Bronx including refinancing Co-Op City 15 years ago to keep it solvent, inventing a form of financing to assist Parkchester North and South Condominiums in the Bronx from crumbling, preventing Kings Village and Clinton Hill in Brooklyn and Hyde Park Gardens, Boulevard Gardens and Hampton Court in Queens and many others from being forced into bankruptcy and dissolution. During the real estate recession of the 90s, I served on the Manhattan Borough President's Affordable Housing Task Force, the Queens Borough President's Co-Op Task Force and three New York State Attorney General's Task Forces on the Martin Act. I met with representatives of Fannie Mae and Freddie Mac to keep funding New York Co-Ops and I have served on the board and two terms as Chairman of the National Cooperative Bank in order to make sure that funds would always be available for co-ops in New York. Moreover, I have voluntarily advised the tenants of numerous rental buildings about tenant sponsored conversions so they can obtain equity and control of their environment. I have devoted more than half my life to protecting the ability of co-op and condo buyers, owners and boards to manage their real estate and preserve the quality of life of approximately five hundred thousand New Yorkers who live in co-op and condominium buildings.

I am here today to tell you that co-op and condo housing in New York is on a precipice and the New Yorkers who live in these buildings are facing the greatest challenges that I have ever seen in almost four decades of working in this industry. Today, co-op and condominium housing is becoming unaffordable, competent owners do not want to serve on boards, and no one is paying attention to the real problems facing the most successful form of housing in New York.

I am here today to speak about Intro 188, a bill intended to solve a problem that does not exist even though the Council itself admits that it has found no evidence to believe that housing discrimination is prevalent in coops and even though the Human Rights Commission admitted in hearings two years ago that they have not found any significant number of cases of discrimination. Nevertheless, Intro 188 has been reintroduced, and still ignores the fact that no one has given any thought at all about the relative handful of board members in each building, who are legally responsible to their shareholders for millions of dollars of decisions and a huge number of hours of their personal time helping to keep their communities solvent while providing a certain quality of life that each shareholder paid to receive. Boards are composed of

individuals with lives and, unlike professional landlords; do not have staffs to deal with all the problems associated with real estate ownership. The Council should be looking for ways to ease their burden rather than add another level on bureaucracy with which they must deal.

This is the second time that I have seen this bill; it was introduced several years ago and I spent days preparing revisions to it and meeting with your staff to try to make something that made sense, but instead it was shelved and here it is again; a bill intended to create a legal and administrative burden to over six thousand co-op corporations throughout the City because "it is difficult to determine if housing discrimination exists." Ladies and gentlemen, this is New York City, a city with 60,000 lawyers, if there was housing discrimination, we would be knee deep in litigation and the Human Rights Commission would have to give out numbers like a bakery. So instead of congratulating ourselves for having created a form of housing that polices itself, where the owners elect boards and there are higher turnouts at board elections than any city, state or federal elections, we are looking at a bill that will cause even fewer people to want to serve on co-op boards.

What this bill fails to acknowledge is that admissions is not something that the managing agent has the authority to handle except in an administrative sense, because of the potential personal liability to the members of the board. The managing agents can do no more than distribute applications and then submit them to the boards. Please note that I said personal liability because the members of the board are personally liable, and their personal assets are at risk, if they are found to have discriminated. Neither the discrimination provisions of the co-op's By-Laws nor the co-op's D&O Insurance provide protection to board members of a co-op who discriminate. Intro 188 is not needed because the law already adequately protects buyers who feel that they have been discriminated against. Perhaps this is the reason why the Council has found no evidence to believe that housing discrimination exists among co-ops.

What this bill fails to acknowledge is that buyers lie in their applications and it takes time for the co-op board to figure out that the information is not correct.

What this bill fails to acknowledge is that there are ten unit co-ops, who are self managed and have to deal with taking out the garbage and don't have time to drop everything to tell someone within 10 days that their application is complete or to determine whether the buyer will be willing to take out the garbage.

What this bill fails to acknowledge is that there are thousand unit complexes where the board may get 25 applications a month to process.

What this bill fails to acknowledge is that the members of the board are legally obligated to vet every application and applicant themselves and cannot assign it to anyone else and that every application that has a plethora of personal information has to be kept confidential.

What this bill fails to acknowledge is that no purchaser wants their personal information to be maintained in the basement of the building for five years just because a City Agency wants to have it available.

What this bill fails to acknowledge is that the board cannot determine if the application is complete until they review it and that board members should not be required to put their lives on hold so they can review the application in 10 days.

What this bill fails to acknowledge is that every applicant also has to be interviewed by the board after the application has been reviewed and it takes time to schedule an interview.

What this bill fails to acknowledge is that the boards are presently overwhelmed with attempting to comply with all the unfunded mandates that have been pouring out of City Hall for the last few years.

What this bill fails to acknowledge is that the boards have to find the funds to comply with these unfunded mandates without making their buildings unaffordable and it has become a losing battle.

What this bill fails to acknowledge is that the boards cannot afford to make a mistake in admitting new owners because it will turn the building's quality of life upside down and it is virtually impossible to evict a troublesome new owner or one that does not pay maintenance. What about the rights of the people who already live in the building?

What this bill fails to acknowledge is that there have been fewer defaults among owners of co-op apartments than any other form of housing because the board members actually consider their fiduciary duty to the other owners before admitting someone.

What this bill fails to acknowledge is that the rise of the co-op movement in New York City stopped the abandonment of housing by landlords and turned neighborhoods around because the tenant-shareholders had a reason to stay and fight for their neighborhoods rather than allow them to deteriorate.

What this bill does do is assume that the boards and the owners, who elect the boards, are somehow involved in a scheme to discriminate, which the City of New York and its thousands of administrators has been unable to figure out, so the City Council is going to create more paperwork and more of an opportunity for lawyers to sue co-ops for missing deadlines and failing to act the right way, and that is somehow going to solve the problem that doesn't exist.

Intro 188 is unnecessary, unworkable, and unfair and should be shoved back in the drawer where it has been hiding for the last few years.

However, as I mentioned earlier the 500,000 New Yorkers who live in co-ops and condominiums have a much bigger problem and it is jeopardizing their ability to exist. What is so sad is that no one in City government is focused on the huge increases in the costs to operate these buildings.

Ladies and Gentlemen of the City Council, I beseech you to drop Intro 188 and focus your attention on solving the real problem that will, if left unchecked, destroy co-op and condo housing in New York. Ladies and Gentlemen of the City Council there are thousands of co-op and condo owners living in your districts who cannot afford to keep paying for mandate after

mandate and ever higher real property taxes. Please do something about that now or no one will be filling out applications. Thank you.

TESTIMONY OF
RICHARD T. ANDERSON, PRESIDENT
NEW YORK BUILDING CONGRESS
BEFORE THE
NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS

NEW YORK BUILDING CONGRESS

PUBLIC HEARING ON
INTRO 1003

APRIL 30, 2013

GOOD AFTERNOON, CHAIRMAN DILAN AND MEMBERS OF THE COMMITTEE. MY NAME IS RICHARD ANDERSON, PRESIDENT OF THE NEW YORK BUILDING CONGRESS.

THE BUILDING CONGRESS IS PLEASED TO SUPPORT INTRO 1003, WHICH WOULD REQUIRE CONSTRUCTION FENCES TO DISPLAY A DETAILED CONSTRUCTION INFORMATION PANEL, A SINGLE WORK PERMIT, AND USE OF A UNIFORM GREEN COLOR ON ALL FENCES AND SIDEWALK SHEDS.

IMPORTANTLY, INTRO 1003 WOULD ALSO PERMIT THE LIMITED DISPLAY OF SIGNAGE BELONGING TO CONTRACTORS AND PROGRAMS ENCOURAGING QUALITY CONSTRUCTION SITE MANAGEMENT. THE BUILDING CONGRESS APPLAUDS THIS EFFORT – ONE OF SEVERAL UNDERTAKEN BY THE BLOOMBERG ADMINISTRATION TO ENCOURAGE MORE ATTRACTIVE WORKSITES AND REDUCE THEIR NEGATIVE IMPACTS.

THIS IS A SERIOUS ISSUE FOR NEW YORK CITY, WHERE CONSTRUCTION IS, IN EFFECT, A PERMANENT PART OF OUR LANDSCAPE. ONE NEIGHBORHOOD OR ANOTHER IS CONTINUALLY UNDERGOING CONSTRUCTION, HIDDEN BEHIND FENCES AND SHEDS. THIS UBIQUITY MAKES FOCUSING ON CONSTRUCTION SITE AESTHETICS AND IMPACTS AS IMPORTANT AS FOCUSING ON THE CHARACTER OF PERMANENT STRUCTURES.

THIS BILL WILL ALSO ENCOURAGE AN AMBITIOUS PROGRAM RUN BY OUR CHARITABLE ARM, THE NEW YORK BUILDING FOUNDATION, CALLED CONSTRUCTION FOR A LIVABLE CITY. CLC IS A VOLUNTARY PROGRAM WHICH ASKS CONTRACTORS AND BUILDING OWNERS TO IMPLEMENT A CHECKLIST OF QUALITY CONSTRUCTION SITE MANAGEMENT PRACTICES THAT INCLUDES MAINTAINING FENCING, BUT ALSO GOES WELL BEYOND THIS.

THE CLC CHECKLIST ENCOURAGES PARTICIPANTS TO IMPROVE ALL ASPECTS OF THE WORKSITE, INCLUDING MANAGEMENT OF AIR AND NOISE IMPACTS, SITE RUNOFF, THE PHYSICAL APPEARANCE OF FENCING, SHEDS AND BRACING, OVERALL SITE CLEANLINESS, THE USE OF HEAVY EQUIPMENT, COMMUNITY RELATIONS AND ENGAGEMENT.

IN SHORT, THE BUILDING FOUNDATION ASKS PARTICIPANTS TO ATTAIN A HIGHER STANDARD OF CARE AND CLEANLINESS AT CONSTRUCTION SITES. IF IMPLEMENTED FAITHFULLY, THE CLC CHECKLIST CAN IMPROVE CONSTRUCTION SITE QUALITY WELL BEYOND REQUIREMENTS SET OUT IN THE ADMINISTRATIVE CODE. WHAT'S MORE, THE CHECKLIST REQUIRES OPEN LINES OF COMMUNICATION WITH THE PUBLIC, SO NUISANCE ISSUES CAN BE RESOLVED MORE QUICKLY, HOPEFULLY REDUCING THE NECESSITY FOR AN OFFICIAL RESPONSE FROM CITY.

INTRO 1003 WISELY RECOGNIZES THE IMPORTANCE OF PROGRAMS LIKE CLC. IT ALLOWS SIGNS BEARING THE LOGO OF A "BEST CONSTRUCTION SITE MANAGEMENT PRACTICES" PROGRAM TO BE DISPLAYED ON A CONSTRUCTION SHED FOR THE FIRST TIME.

THE CITY'S SUPPORT FOR CLC IS CRUCIAL. BECAUSE THE EFFORT AND COST OF IMPLEMENTING THE CHECKLIST MAY NOT BE IMMEDIATELY APPARENT TO THE PUBLIC, THERE MUST BE A CLEAR INCENTIVE TO ENCOURAGE CONTRACTORS AND OWNERS TO PARTICIPATE IN CLC.

WE BELIEVE THE BEST INCENTIVE IS TO ALLOW PARTICIPANTS TO DISPLAY THEIR AFFILIATION WITH CONSTRUCTION FOR A LIVABLE CITY WITH A CLEARLY VISIBLE CLC BANNER AT THE

WORKSITE. THE CLC LOGO BECOMES A DIRECT WAY TO GET PUBLIC RECOGNITION THAT THE CONSTRUCTION SITE IS LIVING UP TO A HIGHER STANDARD OF UPKEEP AND MANAGEMENT.

ALLOWING THE DISPLAY OF THE CLC LOGO WILL ENCOURAGE EXPANSION OF THE CLC PROGRAM. ONCE WELL ESTABLISHED, CONSTRUCTION FOR A LIVABLE CITY COULD BE TRANSFORMATIVE. IN THE SAME WAY LEED HAS ELEVATED BUILDING TO HIGHER ENVIRONMENTAL AND PLANNING STANDARDS, CLC CAN BECOME A CITYWIDE STANDARD FOR CLEAN, CONSIDERATE CONSTRUCTION PRACTICES, DEMANDED BY OWNERS AND THE PUBLIC.

BUT THIS CANNOT BE ACHIEVED OVERNIGHT, AND THE BUILDING CONGRESS CANNOT DO IT ALONE. THAT IS WHY THE CITY'S ENDORSEMENT IS SO MEANINGFUL.

WE DO RECOMMEND ONE CLARIFICATION. WE ASK THAT THE DEPARTMENT GRANT A BLANKET PERMISSION FOR POSTING THE LOGO OF THE BEST CONSTRUCTION SITE MANAGEMENT PRACTICES PROGRAM. WE DO NOT WANT TO HAVE TO REQUEST PERMISSION TO DISPLAY THE CLC LOGO AT EACH INDIVIDUAL SITE.

IN SUM, THE GOALS OF INTRO 1003 ARE IMPORTANT. THE BILL ENCOURAGES IMPROVED FENCES AND SHEDS, BETTER INFORMATION ABOUT CONSTRUCTION WORK FOR THE PUBLIC AND SUPPORTS VOLUNTARY INDUSTRY EFFORTS LIKE CONSTRUCTION FOR A LIVABLE CITY TO ADOPT BEST PRACTICES FOR CONSTRUCTION SITE MANAGEMENT.

WE THANK THE DEPARTMENT OF BUILDINGS FOR ENGAGING THE INDUSTRY ON THIS ISSUE, AND PROMOTING LEGISLATION THAT WILL IMPROVE QUALITY OF LIFE IN NEW YORK. MR. CHAIRMAN, WE THANK YOU FOR SPONSORSHIP OF THIS BILL AND URGE ITS TIMELY ADOPTION BY THE COMMITTEE AND THE FULL CITY COUNCIL.

Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

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My name is Mary Ann Rothman. I am the executive director of the Council of New York Cooperatives & Condominiums, a membership organization serving more than 2,200 housing cooperatives and condominiums which are the homes of approximately 160,000 New York families. Cooperative housing has been part of our City for over 100 years, and today's cooperative buildings and units are as economically and socially diverse as the five boroughs. We oppose Int. 188.

From their inception, New York housing cooperatives have had the right and the responsibility to learn about prospective purchasers and to determine whether or not to admit them. This is supported by decades of case law. The vast majority of boards exercise this right judiciously, efficiently and, of course, legally. They are well aware of the disruption and dismay that is caused when a prospective purchaser is rejected. And a history of rejections clearly brands a cooperative as a place for brokers to shun, devaluating the apartments in that cooperative and negatively impacting the bottom line of all shareholders, including the board members.

Int.188 sets onerous time frames and paperwork requirements for the admissions process. It requires an affidavit from all board members attesting that discrimination laws were not violated when a prospective purchaser is rejected. It imposes a "one size fits all" process, unreasonably dictating how self-governed homeowner communities should function. If enacted, this harsh legislation will discourage individuals from serving on coop boards and will undermining the very spirit of community at the heart of cooperative living. It may also lead boards to reject candidates who might otherwise be approved if more time were available to resolve issues or omissions in their applications.

It is very important to note that Federal, State and City laws ALREADY prohibit discrimination in cooperative admission decisions. Under existing law, claims can (and indeed should) be brought against a cooperative if a prospective purchaser were rejected due to discrimination because of his or her age, gender, race, religion,

creed, country of national origin, disability, marital status, military status, sexual orientation, children (or childless state) or lawful occupation. The preamble to Int. 188 states clearly that the Council has no evidence that housing discrimination is more prevalent among coops than other forms of housing, and we object strenuously to imposing the unique transactional requirements of Intro 188 on sales of cooperatives.

Int. 188 shows great concern for the individual shareholders who sell or buy units in cooperatives. My concern is with the unintended consequences that this legislation will have for the rest of the cooperative – the shareholders who live there, who may or may not serve on the board at any given time, but who all want the coop to succeed both financially and as a community. The requirements of this legislation cast a pall on housing cooperatives, particularly those that are self-managed with volunteer board members responsible for the myriad tasks of running the cooperative.

To conclude, as we seem finally to be recovering from the worst financial crisis in decades, I call your attention to the indisputable fact that cooperative housing has weathered this crisis far better than any other form of home ownership. The stability in the coop market is due in large part to the careful admissions process and to boards that have acted responsibly where mortgage lenders and real estate brokers have not. By ensuring that prospective shareholders will be able to afford the cooperative's carrying charges and by prohibiting shareholders from borrowing more than 70% or 80% of the value of their units, cooperative admission procedures prevented much of the wild speculation that led to devastating foreclosures, and in so doing protected the financial security of hundreds of thousands of New Yorkers who make cooperative apartments their homes.

Cooperative housing works and works well! Int. 188 is burdensome and unnecessary. It should not be voted into law.

National Fair Housing Alliance
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April 26, 2013

STATEMENT OF NATIONAL FAIR HOUSING ALLIANCE
URGING REJECTION OF INTRO 188 AND ADOPTION OF INTRO 326

Housing discrimination has long been illegal, and, in some respects, New York City's Human Rights Law leads the nation. For example, fewer types of housing units are exempt from the New York City law than under federal law, and protection for people with disabilities who need reasonable modifications to premises is much stronger than under the Fair Housing Act.

But there is a big problem: even though discrimination in New York City's more than 300,000 coops is illegal, **the secrecy of the coop board approval process has made discrimination possible and enforcement difficult.**

- Secrecy encourages real estate brokers to use race or other protected class status as a proxy for deciding what units are "worthwhile" to show to an apartment seeker;
- Secrecy discourages qualified families from applying to buildings where they are not perceived to "fit" demographically;
- Secrecy makes it difficult for a rejected applicant to figure out why he or she has been turned down;
- Secrecy makes it just as hard to find a lawyer willing to take on a matter with so little information in hand; and
- Secrecy means that defense lawyers, in the relatively few fair housing lawsuits that are ultimately brought, are able to shape the coop's story for strategic and tactical ends, to prevent anyone from finding out what actually motivated the coop board in the first place.

Supporters of civil rights will OPPOSE Intro 188 and SUPPORT Intro 326, the Fair and Prompt Coop Disclosure Law.

Intro 188 keeps everything secret and behind closed doors, blocking equal access to housing and hindering civil rights enforcement. Only legislation to end secrecy -- to bring real transparency to the coop process – will address housing discrimination.

Intro 326, the Fair and Prompt Coop Disclosure Law, explicitly preserves every coop's right to turn people down for all of the legal reasons currently available. Unlike Intro 188, the Fair and Prompt Coop Disclosure Law contains no requirement that any coop change any of its internal procedures.

Intro 326 would only require coops to disclose in a timely fashion their specific reasons for rejecting an applicant, and would only permit coops to defend themselves against discrimination charges based on reasons they had provided to the rejected family. Coops would no longer be able to evade responsibility by coming up with new reasons after the fact.

The real estate and coop industries have said many misleading things about Intro 326. We invite you to read "Debunking Myths about the Fair and Prompt Coop Disclosure Law."

Again, Intro 188 is a window-dressing bill that may as well be called the "Coop Secrecy Preservation Act." It should not be adopted.

The National Fair Housing Alliance (NFHA) is the only national organization dedicated solely to ending discrimination in housing. NFHA works to eliminate housing discrimination and to ensure equal housing opportunity for all people through leadership, education and outreach, membership services, public policy initiatives, advocacy and enforcement.

NFHA is a consortium of more than 220 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. NFHA recognizes the importance of "home" as a component to the American Dream and hopes to aid in the creation of diverse, barrier free communities across the nation.

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STATEMENT OF PHYLLIS H. WEISBERG IN OPPOSITION TO INTRO 188

APRIL 30, 2013

My name is Phyllis H. Weisberg. I am a member of the law firm of Montgomery McCracken Walker & Rhoads LLP. I have been representing Boards of cooperatives and condominiums for approximately 35 years, first at Kurzman Karelsen & Frank, and now at Montgomery. I am the incoming chair of the Committee on Cooperative and Condominium Law at the New York City Bar, although I am testifying on my own behalf today.

I am submitting to you today a statement that has been signed by me and 6 of my colleagues from other law firms. All 7 of us are attorneys involved in cooperative and condominium law and together represent approximately 200 years of experience in this field and perhaps as many as 1000 cooperatives in New York City.

In all my years of working with Boards of cooperatives, I have found most Board members to be conscientious and hardworking volunteers that try to do the right thing. And for those that do go astray, the administrative agencies and the courts have ample power and tools to rectify the situation.

For that reason I believe that the problem that is supposedly being addressed by this legislation – a problem of discrimination that the law currently is unable to resolve - is non-existent. I further believe that, even if a problem arguably does exist, the means the legislation offers to address it bear no relationship to the perceived problem.

Among the significant issues raised by this bill are the following:

While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, except for the certification requirement (discussed below), the bill itself has no connection with anything relating to discrimination; rather, through its strict timelines, the unintended result may be substantial interference with the operations of a cooperative Board and its managing agent and a substantial burden on them. Moreover, while it strictly regulates the approval process, the legislation does not deal at all with the role of the interview, the difficulty sometimes encountered in scheduling an interview, the possibility of requests and/or follow-up requests for additional information after an interview, and the impact of those factors on the prescribed 10 and 45 day periods. The net result is that Boards will be more likely to disapprove more difficult or marginal applicants, rather than risk running afoul of the time limits.

The bill imposes severe penalties for failure to comply with its deadlines. These include having an otherwise unacceptable applicant be "deemed approved" if certain time deadlines are not adhered to. Purchasers who are approved by the cooperative (and, therefore, obviously are not victims of discrimination), nonetheless, have a right to recover application fees (from the cooperative and presumably also the managing agent) if the cooperative does not meet the legislatively mandated time limits. Attorneys' fees are available to the applicant (but not the cooperative).

The individual Board members must each certify that a rejection of an applicant was not the result of prohibited discrimination. To the extent Board members are in effect vouching for one another and what motivated one another, the problems are obvious. We

believe such a requirement will adversely impact upon the willingness of individuals to volunteer the considerable amount of time that Board service requires.

To the extent the goal of this bill is truly to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for at least 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. To our knowledge, none of these agencies have requested further "tools" or authority, nor are they inundated with discrimination claims relating to cooperatives.

Finally, a fundamental issue raised by this legislation is whether, in connection with the application process, it is appropriate to impose a different set of rules for cooperatives than those relating to rental housing. This issue is underscored by the statement in the legislative findings that there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing...."

We urge that this legislation not be enacted. If it is, it will only encourage rejections of difficult applications. It will be discourage people from serving on cooperative boards. And the net result will be an adverse impact on one of the economic bright spots in New York City - the cooperative housing market.

FOR THE RECORD

Statement in Opposition to Intro. 0188-2010

April 30, 2013

We, the undersigned attorneys, all of whom practice in the field of cooperatives and condominiums, have reviewed the proposed local law, Intro. 188, which would amend the New York City Administrative Code in relation to the Human Rights Law to regulate the approval process utilized by individual cooperative apartment boards with respect to applications to purchase. As with other legislation that seeks to deal with claimed problems with the board approval process – such as Intro. 326 of 2010 – this legislation would benefit the undersigned and many other lawyers in New York, whose services would be increasingly in demand to represent cooperative boards, and purchasers, in what promises to be a major increase in litigation if Intro. 188 is enacted into law. Nonetheless, we strongly oppose Intro. 188 for the reasons set forth below. In summary:

- Intro. 188 acknowledges in its statement of legislative findings and intent that there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing,...." Yet this legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing.

- While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may actually violate the rights of purchasers.

- To the extent discrimination is involved in this legislation, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

- The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

- Intro. 188 would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

- Intro. 188 ignores the realities of cooperatives, including that many are self-managed, that is, they have no managing agent, and that the interview is an integral part of the approval process and often gives rise to additional questions and requests for information.

- The proposed law, with its reference to an award of attorneys' fees, will engender more litigation over an issue that has troubled the courts for many years and which has never clearly been resolved. Moreover, the award only to the applicant, and not the cooperative that may have been unfairly sued, is patently unfair and suggests a strong unfounded bias against cooperative boards.

To the extent that the sponsors of Intro. 188 truly wish to address discrimination, there concerns would be better served by a law that instead (i) requires cooperatives to include with all rejection letters a Statement of Purchaser Rights and Remedies that will set forth, among other items, the agencies responsible for hearing discrimination complaints (example attached) and (ii) requires cooperatives to include with all purchase application packages a Statement of Board Responsibilities (example attached).

Discussion

The Legislation Unfairly Singles Out Cooperatives From Other Types of Residential Housing

Although the bill acknowledges there is *no* evidence that discrimination occurs more frequently in cooperatives than in rental housing, it effectively discriminates against cooperatives by singling them out for different treatment. Rental landlords typically employ an application process, including a written application and discretion to accept or reject an application provided the landlord does not engage in illegal discrimination. Why is that process not regulated? The frank admission in the legislative findings that there is no evidence that there is any more discrimination in cooperatives than in rental housing means that both should be regulated – or neither.

This Legislation Does Nothing to Address Discrimination. Rather It Establishes Harsh and Unrealistic Timelines and Imposes Substantial Burdens on Cooperatives and Their Managing Agents. The Proposed Legislation Will Not Discourage Unlawful Discriminatory Acts by Cooperative Boards.

While the legislative findings speak of discrimination, the bill itself – with the exception of the requirement that board members sign a statement when they reject a prospective purchaser that discrimination is not involved – takes over the application process and applies harsh and unrealistic timelines with serious penalties if those timelines are not adhered to – including the loss of a cooperative board's right and contractual obligation to pass on prospective purchasers. These mandates are simply unrelated to the stated purpose and no explanation is given for imposing them.

Requiring a cooperative board to maintain a standardized application and list of requirements, to adhere to strict time limits, and to provide a written certification of "non-discrimination," all as required by Intro. 188, would not likely deter a cooperative board that wants to reject a purchaser for an unlawful discriminatory reason from proceeding in an unlawful fashion. For example, Intro. 188 does not permit the Commission to examine the veracity of the required statement; it simply requires that such a statement be issued, but simply imposes penalties for the failure to issue such statement.

Without any discernible benefit, the legislation imposes substantial burdens by requiring that all cooperatives conform the application process to the times and procedures laid out in the statute. Many cooperatives, however, are small with limited resources. Some are self-managed and, therefore, do not have a managing agent – or they have a managing agent that performs only very limited functions. Who then will keep track of all the deadlines and the required submissions? Contrary to the claim in the legislative findings, this will result in a substantial burden.

The record-keeping requirement is similarly burdensome with potential harmful unintended consequences. While many cooperatives maintain copies of applications for a substantial period of time, an obligation to maintain records ignores that many buildings do not have any space to maintain such records, let alone a secure one. Indeed many of the management firms do not have the space to maintain such a multitude of records. Yet the requirement that applications be maintained – applications which contain applicants' social security numbers, copies of tax returns and copies of bank and brokerage statements – raises concerns about exposing prospective purchasers to the possibility of identity theft; this requirement could violate the rights of prospective purchaser and the expectation that they have when they submit this sensitive information to a cooperative board.

Federal, State and New York City Laws Prohibit Discrimination and Provide Ample Remedies for a Legitimate Discrimination Claim by a Rejected Purchaser.

In New York City, the Federal Fair Housing Act, the Civil Rights Act, the New York State Human Rights Law and the New York City Human Rights Law (collectively the "Human Rights Laws") prohibit a cooperative board from acting in a discriminatory manner in connection with the sale of an apartment. Comprehensive remedies are available in a number of forums, including the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, the federal courts, and New York State courts. The available relief includes injunctions, money damages, punitive damages and recovery of attorneys' fees. Furthermore, the various agencies, including the New York City Commission on Human Rights, enforce the law and provide a free complaint mechanism for those affected by discrimination prohibited by the law.

The law is such that once a plaintiff demonstrates he or she is a member of a protected class and qualified to purchase, the burden shifts to the cooperative corporation to "articulate some legitimate, nondiscriminatory reason" for the challenged action. Should the cooperative carry this burden, the purchaser can then show that the reasons offered by the cooperative were nothing more than a pretext for discrimination.

We support the rigorous enforcement of the several Human Rights Laws in the cooperative context and supports any action that would appropriately improve such enforcement. Nevertheless, we respectfully disagree with the drafters of Intro. 188 who apparently believe that such new legislation is necessary to enhance the enforcement of the existing Human Rights Laws – notwithstanding their stark admission that there is no evidence of the problem they are purportedly trying to solve. The actual benefits that might be provided by Intro. 188 are doubtful and are far outweighed by the burdens it will place on all the cooperative board members who review apartment purchase applications in a legal and appropriate manner.

It is the experience of the undersigned that the vast majority of denials by cooperative boards are due either to the financial inadequacy of the prospective purchaser or perceived flaws in the purchaser's character, both of which reasons are legitimate under the terms of the proprietary lease and the law.[1] Furthermore, most boards make certain that any decision to withhold consent from a sale complies with all applicable laws. The most powerful deterrent against impermissible behavior remains the *Biondi* cases, in which the federal court for the Southern District of New York awarded punitive damages against a coop board member for discrimination and then the New York Court of Appeals held that the cooperative could not indemnify the member against such award.[2]

Notably, to our knowledge, the Commission on Human Rights has not requested this legislation or any additional "tool" to ferret out discrimination. With its subpoena power, the Commission, to the collective knowledge of the undersigned, has adequate "tools." Rather than assist the Commission, this legislation would impose substantial additional duties on the Commission, for which it likely does not have adequate resources.

<u>It Has Been Established in New York that Cooperative Boards May Withhold Consent for Any Reason Other Than a Discriminatory Purpose. Supplanting That Decision Would Not Only Violate That Well-Established Body of Law, But Would Violate the Proprietary Lease Which Provides that the Board Will Decide Upon Applications.</u>

It is a fundamental aspect of apartment cooperatives in New York that their governing boards may withhold consent to the sale of an apartment for any reason or no reason as long as they do not act in an unlawful, discriminatory manner.[3] Most proprietary leases (if not all) for New York City cooperatives grant this broad power to the board. As the New York Court of Appeals has recently stated: "The very concept of cooperative living entails a voluntary, shared control over rules, maintenance and *the composition of the community*."[4] Earlier, the Court had observed that

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1 *Weisner v. 791 Park Avenue Corporation, 190 N.Y.2d 426, 160 N.E.2d 720, 190 N.Y.S.2d 70 (1959).*

2 *Broome v. Biondi*, 17 F. Supp.2d 211 (S.D.N.Y. 1997); *Biondi v. Beekman Hill House Apartment Corp.*, 94 N.Y.2d 659, 731 N.E.2d 577, 709 N.Y.S.2d 861 (2000). Further, insurance carriers cannot indemnify if punitive damages are awarded. *See, e.g., Hartford Accident and Indemnity Company v. Village of Hempstead*, 48 N.Y.2d 218 (1979), 397 N.E.2d 737, 422 N.Y.S.2d 47 (1979).

3 *Weisner, supra* note 1.

4 *40 West 67th Street v. Pullman*, 100 N.Y.2d 147, 158, 790 N.E.2d 1174, 1182, 760 N.Y.S.2d 745, 753 (2003) (emphasis added).

"there is no reason why the owners of the co-operative apartment house could not decide for themselves with whom they wish to share their elevators, their common halls and facilities, their stockholders' meetings, their management problems and responsibilities and their homes."[5] The only limitation imposed on cooperative boards in their decision as to who shall enter the cooperative's community is that such boards may not behave in a discriminatory manner.

This right is typically recognized in the proprietary lease and relied upon by those who chose to purchase in a cooperative rather than a condominium – so that the financial wherewithal of members of the community are established and so that the sense of community may be maintained.

While the Council's powers are generally very broad, laws adopted by the Council may not be "inconsistent" with constitutional or general law. The cases define "inconsistent" as imposing prerequisites or additional restrictions on rights under state law so as to inhibit the operation of the state's general laws.[6] There is no case law limiting the application of this principle to state statutes, as opposed to general common law. Here, we have a well-established body of state common law that upholds the right of cooperative boards to disapprove apartment transfers to prospective purchasers with or without reason, provided that anti-discrimination laws are not breached. This case law dates back to New York Court of Appeals decisions in the *Weisner* case, the *Levandusky* case and, most recently, the *Pullman* case.[7] Scores of intermediate appellate and lower court decisions have followed these principles, which are also incorporated in the constitutional documents—the proprietary leases—of many (if not all) cooperative housing corporations. The Council's proposed bill is inconsistent with this body of law in that the restrictions it imposes—complying with what we believe are unreasonable timelines or risk having an unacceptable applicant be accepted—would directly override a coop board's exercise of the right to disapprove of an apartment transfer with or without reason. Where there is such a longstanding body of case law, the City Council should not overturn it with legislation that does much more harm than any marginal good.

"Punishing" a board by having it deemed to have consented because of what is essentially an administrative oversight, would override one of the most important board functions and violate the right of every shareholder in the building who had a right to expect that the board would consider every application. These interference with private contractual rights would we believe render this legislation is unenforceable.

<u>The Proposed Legislation Will Impose Undue Burdens on Cooperative Board Members and Unduly Interfere with the Purchase Application Process.</u>

Despite the publicity garnered by luxury cooperatives in New York City, most cooperatives have modest financial reserves. Most cooperative boards – whether in a luxury cooperative or not –

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5 *Weisner, supra* note 1, at 434, 160 N.E.2d at 724, 190 N.Y.S.2d at 75.

6 *New York State Club Ass'n v. The City of New York*, 69 N.Y.2d 211, 505 N.E.2d 915, 513 N.Y.S.2d 349 (1987).

7 *Weisner, supra* note 1; *Levandusky v. One Fifth Avenue Apartment Corp.*, 75 N.Y.2d 530, 553 N.E.2d 1317, 554 N.Y.S.2d 807 (1990); *Pullman, supra* note 2.

are composed of hard working New Yorkers who devote precious time to serve on such boards. These boards try to operate as fairly and efficiently as possible, and they carefully evaluate every apartment sale, which evaluation, in today's sometimes troubled real estate market has become a difficult task. The board first makes certain that at the very least the prospective purchaser can afford to carry the apartment and the related charges, and then, if the purchaser seems financially secure, interviews the purchaser to determine if he or she will be, in the words of *Weisner*, someone with whom they wish to share their homes. This is the process for the vast majority of coop apartment sales and it is completely legal.

Unfortunately, Intro. 188, although well intentioned, will have a chilling effect on this process. By imposing strict time deadlines and by seeming to interfere with the information that a board can request. It limits additional information to that the board may "reasonably request" and that is "relevant." Who will decide whether a request is appropriate? Is the Commission or a court to decide what is relevant? Given the possibility of litigation over every request for information, it will encourage boards to simply reject marginal applicants rather than seeking additional information to satisfy concerns.

Moreover, the legislation ignores the key role of an interview in the approval process. Once an applicant meets certain minimal requirements on paper, the next step is typically an interview. Among other things, as a result of the interview, additional information may be requested. Under this legislation, however, a cooperative board may not request additional information at this stage.

Similarly, the requirement that the applicant be given a written notice explaining deficiencies in the application is open-ended.[8] Is this a requirement that the Board state that a tax return is missing – or is it a requirement that the applicant be told reasons for a rejection, such as that the applicant's income is "deficient." The requirement that this notice be provided ten business days after the managing agent's receipt of the application is unrealistic. At that point the Board members may not yet have reviewed or even possibly received the application and therefore, a complete list of deficiencies is not possible. A cooperative board, just like an employer, needs a certain amount of privacy in which to make uncomfortable decisions. Just as an employer is not required to tell a rejected job applicant why he or she did not get the job, thereby sparing the applicant's feelings as well as the employer's, so too a cooperative board should not be required to tell a rejected purchaser that he or she was rejected because he or she did not have enough money or liquid assets.

Indeed, the mandate that boards maintain a standardized application and a list of requirements may itself be interpreted as a requirement that certain minimal standards be set for admission to each cooperative. If that is so, then any applicant who meets that standard (income level, assets, etc.) will argue that he/she has met the requirements and *cannot* be rejected. A minimum will become a maximum, and the very intangibles that are integral to cooperatives will have been removed from the board's discretion.

[8] Proposed § Section 8-1123.

One might not like the fact that cooperative boards have the power to prevent the sale of an apartment to a specific purchaser except for an unlawful discriminatory purpose, but such power is a fundamental, if not the most important, attribute of cooperative ownership, imbedded in the law of New York, as acknowledged and ratified numerous times by its highest court. We cannot stress how important is that such law not be eradicated by the enactment of Intro. 188.

The Financial Penalties Set in the Legislation are Unrelated to the Stated Purpose, Potentially Impermissible and May Not Be Covered by Directors and Officers Liability Insurance.

Intro. 188 imposes a variety of penalties for a board's failure to comply with the timelines or to issue the necessary statement. Those penalties are unrelated to whether the applicant has been approved. In other words, an applicant that has been approved – and, therefore, could not claim discrimination – is, nonetheless, entitled to get his/her application fees back. That is illogical and evidences what appears to be a punitive attitude toward cooperative boards. Moreover, the imposition of attorneys' fees on a board – without a reciprocal right for the board to collect attorneys' fees where it has been vindicated – would appear to violate public policy. As the litigation over attorneys' fees has shown in the landlord tenant context, this is a much litigated area and one where the amounts involved can be very substantial.

These attorneys' fees and the other penalties would likely not be covered by the cooperative's directors' and officers' insurance. Furthermore, under the *Biondi* decision, a cooperative would not be able to indemnify the board members from such penalties, and every board member would be personally liable.[9] The threat of such exposure for an unwitting noncompliance of a board member otherwise performing his duties in a legitimate manner will undoubtedly discourage reasonable persons from serving on a cooperative board.

We strongly support deterring discriminatory behavior, but we can only protest legislation such as Intro. 188 that will personally expose board members to harsh penalties for legitimate behavior and will deter dedicated, honest, and fair persons from serving on cooperative boards.

The Proposed Legislation Will Cause an Increase in Disputes Even Though a Rejection is Legally Permissible.

Intro. 188 is an invitation to proceed to the courts—Intro. 188 essentially creates a new protected class, consisting of members not of any class protected under discrimination laws, but simply of those whose applications may not have been processed as fast as they might have liked – regardless of whether they have been approved. And, with the right to attorneys' fees – and no possibility of an attorneys' fees award against them – the applicant is in a win – no lose situation.

Conclusion

We acknowledges that discrimination in housing, including apartment cooperatives, against persons protected under city, state, and federal civil rights laws, while in our experience very rare, is unacceptable. We feel very strongly that the legislation proposed in Intro. 188 will not

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9 *Biondi v. Beekman Hill House Apartment Corp., supra*, note 5.

legitimately serve to prevent discrimination or assist complainants who have been denied housing due to unlawful discrimination. The better approach would be to strengthen the existing civil rights laws by educating boards and rejected purchasers about the existing laws and available forums and remedies for a discrimination claim, increasing penalties for proven discrimination and providing enhanced legal services for victims of discrimination. Intro. 188 does not advance any such legitimate purpose. Instead, it subjects individuals who serve on cooperative boards to increased and frivolous litigation and exposure to personal liability that may not be insurable or indemnifiable, thereby chilling board service, and may because of its harsh penalty of usurping the board's right to accept or reject an applicant if the time period is not met, encourage quick rejections so the board does not run afoul of an administrative snafu.

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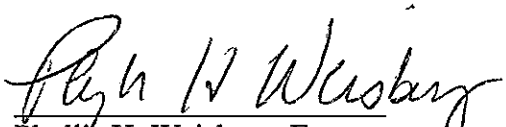

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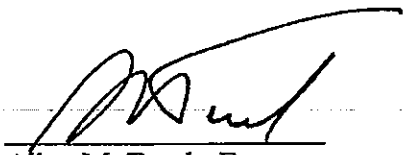
Ronald Jay Gold, Esq.
Kagan Lubic Lepper Lewis Gold & Colbert, LLP

Steven Troup, Esq.
Tarter Krinsky & Drogin LLP

Robert J. Braverman, Esq.
Braverman Greenspun, P.C.

Bruce A. Cholst, Esq.
Rosen Livingston & Cholst LLP

Additional Signature
To
Statement in Opposition
To
Intro. 0188-2010
April 30, 2013



Allen M. Turek, Esq.
Turek Roth Mester, LLP

REBNY®
REAL ESTATE BOARD OF NEW YORK

CNYC
Council of New York Cooperatives & Condominiums

Discrimination is prohibited in Board admissions procedures under the following laws:

The Federal Fair Housing Act
The Civil Rights Act
The New York State and New York City Human Rights Laws

The New York City Human Rights Law provides that it is unlawful to refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny a housing accommodation based on actual or perceived race, creed, color, national origin, gender (including gender identity), age, disability, sexual orientation, marital status, partnership status, lawful source of income, alienage or citizenship status or because children are, may be, or would be residing in the accommodation. Where a housing accommodation or an interest is sought or occupied exclusively for residential purposes, the provisions shall be construed to prohibit discrimination in the sale, rental, or leasing of such housing accommodation or interest on account of a person's occupation. Complaints may be filed within one year of an unlawful discriminatory act at the Law Enforcement Bureau of the City's Commission on Human Rights.

The New York State Human Rights Law provides that it is unlawful to refuse to sell, rent, lease or otherwise deny a housing accommodation on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, marital status, or familial status. Complaints may be filed within one year of an unlawful discriminatory act to the New York State Division of Human Rights or within three years of an unlawful discriminatory act in State Court. Complaints may not be filed with both the Division and the Court.

The Federal Fair Housing Act prohibits discrimination in housing practices on the basis of race, color, religion, sex, handicap, familial status, or national origin. Individuals who believe they have been victims of an illegal housing practice may file a complaint within one year of the unlawful discriminatory act with the Department of Housing and Urban Development (HUD) or file their own lawsuit in federal or state court. The Department of Justice brings suit on behalf of individuals based on referrals from HUD.

The Civil Rights Act provides that all citizens of the United States shall have the same right to inherit, purchase, lease, sell, hold, and convey real and personal property. The law concerns the rights of all persons to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property. Complaints may be filed with the Office for Civil Rights.

REBNY®
REAL ESTATE BOARD OF NEW YORK

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Council of New York Cooperatives & Condominiums

Co-op Board Admissions Guide

This guide is designed to explain the anti-discrimination requirements that all Boards must follow. Included are recommendations on how a Board should conduct the application process.

*****

Most cooperative corporations require a prospective purchaser to submit an application and various supporting documents containing personal and confidential information concerning an applicant's history and finances. The Board of Directors may also require one or more personal interviews with the prospective purchaser. The handling of this application and interview process may be subject to scrutiny and claims of unlawful discrimination. An applicant who is a member of a protected class may perceive that he/she is being held to a different standard than other applicants. To protect itself from unfounded claims of discrimination, it is important for a Board to develop a carefully conceived policy and clearly stated procedures in the handling of applications.

Historically, the right of the Board of Directors of a cooperative to allow or withhold consent from a sale, for any reason or for no reason, has been recognized and protected by the courts. Members of a cooperative corporation have the right to decide for themselves with whom they would like to share their community.

Discrimination is prohibited in Board admissions procedures.

Each Board's application process must comply with the following laws:
The Federal Fair Housing Act
The Civil Rights Act
The New York State and New York City Human Rights Laws

Protected Categories

There are currently fourteen protected categories under which claims can be brought against a New York City cooperative either in the courts or before a city, state or federal administrative body if a prospective purchaser believes that a rejection was due to discrimination because of their:

Age	Disability	Partnership Status
Alien Status	Gender(including gender identity)	Race
Children(or childless state)	Lawful Occupation	Religion
Country of National Origin	Marital Status	Sexual Orientation
Creed	Military Status	

It is unlawful to discriminate or refuse to sell or rent to a person based on any of the above named 14 categories. These categories cannot be referred to in any advertisement offering or seeking property for sale or rental. These laws prohibit the representation to any person that a dwelling is not available for inspection, sale, or rental, when the dwelling is in fact available. It is also prohibited to make any representations in connection with the purchase, sale, or rental of any property, that there will or may be physical deterioration of dwellings in the area, and regarding changes that have occurred or may occur in the racial or religious composition of a neighborhood.

OVER ⇨

Board Responsibilities in the Admissions Process

While Boards have the freedom to set admissions policy and procedures, below are recommendations on how a Board should conduct the admissions process.

The Application Package and Process

- Establish a standard application package. REBNY and CNYC have each prepared a model Purchase Application for the Sale of a Cooperative Apartment and a Sublease Application for the Sublease of a Cooperative Apartment.
- Make sure that the supporting information requested of an applicant is relevant to the Board's review of the applicant's qualifications. If the Board has specific requirements that differ from the standard package, a statement should be added to the application.
- While the application process established by each Board is unique, a goal should be set of 6 weeks from receipt of a completed package for a response by the Board. Disclose any deadlines or established time frames for review. For example, if applications are only considered at a monthly meeting, advise the date of the meeting and how far in advance the package must be received to be considered at the meeting.

The Application Review

- Review the corporation's by-laws regarding who is authorized to review applications and make decisions concerning admissions.
- Appoint a subcommittee or Admission's chair to oversee the application process. The subcommittee, chair, managing agent, or other professional should ensure that each package is complete before submitting it to the Board.
- Timeliness in the admissions process is important. A timely review process is in the best interest of directors, shareholders, and new neighbors.
- Identify circumstances that justify a longer review process and be proactive with those applicants. For example, advise brokers that credit checks for applicants from out of state or country take longer to process and allow advance submission of credit authorization to speed up the process.
- Maintain confidentiality of all applicants' information.
- Conduct a complete review of the application package, credit report, and other supporting information before moving to schedule an interview. Verify all information.

Interview

- If the application, including financials, is complete and satisfactory, schedule an interview.
- Make a decision promptly after the interview if no further information or assurances are needed.

Response

- Promptly inform the applicant of any additional information required or decision made.
- If a rejection is contemplated, the Board should consult its attorney before making this decision.
- Acceptance or rejection notification should be sent by the managing agent or attorney for the cooperative.
- After a decision has been made regarding an applicant, have Board members shred or otherwise destroy the financial statements and personal information in purchase applications other than the file copy.

REBNY®
REAL ESTATE BOARD OF NEW YORK

Testimony before the Housing & Buildings Committee of the New York City Council on Int. 188
By Angela Sung Senior Vice President, Management Services and Government Affairs
Real Estate Board of New York
April 30, 2013

Good afternoon Chairman Dilan, Bill Sponsors, and members of the Housing and Buildings Committee. The Real Estate Board of New York, representing over 13,000 owners, developers, managers and brokers of real property in New York City, thanks you for the opportunity to testify about Intro 188. As representatives of multiple sides of a real estate transaction, we understand and support the importance of predictability and transparency when purchasing a cooperative apartment. However, the bill as drafted creates several serious concerns for the Property Management and Coop Board Communities, likely leading to an increase in litigation, increased costs of housing, and serious deterrents for volunteers to serve on coop boards.

Currently more than 1 million New Yorkers live in Coops and for many residents, coops are an affordable housing option that can offer more stability than renting an apartment, and - in most parts of the city - are less than half the price of condominiums. Coop Boards are the primary stewards of finances, residents and well-being of these buildings, but many qualified and talented people are deterred by the commitment required to serve. The City – at all costs – should avoid creating more deterrents, which would jeopardize the oversight and the protection of these substantial assets.

Therefore, we have the following comments:

1. **Application Process:**
    a. The current bill does not acknowledge the interview as part of the coop board application process, which is particularly important for self-managed buildings. The bill should extend the 45-day timeframe by 15 days if the applicant is unavailable to meet with the board within the initial 45 days.
    b. Applicants may have unique or non-conventional financial situations that would require additional information than the standard application, including unique employment situations, joint purchases, requirements for guarantors, if the purchaser is a trust or an LLC, etc. Standard applications would not be able to provide for every contingency. Therefore, the application should allow for the ability for the board to request additional information upon review, and subsequently an additional allowance of time for review.
    c. Due to the potential penalties and violations, applications should not be permitted to be delivered by regular mail. (3.b.). Applications should be submitted by hand, by certified mail or by some form of electronic delivery that can be tracked (we have an online application system).
    d. The summer hiatus should be extended from June 1 to Labor Day. The Thanksgiving - New Year period should also be more flexible to allow for the holidays.
2. **Protection from Discrimination:**
    a. Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are already currently available in a number of forums, including: the Equal Employment Opportunity Commission, the New

York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. Every REBNY standard application has a notice of Fair Housing Rights, which outlines these protections.

b. The requirement for the certification of the decision to reject will lead to volunteer board members to resign from boards. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.
    i. The legislation should allow the corporate documents as referenced in the legislation to certify that the board acted without a discriminatory motive rather than the signatures of board members or;
    ii. Board members should be required to sign an affirmation at the beginning of their term that they have read and understood the Human Rights Laws and will not discriminate in their decision-making.

3. **Compliance**
    a. The cooperative board should not be required to submit standardized applications requirements to the Human Rights Commission since in some situations, such as self-employed applicants, one set of standards may not apply.
    b. The penalties should not include the costs of attorney's fees, as this has - in the past – encouraged litigation.
    c. The Human Rights Commission has the ability to enforce action against a coop board for unlawful discrimination and the legislation outlines the civil litigation process. There is no need for an additional fine systems associated with violations. Additionally, the penalties are substantial and can be disastrous to a coop's finances, and they do not reflect real world applications. For example, board members change frequently, and a coop board could completely turn over, and should not be penalized for the previous board's actions.
    d. There is a provision for refunds of funds paid if an application is not responded to within 45 days. This language should clarify that it is fees related to the application.
4. **Timeframe**
    a. The phase in time of 120 days is too short for Coop Boards to be able to amend and adopt a new standard application.

FYI ATTACHED

Memorandum

To: Ms. Laura Rogers, NY City Council

From: Kiendl Gordon on behalf of the Board of Directors of 635 Park Avenue Corporation

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

On behalf of **XYZ Corporation,** I hereby register my opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

My objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

4. • The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide

whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

5. • Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

6. • Intro. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

7. • Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

8. • The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

FOR THE RECORD

Memorandum

To: Ms. Laura Rogers, NY City Council

From: on behalf of the Board of Directors of 800 Park Avenue Board, **Corporation**

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

On behalf of **XYZ Corporation**, I hereby register my opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

My objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

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whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

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9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

Roger Felberbaum

President, 800 Park Avenue Board

FOR THE RECORD

Memorandum

To: Ms. Laura Rogers, NY City Council

From: Douglas W. Squires on behalf of the Board of Directors of 775 Park Avenue, Inc.

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

On behalf of **775 Park Avenue, Inc.**, I hereby register my opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

My objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

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whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

5. • Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

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8. • The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

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FRANCE PEACH

THE 19 EAST 72ND STREET CORPORATION

To: Ms. Laura Rogers, NY City Council (email to: lrogers@council.nyc.gov)

From: Cary A. Koplin, on behalf of the Board of the 19 East 72nd Street Corporation

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

I am President of the 19 East 72nd Street Corporation ("the Corporation") and on behalf of the Board and the Corporation, I hereby register our opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

Our objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

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whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

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9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

Sincerely,

Cary A. Koplin

FOR THE RECORD

Memorandum

To: Ms. Laura Rogers, NY City Council

From: On behalf of the Board of Directors of 1105 Park Avenue Corporation

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

I, Mark Mallon, as president of the Board of 1105 Park Avenue Corporation, hereby register on behalf of the 1105 Park Avenue Board of Directors our opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

Our objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

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9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

Memorandum

To: Ms. Laura Rogers, NY City Council

From: The Board of Directors of **Carlyle House, Inc.**

Re: Int. No. 188-in relation to sales of cooperative apartments

Date: April 30, 2013

The Board of Directors of the Carlyle House, Inc. hereby registers its opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

Our objections are as follows:

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

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we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

4. • The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

5. • Intra. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

6. • Intra. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

7. • Intra. 188 ignores the realities of cooperatives, including that many are self-managed, *(i.e.,* they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

8. • The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

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April 30, 2013 Statement Before
NYC Council Committee on Housing and Buildings
Proposed Int. No. 1003-A

My name is Kenneth Buettner, and I am President of York Scaffold Equipment Corp. of Long Island City. I am the third generation of our family-owned business, which has helped build and maintain New York City and its surrounding areas for eight-five years. I am a Past President (1992 to 1994) of the Scaffold and Access Industry Association (SAIA), our industry's national voice. I am currently a member of the Construction and Demolition Safety Technical Committee for the 2011 New York City Construction Code revision cycle, and was a member of the 2008 Committee which reviewed and updated the 1967 Code.

I applaud the Council's efforts to simplify signage and to enhance construction sites. However, I feel it important to express my concerns regarding the proposed change of content on sidewalk shed signs.

The current code calls for a "sign" with information which is very specific. It requires inclusion of "the corporate name, address and telephone number of the sidewalk shed permit holder; the sidewalk shed permit number, and the expiration date of the sidewalk shed permit".

Sidewalk shed contractors often receive telephone calls to report conditions which may require emergency action. These calls come during the day and night and come

The NYC Council Committee on Housing and Buildings
Tuesday, April 30, 2013 1:45 – 2:30 p.m.
Testifying in Support of Elements of Intro 188:
Pamela Liebman, President and CEO, The Corcoran Group

Regarding Intro 188:

- Buying a home can be one of the most stressful periods in a person's life because it is probably the largest purchase they will ever make. And, because what they are buying is their home, the place where they will live, the entire process is closely connected to people's sense of themselves and can be very personal. The sale transaction therefore can be emotional and nerve-wracking.

- The provisions of Intro 188 requiring co-op boards to provide a clearly defined list of purchase requirements and a timeline for board response to an applicant's submitted purchase package are fair, reasonable and highly worthwhile.

- These provisions are in the best interest of all concerned - the buyer, the co-op board, the seller, and the city. They will save time and stress by bringing certainty, transparency and timeliness to all co-op sales and move the process forward at a pace that is reasonable. When a co-op is successfully sold, all parties win. Buyers get a new home; sellers reap the rewards of the sale. The co-op has an approved shareholder and the city receives tax revenue from the NYC transfer tax (1% for sales up to $500K, 1.425% for sales above $500K).

- These provisions don't reduce a co-op board's authority in any way. They simply define and make available to any applicant who asks, what requirements have to be met in order to join the cooperative. Then if a buyer meets those requirements and submits a purchase package to the board, the board is guaranteed to respond with their decision within a specific timeframe.

- Having a list of purchase requirements saves time and needless paperwork for all. It would prevent prospective buyers from submitting purchase packages that won't pass the board and coop boards won't have to spend time reviewing unqualified buyer applications.

- A timetable for coops to respond to applications will reduce the uncertainty and anxiety that accompanies many co-op sales. Currently, prospective co-op buyers can be left in limbo waiting for a co-op board to make its decision, or even to meet. Not only are these delays nerve-wracking for both the buyer and the seller, they can also needlessly complicate the sale process. For example, buyers' mortgage commitments sometimes expire while waiting for a board decision and buyers are also prevented from seriously pursuing other properties while a co-op board is in the process of reviewing their submission. If a timetable is established, all parties are aware and can plan accordingly.

- To improve the co-op sale process and reap the benefits for all is a simple process – pass the measures of Intro 188 as they apply to requirements and timelines.

Norris
McLaughlin
& Marcus, P.A.
ATTORNEYS AT LAW

Honorable Council Members: We are attorneys with the law firm of Norris McLauglin & Marcus, P. A., counsel to cooperative housing companies that own and operate buildings with many thousands of cooperative apartments in New York City. Along with providing a full range of services for our clients, we act as transfer agents for many of our cooperative clients, handling hundreds of closings every year. We submit this statement to register our objections to the Int. No. 188, the Fair Cooperative Procedure Law, for the following reasons:

The bill's Statement of Legislative findings and intent asserts that there is "*anecdotal* evidence of instances of housing discrimination", but acknowledges that, in fact, the "City Council has found no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing". [Emphasis added] The bill creates onerous and unrealistic guidelines for volunteer boards, on the basis of unsupported "anecdotal" evidence, with the real potential to devastate cooperative housing in New York City.

If enacted into law, Int. No. 188 will unfairly and negatively impact literally thousands of cooperatives and their boards of directors. The bill's requirement that all directors who participated in an application's review and decision making process must sign a certification that a rejection was reached for non-discriminatory reasons is outrageous and will require directors to speculate as to what other directors are thinking, an impossible requirement to meet. Furthermore, the certification requirement will discourage volunteer directors from serving on boards for fear of exposure to the civil penalties imposed by the bill, which may not be covered by insurance. Significantly, the bill is likely to result in increased operating costs for cooperatives. All for no reason, with "no evidence" and without providing a means for truly addressing the potential discrimination.

The bill fails to meet its stated goal of ending discrimination in the cooperative apartment application process while, on the other hand, its provisions create timetables, guidelines and procedures for volunteer board members and their managing agents, all of which will interfere with important board and management operations, and which will expose volunteer boards to substantial penalties and fees for failure to meet unrealistic and burdensome deadlines. Additionally, the discrimination the bill purports to address is already comprehensively covered by Federal, State and City laws and regulations specifically targeted, and better suited to address housing discrimination.

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Int. No. 188's mandated deadlines are unrealistic for boards, which often meet only monthly and which must address financial, structural, operational, management and shareholder quality of life matters at its meetings. The strict timetables will require every board to review and render a determination on apartment applications at each and every board meeting, taking away from time to address issues important to the daily operations of a cooperative which every director has the duty to its shareholders to address.

Finally, the bill, which provides for the right to recover legal fees, will encourage litigation by applicants who are not subject to the same risk of liability for legal fees and costs if they lose as the bill imposes on cooperatives, boards of directors, and their managing agents.

In conclusion, there are thousands of honest, dedicated volunteer unpaid coop directors who are involved in the process of reviewing hundreds of applications yearly and who should not be tarred with anecdotal accusations of discrimination or with impractical and unfair legislation. If any of the members of this Council were to sit on a coop board and be subject to the proposed legislation, they, too, would find it impossible to comply or to sign the required certification.

For the stated reasons, we urge the Council to reject Int. No. 188. Thank you for your kind attention.

April 30, 2013

Respectfully submitted,

Norris McLaughlin & Marcus, P.A.

Ezra N. Goodman, Esq.
Dean M. Roberts., Esq.
Burt Allen Solomon, Esq.
Karol S. Robinson, Esq.
Michael Reilly, Esq.
Danielle M. Wanglien, Esq.
Pamela Muschler, Paralegal

FNYHC FEDERATION OF NEW YORK HOUSING COOPERATIVES & CONDOMINIUMS

Federation of New York Housing Cooperatives & Condominiums
Devoted to the Interests of all Cooperatives and Condominiums
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TESTIMONY ON INTRO 188

The Federation of New York Housing Cooperatives & Condominiums (FNYHC) represents over 62,000 families living in housing cooperatives and condominiums. We urgently oppose the "Intro 188". The Federation's membership is mostly middle class families that make up the back bone of New York City. This Intro is wrong is many ways. It is not for the benefit of sellers and purchasers, it is a benefit for the brokers and salespersons.

In a period where government should be cutting waste and not over burdening agencies with undue paper, this Intro would unnecessarily put an undue burden on New York City's Commission on Human Rights. Imagine receiving, storing and maintaining the applications and list of requirements for more than 6,000 cooperatives!

In addition of being the Executive Director of the Federation of New York Housing Cooperatives and Condominiums, I also manage cooperative housing.

The time period is much too short for management or the board to do their job well. Once I receive a purchaser's application, management reviews for completeness and sends it to the credit agency. The credit agency does a credit report background check and in my case "home visits". This process could take up to two to three weeks depending on the coordination and the availability of the potential purchaser. It is at that time, when the reviewer might see additional information is needed. Once the application and credit report go to the Board, they may spot information that was missed and need further information.

The process that is set forth in this Intro will only hurt the purchaser and seller because a board might feel itself pressured to turn someone down instead of working with the potential purchaser. And requiring that board members or Admissions Committee members sign a written certification for non-discriminatory practices will simply mean that it will become difficult to impossibly to get shareholders to serve. As mentioned above, I do manage a cooperative; board members are already so litigation averse, that I cannot get the board to sign anything. The document is unnecessary also. Potential purchasers already have right to go to the Commission of Human Rights to challenge a rejection and that's where this process should stay.

This Intro may have other financial consequences. A board, to lessen its liability, may remove itself from the process and turn it over to their attorney at a cost. Refunding application fees while the cooperative spent monies doing their investigation is another cost factor. The keeping for five years of applications may also be a cost factor as well as a privacy issue.

The vetting of renter in a Federal, State and City supervised housing is very strict but does not come close to the level of unnecessary process that this Intro. No other form of homeownership is subject to this process.

Finally, remember these are volunteer board members who give their time to their cooperative community and are concerned who is in their community. Please do not burden the cooperative boards with unnecessary processes as in this Intro 188. Please vote NO!

Respectfully Submitted

Gregory J. Carlson
Executive Director
Federation of New York Housing Cooperatives and Condominiums

Testimony by the New York State Association of REATORS®, Inc.
before the New York City Council
Committee on Housing and Building Codes
Re: Intro. 188
April 30 2013

Thank you Chairman Dilan and committee members for the opportunity to speak with you today. My name is Duncan MacKenzie and I am the Chief Executive Officer of the New York State Association of REALTORS. NYSAR is the state's largest real estate trade association representing over 47,000 members including over 9,000 members who are also members of five local REALTOR® boards located in each of the city's five boroughs.

We are here today to comment on an issue that New York's REALTORS® have been advocating for over the last 20 years. With me to today are Mike Kelly, NYSAR's Director of Government Affairs and Barbara Ford, who will provide NYSAR's testimony. Ms. Ford is the 2013 Chair of the New York State Association of REALTORS Cooperative Issues Working Group and a member of our Legislative Steering Committee.

Thank you Duncan. In addition to the comments Mr. MacKenzie mentioned I am a working REALTOR with my own brokerage in Floral Park and I work primarily in eastern Queens and Nassau County. I have been practicing real estate for 33 years and I am also a practicing attorney specializing in real estate transactions and civil litigation. I have been recognized by the Supreme Court in Nassau County as an expert in residential cooperative properties. Finally, I have also been an owner-manager of a property management company managing over one thousand units.

We thank you for the opportunity to be here today and comment on Intro. 188, the Fair Cooperative Procedure Law, sponsored by Councilman Lew Fidler and twenty eight additional council members including ten that serve on this committee.

The application process for the purchase of a cooperative apartment is an exhaustive one which includes requirements such as the application itself, personal and private references, loan commitments from lenders and extensive financial documentation including tax returns.

Purchasing a home is an extremely stressful and emotional endeavor. In fact, it is often the largest financial commitment an individual or family will make throughout the course of their entire lives. Due to the high cost of real estate in metropolitan New York and its bedroom communities the purchase of a cooperative apartment remains, for many, one of the few affordable options remaining.

In the sale of fee-simple residential housing a buyer negotiates with the seller for the transfer of real property between the two parties. But in the process to purchase a cooperative apartment the purchaser does not deal directly with the seller as the final arbiter to the transaction but rather must apply to a coop board or committee for ultimate approval. It is my experience and the reports of real estate professionals throughout New York City that the secretive and vague nature of this application and review process by coop boards allows for potential illegal discrimination.

Buyers that complete all necessary application and documentation requirements and also meet the financial requirements of the coop board will often still have their applications denied. Our members have relayed innumerable stories where they have worked with clients who seek to purchase a coop in an all cash deal, are gainfully employed, have more than enough income to cover the maintenance fees and yet, they too have been deemed "undesirable" and their application has been denied.

One of the tools that can be utilized today by coop boards to mask illegal discrimination is simply delaying their response to applicants or not responding at all. This delay tactic is often effective because the purchaser's commitment from their lender will expire prior to hearing back from the board or they simply need to move on with their lives and seek housing elsewhere. In not receiving a response the prospective buyer is essentially being told by the board that "you're not wanted here".

Further the current process to purchase and sell a cooperative apartment not only harms purchasers but very importantly, is injurious to sellers as well. Sellers are, in effect, at the mercy of the coop board and its decision making process, or lack thereof. They can't move on with the next phase of their lives until the coop board takes up an application for the purchase of that coop and then deems it approved or denied. They are held in limbo until the board acts in some fashion. Unfortunately, this stalling tactic can be used to harm a seller that may have incurred the disfavor of one or more board or committee members.

Intro. 188 seeks to remove ambiguity and stress in the purchase of a cooperative by establishing a clear and transparent process that will benefit purchasers, sellers and, we believe, even coop boards and their shareholders.

NYSAR believes this legislation is reasonable and carefully crafted. We believe it promotes homeownership and will accomplish its intended goal of establishing a clear process for all parties.

I would also note the fact that this bill does not restrict, in any way, a coop board's ability to approve or deny prospective applicants as it sees fit for non-discriminatory reasons. We do not believe this legislation is cure-all or silver bullet, but it creates a clear roadmap for the coop application process which benefits all consumers.

To alleviate any concern that the sky will fall or a litany of lawsuits will be brought against coop boards or their members if this legislation is approved let me bring to your attention that fact that similar legislation has been in place in Suffolk County and the Village of Hempstead in Nassau County since November 2009 and June 2012 respectively. In each of these locations, we do not know of a single lawsuit that has been brought against a coop board as a result of the requirements of their coop disclosure law since their enactment.

NYSAR is not alone in its support for change in the cooperative purchase process. A poll conducted last month by American Strategies Incorporated and Myers Research Strategic Services on housing related issues found tremendous support for legislative proposals that increase transparency. The poll of five hundred New York City residents selected randomly found that just under two-thirds, or 62 percent, think it is unfair that coop boards do not have to formally respond to a buyer's purchase application. In addition, an overwhelming majority, 76 percent, favored changing rules and regulations to require cooperative boards to respond to a buyer's application within forty five days as provided in Intro. 188.

Finally, one of the key themes in City Council Speaker Quinn's recent State of the City address was her desire to provide expanded housing opportunities for New York City's middle class. Often middle class residents seeking to purchase a home in New York City look to the purchase of a cooperative apartment to meet this goal. This coop purchase is not just the transfer of shares between a buyer and a seller. For the buyer, it's the opportunity to achieve a part of the American dream of homeownership.

That's what this legislation is all about. Providing a process in which New Yorkers can achieve their dreams and purchase a home for themselves and their loved ones which will have positive impacts for generations to come.

I thank you for your time and consideration and I am happy to answer any questions that you may have.

April 30, 2013

To: City Council
Fm: Dianne L. Stromfeld, Education Director, Realty Institute, Forest Hills, N.Y.
In re: Intro 188

By way of introduction I am a real estate educator having started my real estate licensing school in 1981. In addition I serve on the board of two political organizations and one service organization. These positions and my profession give me many opportunities to interact with members of the public.

When I meet people and the conversation turns to real estate, all too frequently I will be told horror stories associated with purchasing cooperative apartments.

Two conversations in particular stand out:

A not quite senior citizen decided to buy a co op apartment and after finding one that suited her was supplied with the co op purchasers package to be completed as soon as possible. The buyer was well dressed, articulate and in seeming good health. The financial qualification requirements would be easily met and, the process began to move along quite well. She took her sister to see the apartment and she and her sister thought it would be wonderful if the sister bought there as well. Unlike the original purchaser, the sister was older, not nearly as well dressed and used a cane for stability in walking due to a limp.

The financial qualification package she was presented with was quite different from the one given to her sister. She needed both more assets and income. Her attorney questioned the property manager about the discrepancies and was told the board decided to increase the financial requirements and either take it or leave it. Since she knew she could not qualify under the new requirements she withdrew her offer.

The original purchaser completed the transaction and after moving in to the building met some neighbors and discussed her sister's situation. She was told that it was common for the board to change the qualifications for the elderly or disabled.

The other instance that I am reminded of involves a minority family who had the same experience in two different buildings. After submitting their board package they had no communication for many months. Although their attorney tried to contact the boards or their representatives, there were either no returned phone calls or excuses of one sort or another. In both cases after many months of waiting the family withdrew their offers. Eventually, they were able to buy an apartment but not where they wanted.

However, the point is that these types of actions, different financial criteria for different buyers or procrastination on the part of the board in reviewing applications is rampant in the co op market and is undeniably manifested as a way to discriminate against buyers.

As I have stated, I come in contact with real estate licensees and members of the public constantly and am amazed at the continuous, sad stories I am told about the way boards handle applications.

We need Intro 188 as a way to put every buyer, and seller for that matter, on a level playing field. Applications and criteria, as well as time frames must be the same for all purchasers and not adjusted at the whim or spite of a board.

Surely, members of the Council can recognize that the public is not being served when they can finally achieve their dream of home ownership and it is stymied because of discriminatory acts.

There are probably those who say that this bill is not necessary because we already have fair housing laws and discrimination is illegal. Well, we have speed limits so speeding is illegal and yet we have police who will stop an offender and give them a ticket for breaking the law and they will have to pay a fine. Discrimination in co op purchases is also illegal, but there is no obvious enforcement to protect the public nor are there immediate penalties. Please change that.

Thank you.

Dianne L. Stromfeld

dls718@aol.com

TESTIMONY ON INTRO 188

Honorable Members of the City council

My name is Neil Davidowitz and I am President of Orsid Realty Corp., a coop and condo management firm. We represent about 97 coop and condo buildings encompassing approximately 13,000 apartments. My clients come to you with one loud, unified voice, and respectfully request you unequivocally oppose "Intro 188."

The proposed legislation is built on a false premise. The apparent genesis of this legislation is to allegedly ferret out discrimination by Coop Boards during the process of buying and selling apartments. I am an attorney and formerly an Assistant District Attorney at the Manhattan District Attorney Office. I have worked with the Boards for 27 years and I have not witnessed this alleged discrimination. There is absolutely no empirical evidence that discrimination exists in coops.

What I have witnessed day in and day out are hardworking, diligent, volunteer Board members who put in hours and hours of their time to improve the quality

the financial integrity of their buildings

of life of their shareholders, improve their community and make this city a better place for all.

This legislation creates unrealistic and onerous obligations on Boards and management firms that will have severe unintended results. Unintended Consequence # 1: Significant Increases in Requested Application. Let's step back from theoretical, and discuss the reality of an actual sale.

Example # 1

A young couple, first time buyers with good jobs and great potentials sign a contract to purchase an apartment. Both income and assets fall short of building requirements. My Boards would work with both buyer and seller to achieve a successful closing of that transaction. The Board would ascertain if there could be a guarantor, they review the guarantor's financials, they may request a prepayment of maintenance and/or maintenance escrow. This careful and deliberate exercise which is detailed and extremely time consuming is for the sole purpose of "making the deal" happen.

This legislation will immediately and unequivocally end that collaborative process. It will force all managing agents and Boards to recommend a rejection of the application in order to comply with the law and avoid punitive financial penalties. The real victims will be the buyers and sellers who have capital funds reserve and a tremendous amount of time on a failed transaction.

If it ain't broke, don't fix it. Let me implore to leave well enough alone. The current system works and serves numerous constituents, Boards, buyers, sellers and shareholders. Please VOTE NO.

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April 30, 2013

TESTIMONY OF GEOFFREY R. MAZEL BEFORE THE NEW YORK CITY COMMITTEE ON HOUSING AND BUILDING, APRIL 30TH, 2013, AT 1PM

Committee Members,

My name is Geoffrey Mazel and I would like to thank you for the opportunity to speak before you on this extremely important issue By way of background, I am a practicing attorney in the City of New York for 27 years in the firm of Hankin & Mazel, PLLC, we represent Coop Board which includes over 9,000 units of Coop housing; I am the Chairperson of the Queens Bar Association Coop & Condo Committee and I am the Legal Advisor to the Presidents' Coop & Condo Council, an organization that reaches tens of thousands of owners and residents of Coops and Condos, and finally, I was rejected by a Coop Board many years ago as a young law student.

I have reviewed the revised Intro 188 and it serves no purpose whatsoever and will have a deleterious effect on Coop Boards throughout the New York City. My office handles over 400 Coop transactions a year, and most are brought to consummation without any major problems. The process includes many converging interests, including the Lender, Buyer, Seller and Coop. The dynamics get complicated, but for the most part Coop units close. I am sure a few applicants are not happy with the process, but the Board is performing one of its' most important task—vetting applicants to ensure the quality of life in the Coop.

As for Intro 188, this bill does nothing to end discrimination in housing. Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals and provide free forums to investigate and prosecute discrimination claims. An aggrieved party has their choice of a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. The aggrieved parties get a free bite at the apple if they feel they have been discriminated against.

Intro 188 does nothing to help these claimants. All is does is create an aura of some sort of guilt by the Coop Boards. Board members are hard working volunteers who provide a vital and necessary service

in this City. They maintain a significant portion of our housing stock, for the most part in a clean and well maintained way. Intro. 188 would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance. In addition, what volunteer Board member in their right mind would sign off on a denial knowing full well the applicant will sue them!! Coop Boards will lose good and productive members if this legislation passes.

The penalties imposed by this legislation are unlawful and quite punitive in nature. Quite frankly, the imposition of these penalties are arbitrary and capricious and most likely not enforceable as a matter of law. My attorney colleagues throughout the City are looking into the legality of civil penalties of this excessive and punitive nature and most conclude they are unlawful. I guarantee you if this law passes these civil penalties will be challenged vigorously in the Courts.

In addition, by including a reward of legal fees in this statute you are inviting a cottage industry of attorneys who will prey on Coop Boards in prosecuting Intro. 188 claims. This unintended consequence of this legislation will have disastrous repercussions.

Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

Also, the form Coop contract deals with the situation of the Coop taking too long to respond. Section 6.3 of the NY State Bar contract form states that either party may cancel the contract if the Coop does issue a decision within 30 days after the Scheduled closing date. The purchaser can then get their downpayment back and move on.

This legislation will wreak havoc on the Coop Boards and seriously harm an entire sector of housing stock with no discernible benefit. The only people to benefit will be attorneys, who will open up a cottage industry suing Coops Boards under this statute. Also, remember applicants are represented by Counsel during this process, they are not unrepresented victims of the "Big Bad Coop Boards"

Respectfully Submitted,

Geoffrey Mazel, Esq.

WARREN SCHREIBER
13-24 BELL BLVD., BAYSIDE, NY 11360
917-494-2247 – warrennyc@gmail.com

Testimony – Intro 188 – April 29, 2013

I am here today in my role as Co-President of the Presidents Co-op & Condo Council, an advocacy group representing 65 of the largest cooperatives and condominiums in Queens, NY. In addition it is my honor to serve as president of the Bay Terrace Community Alliance, a civic group representing approximately 5,000 families residing in co-ops and condos. And lastly, for the past 12 years I have been president of the co-op I call home.

Co-op and condo board presidents and directors deserve to take great pride in the work they do. Our communities are better places because of their efforts. The New York Times recently published an article concerning the good and the bad of being a co-op/condo board president. For me it's about giving back to my community and providing for future generations. That's all the reward I need. When it comes to affordable housing in NYC, co-op/condo board presidents have not just talked-the-talk, they have truly walked-the-walk.

Intro 188 with its onerous penalties and assumptions that board members are automatically guilty of discrimination would create chaos and bring all the progress that has been made to a screeching halt. If Intro 188 should pass in its current form, co-op board members will be forced to resign en masse. The Co-op Community may never recover from such an enormous loss of talented, dedicated volunteers.

This legislation would actually make it more difficult for applicants to meet a corporation's requirements. For many middle class families affordable housing would no longer be affordable.

If Intro 188 becomes law my own co-op will immediately implement the following procedures:

*Our accountant and attorney will review all applications
*Interviews will be conducted only once a month at the same time and place
*Our attorney will be present at all interviews
*Vetting will be more stringent than ever
*All interviews will be recorded
*Flexibility in financial requirements will end. If an applicant fails to meet our requirements by even one dollar they will be rejected.
*The huge costs of these new procedures will be charged to the applicant

Intro 188 is being strongly supported by the Real Estate Broker Industry for their own self-serving financial motives. I want to remind everyone that racial steering, blockbusting and discrimination in housing were created by the real estate brokers for those very same motives. As a matter of fact, due to a history of abuses and unethical behavior, real estate brokers are now licensed and monitored by the New York State Secretary of State. For them to accuse co-op boards of discriminating is the height of hypocrisy.

We would welcome an opportunity to be part of a process that would result in a co-op/condo bill of rights that could work for everyone.

However, Intro 188 as currently written would benefit only real estate brokers and must be voted down.

Sincerely,
Warren Schreiber

Co-President, Presidents Co-op & Condo Council, Inc.
President, Bay Terrace Community Alliance, Inc.
President, Bay Terrace Cooperative Section I, Inc.

Statement of Craig Gurian
Committee on Housing and Buildings
April 30, 2013

I'm a long-time advocate for civil rights. Some of you may know me as the principal author of the comprehensive 1991 Amendments to the New York City Human Rights Law; others as a result of my having been the principal drafter of the 2005 Local Civil Rights Restoration Act. I believe deeply in the potential of the Human Rights Law to make our city a better place; just last week, I'm pleased to say, a federal appeals court vindicated the City Human Rights Law as the only law in the country that doesn't allow judges to kick victims of harassment out of court because they haven't been harassed "severely" or "pervasively" enough.[1]

So I am very disturbed that we are here today to discuss Intro 188 (a bill that does nothing to address secrecy in coop admissions), while the genuine civil rights bill — Intro 326, the Fair and Prompt Coop Disclosure Law, supported by civil rights organizations like the National Fair Housing Alliance, the NAACP Legal Defense Fund, and the Lawyers Committee for Civil Rights Under Law — remains bottled up, denied a hearing in yet another example of the Council Speaker's contempt for democratic process.

Remember: reciting the fact that coops and their board members are covered by the law is a *non sequitur:* precisely because coops and their board members *are* covered by the law -- and note that an appeals court last year confirmed that they are entitled to no special shield against

[1] *Mihalik v. Credit Agricole Cheuvreux North America, Inc.*, ___ F.3d ___, 2013 WL 1776643 (2nd Cir. April 26, 2013).

discrimination claims under the "business judgment rule" or otherwise"[2] -- it is essential that the law not only *exist* but be *effective.*

Secrecy deters applicants who don't "fit" demographically, encourages brokers to engage in racial and ethnic steering, leaves rejected applicants in the dark about whether there were legitimate grounds for the coop's action, makes it difficult to find an attorney to represent a family who has been wrongfully rejected, and leaves the door wide-open for discrimination defense attorneys to invent after-the-fact rationalizations for coop board decisions.

That's just the way the coop industry and its allies like it, and that's why Intro 188 — a bill drafted with no civil rights input whatsoever — does absolutely, literally NOTHING to increase transparency about the reasons for coop board denials.

Now the coop industry likes to trot people out to talk about the "special environment" of coops and how genuine civil rights enforcement would destroy life as they know it. "No one would serve on boards," they cry.

If that were true, it would be the most damning admission possible: they're saying that the current system depends on board members continuing to be able as a practical matter to shield themselves from accountability, contrary to the intent of the Human Rights Law.

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[2] *Fletcher v. Dakota,* 99 A.D.3d 43, 948 N.Y.S.2d 263 (1st Dept. 2012).

Actually, it's very clear that the interests of coop board members in maintaining secrecy (as represented to the Council by large trade organizations and enormous law firms) are *very different* from the interests of ordinary owners of coop apartments.

An independent survey of those ordinary owners in privately owned coops in Manhattan south of 96th Street found that they *favored* disclosure by a margin of more than two-to-one.

It *is* true that coops are different. It's the only form of real estate transaction where a willing seller, a willing buyer, and a willing lender can be stymied from completing a transaction. It's the only form of real estate transaction that, as a practical matter, is immune from "testing" by fair housing organizations.

I lived just about my whole life in New York City. But anyone who has lived here even briefly knows that coops are hotbeds of arbitrariness. Indeed, just two days ago, a lawyer who represents more than 250 coop and condo boards was quoted in the New York Times Real Estate Section confirming the common experience that "Unfortunately...some board presidents allow the position to go to their heads and behave as if they've acquired the rights of a medieval European monarch."[3]

[3] "Co-op Board Presidents Tell All," New York Times, April 27, 2013, available online at http://nyti.ms/Zwrore.

And any civil rights advocate can tell you that discrimination remains a problem in coops, just as it remains a problem elsewhere in the residential real estate market.[4]

Let's be totally clear: it is not unusual for those with power and privilege to seek to maintain that power and privilege. What *is* unusual is just how brazenly those interests are being served. What *is* unusual is just how completely the civil rights principle is being ignored.

The key provisions of Intro 188 regarding a timetable and standardized applications? Entirely consistent with the coop admissions guide that REBNY and the Council of New York Coops and Condos have distributed for years.

The hopes for an era of transparency and better civil rights enforcement as represented by Intro 326, the Fair and Prompt Coop Disclosure Law? Those hopes will have to await new Council leadership that is more interested in serving the broad public interest instead of the narrow self-interest of a small group of co-op board members.

Don't buy into the window-dressing of Intro 188. Reject that bill and stand with civil rights advocates in supporting Intro 326.

Thank you.

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[4] Some years ago, a leading New York real estate broker was quoted in the *Times* Real Estate section in connection with an illustration of what she described as an "extreme misuse of co-op board power." The broker continued: "Co-ops say they're private clubs and they act like private clubs and they play by those rules and therefore fair housing isn't even a topic." "A Board Turndown, and Then a Buyer with Board Ties," New York Times, April 25, 2005, available online at http://nyti.ms/156DCu3.

NewYorkAppleseed

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212.848.5468
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April 30, 2013

The Honorable Erik Martin Dilan, Chair, and Members of the Committee
Committee on Housing and Buildings
The New York City Council
City Hall
New York, NY 10007

Re: Int 0188-2010

Dear Mr. Chair and Members of the Committee:

I regret that I cannot be present for today's hearing due to a pre-existing family obligation.

New York Appleseed advocates for equity of access and fair allocation of resources to neighborhoods and schools in New York City. We are one of 17 Appleseed justice centers across the United States and Mexico. It has been my honor to work with a few of the members of this committee on issues of diversity and access.

The New York City metro region is the second most segregated in the nation. Minority and low-income residents of New York City live separated not only from other groups, but from regional resources – good public schools, properly maintained parks, healthcare facilities, sometimes even reliable access to transit and fresh food. Reducing unacceptable levels of housing segregation in New York City should be a priority for the City Council not only because it is fundamental to a fair and just society, but also because it is a practical means of increasing access to opportunity.

One of the simplest steps the Council can take towards this end is to address discrimination and the role of secrecy in the sale of cooperative apartments. New York Appleseed has been monitoring this issue and Intro 326 (*The Fair and Prompt Coop Disclosure Law*) for the past three years in hope that the Council will pass sensible and meaningful legislation.

Appleseed thanks Shearman & Sterling LLP for their donation of office space and administrative support of our New York program.

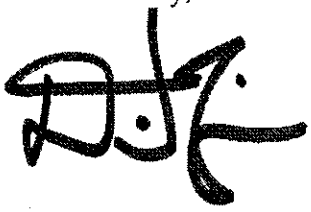
Appleseed

I was therefore distressed to learn last week that, after these years of inaction, there now appears to be an attempt to rush a very different bill – Intro 188 – through the Council with no notice to advocates and without even a hearing for Intro 326. This development is especially troubling because Intro 188 is widely believed by civil rights advocates to *undermine* the cause of reform.

This is no way to make policy around such a critical issue for our city. I fear that hasty action risks trivializing the seriousness of the harm so many New York families suffer when turned down for the cooperative apartment they sought to make their home. **The Committee should be should be very clear that Intro 188 does nothing to improve the transparency of the process. New York Appleseed believes that Intro 188 should not be considered in isolation from Intro 326, the bill civil rights advocates have sought to have enacted.**

Thank you for considering this letter in my absence.

Yours sincerely,



David Tipson, *Director*

Appleseed thanks Shearman & Sterling LLP for their donation of office space and administrative support for our New York program.

My name is (Katie) Kuo Hwa Kao, a licensed Real Estate Salesperson for Keller Williams Realty. I am also members of National Association of Realtors, New York State Association of Realtors, Long Island Board of Realtors, Women's Council of Realtors, National Association of Professional Women, Chinese America Real Estate Association, and Asian Real Estate Association of America (AREAA). I am also as the New York East Chapter President of Asian Real Estate Association of America (AREAA). We are only 10 years old but we have 29 chapters with more than 12,000 members in the U.S. and one in Canada.

AREAA's mission is to promote the general success and professionalism of Asian real estate practitioners, increase real estate ownership among Asian Americans, and advocate on issues affecting Asian Americans with respect to real estate. We provide First Time Buying Seminar, Distressed Homeownership Workshop with FNMA, Freddie, Wells Fargo, Chase, and Bank of America.

One of the major issues that we are facing is the lack of transparency in co-op purchases. My colleagues and I have experienced many rejections in co-op purchase transactions where no reasons were given for the rejection. In addition, the documentation required by co-op boards is extremely unreasonable. Often the realtor has to make 8 to 9 sets of the documents depending on the number of board members of the co-op board. Realtors have to pay out of his/her packet for these copies in order for the board review and approve. Each application submitted to the co-op management company also has various fees attached which are payable to the management company and co-op corporation, all of which total several thousand dollars per deal.

In one deal, I represented the seller for a one bedroom co-op apartment in Queens for $172,000. I was contacted by a realtor representing a young couple, who was interested in buying the apartment. The lady is Asian and the gentleman is of Spanish descent. Their reported income is about $150,000 annually with credit scores of 790 and 700, respectively. They provided a bank pre-approval letter and 25% down. They met the co-op requirement with sufficient reserve funds in the account after closing. I saw no reason for the co-op board to reject the purchase. A few weeks later, I got a rejection message. When I asked the management company why it was rejected, I was told "It's rejected, that's all I can tell you". I persisted because there was no reason to reject this deal, but that person I spoke with was not willing to disclose any further information.

Because of this baseless decision, the buyers not only lost thousands of dollars, but they also went wasted several months of valuable time going through this long and laborious process. The seller is enraged and has also suffered financially by not being able to dispose the property in a timely manner. For us, the realtors, we also lost time, effort and money.

For some, this may not seem to be a large problem. For the buyers, seller, realtors, and in some cases the banks, this is a major issue. For the country's economy, it is even a bigger issue.

The Fair Cooperative Procedure Law is a rational bill that will significantly improve the transparency of the cooperative purchase process to the benefit of all parties. We support the enactment of Int. 188 titled the Fair Cooperative Procedure law by

1) Set the time table to Accept or Reject an Application.

2) Same treatment same application process and minding about the fair housing and anti-discrimination laws.
3) Notify action taken on a timely manner.

FYI PTF BELOW

Rogers, Laura

From: Tara Reddi <tkreddi340@verizon.net>
Sent: Saturday, April 27, 2013 3:09 PM
To: Rogers, Laura
Cc: lukinphysics@yahoo.com; Swanson, Jane; Kramer, Ilona; Dreyfuss, David; Council Member Jessica Lappin; Garodnick, Daniel
Subject: Letter regarding Intro 188 from 340 East 93rd Street Corp- 340 E. 93rd Street, NY NY 10128

Importance: High

April 27, 2013

Dear Members of the NYC Council and Sponsors of Intro 188:

Attn.: Laura Rogers

Re: Intro 188

We are writing to express our strong opposition to Intro 188 City Council Bill on Co-op Apartment Transfers -- Board Approvals.

We the undersigned are both shareholders and board members of a 340 unit co-operative apartment building located at 340 East 93rd Street, New York , NY 10128.

We strongly believe that this bill (Intro 188) as presently drafted which purports to streamline co-op apartment transfers and board approvals will NOT achieve the anticipated goals and actually create further problems with serious consequences.

We respectfully outline below our objections to Intro 188 and ask this letter be accepted as written testimony at the City Council Hearing scheduled for April 30th , 2013 at 1 pm on Intro 188.

OBJECTIONS

- This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

- While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

- To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

- The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's

right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

- Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

- Intro. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

- Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

- The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

- The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

Kindly acknowledge receipt of this letter.

Yours sincerely,

340 East 93rd Street Corp, 340 East 93rd Street, New York 10128

Board of Directors

Sy Lukin, President; Robert Klein, Vice President; Allen Brawer, Treasurer; Tara K. Reddi, Secretary; Matthew Tortoso; Steve Dwork; Beverly Westle

FRENCH BOARD

Michele Birnbaum
1035 Park Avenue
New York, New York 10028
Tel & Fax: (212)427-8250
E-mail: mbfany@nyc.rr.com

April 30, 2013

TESTIMONY ON INTRO 188

Thank you Chair Dilan and Council Members for reading my testimony on Intro 188. I regret that I could not appear in person.

My name is Michele Birnbaum, and I have been a board member of my cooperative for thirty-five years and have served as Secretary and President. I am very well acquainted with the workings of a building and all that it takes to maintain its infrastructure, bricks and mortar and serve residents and neighbors.

While I believe the authors and the sponsors of this Bill are well intended, I don't believe they considered the consequences of their actions should such a Bill become law.

In its introduction, the Bill clearly states that there is no evidence of the need or the benefit of such a Bill and acknowledges that anecdotal evidence is not hard evidence of systemic discrimination in the cooperative housing market.

There are already laws on the books that deal with discrimination, and to the extent such discrimination is found and proven, it should be punished to the full extent of the law. But, in situations where it is suspected or reported by third and fourth parties, serious further investigation in to that accusation is needed so that it can be prosecuted using the existing law.

Interfering with the inner workings of a private, **law abiding** corporation on private property is not the function of the City Council. In fact it is an abuse of your power and responsibility. It is not the function of the City Council or any law enforcement body to look for discrimination or any other crime where none has been reported and none exists and with no probable cause to do so.

Singling out cooperatives and requiring all of them to have uniform applications, the same by-laws and a fixed time frame for processing applicants is unreasonable and is in itself discriminatory. We do not have classes of citizens in this country – those that need more regulation and control than others. We all live by the same laws.

Requiring that a Board state that they did not discriminate, is like requiring me to prove that I did not rob a bank, when there is no accusation that I did, no reason to believe that I did, and no evidence to show that I did. However, I have no real objection to providing an applicant with a copy of discrimination laws, although this presumes that an applicant who is sophisticated enough to buy an apartment is not capable of doing his own research. You're taking the responsibility from one party who you perceive to be a potential victim and placing it on the other party who you perceive to be a potential law breaker. Very judgmental! The Co-op Board should feel discriminated against, because this legislation asks a targeted group of people to prove a negative and penalizes them harshly if they don't. It will result in more turn-downs, higher processing fees and petty lawsuits.

And remember, a Board of a private corporation **does** have the right to turn down a potential member as long as it is not breeching the discrimination laws. Most reasons for buyer turn-downs are because of the lack of financial qualifications. The Board has a fiduciary responsibility to do that and to determine how much risk they are willing to take by accepting an applicant whose finances they find of concern.

Board members are volunteers and work hard on behalf of their neighbors. They work hard to fulfill their fiduciary responsibilities and to protect their property and investment. Give them the respect they deserve.

Withdraw this Bill!!!! It's a very bad idea.

Thank you.

Michele Birnbaum

FOR THE RECORD

April 29, 2013

To: Council Speaker Christine Quinn Via Facsimile
The New York City Council

From: YRH Owners Corporation
1175 York Avenue
New York, New York
Board of Directors

Re: City Council Bill on Co-Op Apartment Transfers and Board Approvals

Council Speaker Quinn,

I am writing on behalf of our board of directors at YRH Owners Corporation, a Co-op located at 1175 York Avenue. Our Co-operative has functioned effectively since incorporation in 1988. I have been Board President for more than a decade. Our board has deliberated prudently on all matters before it, including the approval of new shareholders. We as a board have many objections to the City Council Bill in question, and we list them here:

- This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

- While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

- To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

- The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

FURTHER REVIEW

Rogers, Laura

From: Harvi Bloom <Harvi@harvitbloom.com>
Sent: Monday, April 29, 2013 5:09 PM
To: Rogers, Laura
Subject: LL188

What if the applicant is not available for interview at a time convenient to the Board. There should be some onus placed on the applicant to be available -say one out of three dates submitted by the board.

FOR THE RECORD

Rogers, Laura

From: Richard Sterne <Richard.Sterne@lycap.com>
Sent: Monday, April 29, 2013 5:14 PM
To: Rogers, Laura
Cc: Richard Sterne; 'Terry Meguid'; 'Charles Ayres (cayres@trilanticpartners.com)'; 'Lisa McCarthy'; 'slessing@aqueductcap.com'
Subject: intro #188 Bill on Coops apt transfers- board approvals

. Dear Sirs:

As President of 117 east 72nd st Corp, we recommend against bill #188 because:

This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

4. • The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

5. • Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

6. • Intro. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

7. • Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

8. • The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

FILED RECEIVED

Rogers, Laura

From: David H. Mortimer <dhm2@columbia.edu>
Sent: Monday, April 29, 2013 6:02 PM
To: Rogers, Laura
Cc: George Fowlkes
Subject: Opposition to Bill Intro 188

Memorandum

To: Ms. Laura Rogers, New York City Council

From: GeorgeFowlkes, President, 755 Park Avenue Corporation, on behalf of the Board of Directors of 755

ParkAvenue

Re:Int. No. 188-in relation to sales of cooperative apartments

Date: April 29, 2013

On behalf of 755 Park Avenue Corporation, I hereby register my opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

My objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

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9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

George Fowlkes

President

755 Park Avenue

Corporation

100 PARK Ave Owners Corp.

FOR THE RECORD

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Frank Kathy

Rogers, Laura

From:	Kathy Frank <kathygfrank@gmail.com>
Sent:	Monday, April 29, 2013 7:16 PM
To:	Garodnick, Daniel; Rogers, Laura
Subject:	City Council Bill on Co-op Apartment Transfers - Board Approvals Bill No. 188
Attachments:	Housing.pdf

From: Kathy G. Frank, President 1000 Park Avenue Owners Corp, New York, NY 10028

I would like to go on record of opposing this bill most vigorously. This bill does not allow the co-op enough time to deliberate an application nor is it clear at all if there are questions to be asked in the early 45 day stages.

I well understand the need to move the application process along, and I do hear horror stories of applicants being held up an unconscionable amount of time, but this bill is at the other end of the scale. I have been president of my co-op for 17 years and so I know both sides here, but I do feel that your bill is unjust in setting such short time limits as well as asking those who interviewed the applicant to identify themselves if there is a turn down.

I have also attached a list of further objections.

Thank you for your serious attention to this matter.
Most sincerely,
Kathy Frank

FOR THE RECORD

April 29, 2013

To: Laura Rogers, Housing Committee Counsel
From: City Hall Tower Corporation
Board of Directors
Re: City Council Bill on Co-Op Apartment Transfers and Board Approvals

Dear Housing Committee Counsel Rogers,

I am writing on behalf of our board of directors at City Hall Tower Corporation, a Co-op located at 258 Broadway. Our Co-operative has functioned effectively since incorporation in 1981. I have been Board President for more than a decade. Our board has deliberated prudently on all matters before it, including the approval of new shareholders. We as a board have many objections to the City Council Bill in question, and we list them here:

- This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

- While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

- To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

- The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

- Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

- Intro. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

- Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

- The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

- The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

Thank you for having our objections read as testimony for the Record.

Sincerely,

Therese Eiben
Board President
On Behalf of City Hall Tower Corporation Board of Directors Allison Adorodio, Mitch Shostak, William Rogers, Jason Makowski, Douglas Moss, and Thomas Falls.

FOR THE RECORD

Rogers, Laura

From: Joseph Perella <jperella@pwpartners.com>
Sent: Tuesday, April 30, 2013 1:30 AM
To: 'lrogers@council.nyc.gov'
Subject: intro #188 Bill on Coops apt transfers- board approvals

Ladies and Gentlemen:
As president of 998 Fifth Avenue Corporation, we recommend against the bill #188 in the strongest manner. I will not enumerate all the problems we have with this bill. I am sure officers of other buildings have written to you about the issues .

Suffice it to say this is an unnecessary intrusion into private communities, promoted by the real estate brokerage community in order to enhance their cash flow without regard to the issues the bill would create for the communities affected. This bill does not address discrimination in any way. The city has numerous agencies already dealing with discrimination if it is found to exist; it is shameful that such a bill is being cloaked in an anti-discrimination costume.

Sincerely,
Joseph Perella
President 998 Fifth Corporation

FILED

Rogers, Laura

From: Stephanie H. Reckler <reckler@blackrobecapital.com>
Sent: Tuesday, April 30, 2013 10:30 AM
To: Rogers, Laura
Cc: 'Noreen McKenna'
Subject: Int. No. 188-in relation to sales of cooperative apartments

To: Ms. Laura Rogers, NY City Council

From: Stephanie Reckler on behalf of the Board of Directors of 885 Park Avenue Corporation
Re: Int. No. 188-in relation to sales of cooperative apartments
Date: April 30, 2013

On behalf of 885 Park Avenue Corporation, I hereby register the Corporation's opposition to Bill Intro 188 and request that this opposition be read into testimony at the City Council hearing on the bill to be held on April 30, 2013 at 1 p.m.

My objections are as follows :

OBJECTIONS

1. • This legislation would inexplicably apply distinctly different rules to cooperative housing than are applicable to rental housing. The preamble acknowledges there is "no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing"

2. • While the statement of legislative findings and intent suggests this legislation is to eliminate or discourage discrimination, with minor exception the bill itself has no connection with anything relating to discrimination; rather, through its timelines and procedures, it represents substantial interference with the operations of the cooperative board and its managing agent and imposes a substantial burden on them. And as one of the unintended consequences, although the legislation purports to assist sellers and purchasers, it may violate the rights of both.

3. • To the extent the goal of this bill is to end discrimination, Federal, State and City Laws already prohibit discrimination in housing for 15 protected classes of individuals. Comprehensive remedies are available in a number of forums, including: the Equal Employment Opportunity Commission, the New York State Division of Human Rights, the Department of Housing and Urban Development, the New York City Commission on Human Rights, federal courts, and New York State courts. While the statement of legislative findings suggest that Intro. 188 is designed to provide government "with the tools it needs to ferret out any discrimination that may occur" we are unaware of any governmental agency that has requested such "tools" or has any need for them, nor do we believe this legislation provides any new "tools." To the contrary, Intro. 188 would impose additional and potentially substantial burdens on the Commission on Human Rights.

4. • The penalties imposed by this legislation are unwarranted and excessive. These include requiring a cooperative board to accept an otherwise unacceptable applicant if certain time deadlines are not adhered to; this penalty is in derogation of a cooperative board's right to decide whether to accept or reject a prospective purchaser and violates longstanding law and the contract between the cooperative board and its shareholders. It is likely illegal and unenforceable.

5. • Intro. 188 will permit purchasers who are approved by the cooperative and obviously not discriminated against to recover application fees if the cooperative does not meet the legislatively mandated time limits. We do not believe that this meets the legislature's stated goal of preventing discrimination in cooperatives.

6. • Intro. 188, by requiring board certification of the decision to reject, would discourage individuals from serving as directors on cooperative boards—which are unpaid, volunteer positions. Their legitimate concerns would be the greatly increased likelihood of litigation and potential liability which may not be covered by liability insurance.

7. • Intro. 188 ignores the realities of cooperatives, including that many are self-managed, (i.e., they have no managing agent), and that the interview is an integral part of the approval process. Responses given by purchasers at the interview often give rise to additional questions and requests for information and documents.

8. • The proposed law, with its right to recover an award of attorneys' fees, will engender more litigation because, as we have seen in other situations, the suit becomes a battle for such fees. Moreover, the possibility of an award only to the applicant, and not the cooperative that may have been frivolously sued, is patently inequitable and suggests a strong unfounded bias against cooperative boards.

9. • The 45-day time-frame is unrealistic because board's may not be able to meet and deliberate within that time-frame. The "summer hiatus" period is too short and the period between the Thanksgiving and New Year holidays must be accommodated.

FURTHER RECORD

Office of the Majority Leader
Suffolk County Legislature

LEGISLATOR DUWAYNE GREGORY
FIFTEENTH DISTRICT

CHAIR
BUDGET & FINANCE COMMITTEE
HUMAN SERVICES COMMITTEE

MEMBER
PUBLIC SAFETY COMMITTEE
VETERANS & SENIORS COMMITTEE
ENVIRONMENT PLANNING & AGRICULTURE COMMITTEE
OPERATIONS

15 ALBANY AVENUE
AMITYVILLE, NY 11701

PHONE: (631) 854-1111
FAX: (631) 854-1114
E-MAIL:duwayne.gregory@suffolkcountyny.gov

April 23, 2013

To Whom it may concern:

My name is DuWayne Gregory. I am a Suffolk County Legislator, representing Suffolk County's 15th Legislative District. I am pleased to have the opportunity to report on Local Law No. 36-2009, also known as the "Fairness in Cooperative Home Ownership Law", which was signed into Law on October 13, 2009, was the subject of a public hearing on October 26, 2009, and was filed with the Secretary of State on November 10, 2009, a copy of which is attached hereto.

The Fairness in Cooperative Home Ownership Law has been a highly effective and successful attempt to eliminate long standing inequities that existed in the process of purchasing a cooperative residence in Suffolk County. Despite some early concerns that a law of this type might result in lawsuits against cooperative communities, to my knowledge and the information that I have received from various sources, after more than three years, not one lawsuit has arisen as the result of this law, and complaints from prospective purchasers have been all but eliminated.

I enthusiastically support the adoption of this law or one of similar intent and form in other jurisdictions. It provides a path to fairness and predictability for buyers and sellers of cooperative properties, free of discriminatory considerations and other manipulative tactics.

Sincerely yours,

DuWayne Gregory
15th Legislative District
DG/jr

FOR THE RECORD

COUNTY OF SUFFOLK

LYNNE C. NOWICK
SUFFOLK COUNTY LEGISLATOR

CHAIR:
PARKS & RECREATION COMMITTEE

MEMBER:
ECONOMIC DEVELOPMENT,
HIGHER EDUCATION & ENERGY COMMITTEE
WAYS & MEANS COMMITTEE

COUNTY LEGISLATURE

April 23, 2013

To Whom It May Concern:

My name is Lynne C. Nowick. I am a Suffolk County Legislator, representing Suffolk County's 13th Legislative District. I write this letter to encourage other legislators that are considering the adoption of legislation that provides transparency and fairness to the process of purchasing a cooperative residence to consider the very positive experience we have had in Suffolk County with a law that accomplishes those goals. On October 13, 2009, Suffolk County signed into law Local Law No. 36-2009, a copy of which is attached hereto. This Law is also known as the Fairness in Cooperative Home Ownership Law.

The Fairness in Cooperative Home Ownership Law has provided a major opportunity to eliminate long standing inequities that existed in the process of purchasing a cooperative residence in Suffolk County. There have been no lawsuits against cooperative communities resulting from its passage as was predicted by individuals that expressed concerns regarding this new law. Instead, after more than three years the result of its passage has been that complaints from prospective purchasers and concerns of discriminatory conduct by cooperative boards have been all but eliminated, the course of transactions concerning this type of property have been more predictable, and this very important housing opportunity has become more "user friendly".

I enthusiastically support the adoption of legislation that provides fairness and transparency in the process of purchasing a cooperative residence.

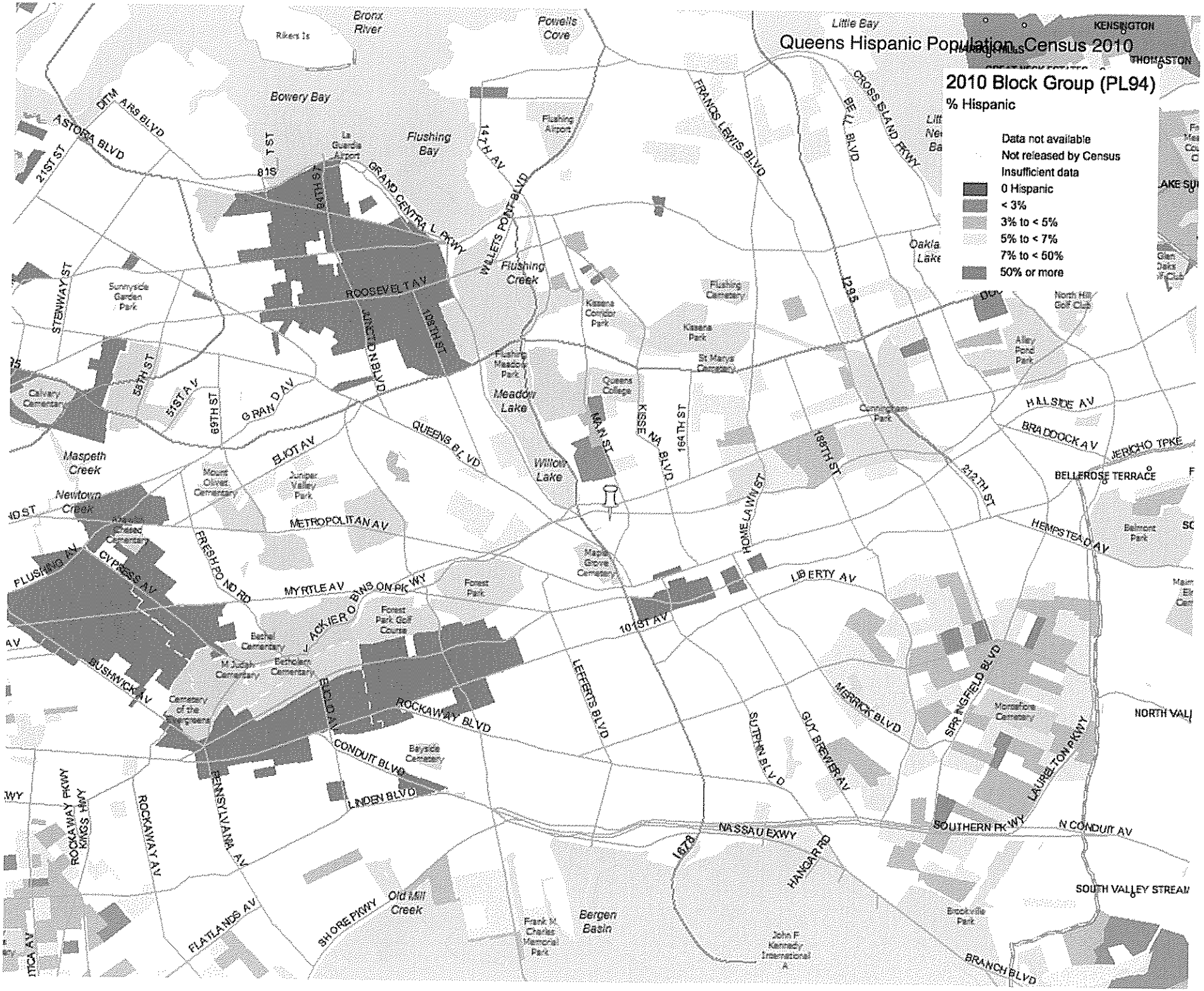
Sincerely,

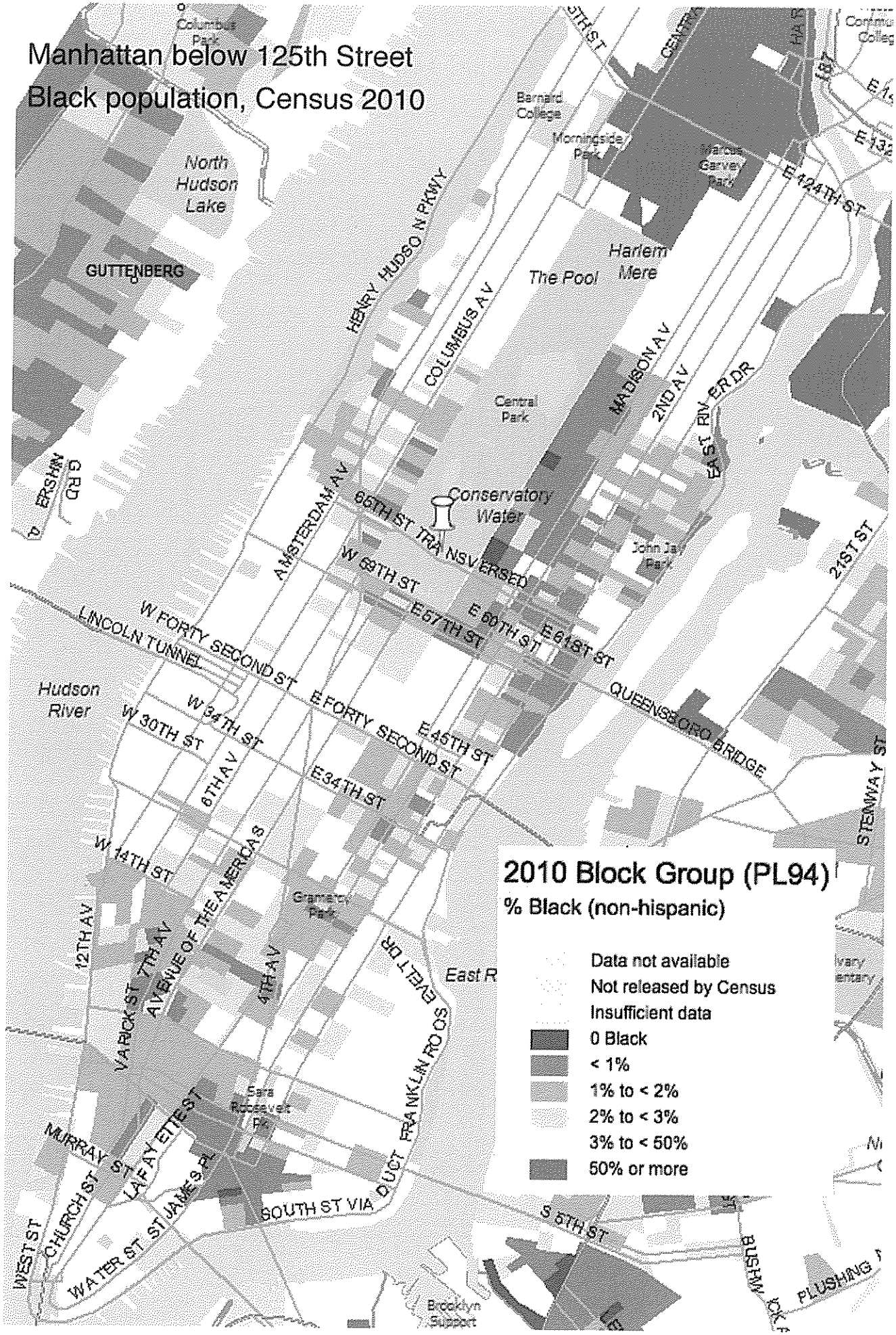
Lynne C. Nowick

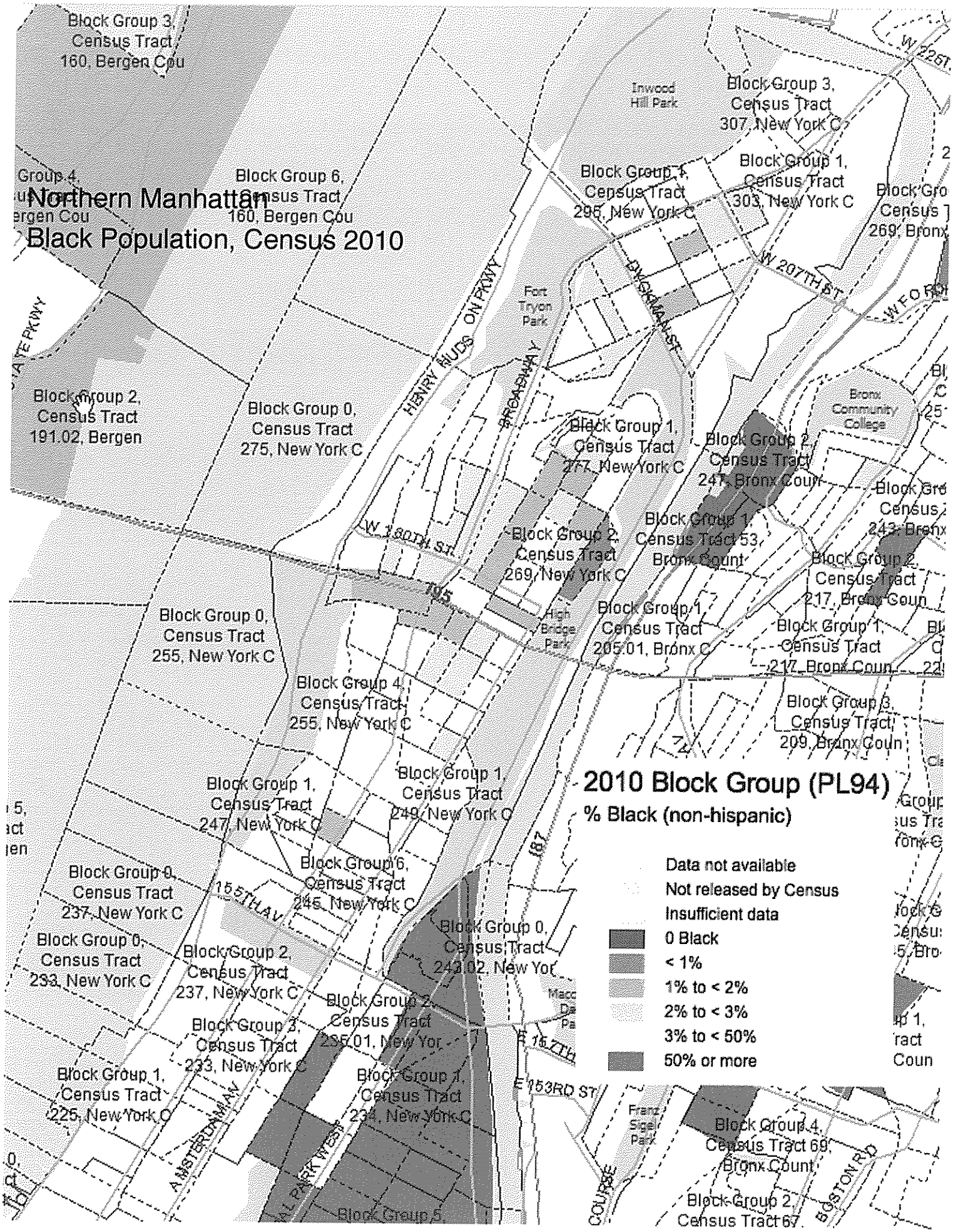
SUFFOLK COUNTY LEGISLATURE
DISTRICT NO. 13
59 LANDING AVENUE
SMITHTOWN, NEW YORK 11787
(631) 854-3900
FAX (631) 854-3903

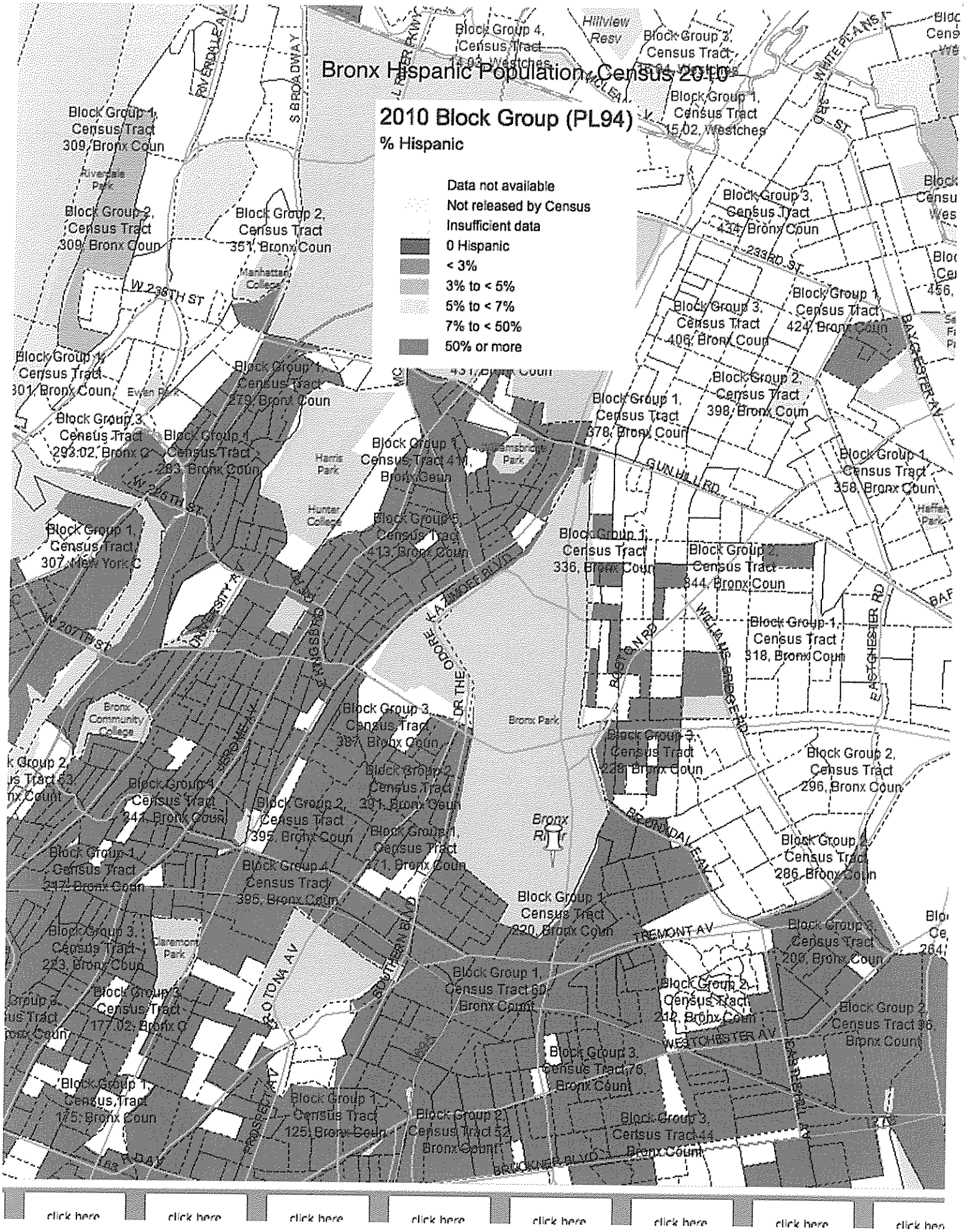

Brooklyn Black Population, Census 2010
2010 Block Group (PL94)
% Black (non-hispanic)
Data not available
Not released by Census
Insufficient data
0 Black
< 1%
1% to < 2%
2% to < 3%
3% to < 50%
50% or more
Gowanus Canal
Gowanus Creek
Red Hook Recreational Area
Fort Greene Park
Prospect Park
Institute Park
Quaker Cemetery
Greenwood Cemetery
Holy Cross Cemetery
Calvary Cemetery
National Cemetery
Brooklyn College
Canarsie Beach Park
Dyker Beach Park
Fort Hamilton
Bensonhurst Park
Marine Park
Floyd Bennett Field
Fresh Creek
Gerritsen Creek
Gravesend Bay
Upper New York Bay
COURT ST
BOND ST
ADAMS ST
VANDERBILT AV
FULTON ST
NEVINS ST
PROSPECT EXPY
8TH AV
W PROSPECT PARK
I278
70TH AV
MACDONALD AV
PARKSIDE AV
CHURCH AV
2ND AVE
3RD AVE
39TH ST
65TH ST
FT HAMILTON PKWY
4TH AV
86TH ST
16TH AV
CROPSEY AV
CONEY ISLAND AV
OCEAN PKWY
AV U
AV P
AV J
ROGERS AV
UTICA AV
KINGS HWY
RALPH AV
FLATLANDS AV
FLATBUSH AV
NOSTRAND AV
KINGSBOROUGH
OCEAN AV
GERRITSEN AV
KNAPP ST
SHORE PKWY
ROCKAWAY PKWY
ROCKAWAY AV
PENNSYLVANIA AV
EASTERN PKWY
BUSHWICK AV
DEKALB AV
JAMAICA AV
JACKIE ROBINSON PKWY
CYPRESS AV
CYPRESS HILLS ST
BELT PKWY
CONDUIT


Queens Black Population Census 2010
2010 Block Group (PL94)
% Black (non-hispanic)
Data not available
Not released by Census
Insufficient data
0 Black
< 1%
1% to < 2%
2% to < 3%
3% to < 50%
50% or more
Bronx River
Powells Cove
Little Bay
Bowery Bay
Flushing Bay
Flushing Creek
Meadow Lake
Willow Lake
Oakland Lake
Little Neck Bay
Maspeth Creek
Newtown Creek
Flushing Airport
La Guardia Airport
KENSINGTON
THOMASTON
MANHA
GREAT NECK ESTATES
ASTORIA BLVD
21ST ST
31ST ST
81ST
94TH ST
GRAND CENTRAL PKWY
WHITESTONE EXPWY
CROSS ISLAND PKWY
BELL BLVD
FRANCIS LEWIS BLVD
147TH AV
WILLETS POINT BLVD
ROOSEVELT AV
STEINWAY ST
55TH ST
51ST AV
114TH ST
JUNCTION BLVD
108TH ST
GRAND AV
QUEENS BLVD
MAIN ST
164TH ST
198TH ST
212TH ST
HOMELAWN ST
HILLSIDE AV
BRADDOCK AV
JERICHO TPKE
BELLEROSE TERRACE
FLORAL PARK
SOUTH FLORAL PA
HEMPSTEAD AV
LIBERTY AV
GRAND ST
METROPOLITAN AV
MYRTLE AV
PLUSHING AV
CYPRESS AV
FRESH POND RD
ACKIER O. DAVIS ON PKWY
101ST AV
LEFFERTS BLVD
DEKALB AV
BUSHWICK AV
ELDERTS LA
ROCKAWAY BLVD
CONDUIT BLVD
LINDEN BLVD
EASTERN PKWY
PENNSYLVANIA AV
NORTH VALLEY STREAM
MERRICK BLVD
SPRINGFIELD BLVD
GUY BREWER BLVD
SUTPHIN BLVD
LAURELTON PKWY
SOUTHERN PKWY
N CONDUIT AV
NASSAU EXWY
NORTHERN BLVD
Valley Strm Pond


Queens Hispanic Population Census 2010
2010 Block Group (PL94)
% Hispanic
Data not available
Not released by Census
Insufficient data
0 Hispanic
< 3%
3% to < 5%
5% to < 7%
7% to < 50%
50% or more
Bronx River
Powells Cove
Little Bay
Bowery Bay
Flushing Bay
Flushing Creek
Meadow Lake
Willow Lake
Maspeth Creek
Newtown Creek
Old Mill Creek
Bergen Basin
Rikers Is
La Guardia Airport
Flushing Airport
John F. Kennedy International A
ASTORIA BLVD
21ST ST
DITMARS BLVD
GRAND CENTRAL PKWY
ROOSEVELT AV
WHITESTONE EXPY
WHITESTONE BLVD
FRANKLIN D ROOSEVELT EXPY
CROSS ISLAND PKWY
BELL BLVD
STEINWAY ST
69TH ST
51ST AV
GRAND AV
QUEENS BLVD
ELIOT AV
METROPOLITAN AV
FRESH POND RD
MYRTLE AV
JACKIE ROBINSON PKWY
CYPRESS AV
PLUSHING AV
BUSHWICK AV
ROCKAWAY BLVD
CONDUIT BLVD
LINDEN BLVD
PENNSYLVANIA AV
ROCKAWAY AV
ROCKAWAY PKWY
KINGS HWY
FLATLANDS AV
SHORE PKWY
KISSENA BLVD
MAIN ST
164TH ST
LEFFERTS BLVD
HOMELAWN ST
188TH ST
212TH ST
HALLSIDE AV
BRADDOCK AV
JERICHO TPKE
BELLEROSE TERRACE
HEMPSTEAD AV
LIBERTY AV
101ST AV
SUTPHIN BLVD
GUY BREWER AV
MERRICK BLVD
SPRINGFIELD BLVD
LAURELTON PKWY
NORTH VALLEY
SOUTHERN PKWY
N CONDUIT AV
NASSAU EXWY
HANGAR RD
SOUTH VALLEY STREAM
BRANCH BLVD
Calvary Cemetery
Mount Olivet Cemetery
Juniper Valley Park
Forest Park
Forest Park Golf Course
Bethel Cemetery
Beth-El Cemetery
Cemetery of the Evergreens
Maple Grove Cemetery
Flushing Meadow Park
Queens College
Kissena Park
Kissena Corridor Park
Flushing Cemetery
St Marys Cemetery
Cunningham Park
Alley Pond Park
North Hills Golf Club
Belmont Park
Sunnyside Garden Park
Frank M. Charles Memorial Park
Brookville Park
Baisley Cemetery
Mortefiore Cemetery


Manhattan below 125th Street
Black population, Census 2010
2010 Block Group (PL94)
% Black (non-hispanic)
Data not available
Not released by Census
Insufficient data
0 Black
< 1%
1% to < 2%
2% to < 3%
3% to < 50%
50% or more
Columbus Park
Barnard College
Morningside Park
Marcus Garvey Park
North Hudson Lake
GUTTENBERG
HENRY HUDSON PKWY
COLUMBUS AV
The Pool
Harlem Mere
E 124TH ST
MADISON AV
2ND AV
EAST RIVER DR
Central Park
Conservatory Water
66TH ST TRANSVERSED
AMSTERDAM AV
W 69TH ST
John Jay Park
21ST ST
E 67TH ST
E 60TH ST
E 61ST ST
W FORTY SECOND ST
LINCOLN TUNNEL
Hudson River
W 34TH ST
E FORTY SECOND ST
E 45TH ST
QUEENSBORO BRIDGE
W 30TH ST
E34TH ST
8TH AV
W 14TH ST
AVENUE OF THE AMERICAS
Gramercy Park
12TH AV
7TH AV
VARICK ST
4TH AV
EAST DR
FRANKLIN ROOS
Sara Roosevelt Pk
MURRAY ST
LAFAYETTE ST
CHURCH ST
WEST ST
WATER ST
ST JAMES PL
SOUTH ST VIA DUCT
S 5TH ST
Brooklyn Support


Northern Manhattan
Black Population, Census 2010
2010 Block Group (PL94)
% Black (non-hispanic)
Data not available
Not released by Census
Insufficient data
0 Black
< 1%
1% to < 2%
2% to < 3%
3% to < 50%
50% or more
Block Group 3, Census Tract 160, Bergen Cou
Block Group 6, Census Tract 160, Bergen Cou
Block Group 2, Census Tract 191.02, Bergen
Block Group 0, Census Tract 275, New York C
Inwood Hill Park
Block Group 3, Census Tract 307, New York C
Block Group 1, Census Tract 295, New York C
Block Group 1, Census Tract 303, New York C
Fort Tryon Park
HENRY HUDSON PKWY
BROADWAY
DYCKMAN ST
W 207TH ST
Bronx Community College
Block Group 1, Census Tract 277, New York C
Block Group 2, Census Tract 247, Bronx Coun
W 180TH ST
Block Group 2, Census Tract 269, New York C
Block Group 1, Census Tract 53, Bronx Count
Block Group 2, Census Tract 217, Bronx Coun
Block Group 0, Census Tract 255, New York C
High Bridge Park
Block Group 1, Census Tract 205.01, Bronx C
Block Group 1, Census Tract 217, Bronx Coun
Block Group 4, Census Tract 255, New York C
Block Group 3, Census Tract 209, Bronx Coun
Block Group 1, Census Tract 247, New York C
Block Group 1, Census Tract 249, New York C
Block Group 6, Census Tract 245, New York C
Block Group 0, Census Tract 237, New York C
155TH AV
Block Group 0, Census Tract 233, New York C
Block Group 2, Census Tract 237, New York C
Block Group 0, Census Tract 243.02, New Yor
Block Group 2, Census Tract 235.01, New Yor
Block Group 3, Census Tract 233, New York C
Block Group 1, Census Tract 225, New York C
Block Group 1, Census Tract 231, New York C
E 153RD ST
Franz Sigel Park
Block Group 4, Census Tract 69, Bronx Count
Block Group 2, Census Tract 67,
BOSTON RD
COURSE
AMSTERDAM AV
L PARK WEST
Block Group 5,
I87
I95


Bronx Hispanic Population Census 2010
2010 Block Group (PL94)
% Hispanic
Data not available
Not released by Census
Insufficient data
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< 3%
3% to < 5%
5% to < 7%
7% to < 50%
50% or more
Block Group 1, Census Tract 309, Bronx Coun
Block Group 2, Census Tract 309, Bronx Coun
Block Group 2, Census Tract 351, Bronx Coun
Block Group 1, Census Tract 301, Bronx Coun
Block Group 1, Census Tract 279, Bronx Coun
Block Group 3, Census Tract 293.02, Bronx C
Block Group 4, Census Tract 283, Bronx Coun
Block Group 1, Census Tract 307, New York C
Block Group 5, Census Tract 413, Bronx Coun
Block Group 3, Census Tract 387, Bronx Coun
Block Group 2, Census Tract 391, Bronx Coun
Block Group 4, Census Tract 341, Bronx Coun
Block Group 2, Census Tract 395, Bronx Coun
Block Group 1, Census Tract 371, Bronx Coun
Block Group 1, Census Tract 217, Bronx Coun
Block Group 4, Census Tract 395, Bronx Coun
Block Group 3, Census Tract 223, Bronx Coun
Block Group 3, Census Tract 177.02, Bronx C
Block Group 1, Census Tract 175, Bronx Coun
Block Group 1, Census Tract 125, Bronx Coun
Block Group 2, Census Tract 52, Bronx Coun
Block Group 3, Census Tract 44, Bronx Coun
Block Group 1, Census Tract 60, Bronx Coun
Block Group 3, Census Tract 76, Bronx Coun
Block Group 2, Census Tract 212, Bronx Coun
Block Group 1, Census Tract 220, Bronx Coun
Block Group 3, Census Tract 228, Bronx Coun
Block Group 2, Census Tract 296, Bronx Coun
Block Group 2, Census Tract 286, Bronx Coun
Block Group 3, Census Tract 208, Bronx Coun
Block Group 2, Census Tract 86, Bronx Count
Block Group 1, Census Tract 318, Bronx Coun
Block Group 2, Census Tract 344, Bronx Coun
Block Group 1, Census Tract 336, Bronx Coun
Block Group 1, Census Tract 358, Bronx Coun
Block Group 1, Census Tract 378, Bronx Coun
Block Group 2, Census Tract 398, Bronx Coun
Block Group 3, Census Tract 406, Bronx Coun
Block Group 1, Census Tract 424, Bronx Coun
Block Group 3, Census Tract 434, Bronx Coun
Block Group 1, Census Tract 15.02, Westches
Block Group 3, Census Tract 15.04, Westches
Block Group 4, Census Tract 1.03, Westches
Hillview Resv
Riverdale Park
Manhattan College
Evelyn Park
Harris Park
Hunter College
Bronx Community College
Claremont Park
Bronx Park
Crotona Park
Pelham Bay Park
Bronx River
W 236TH ST
W 225TH ST
W 207TH ST
S BROADWAY
RIVERDALE AV
UNIVERSITY AV
JEROME AV
GRAND CONCOURSE
MAJOR DEEGAN EXPY
BRONX RIVER PKWY
HUTCHINSON RIVER PKWY
GUN HILL RD
BOSTON RD
WILLIAMS BRIDGE RD
EASTCHESTER RD
BAYCHESTER AV
233RD ST
WHITE PLAINS RD
TREMONT AV
BRONXDALE AV
WESTCHESTER AV
BRUCKNER BLVD
CROSS BRONX EXPY
CROTONA AV
click here
click here
click here
click here
click here
click here
click here
click here

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: LARRY SIMMS

Address: 200 E. 32ND ST. NY, NY

I represent: ALLIANCE OF CONDO + CO-OP OWNERS

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: George S Wonica

Address: 16 Raymond Ave. SI NY 10314

I represent: NYSAR

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ISABEL ZENOCRATTI

Address: 95-14 LINDEN BLVD - OZ. PARK 11417

I represent: LIANC

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: AMANDA KATZ

Address: 213-33 39TH Ave. Ste 238 BAYSIDE 11361

I represent: Assemblyman Edward C. Braunstein

Address: SAME AS ABOVE

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Gregory Carlson

Address: 69-30 Grand Central Pkwy #1100 Forest Hills 11375

I represent: Federation of NY Housing Coops Condos

Address: (same)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Ann Rothman

Address: 110 RSD, # 5B NYC 10024

I represent: Council of NY Cooperatives & Condominiums

Address: 250 W. 57 St, NY 10107

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☑ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Frank Perfetto

Address: 2750 Homecrest Ave #111

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: BOB FRIEDRICH

Address: 264-52 Langston Ave Glen Oaks

I represent: Glen Oaks Village Co-op & Presidents Co-op & Condo Council

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Eliezer Rodriguez

Address: 1701 Yates ave.

I represent: BMAR- Myself

Address: 1867 Williamsbridge Rd Bronx, NY 10461

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

THE COUNCIL
THE CITY OF NEW YORK

Together with Elezer Rodriguez

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☑ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Christina Taylor

Address: 784 Vanderbilt Ave

I represent: NYSAIL

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dianne Stromfeld

Address: 27110 Grand Central Pkwy

I represent: Realty Institute

Address: Elmont

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☑ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: JULIE THUM

Address: 9949 SHORE ROAD #501

I represent: NYSAR & BBOR

Address: 130 WASHINGTON AVE, ALBANY
28 VILLAGE ROAD NORTH, BKLYN, NY

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: DUJANA HOLMES

Address: 229 Kimball Terrace

I represent: NAREB

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☒ in favor ☐ in opposition

Date: 04/30/13

(PLEASE PRINT)

Name: RADMILA VESELINOVIC

Address: 1 COLUMBUS PLACE

I represent: AGENTS

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1003 Res. No. _____

☒ in favor ☐ in opposition

Date: 4/29/2013

(PLEASE PRINT)

Name: Richard Anderson

Address: _____

I represent: The NY Building Congress

Address: 44 West 28th Street Suite 12
NY NY 10001

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: MARC H. SCHNEIDER / SCHNEIDER MITOLA LLP

Address: 366 old Country Road Garden City NY 11530

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/2013

(PLEASE PRINT)

Name: WARREN SCHREIBER

Address: 13-24 BELL BLVD, BAYSIDE, NY 11360

I represent: PRESIDENT Co-op Board Council

Address: 13-24 BELL BLVD, BAYSIDE, NY 11360

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☑ in opposition

Date: 4-30-13

(PLEASE PRINT)

Name: Stuart Saft

Address: 1040 Park Ave., NYC

I represent: Council of New York Cooperatives & Condos

Address: 250 W 57th St., NY NY 10107

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Diann E Strom Esq

Address: 2710 Grand Central Parkway

I represent: NYSAA

Address: Albany NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Andrea Bilker

Address: [illegible]

I represent: 200 Coops

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Craig Gurian

Address: 15 W 67 St

I represent: Civil Rights Advocates + Nat'l Fair Housing Alliance

Address: same

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BARBARA FORD

Address: 110 TANNERS POND Rd. S.C. NY

I represent: NYSAR

Address: 130 WASHINGTON AVE, ALBANY NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☒ in favor ☐ in opposition

Date: 4/30/18

(PLEASE PRINT)

Name: Mike Kelly

Address: 130 Washington Avenue Albany NY 12210

I represent: NY State Association of REALTORS

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☒ in favor ☐ in opposition

Date: Apr. 30, 2013

(PLEASE PRINT)

Name: Duncan Mackenzie

Address: 130 Washington Ave / Albany

I represent: NYS Association of REALTORS

Address: 130 Washington Ave / Albany

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Michael Reilly

Address: Davis McLaughlin Mars PA 875 Third Ave

I represent: various coops in NYC

Address: NYHY COOP (with Burt)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☑ in opposition

Date: April 30, 2013

(PLEASE PRINT)

Name: BURT ALLEN SOLOMON

Address: Davis McLaughlin Marcus, PA

I represent: Various coop corporations

Address: 875 Third Ave., NY, N.Y. 10022

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MONA SEHGAL

Address: General Counsel

I represent: Dept of Buildings

Address: 280 Broadway

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: KATIE KUO HUA KOO

Address: 114-01 PARK LANE SO. KEW GARDENS N.Y.

I represent: LONG ISLAND BOARD OF REALTORS

Address: ASIAN REAL ESTATE ASSOC. OF AMERICA

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: REBNY P. LIEBMAN, F. PETERS, M. BISORTI, J. DOYLE

Address: 570 Lexington Avenue

I represent: REBNY

Address: SAME

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Limandri

Address: Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1003-A Res. No. _____

☒ in favor ☐ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: KENNETH BUETTNER

Address: 37-20 12 St LIC NY 11101

I represent: York Scaffolding Equipment Corp

Address: SAME

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☑ in opposition

Date: 4.30.13

(PLEASE PRINT)

Name: Phyllis Likisberg

Address: Montgomery McCracken 437 Madison Ave NY

I represent: self

Address: 437 Madison Ave NY

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 188 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/13

(PLEASE PRINT)

Name: Geoffrey Mateli, Esq

Address: 7 Penn Plaza, Suite 1600

I represent: _____

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1188 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Neil Davidowitz

Address: c/o Orsid Realty Co

I represent: Coop Boards

Address: Various

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