

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS

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January 20, 2021
Start: 10:00 a.m.
Recess: 11:22 a.m.

HELD AT: Remote Hearing - Virtual Room 2

B E F O R E: Fernando Cabrera
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Dharma Diaz
Ben Kallos
Alan Maisel
Bill Perkins
Keith Powers
Ydanis Rodriguez
Kalman Yeger
Helen K. Rosenthal
Stephen T. Levin

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

Laura Ringelheim
Deputy Commissioner for Real Estate
Services
Department of Citywide Administrative
Services

Quintin Haynes
Executive Deputy Commissioner
Department of Citywide Administrative
Services

Susan Lerner

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SERGEANT AT ARMS JONES: PC is rolling.

SERGEANT AT ARMS BRADLEY: Cloud is recording. Sergeant at Arms, you may begin.

SERGEANT AT ARMS JONES: OK. Good morning, everyone, and welcome to today's remote New York City Council hearing of the Committee on Governmental Operations. At this time would all panelists please turn on their videos. To minimize disruption, please place electronic devices to vibrate or silent. And if you wish to submit testimony you may do so at testimony@council.nyc.gov. And again that is testimony@council.nyc.gov. And thank you for your cooperation. And Chair, we are ready to begin.

CHAIRPERSON CABRERA: Thank you so much. Let me gavel in today's meeting [gavel]. Good morning. My name is Fernando Cabrera. I am the chair of the Committee on Governmental Operations. We have been joined by my colleagues and committee members, myself, Perkins, Powers, and Yeger. I believe that's what we have at this moment. Today the committee will be conducting oversight on an important topic as we think about COVID-19 recovery, the future of city government office space. We are

1 conducting, we are conducting this hearing remotely
2 today because council staff and the vast majority of
3 the city's office space workforce is still working
4 from home. In fact, surveys have found that as of
5 October less than 20% of the office workers in
6 greater New York City had returned to the office.
7 Midtown Manhattan has been described as a ghost town,
8 an indicator pointing to low demand and high vacancy
9 rates in the city's commercial real estate market.
10 The city itself is a sizeable player in the market.
11 DCAS, the agency responsible for overseeing the
12 city's real estate portfolio manages 55 city-owned
13 buildings, reportedly over 50 million square feet.
14 DCAS leases some of this space to private tenants,
15 generating over 50 million dollars in revenue in
16 fiscal year 2020. It also enters into a lease
17 agreement with private landlords [inaudible] various
18 city agency offices. DCAS rents approximately 22
19 million square feet of private office space for city
20 agencies. In June the council passed Local Law 75 of
21 2020, sponsored by Majority Leader and Council Member
22 Laurie Cumbo, establish a task force to recommend
23 protocols for the safe reopening, reopening city
24 agencies. The bill also requires city agencies to
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1 develop their own policies for reopening, to be
2 reviewed by the task force. The task force is
3 required to report on agency compliance with the law
4 every 90 days until the law expire. The first report
5 was due on October 24, 2020. The committee will be
6 conducting oversight on the implementation of this
7 law today, how the pandemic and the sudden disruption
8 of office work patterns will affect urban businesses
9 districts and the use of office space in the long
10 term is unknown. Many observers believe that the
11 previous norm of workers commuting to office,
12 offices, five days a week will shift. Office
13 buildings will have to adapt to stricter public
14 health protocols and may see this as an opportunity
15 to transform some office buildings and hotels into
16 residential buildings, including for affordable
17 housing. Whatever the future holds, I think we as a
18 city government have learned a lot over the last year
19 about the [inaudible] and the flexibility of a city's
20 workforce. We have also learned about the urgent
21 infrastructure needs our city must address in order
22 to make work from home a viable possibility for all
23 nonessential city employees. As we plan to return to
24 our offices we must take the advice of public health
25

1 expert into account. I look forward to hearing from
2 the administration today, as well as our local
3 businesses, labor, and academic stakeholders about
4 the ways in which our city can make public health and
5 workplace safety a priority, as would be needed to
6 reopen our government. I also wanted this hearing to
7 be an opportunity to discuss long-term ideas such as
8 converting office buildings into affordable housing.
9 The committee will also be hearing a bill,
10 Introduction 374 of 2018, sponsored by Council Member
11 Brannan. This bill would qualify any person
12 convicted of felonies related to public corruption or
13 depriving the public of honest services from holding
14 the office of mayor, public advocate, comptroller,
15 borough president, or council member. The local law
16 will take effect immediately. I also want to thank
17 our committee staff, CJ Murray, Emily Porjon,
18 Elizabeth Cronk, Sebastian Bocchi, and many central
19 staff working behind the scenes to make this remote
20 hearing operate smoothly. I also want to thank my
21 own legislative director, Claire Michael Vane, for
22 making this hearing possible. I will now turn it
23 over to our moderator, Elizabeth Cronk, to go over
24 procedure items.
25

MODERATOR: Thank you, Chair Cabrera.

I'm Elizabeth Cronk, senior policy analyst to the New York City Council's Committee on Governmental Operations. And I will be moderating today's hearing. Before we begin, I want to remind everyone that you will be on mute until you are called on to testify, at which point you will be unmuted by the host. I will be calling on panelists to testify. Please listen for your name to be called. The first panelist to give testimony today will be representatives from the New York City Department of Citywide Administrative Services. Deputy Commissioner for real estate services, Laura Ringelheim will be providing testimony and Executive Deputy Commissioner Quintin Haynes will be available to answer questions. Panelists, I will call on you when it is your turn to speak. During the hearing if a Council Member would like to ask a question of a specific panelist please use the Zoom raise hand function and I will call on you in order. We will be limiting council member questions to five minutes, which includes the time it takes the panelist to answer your question. Please note that for ease of this virtual hearing there will be no second round of

2 questioning outside of questions from the committee
3 chair. All hearing participants should submit
4 written testimony to testimony@council.nyc.gov.

5 Before we begin testimony I will administer the oath.

6 Deputy Commissioner Ringelheim and Executive Deputy
7 Commissioner Haynes, please raise your right hands.

8 I will write, I will read the oath once and then call

9 on each of you individually for a response. Do you

10 affirm to tell the truth, the whole truth, and

11 nothing but the truth before this committee and to

12 respond honestly to council member questions? Deputy

13 Commissioner Ringelheim?

14 DEPUTY COMMISSIONER RINGELHEIM: I will.

15 MODERATOR: Executive Deputy Commissioner

16 Haynes?

17 EXECUTIVE DEPUTY COMMISSIONER HAYNES: I

18 will.

19 MODERATOR: Thank you. Deputy

20 Commissioner Ringelheim, you may begin your

21 testimony.

22 DEPUTY COMMISSIONER RINGELHEIM: Thank

23 you. Um, good morning, Chair Cabrera and members of

24 the Committee on Governmental Operations. I'm Laura

25 Ringelheim, deputy commissioner for real estate

1 services at DCAS. And I'm joined today by Quintin
2 Haynes, Executive Deputy Commissioner at DCAS. And I
3 want to start by thanking you for offering us the
4 opportunity to testify on the future of city office
5 space. I also want to take a moment to acknowledge
6 all of the support we have received from this
7 committee during this pandemic. I know that many of
8 you have been working day and night to provide and to
9 protect the people you represent, and by working
10 together we have made sure that all New Yorkers are
11 receiving the necessary support to fight COVID-19.
12 Just one year ago we could have never imagined what
13 our city, our country, and our world was about to
14 face. And the COVID-19 pandemic has taken enormous
15 toll on the people of New York City, from the
16 terrible loss of human life to the economic pain felt
17 by millions of our friends and neighborhoods. The
18 reality that we live in today was almost
19 unimaginable. But through it all the City of New
20 York and its dedicated public servants have worked to
21 confront this pandemic and to sustain the services
22 provided by city government. And to do this the city
23 has had to operate in new and different ways. And
24 one of these changes to implement flexible scheduling
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1 options for much of our workforce. Since March a
2 majority of city employees have utilized flexible
3 scheduling to work remotely all or part of the time.
4 And this measure was taken to ensure the health and
5 safety of our workforce. Nothing is more important
6 than protecting our employees, so flexible scheduling
7 has been extended to employees wherever possible. In
8 addition, new health and safety best practices have
9 been implemented to protect essential employees and
10 others who access city facilities. City agencies
11 have taken steps to promote social distancing and
12 ensure appropriate cleaning measures in those
13 facilities. DCAS has provided guidance to agencies
14 to address further safety protocols for office
15 spaces, hallway circulation, seating arrangements,
16 common space occupancy, and the safest way to manage
17 queuing when entering buildings. The work the city
18 has done to adapt to the new realities from this
19 pandemic has also sparked conversations on several
20 topics, including the subject of today's hearing.
21 And even before the pandemic DCAS launched a space-
22 saving management team to make sure that we are
23 tapping all available city-owned and leased resources
24 before we consider on taking additional lease costs.
25

1 Our team strives to be at the forefront of space
2 utilization, ensuring that office space for the city
3 is both operationally efficient and cost-effective.
4 We're asking tough questions, like are employee work
5 spaces configured in the most optimal way and office
6 and conference rooms appropriately sized. We're also
7 working to ensure that we maximize city-owned assets
8 before looking to the rental market for possible
9 solutions. And one example of this was the
10 repurposing of 22 Reed Street. In the early days of
11 this administration the site was vacant, with no
12 planned use, and instead of going to the rental
13 market we were able to transform the site and today
14 it's at full capacity. Our efforts also include
15 surveying city-occupied buildings to create new and
16 updated floor plans and create a new central
17 repository for our real estate portfolio. This new
18 repository has helped us fine-tune space utilization
19 efforts. And this work is already showing results.
20 During fiscal year 2020 DCAS entered into, renewed,
21 or amended fewer leases than at any point over the
22 past five years. We're realizing the benefit and
23 cost savings and cost avoidance and this is
24 especially important given the fiscal challenges the
25

1 city is facing because of COVID-19. We have heard
2 many interesting ideas about the future of office
3 space. From realizing additional savings to flexible
4 scheduling to reimagining the use of these spaces
5 entirely. While it's true that flexible scheduling
6 during the pandemic has reduced the amount of office
7 space that's currently being occupied by employees.
8 Much of this space is still being utilized. To
9 confront the pandemic, the city has put its real
10 estate assets to good use. For instance, 311 had to
11 staff up considerably to respond to this crisis. And
12 it had to do this while also following appropriate
13 social distancing protocols. To accommodate this
14 need we were able to tap into existing office space
15 so that 311 could continue its operations
16 uninterrupted. We're also using the city's real
17 estate portfolio for things like COVID testing and
18 now for vaccine distribution. There are currently 56
19 city sites located throughout the five boroughs that
20 are being used for COVID and antibody testing, and
21 nine sites for PPE distribution. We're also
22 supporting the city's efforts to find additional
23 locations that are suitable for vaccinations. All
24 this crucial work will continue for the foreseeable
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1 future, until this pandemic is in our rear-view
2 mirror. While we're not yet there, we've heard your
3 questions about what's next when it comes to the
4 city's real estate needs. In fact, there are
5 conversations that are happening throughout the city
6 and country as employers are confronting similar
7 realities. But the simple truth is that it would be
8 premature to say while all options remain on the
9 table for how the city will utilize office space and
10 approach topics like flexible schedules, the most
11 responsible way forward is to make sure that we do
12 not make major decisions based on the immediate
13 realities of where we are today, but where the city
14 wants to be tomorrow. To do this we must get through
15 the challenges of this pandemic and thoughtfully
16 consider future needs and priorities. The council
17 and this committee will be a critical partner in this
18 work and I'm sure that you are thinking through
19 similar questions for the future of City Council. As
20 we continue to explore this topic we want to know
21 your thoughts and consider your perspectives so that
22 the best possible decisions are made and made in an
23 inclusive way. We appreciate your support and will
24 be happy to answer any questions. Thank you.
25

2 CHAIRPERSON CABRERA: Thank you so much.

3 Ah, first let me acknowledge we have also been joined
4 by, I think I mentioned Council Member Maisel, I just
5 want to double check that I did, Council Member
6 Kallos, Councilman Deutsch, and Council Member D.
7 Diaz. I'm gonna start with a couple of questions,
8 ah, and then allow for, ah, my colleagues if they
9 have any questions, and then I'll come back, ah,
10 with, ah, the rest of the questions. Ah, I wanted to
11 ask you what percentage of, of the city's office
12 space workforce is currently working from home.

13 DEPUTY COMMISSIONER RINGELHEIM: So, ah,
14 Quintin , do you want to answer that question?

15 CHAIRPERSON CABRERA: I believe...

16 DEPUTY COMMISSIONER RINGELHEIM: Quintin?

17 CHAIRPERSON CABRERA: Can somebody email
18 him, please? [inaudible].

19 EXECUTIVE DEPUTY COMMISSIONER HAYNES:

20 Here we go. Ah, thank you for that. Ah, so thank
21 you for that question. Ah, so currently right now,
22 so DCAS does not track that number, um, and so we,
23 ah, we can follow up with you to give you more data
24 on the current reports of what work, what is actually
25

2 working from home. But DCAS, um, as an agency, does
3 not track that number citywide.

4 CHAIRPERSON CABRERA: Is there an agency
5 that tracks it?

6 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
7 So, ah, I think there are multiple, ah, agencies that
8 are tracking different aspects of it. Um, and so
9 that's why I say I'll be happy to follow up on that
10 question, but multiple agencies are a part of, of
11 tracking that data.

12 CHAIRPERSON CABRERA: OK. Ah, I would
13 appreciate it if you could get us that data.

14 EXECUTIVE DEPUTY COMMISSIONER HAYNES: Of
15 course.

16 CHAIRPERSON CABRERA: Ah, thank you so
17 much. Ah, today how many leases, ah, how many leases
18 or privately owned space does the city have in its
19 portfolio? Ah, and follow-up questions with that,
20 how many of these are multiyear leases? What is the
21 average, ah, or typical length of multiyear lease,
22 and how are these lengths determined?

23 DEPUTY COMMISSIONER RINGELHEIM: So we
24 have about 436 lease and license agreements
25 currently. Um, you know, license agreements are

1 short term. Ah, sometimes they're renewed for longer
2 than a year, but they can be terminable on 25 days'
3 notice. Leases range anywhere from I would say five
4 years to 20 years, but on average, ah, when we make a
5 determination we consult with the agency to see what
6 their needs are going to be, and if they anticipate
7 being in that space for long term. And we can
8 usually realize a better rent if we can commit to
9 long term, and it usually is better for the agency.
10 So I would say the majority of our leases are at
11 least 10 to 20 years.

12
13 CHAIRPERSON CABRERA: Do you happen to
14 have a number of how many of these multiyear, ah,
15 leases, ah, we have?

16 DEPUTY COMMISSIONER RINGELHEIM: Well, if
17 it's 436 lease and licenses it's probably about, I
18 would say, 375 to 400 leases. And they're multi-
19 year.

20 CHAIRPERSON CABRERA: And most of them,
21 you say, is, ah, over 10 years?

22 DEPUTY COMMISSIONER RINGELHEIM: Most of
23 them are over 10 years.

24 CHAIRPERSON CABRERA: Over 10 years. Ah,
25 by the way, anybody defaulted on those, ah, leases?

2 DEPUTY COMMISSIONER RINGELHEIM: No
3 [laughs]. No.

4 CHAIRPERSON CABRERA: [inaudible].

5 DEPUTY COMMISSIONER RINGELHEIM: Well,
6 so, ah, Council Member, I just want to clarify.
7 You're, you're asking how much private sector space
8 we lease.

9 CHAIRPERSON CABRERA: Yes, private
10 [inaudible].

11 DEPUTY COMMISSIONER RINGELHEIM: Right?

12 CHAIRPERSON CABRERA: Yes.

13 DEPUTY COMMISSIONER RINGELHEIM: So, no,
14 we...

15 CHAIRPERSON CABRERA: I'm sorry, I'm
16 sorry, that's for my next question.

17 DEPUTY COMMISSIONER RINGELHEIM: OK.

18 CHAIRPERSON CABRERA: [inaudible].

19 DEPUTY COMMISSIONER RINGELHEIM: So,
20 yeah, the city is in good standing, I believe, on, on
21 most of those leases, if not all.

22 CHAIRPERSON CABRERA: OK, great, great.
23 Well, that's a curious question. So we, we, we are
24 training everyone, ah, on time?

25

1
2 DEPUTY COMMISSIONER RINGELHEIM: Yeah.
3 The only time I believe that we, we sometimes get
4 into trouble is if there is a registration issue or
5 something that takes, ah, a little bit longer, but
6 in, in general, yeah, we're, we're paying on time.

7 CHAIRPERSON CABRERA: OK. Let me ask the
8 next question, then I'm gonna turn it over to my
9 colleagues and then I'll come back because I have
10 quite a few questions. How many revenue-generating
11 leases of city-owned space does DCAS manage, and how
12 many of these are multiyear leases, and what is the
13 average or typical length of these multiyear lease?

14 DEPUTY COMMISSIONER RINGELHEIM: So for
15 the multiyear leases we have, ah, about 78 long-term
16 leases and on the short-term side, ah, it's about
17 346. Um, and some of those are leases, some of those
18 are license agreements. Ah, for the long term
19 they're all leases. And the long-term leases can
20 range anywhere from 10 years to, um, 20-30 years with
21 20-year options to renew. Sometimes it will go up 99
22 years. Um, so some of those are very long term. The
23 short term, which is the, ah, larger portfolio just
24 by numbers of leases, it's about 346, and those can
25 be, ah, month-to-month or year-to-year.

1
2 CHAIRPERSON CABRERA: And what's the
3 process? Ah, is there a request that is put out, ah,
4 or people who may have interest of a building they
5 approach you? How is, what's the process?

6 DEPUTY COMMISSIONER RINGELHEIM: So for
7 the short-term portfolio, meaning you would just
8 enter into a, you know, a short-term lease or
9 license, and that has to be one day under a year, um,
10 for the administrative code, they can just approach
11 us and inquire. And actually what we're working on
12 is getting everything up on our website that could be
13 available for a short-term license so that the public
14 can really see and we can increase revenue and we
15 decrease, you know, some of the unused lots. And
16 this helps the city because, ah, you know, it's
17 insured, someone else is taking care of it. It takes
18 it, you know, off the responsibility of the city to
19 maintain it. Um, so, so right now it still exists
20 that we're approached and we can enter into that
21 agreement if the use fits that, that zoning and, and
22 other considerations. Um, and for the longer term or
23 leases that are over a year, that's by option
24 process. And that goes to the highest bidder.

2 CHAIRPERSON CABRERA: Hmm. Since, um, I
3 want to go back to my second question. I, I noticed,
4 I was reading an article yesterday from the *Real Deal*
5 and it mentioned that our law department, ah, rent
6 from the [inaudible] Building. Are you involved in
7 that?

8 DEPUTY COMMISSIONER RINGELHEIM: We did
9 that lease for that, ah, yeah.

10 CHAIRPERSON CABRERA: You did that lease.
11 Ah, I'm just curious. Ah, what do we pay there?

12 DEPUTY COMMISSIONER RINGELHEIM: Ah, I
13 will have to look to get you that exact number.

14 CHAIRPERSON CABRERA: OK.

15 DEPUTY COMMISSIONER RINGELHEIM: Um,
16 that, I believe, and, and I'm not sure which one
17 you're referring to. I didn't see the article. But
18 we, we, um, I think we have two leases in that
19 building and they were negotiated, I think, about a
20 year and a half ago.

21 CHAIRPERSON CABRERA: I would, I would
22 think that's a rather expensive, ah, lease. And why
23 there if it's so expensive?

24 DEPUTY COMMISSIONER RINGELHEIM: So I'm
25 gonna try and get you that number during the course

1 of the testimony. But, um, my recollection is it,
2 what, it's not so expensive. It, it's a very
3 beautiful building and, and landmarked and, ah, you
4 know, a special building, but the office rents were
5 not that much, and when we look for, ah, office
6 leases we generally, um, you know, almost without
7 exception, are extremely competitive, like we put in
8 the most competitive tenants that, that you'll find
9 in lower Manhattan. So I'm gonna just take a guess
10 and say this number will not be shocking, and it will
11 be very, ah, competitive with any other, ah, class B
12 building, which is usually what we look at.

14 CHAIRPERSON CABRERA: I'm happy to hear
15 that, and, ah, if you could give me that number will
16 be even more impressed.

17 DEPUTY COMMISSIONER RINGELHEIM: OK.

18 CHAIRPERSON CABRERA: So I want to turn
19 it back, ah, to the moderator and, ah, I'm going to
20 invite my colleagues. I, I see hands raised already,
21 and then I'll come back.

22 DEPUTY COMMISSIONER RINGELHEIM: OK.

23 MODERATOR: Thank you, Chair Cabrera. I
24 will now call on council members in the order they
25 have raised, they have used the Zoom raise hand

1
2 function. Council members, if you would like to ask
3 a question and you have not yet raised your hand,
4 please do so now. You will have a total of five
5 minutes to ask your questions and receive an answer
6 from the panelists. The Sergeant at Arms will keep
7 a timer and will let you know when your time is up.
8 Once I have called on you please wait until the
9 sergeant has announced that you may begin before
10 asking your question. First, we will hear from
11 Council Member Yeger.

12 SERGEANT AT ARMS: Your time starts now.

13 COUNCIL MEMBER YEGER: Good morning,
14 Deputy Commissioner. Good morning, Mr. Chairman.
15 Thank you very much. Ah, happy new president's day
16 to everybody. Um, ah, my question is, ah, Deputy
17 Commissioner, you testified that you're not sure or
18 don't know how many employees are working from home
19 because DCAS is not, ah, the agency, ah, the
20 depository of that information. Um, my question
21 along those lines is we know anecdotally and, um,
22 from our own experience, ah, at the council that
23 there are, ah, many employees, ah, or many office
24 spaces that have not seen an employee return since
25 March of last year. Ah, not, not a human being has

1 entered into that foot space. So my question is
2 have, has there been any lease, ah, in the City of
3 New York that has, ah, expired during the course of
4 the current, or the current fiscal year that we're in
5 right now and has the city relinquished any leased
6 office space at all during this time?
7

8 DEPUTY COMMISSIONER RINGELHEIM: Thank
9 you for the question, Council Member. Um, so the,
10 I'll give you one example. City Council lease, ah,
11 had expired and we are actually in holdover, ah, and
12 have executed that lease agreement, um, and that's
13 for the 250 Broadway space. So that's one example of
14 a lease that we have, um, re-executed. We have not
15 entered, I don't believe, into any new space. But we
16 have not, um, relinquished any space either. Most,
17 even though there is a lot of vacant, ah, I don't
18 want to say vacant space, there's a lot of employees
19 that haven't returned to work, but agencies, um, are
20 still using their spaces and they might not be at
21 100% capacity. They might not be at 50%. And given
22 social distancing requirements I would imagine that
23 they are not. But they are still being used widely
24 and throughout the city.
25

1
2 COUNCIL MEMBER YEGER: Well, there have
3 to be spaces that are being used for nothing more
4 than glorified storage.

5 DEPUTY COMMISSIONER RINGELHEIM: There
6 are still employees from every agency as far as the
7 data that we know that are going into these spaces.
8 And, and I say that we know this because we have been
9 asked for, ah, a lot of extra space and, and some
10 examples are, you know, to get grand juries back into
11 action. They need to be socially distance and they
12 need extra space. Um, the example I gave during my
13 opening testimony, 311, ah, had to ramp up and they
14 needed extra space. Um, the Department of Buildings
15 is running the, the, ah, situation rooms for DOE.
16 They've also had to ramp up and they are still
17 searching for extra space in order to have, um, this
18 staff socially distance, and these are all staffs
19 that have to be on site. So we, this is the kind of
20 thing that we are still doing every day. We'll,
21 we'll get these calls from these agencies who either
22 need extra space or we'll call around to ask other
23 agencies are you using this space and can we use it.
24 Um, but what we're finding is that in order to be
25 socially distance a lot of that space is used. And,

1
2 of course, some of it isn't right now. But I think,
3 ah, you know, even with City Council space the intent
4 is to go back to the space in some way, shape, or
5 form, or, or decisions haven't been made of, of who
6 is going to and when are they gonna go back. But we
7 don't find the agencies have made any decision, oh,
8 we're not gonna use this space and we're not gonna
9 have staff return. So at this point in the middle of
10 the pandemic we, we haven't given up any space. Um,
11 as to whether any of those leases have expired, City
12 Council is the one that comes, ah, to mind right
13 away, but there might be others.

14 COUNCIL MEMBER YEGER: Well, it comes to
15 my mind right away as well because, you know, just
16 using that agency, our agency as an example, um,
17 we're aware that there's space that no, not a human
18 being has entered into since March of last year.

19 DEPUTY COMMISSIONER RINGELHEIM: Um-hmm.

20 COUNCIL MEMBER YEGER:. Um, ah, members
21 of this body maintain offices at 250 Broadway and we
22 have not entered into those spaces, we've not been
23 allowed to. We are actually, you might as well rent
24 out the council chamber for parties because, ah, we
25 haven't been in the there either. Um, but there have

1 to be agencies, the City of New York employs 300,000
2 or so people. There have to be agencies in the city
3 that, ah, that there is an anticipation of, of a
4 reduced workforce such as to allow the city to make a
5 determination that it doesn't need the space anymore
6 and I'm wondering if, you know, at the end of, of the
7 fiscal year, when we look at the numbers this year
8 veterans last year, will we be spending, will we have
9 spent in this current fiscal year that we're in right
10 now more money on leased space or less money on
11 leased space, and as we enter into the next fiscal
12 year, ah, the FY , ah, 22 fiscal year, have we, will
13 we have, will we be anticipating spending more money
14 on leased office space or less money on leased office
15 space, and my suggestion is, and not to, not to put
16 words in your mouth, but my suggestion is that there
17 is only appropriate answer, is less. There can't
18 possibly be more and it shouldn't be the same because
19 we ought to be having, ah, as the mayor has said, um,
20 he's intending on a 3:1 replacement ratio for
21 [inaudible], ah, ah, employees in the city. There
22 ought to be a plan that we're gonna need less office
23 space.
24

25 SERGEANT AT ARMS: Time expired.

1
2 COUNCIL MEMBER YEGER: Ah, not
3 withstanding social distancing measures, we're, we,
4 we are on the, on the track to have the vaccination,
5 ah, at least by the end of this fiscal year, done
6 throughout the City of New York. So we're not going
7 to need the kind of social distancing and emptying,
8 ah, but at the same time we're not going to be able
9 to afford what we currently have. So I guess my
10 question really is what's the plan to get rid of some
11 of this dead office space?

12 DEPUTY COMMISSIONER RINGELHEIM: So, I, I
13 think this is exactly what our team has, ah, you
14 know, been doing over the past couple of years, and
15 what will continue to do. So if we see agencies
16 shrink in size, um, a lot of what we do is just, you
17 know, put the pieces of the puzzle together in order
18 to maximize that space, and if we find that an agency
19 has shrunk by two-third or a third, or whatever the
20 numbers might be, and they have additional lease
21 space then we'll look to get out of another lease and
22 move folks over there. And, and this is what we
23 constantly, ah, are tracking and looking for. So mid
24 pandemic I don't know that it, you're, you're gonna
25 see a, a jump or a decline in the numbers either way,

1
2 but I think once there is some, um, finality to what
3 the plans will look like and, you know, agencies, um,
4 shrink then we can certainly make those decisions as
5 they roll up. Um, we currently, there is, ah, you
6 know, there's really not the ability just to say, OK,
7 we know this agency is gonna shrink by this much and
8 we're gonna get ready to give up this lease. But
9 that is something that we look at constantly. And,
10 and is, a decision is made before each decision to
11 renew, um, and our team will go out to the site,
12 count desks, count heads, we verify that information
13 and then make a decision ongoing. So we're always
14 ready to do that. Um, it's just that it hasn't
15 happened during this past year.

16 COUNCIL MEMBER YEGER: OK. My last,
17 question, Mr. Chair, ah, I appreciate if I can go
18 over the clock a little bit.

19 CHAIRPERSON CABRERA: No problem, no
20 program.

21 COUNCIL MEMBER YEGER: Um, thank you,
22 thank you, Chair. But, um, I, I would like to know,
23 and I, and I appreciate, Commissioner, if you're not
24 able to give us the answer right now, but I'd like to
25 know, ah, if you can tell us, um, and, and I'm not

1 encouraging the city to default or breach on its
2 leases at all, or to walk away from, from leases that
3 are executed with time remaining, but, ah, if you can
4 tell us, ah, what leases are going to expire, where
5 they are, how much we pay, and what agency during the
6 upcoming fiscal year, um, so that we, as we enter
7 into the budget now, can make determinations about
8 whether or not agencies deserve to have, ah, ah,
9 appropriate cuts, as the mayor talks about PEGs and
10 reducing agency costs, the one place that might be
11 the easiest and the most painless to do so are on
12 real property rental. And if we have the ability to
13 do that as we go into the budget right now I really
14 would love if you were able to provide the chair of
15 this committee a list of leases that are going to
16 expire leases that are going to expire in the, ah,
17 immediate future for the remainder of this fiscal
18 year, ah, the upcoming fiscal year, and the fiscal
19 year after that, so in other words working by
20 calendar year in 2021, 2022, 2023, so that the
21 committee as it starts to look and the council as a
22 whole as it starts to look at the budget can go back
23 to the administration and say, you know, if you want
24 to, if you want to cut this agency by that much,

1 well, we could find you a savings if you get rid of
2 some of this dead office space that we're holding
3 onto.
4

5 DEPUTY COMMISSIONER RINGELHEIM: Sure,
6 absolutely. I mean, I can tell you right now that,
7 because we are always looking at five years out in
8 terms of renewals, there's about 40 leases and
9 license agreements that are gonna expire. So we can
10 certainly tell you what those are, um, and, you know,
11 most, you're probably asking mostly about office
12 space, ah, not industrial space. Um, or...

13 COUNCIL MEMBER YEGER: Office space.

14 DEPUTY COMMISSIONER RINGELHEIM: Office
15 space.

16 COUNCIL MEMBER YEGER: I mean, I...

17 DEPUTY COMMISSIONER RINGELHEIM: We,
18 that, we can certainly provide that information.

19 COUNCIL MEMBER YEGER: I just, just,
20 Deputy Commissioner, I just want to remind you that
21 at the beginning of the session of this council, ah,
22 in 2018, we, we, the council stepped in and saved the
23 city an enormous amount of money when a particular
24 agency that we shall allow to remain nameless because
25 of, ah, of their punishing tactics when they don't

1
2 like council members, um, ah, wanted to rent a
3 boondoggle, ah, ah, set of, ah, office space that if
4 we look at it right now and we hadn't stepped in and
5 stopped it we would have all been smacking ourselves
6 in the head. Um, and fortuitously we did stop it and
7 they seem to be making do just fine without having
8 had that office space. And I'm, um, um, you know, it
9 happened to have been the focus of this committee
10 simply because, ah, that's the agency that falls
11 under this committee's jurisdiction, but, um, I think
12 that there are probably many agencies like that,
13 that kind of rent under the radar, ah, space that
14 nobody's really paying attention to, um, and, ah, I
15 think it's important, as we step into, you know, it's
16 now approaching February, we're going to be starting,
17 we're gonna be talking about the budget for the next
18 three months with the mayor. This is actually the
19 opportune moment to address those right now. So I
20 really thank you for getting that information to the
21 chair, and Mr. Chair, thank you again for your
22 indulgence.

23 CHAIRPERSON CABRERA: Thank you, thank
24 you so much. Let me have a follow-up question, um,
25 regarding what my colleague, ah, just mentioned. As,

1
2 as you, there is no assessment taking place then with
3 the agencies anticipating what's gonna happen this
4 year? I mean, agencies should be able to determine
5 who is retiring this year, ah, and the level of
6 attrition that we're gonna face. There, there has to
7 be some kind of matrix that will help us, ah,
8 predict, at least to being close with a number and
9 where are we gonna end up a year from now, two years
10 from now? Um, is, is anybody doing that type of work
11 right now?

12 DEPUTY COMMISSIONER RINGELHEIM: So when
13 we begin that work it would be, you know, three to
14 four years before the lease expires. So I, I think
15 this is, um, going to be a new exercise for agencies
16 in order to, you know, generally they anticipate
17 based on their, ah, PS request to OMB. So if they
18 add new staff or if they know people aren't going to
19 be there, those are the numbers that we get. I think
20 this is gonna be a new exercise for them if, if in
21 fact, ah, you know, the dictate going forward is that
22 you're going to reduce your staff by so much, by
23 attrition. Um, you know, hopefully there aren't
24 terminations. So I think that is going to be an

1 ongoing process and that would be based on when, you
2 know, three to four years before the lease expires.

3
4 CHAIRPERSON CABRERA: Well, I, I would
5 say in consideration of the fact that the next four
6 years, ah, there's gonna be, ah, budgetary gaps,
7 every year, huge ones, ah, that as the lease begins
8 to expire we may need to consolidate agencies coming
9 together, ah, and the use of space. And, and the
10 reality that we're gonna have people, ah, we're gonna
11 have agencies, rather, ah, that are, are gonna face
12 some real reductions. We're just trying to find
13 savings here, ah, in light of the fact that, that we,
14 we, it does not look good, you know, when we look at
15 the budget realities for, for the next four years.
16 Ah, and so with that I'm gonna, ah, I'm gonna ask my
17 moderator, we have another colleague or, and let me
18 recognize we've been joined by Council Member
19 Rodriguez, and if not I'll continue with my
20 questions.

21 MODERATOR: At this time I'm seeing no
22 hands raised. If any Council Member has any question
23 please use the Zoom raise hand function. Seeing
24 none, I think, Chair, you can go ahead.

1
2 CHAIRPERSON CABRERA: Thank you so much.
3 I know some of my colleagues, ah, want to see our new
4 president being inaugurated and so I, that
5 temptation, ah, my TV is on as I'm doing this right
6 now. And so, um, it's, it's a momentous moment, ah,
7 in, in the history of the United States. I, I wanted
8 to ask you. DCAS has a project, does DCAS have a
9 projection for revenue for, from leases, ah, for
10 fiscal year 21?

11 DEPUTY COMMISSIONER RINGELHEIM: So we
12 are looking at about 45 million dollars from a long-
13 term leases, um, and about 5 million in annual
14 revenue from our short-term leases. Those, of
15 course, will fluctuate and we don't have a projection
16 at this time if there's going to be, ah, any, in the,
17 in the long-term lease we don't anticipate any
18 decrease. Short term, we could have tenants that
19 want to relinquish their, their spaces. Um, so right
20 now we do not have a prediction of, of if those
21 numbers are going to decrease at all. We don't know
22 yet.

23 CHAIRPERSON CABRERA: Ah, one of the
24 department's goals in the 2020 mayor's, um,
25 management report is to consolidate and reduce city

1 office space, and so the logical question then is
2 how, how has the total amount of private space leased
3 by the city changed over the past several years? Are
4 they expected to change over the next several year? I
5 think part, you partly answered that already, and how
6 has the total amount of money the city spends on rent
7 for private space changed over the past several year,
8 and do you expect to change it over the next several
9 years?
10

11 DEPUTY COMMISSIONER RINGELHEIM: Sure.

12 Thanks for that question. Um, you know, over, ah, we
13 started a, an aggressive cost savings initiative, ah,
14 in conjunction working closely with OMB, um, in 2017.
15 And, ah, despite having hired, um, you know, many
16 more city employees, we have been able to keep the
17 real estate portfolio about the same in terms of sq
18 footage. So this past fiscal year we only entered
19 into 24 either amendments, new agreements, extensions
20 of leases, and that is down significantly from the
21 prior five years. So that's a trend we, we want to
22 continue to see and, of course, if, um, if the, the
23 workforce declines in size then we will continue on
24 that trend. And as far as the cost savings have
25 been, um, you know, we have largely met our targets

1
2 and in FY20, ah, we had a space savings target from
3 OMB at 5 million and we, ah, by the January plan we
4 had saved 800,000 and by the end of the fiscal year
5 the 4.2 million dollars. And that's just in savings,
6 and additionally, um, we have saved since the program
7 began about 12.7 million in cost avoidance, meaning
8 that we've been able to reconfigure spaces or
9 consolidate in order to get those employees in those
10 spaces.

11 CHAIRPERSON CABRERA: I'm happy to hear
12 those numbers and, ah, looking for how we can
13 continue that trend. Ah, in its annual report DCAS
14 stated it leased 700,561 square feet of private
15 sector office space in fiscal year 2019. I just need
16 a clarification. Does this refer to leases where the
17 city was the landlord or the tenant?

18 DEPUTY COMMISSIONER RINGELHEIM: Ah, just
19 can you, can you say that again?

20 CHAIRPERSON CABRERA: Sure. So in the,
21 in the annual report, right, ah, DCAS stated that it
22 leased 700,561 square feet of private sector office
23 space in fiscal year 2019. So what we to know and
24 just need clarification, does this refer to leases
25 where the city was the landlord or the tenant?

2 DEPUTY COMMISSIONER RINGELHEIM: That
3 refers to where the city was the tenant.

4 CHAIRPERSON CABRERA: OK. That was easy.
5 Ah, ah, are there any properties that DCAS typically
6 leases to private tenants that are currently vacant
7 and if so what is the vacancy rate? If units are
8 vacant are these vacancies entirely due to COVID-19
9 pandemic? If not, why are they vacant?

10 DEPUTY COMMISSIONER RINGELHEIM: So
11 you're asking if the, um, if our private sector
12 leases, leases that the city takes from private
13 space, are vacant and if we have subleased them?

14 CHAIRPERSON CABRERA: Ah, if, are any of
15 the properties that you, you're right now leasing,
16 just to be clear, ah, to private tenants, are, are
17 there any of them vacant at this moment?

18 DEPUTY COMMISSIONER RINGELHEIM: So city-
19 owned property that we lease?

20 CHAIRPERSON CABRERA: The city-owned
21 property, correct.

22 DEPUTY COMMISSIONER RINGELHEIM: So not
23 that we know of. I mean, there are, um, there are
24 various lots around the city that we will do short-
25 term leases from, and there are definitely lots that

1 aren't leased, haven't been leased. But as far as
2 the ones that are currently leased, I mean, we don't,
3 we don't monitor the usage. I, we can't say if, ah,
4 they've left, but we haven't had that many
5 relinquishments of those leases. And for the most
6 part, ah, the city is receiving, ah, its, its rent
7 and revenue from those sites.
8

9 CHAIRPERSON CABRERA: And most of the,
10 just to be clear, most of your park, as you
11 mentioned, ah, [inaudible], is it, are we talking
12 most of it is land for like parking use, or are we
13 talking buildings?

14 DEPUTY COMMISSIONER RINGELHEIM: Most of
15 it is land. Most are small lots.

16 CHAIRPERSON CABRERA: [inaudible].

17 DEPUTY COMMISSIONER RINGELHEIM: Um, you
18 know, much less in terms of buildings. And obviously
19 those would, those would mostly fall into the long-
20 term lease category.

21 CHAIRPERSON CABRERA: I think you
22 answered my next question, but, ah, just to, ah, have
23 it for the record here, has DCAS renegotiated any
24 leases due to COVID-19? If so, why did the city
25 decided to renegotiate them?

1
2 DEPUTY COMMISSIONER RINGELHEIM: So for
3 our, for our, for the leases that we take from the
4 private sector?

5 CHAIRPERSON CABRERA: Yes.

6 DEPUTY COMMISSIONER RINGELHEIM: What we
7 call, ah, lease in, um, so what we do is just look at
8 the opportunities to, whether there's an opportunity
9 to renegotiate leases. You know, I think, um, for
10 the most part if we have a, a long-term lease and
11 there's no out clause and, you know, we need to, to
12 keep that property, there's not an opportunity to
13 negotiate. But on the other hand if we have, let's
14 say, if we're at year seven and there's an option at
15 year 10 to vacate that property and give notice on a
16 20-year lease that we're gonna be leaving at year 10
17 that can provide an opportunity. So if what we're
18 paying is over fair market value at the time we would
19 certainly look at that and, ah, and, and see if we
20 can save money there.

21 CHAIRPERSON CABRERA: But have you have
22 any that it was, ah, the renegotiation took place as
23 a result of COVID-19? And I would imagine probably
24 not because most of them are land lease, you know,
25

1
2 it's land for parking, I would imagine, but I don't
3 want to assume.

4 DEPUTY COMMISSIONER RINGELHEIM: Oh, so
5 you're asking about our city-owned sites...

6 CHAIRPERSON CABRERA: Yes.

7 DEPUTY COMMISSIONER RINGELHEIM: ...that
8 we have asked to renegotiate. Um, we have had some
9 tenants approach us about renegotiating. Um, we have
10 not, ah, we haven't done so yet and I, I think that's
11 in, in general because, um, our responsibility under
12 the charter is to get fair market value for our
13 properties, and we haven't seen, um, you know, those
14 numbers move. We generally do appraisals and, ah, on
15 these short-term leases, um, every few years. Um, so
16 there, there may be some turnaround. Um, for the
17 long-term leases also we look for, for whatever the
18 fair market value is going to be.

19 CHAIRPERSON CABRERA: Let me recognize
20 that we've joined also by Council Member Rosenthal.
21 Welcome. Ah, are there any city-owned spaces being
22 leased they haven't received payment?

23 DEPUTY COMMISSIONER RINGELHEIM: We have
24 had some of our tenants request extensions and we
25 have been giving those extensions.

2 CHAIRPERSON CABRERA: Do you know how
3 many?

4 DEPUTY COMMISSIONER RINGELHEIM: It's
5 under, I believe, 25.

6 CHAIRPERSON CABRERA: 25 out of 400?

7 DEPUTY COMMISSIONER RINGELHEIM: Right,
8 out of the 78 plus the 346 short-term. So, yeah,
9 over 400.

10 CHAIRPERSON CABRERA: What do you
11 anticipate is gonna happen there?

12 DEPUTY COMMISSIONER RINGELHEIM: Ah, you
13 know, I think it, it largely depends on, um, what
14 happens with the economy. You know, if we can
15 recover and these can stay, you know, it, it, we have
16 a really vast, ah, diverse portfolio of who the
17 tenants are. Um, so I, I think so far it, it looks
18 pretty good. But we can't speak for all of them.

19 CHAIRPERSON CABRERA: As part of the
20 space management, ah, space management initiative,
21 DCAS was working towards developing a unified
22 computer system that will have all this information
23 in one place, as you know. Has DCAS acquired the
24 system and if not when would it acquire it, and how

25

1
2 are payments on leases initiated through the
3 software?

4 DEPUTY COMMISSIONER RINGELHEIM: So we,
5 we have acquired this, not only have we acquired it,
6 we are, um, starting our phase 2 of implementation.
7 So we so we have started our case management. We
8 have over 5 million square feet of our entire
9 portfolio already surveyed and in that system, and we
10 continue to do that work even during COVID to, to
11 keep adding square footage. Our goal is, you know,
12 to get, um, 22 million square feet into that system
13 as, as soon as we can 'cause it really helps with
14 tracking. We have started with actually the, the
15 transferring the billing system for our private
16 properties that we lease to, ah, the public. Um, and
17 that is well under way as well. In addition, all of
18 our lease-in, so the, the over 400 leases and
19 licenses that I mentioned will all be in that system.
20 Um, but they're actually already in that system and
21 we're migrating from the old [inaudible] system to
22 the new systems, which is called [inaudible].

23 CHAIRPERSON CABRERA: And when do you
24 anticipate you have completed all the entries?

1
2 DEPUTY COMMISSIONER RINGELHEIM: Most of
3 those entries have already been, ah, completed. The
4 things that have not been completed our, our design
5 and project management team is still working on their
6 roll-out and our, ah, our planning and disposition
7 team is also still working on their roll-out. And we
8 expect that that would be completed within the next
9 year or so.

10 CHAIRPERSON CABRERA: Very good,
11 impressive, great job. Ah, in its 2019 annual report
12 DCAS detailed a plan, search, [inaudible] search site
13 or multiagency shared work space on the 25th floor of
14 One Center Street. What is the status of this
15 project? Has DCAS reconsidered the use of
16 multiagency shared work space within the COVID-19
17 context and social distancing and hygiene protocols?

18 DEPUTY COMMISSIONER RINGELHEIM: Well,
19 thank you for that question. Um, you know, this was
20 a, a site that we were really excited to launch. Um,
21 right now it's slightly on hold given the funding
22 situation. But we hope to, ah, eventually have it
23 moving again, and, you know, ah, I think the pause,
24 um, just given the fiscal crisis, um, allowed us to
25 kind of evaluate and looking at what the best

1 practices are for office design and, and I think we
2 had the conversation before, um, at a previous
3 hearing that, that DCAS had done a lot of work to
4 look at best practices in office design, that our
5 2008 space standards, you know, were somewhat
6 outdated and, and what do we see in, in the best
7 places to work in the, in the private sector and
8 public sector, and we toured a lot of those sites.
9 It looks at this point that a lot of what we were
10 going to implement still will be relevant even post
11 COVID. Um, and this involves, you know, ah, more
12 open spaces, more collaboration spaces. Of course,
13 you know, there might be a, a time delay in terms of
14 when people are comfortable coming back to work in
15 those spaces. But I think even post COVID it will be
16 more crucial than ever to, to have drop-down spaces,
17 surge sites, places that need to be renovated
18 because, ah, you know, they need new systems, that
19 the city can have somewhere for this to go. I think
20 our biggest challenge, um, of designing this site and
21 implementing it is gonna be technology. You know,
22 the city before COVID didn't really have the ability
23 to be 100% remote or wireless. But the city, um,
24 amazingly did that, you know, in a very short amount
25

1
2 of time. So that now is not our major concern, and I
3 think it will be easier to implement this site,
4 easier than ever once we can get it going.

5 CHAIRPERSON CABRERA: You know, in light
6 of what I was mentioning before, consolidating
7 agencies, this might be the model of the future, ah,
8 especially if we want to have, ah, high levels of
9 attrition, at least in the foreseeable future, ah, so
10 this might be a model I think that might work. Are
11 you waiting on OMB to get back to you regarding, ah,
12 ah, construction funding and how much are you short?

13 DEPUTY COMMISSIONER RINGELHEIM: So I, I
14 don't think we're short. I think we do have the
15 money in the budget, for the most part. I think um
16 comb has been, ah, you know, slow to approve the CPs.
17 And I think that's just, you know, waiting until
18 we're sure, and where should the money go, ah,
19 immediately, and, and certainly, um, you know, it
20 doesn't really cost the city to wait to do this. Um,
21 so as soon as, as that happens I, I think there still
22 is interest and, and, you know, we're happy to hear
23 you say that you think that this is the kind of wave
24 of the future. We do, too, and, you know, we're
25 anxious to proceed with it.

1
2 CHAIRPERSON CABRERA: And in light of
3 that, how confident are you and what's your
4 assessment of the level of readiness for people to go
5 back to their offices, and there's a new technology,
6 as a matter of fact I had a great meeting, ah, with
7 one of its reports, ah, that is used by, I don't know
8 if you're familiar with it, by the military and, ah,
9 and other institutions that basically neutralizes,
10 ah, and as a matter of fact the Board of Elections
11 right now I believe is going through its procurement
12 process, ah, for it, that it neutralizes, um, viruses
13 like COVID-19, not just COVID-19, from transmitting,
14 from being transmitted from one person to another.
15 Have you taken a look at it, ah, and other types of,
16 I don't want to call this one a filtration system,
17 because what it does it neutralizes, but have you
18 looked at new technology, ah, to help deal with
19 COVID-19 and future viruses?

20 DEPUTY COMMISSIONER RINGELHEIM: So I'm
21 gonna pass that question to my colleague, Quintin
22 Haynes, who has been working on our return to office
23 citywide policy.

24 CHAIRPERSON CABRERA: Great.
25

EXECUTIVE DEPUTY COMMISSIONER HAYNES:

Sure, thanks, Laura. Ah, ah, Chair, thank you for the question, and yes, we have been looking at a lot of different technologies. Um, ah, a lot of innovative technologies are coming out. Um, I believe we're talking about something similar, where you were mentioning the military and, and that, ah, a solution as far as, um, it being able to be a coat on, on filters, um, where it can potentially neutralize the transmission of COVID-19 and other ah, ah, aerosols, um, throughout filtration systems. We are looking at that, um, so I'm glad to hear that that's something that, ah, you have heard about as well. Again, we're working our partners with DOHMH and we're also looking for guidance, um, from the CDC and DOH from the state to make sure that the efficiency of these solutions, um, are actually, ah, something that can be utilized and so, um, those are really all in the trial phases. Um, we've been in touch with some of the vendors that have approached us with some of these, ah, solutions and we're looking at both efficacy, but also seeing whether they work within our buildings. As you know, our building portfolio, um, and HVAC systems are, ah, a

1
2 little bit older, um, than some of the modern systems
3 of new buildings, um, that you've been hearing about,
4 where a lot of these technologies has actually been
5 tried on. And so, you know, again, glad to hear
6 that, ah, you've been, ah, ah, educated on some of
7 these things, but we're also looking into the
8 feasibility of it. So thank you for that.

9 CHAIRPERSON CABRERA: Well, thank you
10 for, ah, exploring new technologies. I know there is
11 one that uses the existing, ah, central air and it's
12 attached to it. But there's another one that has no
13 need for that. Ah, maybe, ah, we could speak, ah,
14 after this hearing and, and I could put you in
15 contact with some of these companies.

16 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
17 Sure, we're, we're happy to.

18 CHAIRPERSON CABRERA: That, that would be
19 fantastic. Ah, let me, ah, I only have a few more
20 questions. Has DCAS considered using the city-owned
21 space for any purpose other than office space in the
22 future, for example affordable housing?

23 DEPUTY COMMISSIONER RINGELHEIM: I can
24 take that question. You know, I think, um, we've
25 discussed before, the city currently leases 22

1 million square feet from the private sector and our,
2 our DCAS portfolio is 50 million square feet. So, if
3 anything, I think what we would like to do is save
4 leasing costs by using our buildings more
5 efficiently. Um, you know, it's, it's difficult for
6 the city to acquire, to purchase new space. It
7 takes, it's very a time consuming process and in that
8 process we, we often lose out on a lot of
9 opportunities. So with the, you know, limited stock
10 that we have, um, what we are looking to do is just
11 maximize that utilization and, and not, um, sell it
12 or, you know, give it to the private sector in any
13 way.

15 CHAIRPERSON CABRERA: You know, I'm
16 curious as to why does it take so long, and I'm happy
17 to hear that there's no plan to selling any
18 properties. I know in previous administrations they
19 were selling buildings left and right, and then only
20 to turn around and lease space, and at the end of the
21 day use those resources [laughs] that we acquired
22 through the selling of our properties. Ah, there's
23 nothing like having real estate. Ah, why does it
24 take so long to acquire property?

1
2 DEPUTY COMMISSIONER RINGELHEIM: So
3 mostly because of ULURP, right. It's, it's a process
4 that probably will add an extra year, ah, to any deal
5 that the city does. And, you know, sometimes we can
6 get in to a, a license agreement before we can even
7 lease, which also requires ULURP. Certainly for
8 purchasing we would need that, um, before we can go
9 forward, ah, and then I, I think the city just has
10 extra due diligence and extra, ah, process before,
11 you know, they can spend that kind of money.

12 CHAIRPERSON CABRERA: [inaudible].

13 DEPUTY COMMISSIONER RINGELHEIM: Um, but
14 that's why it takes longer.

15 CHAIRPERSON CABRERA: Thank you so much.
16 During COVID-19 pandemic H&H and IDNYC has sought
17 pop-up sites in private and public spaces for COVID-
18 19 testing, T2 operations, IDNYC enrollment, and now
19 vaccine administration. Has DCAS been involved in
20 assistance to secure space for these pop-up sites and
21 have these pop-up sites been able to prioritize
22 vacant space that DCAS manages, either city-owned
23 properties or in city leased private properties?

24 DEPUTY COMMISSIONER RINGELHEIM: Ah,
25 yeah, great question. We, we, um, have been

1 extremely active, you know, from the very beginning
2 in helping, ah, do those site searches and vetting
3 the sites. So we have right now 56 sites total that
4 we have, um, used for either, ah, vaccine, um, I'm
5 sorry, that is just the COVID testing sites. Now
6 we're working on the vaccine sites as well, and PPE
7 distribution sites. And we're working closely with,
8 ah, NYCID to identify any other spaces. But we have
9 definitely even approached some of our own tenants to
10 say can we, you know, use some of your space for, for
11 those sites and, ah, for the most part everyone has
12 been, ah, very gracious to help. We have, ah, a city
13 leased site, you know, that we lease from a private
14 landlord and, you know, I just want to especially
15 call out this particular landlord because in our
16 original lease agreement it said no medical use and
17 no medical testing. Um, but they, too, you know,
18 were able to see the, the need, the urgent need the
19 city had and, um, you know, waived that requirement
20 and let us that site. Um, so, you know, for these 56
21 sites we've really been able to, ah, make the most
22 of, I think, our city's, you know, vast portfolio in
23 terms of, um, reallocating, ah, into the emergency
24 need. That also goes for, I'm sorry, food

1
2 distribution and PPE distribution. Um, you know,
3 where, wherever sites are necessary DCAS has, you
4 know, worked closely with EDC in reaching out to all
5 of these sites, ah, to, to get whatever we can.

6 CHAIRPERSON CABRERA: Thank you so much
7 for, ah, that work. My last question is related to,
8 ah, here's the big question, the Local Law 75, ah,
9 which you know established a task force to recommend
10 agency reopenings, ah, policies and regarding
11 [inaudible] to develop their own reopening, ah,
12 plans. Have all agencies submitted a plan to, to the
13 task force? If not why not? Ah, what are the
14 greatest hurdle agencies face in making the work
15 spaces compliant and with public health protocol,
16 lack of space, aging infrastructure, or something
17 else, and let me just say we've been joined by
18 Council Member Levin.

19 DEPUTY COMMISSIONER RINGELHEIM: So I'm
20 gonna ask, um, my colleague, Quintin Haynes, to
21 answer that. But first if I could just, hopefully
22 you won't forget that question [laughs], um, the
23 length of it, but, ah, I did want to get back to the
24 you with the Woolworth Building. So we did, um, two,
25 we leased, ah, the 14th and 15th floors and that was

1
2 at \$53 a square foot, and we also leased the 5th
3 floor at \$52 a square foot. And at the time the
4 average downtown Manhattan rent was well above \$61 a
5 square foot. So I think, you know, it shows it, it
6 was a, um, a good deal for the city. I mean, that is
7 way below Manhattan average, but certainly way below
8 downtown Manhattan as well.

9 CHAIRPERSON CABRERA: And I appreciate,
10 ah, that you were able to get that amazing rate,
11 especially in that building, and especially that
12 close, ah, to City Hall. I'm impressed, and I'm
13 impressed that you were able to get...

14 DEPUTY COMMISSIONER RINGELHEIM: Thank
15 [inaudible].

16 CHAIRPERSON CABRERA: ...ah, ah, the
17 numbers, ah, before this hearing was over.

18 DEPUTY COMMISSIONER RINGELHEIM: Sure,
19 thank [inaudible].

20 CHAIRPERSON CABRERA: Ah, [inaudible].

21 DEPUTY COMMISSIONER RINGELHEIM: And
22 Quintin can answer, I think, your question.

23 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
24 Sure. Um, and Chair, thank you for that question.
25 Ah, the health and safety of our workforce is our

1
2 number one priority. Um, so to your point I am, ah,
3 glad to, to announce and also, ah, as shown in the
4 recent report that we provided the City Council that
5 all agencies have, ah, submitted their initial return
6 to office or restart, what we're calling restart
7 plans, um, to the restart task force, um, and we
8 continue to work with them to update, as you know,
9 um, ah, COVID-19 changes every day, um, and so we are
10 currently working with them to revise plans, um, in,
11 in preparation for their eventual return, to get
12 all...

13 CHAIRPERSON CABRERA: Did all the, I'm
14 sorry.

15 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
16 I'm sorry, go ahead, sir.

17 CHAIRPERSON CABRERA: No, no, I thought
18 you were finished. Go ahead.

19 EXECUTIVE DEPUTY COMMISSIONER HAYNES: No,
20 I was just saying that all, all agencies, but all
21 agencies have, um, submitted their plans.

22 CHAIRPERSON CABRERA: All of the
23 agencies? Anything that stood out?

24 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
25 Ah, no. I think, I think for, for us what we are

1 really looking at is every agency is different, every
2 agency has different employees and so, um, as the
3 process goes along we're working with agencies
4 directly to ensure that their workforce, um, and the
5 guidance that we've promulgated over the past couple
6 of months and the guidance that we continue to get,
7 um, it's, it makes sense for their workforce. Um,
8 and that's inclusive of working with labor, that's
9 inclusive of working with management and also hearing
10 employee concerns and addressing those, um, as they
11 come up.
12

13 CHAIRPERSON CABRERA: Do you happen to
14 know why it took them so long to come up with a
15 response? I mean, it was due back on October 24.
16 Um, do, do you know, um, particularly why?

17 EXECUTIVE DEPUTY COMMISSIONER HAYNES:
18 And, and, sir, you're talking about a response to
19 the, the plans or and, and?

20 CHAIRPERSON CABRERA: It's, ah, in
21 regards to the agencies submitting a plan.

22 EXECUTIVE DEPUTY COMMISSIONER HAYNES: So
23 all the agencies...

24 CHAIRPERSON CABRERA: [inaudible] report,
25 we just got the report yesterday.

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EXECUTIVE DEPUTY COMMISSIONER HAYNES:

So, ah, I'm not sure when you, so if you're saying you got the report yesterday, all agencies had submitted it...

CHAIRPERSON CABRERA: [inaudible].

EXECUTIVE DEPUTY COMMISSIONER HAYNES:

As, as you can imagine, over 80 agencies, um, City Hall, dealing with COVID-19, but also, um, ensuring that agencies were actively preparing, um, in, in implementing the guidance. It took a little bit of time to actually go through all those reports. Um, and so I would, I would charge that to the, the time delay. Um, but it hadn't been a lack thereof of us communicating and working with them to actually implement, um, and see that they have the resources to implement those plans.

CHAIRPERSON CABRERA: So, as I understand, we only got reports from 71 agencies. So there are some missing.

CHAIRPERSON CABRERA: So I would be happy to follow up offline, ah, to figure out which agencies that, reports that you don't have and make sure that you get those.

2 CHAIRPERSON CABRERA: OK. Thank you so
3 much.

4 EXECUTIVE DEPUTY COMMISSIONER HAYNES: Of
5 course.

6 CHAIRPERSON CABRERA: The sooner we can
7 get them, the sooner, ah, the city could comply, ah,
8 with Local Law 75. I don't have any more question.
9 I really enjoyed this conversation and dialogue,
10 information you provided. Ah, I, it's, it's vital
11 information, and, ah, we're here to support you in
12 any way possible, making sure we, we'll make a good
13 transition. Ah, I don't believe, ah, I'm gonna give
14 it back to the moderator. I don't believe we have
15 any questions from my colleagues from what I can see
16 here. Ah, and then we'll go, ah, we'll transition to
17 the next panelist. But thank you so much. Keep up
18 the great work that you're doing.

19 DEPUTY COMMISSIONER RINGELHEIM: Thank
20 you so much. Bye-bye.

21 MODERATOR: Thank you. We will now turn
22 to public testimony. I'd like to remind everyone
23 that unlike our typical council hearings we will be
24 calling individuals one by one to testify. Each
25 panelist will be given three minutes to speak.

1
2 Please begin once the sergeant has started the timer.
3 Council members who have questions for a particular
4 panelist should use the Zoom raise hand function. I
5 will call on you after the panelist has completed
6 their testimony. For panelists, once your name is
7 called a member of our staff will unmute you and the
8 Sergeant at Arms will set the timer and give you the
9 go-ahead to begin. Please wait for the sergeant to
10 announce that you may begin before delivering your
11 testimony. I would now like to welcome Susan Lerner
12 to testify.

13 SERGEANT AT ARMS: Your time starts now.

14 SUSAN LERNER: Well, thank you very much
15 and thank you, Chairman Cabrera and members of the
16 committee for inviting me to testify. I am Susan
17 Lerner, the executive director of Common Cause New
18 York and I am pleased to be here today to testify in
19 support of Intro number 374. Ah, this bill, I think,
20 fills a, ah, unexpected gap in our city law, ah,
21 which would, if passed and adopted, would harmonize
22 city law with state law in setting necessary
23 qualifications for those who can, ah, stand for the
24 privilege of being an elected officer. Ah, in my
25 experience as a good government advocate the vast

1 majority of our elected officials are very public-
2 spirited individuals who desire to provide service to
3 the public, ah, and who are motivated by a desire to
4 help all New Yorkers, ah, achieve the prosperity and
5 health, ah, that we all, ah, want for ourselves. But
6 every now and then, unfortunately, we find that there
7 are individuals, um, who have found, ah, the
8 privileges of the office, ah, to be a little, ah,
9 irresistible and who have, quite frankly, abused the
10 public trust. And this bill would ensure that those
11 who run for city office have not been found guilty of
12 abusing the public trust. So it's not, ah, a
13 prohibition against running for office if you have
14 been accused of public corruption, but rather if you
15 have indeed been found guilty. Ah, and there are,
16 ah, specific statutes, ah, that are enumerated in the
17 law, which are the appropriate types of abuses of
18 power that we do not want to see individuals who've
19 been convicted of then turn around and at some later
20 date, ah, yet again try the public's patience, um, by
21 running for public office. So we feel this is a
22 necessary, um, closing of the gap, as I said. Ah,
23 and an appropriate list of convictions for the abuse
24 of public trust. Because, after all, it is a
25

1 privilege to run for public office, ah, and to be
2 able to serve the public that way. I would suggest
3 that it might be appropriate for the committee to
4 consider expanding the list of abuses of convictions
5 which would prohibit you from holding public office
6 by taking a look at, ah, the idea that if a
7 individual has been found guilty of domestic
8 violence, the sort of domestic violence which
9 requires a mandatory arrest that that might also be a
10 prohibition, ah, for holding public office. Domestic
11 violence is unlike other forms of criminal
12 culpability.

14 CHAIRPERSON CABRERA: Right.

15 SUSAN LERNER: We found that those who
16 were guilty of, of domestic violence, ah, have a
17 tendency to repeat, ah, and also, ah, to move into
18 other forms of abuse. Ah, but we are strong
19 supporters of this bill and we thank the council for
20 considering it.

21 CHAIRPERSON CABRERA: Thank you so much,
22 Susan. Ah, I have a question, but I, at first I want
23 to turn it to, ah, to my colleague, ah, Council
24 Member Yeger, who also has a question.

25 SERGEANT AT ARMS: Time starts now.

1
2 COUNCIL MEMBER YEGER: OK, there was just
3 a technical glitch with getting me unmuted. Thank
4 you very much, Mr. Chair. Ah, Ms. Lerner, good
5 morning. Um, you answered one of my questions, ah,
6 without me asking, but only partially. I was gonna
7 ask you if there are any other crimes that you would
8 suggest being listed, ah, in this statute and, um,
9 ah, you mentioned one, ah, but interestingly I, it
10 doesn't appear to me that the crime of homicide is,
11 ah, listed in the statute. So what you would suggest
12 is that, ah, somebody with a conviction for domestic
13 violence be barred from holding public office, but
14 somebody with a conviction for murder, ah, be
15 welcomed into City Council with balloons and graffiti
16 and, ah, what-not.

17 SUSAN LERNER: So...

18 COUNCIL MEMBER YEGER: Interesting to
19 hear your opinion of that.

20 SUSAN LERNER: So, you know, I think one
21 has to be discerning in terms of the, ah, sorts of
22 convictions which indicate a real abuse of the public
23 trust. I think there are situations where
24 individuals have shown true remorse and
25 rehabilitation. Um, I think it would be up to the

1 voters to determine if an individual who had been
2 guilty of murder at some time in the past had truly
3 rehabilitated. Um, but I think what we're concerned
4 about is holding, um, public officials to the highest
5 standard of not abusing the public trust. So the,
6 ah, convictions, the crimes that are enumerated in
7 the statute currently are ones that are direct abuse
8 of the public trust. Um, the type of fraud and
9 embezzlement and bribery which public officials
10 unfortunately, um, you know, happily not frequently,
11 but have fallen prey to in the past, and I mentioned
12 domestic violence because I think it really is in a
13 category of its own as we, as it has been studied
14 more, that it tends to be a pattern and a repeat
15 crime, and it also indicates a attitude which makes
16 the person, um, less empathetic, um, problematic in
17 terms of supervising staff, um, and bringing certain
18 biases to the position that the public really, ah,
19 should, ah, not encourage in public officers.

21 COUNCIL MEMBER YEGER: So just to be
22 clear before I move on to my next question, a
23 murderer likely to manage his or her staff better
24 than somebody convicted of domestic violence, just
25 want to make...

2 SUSAN LERNER: Because...

3 COUNCIL MEMBER YEGER: ...sure that we're
4 on the same page on...

5 SUSAN LERNER: Because what we have
6 seen...

7 COUNCIL MEMBER YEGER: I'm, I'm willing
8 to [inaudible]. I'll go...

9 SUSAN LERNER: So what...

10 COUNCIL MEMBER YEGER: I'll go to my next
11 question.

12 SUSAN LERNER: Well, what I, let me just
13 say that what we have seen is that there are a
14 limited number of crimes which tend to be patterns
15 and which are difficult, if not impossible, to
16 rehabilitate an individual from. Murder, I
17 understand, and I'm not a criminologist, I'm a good
18 government advocate, is not one of those crimes that
19 people do not, um, rehabilitate from. But, again,
20 remember...

21 COUNCIL MEMBER YEGER: I can only...

22 SUSAN LERNER: ...that no office is
23 automatic. The voter has to approve the candidate.

24 COUNCIL MEMBER YEGER: Ms. Lerner, but
25 today we're talking about what 26 people plus the

1
2 mayor are going to decide. Ah, not what the voters
3 are going to decide. We're, we're, so, so on some of
4 these questions we're OK with 26 random New Yorkers
5 who happen to gather together, ah, on a, on a video
6 camera deciding this question, and on others let us
7 leave up to the voters. And that's OK if that's your
8 position, but the penal law is a book this thick and
9 I'm saying that I'm suggesting perhaps that there are
10 a lot of crimes in there that are pattern crimes, but
11 that's OK. If that's your answer, that's your
12 answer, that's good. I want to go to the next
13 question. Um, the bill, the bill excepts, ah, um,
14 those convictions that have, ah, been vacated
15 pursuant to the criminal procedure law, which I don't
16 have a problem with because that's, that's, ah,
17 that's the criminal justice system working. Um, or
18 pardoned by the governor. So are we, do you believe
19 that it ought to be OK if somebody receives a pardon,
20 somebody has been convicted of one of these
21 enumerated crimes and perhaps the extra one that you
22 listed, but certainly not murder, um, ah, but, and
23 then receives a pardon, a pardon from the governor,
24 ah, and then, you know, this whole bill goes away and
25 they can come and serve here as mayor of New York?

1
2 SUSAN LERNER: So you, in all honesty, I
3 do not have a clear idea of the laws relating to
4 pardons, um, and so I really do not have a, ah,
5 opinion on that particular aspect. But it's my
6 understanding, limited as it is, that pardons are
7 fairly absolute, ah, and I don't know that the
8 council has the authority to override a pardon.

9 SERGEANT AT ARMS: Time expired.

10 SUSAN LERNER: Um, but I myself have not
11 researched that question.

12 COUNCIL MEMBER YEGER: Well, the
13 question, of course, is that, is not, the council,
14 the council has the authority to set the
15 qualifications for elected office, ah, within the
16 charter. And, um, ah, if the council sets this
17 statute and simply deletes the words or pardoned, I'm
18 sorry, I'm looking at another screen, pardoned by the
19 governor pursuant to Section 4, line 4, of the New
20 York State Constitution of a felony defined in, and
21 it sets forth the statutes. But the, the, first of
22 all, there's no exception for a pardon by the
23 president, I guess perhaps that's a good thing, um,
24 today, but maybe we won't feel that way starting in,
25 you know, 49 minutes. Um, but the governor, we can

1
2 get a governor that does pardons the same way. Um,
3 aren't we concerned that somebody convicted, ah, by a
4 jury of his or her peers of one of these terrible
5 crimes and then gets a pardon by the governor can
6 just come back in and, you know, sit next to Chair
7 Cabrera in the City Council and all is good? He's a
8 forgiving man, of course, but we're trying to get the
9 charter to not be as forgiving.

10 SUSAN LERNER: So I want to take a look
11 at the specific confines...

12 COUNCIL MEMBER YEGER: [inaudible].

13 SUSAN LERNER: ...of pardon law in New
14 York before I opine.

15 COUNCIL MEMBER YEGER: OK. And, and
16 check that whole murder issue, because that seems to
17 me like the kind of thing, we don't want any murders
18 in the council either, I would think. If, if we're
19 gonna do this, if we don't believe in second chances
20 I think we ought to not have murders. I'm just
21 saying. And also there, the penal law is this thick,
22 so maybe pick up a couple of, I mean, we should
23 probably pick a couple of other crimes and say, you
24 know, these are the kinds of things that maybe, I
25 mean, jaywalking, sure, come and join us. But maybe

1
2 there are some things that we will not. But thank
3 you very much, Ms. Lerner. It's really good to see
4 you. I hope you're having a wonderful new year.

5 SUSAN LERNER: Thank you, you too.

6 COUNCIL MEMBER YEGER: Thank you, Mr.
7 Chair.

8 CHAIRPERSON CABRERA: [inaudible] to my
9 colleagues, as a matter of fact, ah, I'm gonna have a
10 follow-up question with that. Ah, I notice also in
11 the list that, ah, convicted pedophiles are not in
12 the list and pedophiles are 95% likely to be
13 repeaters.

14 SUSAN LERNER: Um-hmm.

15 CHAIRPERSON CABRERA: More than any other
16 crime. Ah, I, it just, I, I think, and Ms. Lerner,
17 here, here's my concern with this bill. My concern
18 is, is taking away the power from the people to
19 decide who they want in office. Ah, as a matter of
20 fact, the outcry of the civil rights movement, we
21 just had the MLK memorial and celebration, is that
22 the power should be in the hands of the people to
23 determine their future of who the elected officials
24 are gonna be. And I, I'm concerned. I'm concerned
25 and I noticed that in Congress, in Congress we don't

1
2 have such a rule and I think Congress should have a
3 higher, the highest bar. And I'm wondering why not
4 at congressional level, as a matter of fact, ah,
5 there have been, there was one, at least one case
6 that I know of, someone in these categories, ah, they
7 made it, ah, through. The second question I was
8 gonna ask you related to this is that the state laws,
9 as I understand it, please help me here, ah, as I
10 understand it, is that only if a judge has passed a
11 ruling, ah, to prohibit someone from running in the
12 future, ah, where they will not be allowed to run.
13 Ah, in any other case they are allowed to run, just
14 like we have seen, ah, people, in this very last
15 Assembly and Senate election. Ah, so I'm just
16 wondering if the bar at the congressional level is as
17 low as you could get to let the people decided. Ah,
18 at the state level, which makes sense to me for a
19 judge to be able to assess the situation, ah, you
20 know, I could see that. But why, why take away the
21 power from the people to decide who the elected
22 official is gonna be?

23 SUSAN LERNER: Well, I think, frankly, we
24 support having definitions for what are, ah,
25 appropriate qualifications at every level of

1 government. We would certainly support the sort of
2 prohibition at the congressional level. Ah, we have
3 a constitutional prohibition which in the future may
4 be, in the near future may be tested in the
5 Thirteenth Amendment regarding those who are guilty
6 of, ah, sedation or treason, ah, not being, ah, ah,
7 permitted to hold public office. Ah, I think it is
8 well within the jurisdiction of each level of
9 government, ah, to determine who, ah, should be
10 eligible for the privilege of public office. We set,
11 ah, age limitations and I think when we have
12 individuals who have very directly abused the public
13 trust it is appropriate to say that once you have
14 abused the public trust you may not have the
15 privilege of running for office again. If you don't,
16 public office is an obligation and a privilege. And
17 I think that a jurisdiction and certainly a
18 legislative body has the inherent power to decide who
19 it will accept as a member and to define that
20 transparently and in advance is, I think, the best
21 practice, because then it is clear to the public.
22 Um, the public can comment this is or is not an
23 appropriate standard, um, and it is a bright line and
24 clear guidance for individuals. And therefore we
25

1 believe that a prohibition of this sort is
2 appropriate, as opposed to taking on a, on a one by
3 one basis as this very body has had to do in the
4 near past.

6 CHAIRPERSON CABRERA: I think that we
7 could [inaudible] and I hear what you're saying. Ah,
8 I hear what you're saying, Ms. Lerner. I, I think
9 there is the danger, ah, for this bill, ah, to be
10 politicized. I mean, somebody with mail fraud is not
11 allowed to run and yet somebody who we just saw in
12 the capitol two weeks ago will be able to run, who
13 committed crimes of homeland terrorism in my
14 estimation, and it, it, there is a big huge danger.
15 I, I like to keep systems pure as pure as could be
16 and I trust our committee, I trust New Yorkers to be
17 to make that judgment. I'm also concerned that as we
18 talk about justice reform we believing that people's
19 lives, that there is redemption. And I think it's up
20 to the people to decide. We may never have somebody
21 who get elected in New York City who have committed,
22 ah, those crimes that we have listed. But I, I think
23 that New Yorkers, ah, are wise enough. And here's
24 the other thing, ah, to consider. And my colleague,
25 ah, Yeger, who is a lawyer will probably, ah, be

1
2 better able to address this issue, but we have the ex
3 post factor issue here, that we're not gonna be able
4 to go backwards. Somebody who negotiated with a DA,
5 negotiated with a DA, ah, eight years ago, 15 years
6 ago, 20 years ago, let's say 30 years ago, they
7 didn't have, ah, the knowledge that us, they were
8 negotiating their deal, ah, with a DA that
9 potentially they could have been, ah, denied the
10 opportunity to run, so this will only work moving
11 forward. I mean, constitutionally I don't see how we
12 could, ah, go backwards as well.

13 SUSAN LERNER: So, I, I would like to
14 point out that it when it comes to people who
15 participated in insurrection in Washington, D.C. that
16 the US Constitution applies all the way down to every
17 jurisdiction and holding every office. But, again, I
18 think one has to be selective. I don't think the
19 entire penal code, crimes unrelated, um, primarily
20 crimes unrelated to the abuse of public office should
21 be included. I think that's a bit of a slippery
22 slope. But I do think, again, that having guidance,
23 um, and a clear ethical standard is appropriate in
24 terms of helping the public maintain its face in our
25 elected officials.

1
2 CHAIRPERSON CABRERA: Thank you so much,
3 ah, Ms. Lerner. Ah, it's always a joy to speak with
4 you and, ah, and for your years of, of service. I
5 always enjoyed the, the dialogues that we have when,
6 when you're here. Ah, and with that, ah, if the
7 moderator, I believe we don't have any other
8 panelists, that's correct? Beautiful. So with that,
9 ah, we, we conclude. And I want to thank my
10 colleagues. I want to thank the staff, ah, for
11 making this a very productive, ah, hearing today.
12 And, ah, I'm sure everybody is gonna be running right
13 now, ah, to see the inauguration of a new elected
14 president, Joe Biden. We congratulate him and we
15 wish him, ah, the very, very best. His win is our
16 win. With that, it completes today's hearing
17 [gavel].

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 7, 2021