

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON PUBLIC HOUSING

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January 22, 2009
Start: 10:20 am
Recess: 11:55 am

HELD AT: Council Chambers
City Hall

B E F O R E:
ROSIE MENDEZ
Chairperson

COUNCIL MEMBERS:
Letitia James

A P P E A R A N C E S [CONTINUED]

Louise Seeley
Executive Director
City-Wide Task Force on Housing Court

Ellen Davidson
Staff Attorney
Legal Aid Society

Mary E. Sheridan
Director
Teamsters Local 237 Legal Services Plan

Lisa Burriss
Good Old Lower East Side
Public Housing Residents of the Lower East Side

Joyce Brown
Concerned Resident

Reginald H. Bowman
President
Citywide Council of Presidents of New York City
Housing Authority Resident Associations

Susan Jacobs
Executive Director
Center for Family Representation

Community Services Society
Paper presented in lieu of testimony

Baaba Halm
Staff Attorney

Benjamin Goodman
Policy Analyst

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2 CHAIRPERSON MENDEZ: This hearing
3 will come to order. My name is Rosie Mendez and
4 I'm the Chair of the Subcommittee for Public
5 Housing for the New York City Council. Today's
6 hearing is on Reso Number 1308 which is a request
7 to put an information table within NYCHA's
8 Administration Waiting Room, Administrative
9 Hearings, to have in the Waiting Area where the
10 Administrative Hearings are held.

11 The City-Wide Housing Court Task
12 Force, a group that I was a volunteer member of
13 20-odd years ago, that just shows you how old I
14 am, when it was a volunteer organization, has
15 information tables in each of the Boroughs where
16 there is a Housing Court. Volunteers there which
17 used to provide, do provide information to
18 litigants in Housing Court whether they landlords
19 or tenants who were unrepresented, informing them
20 of their rights. Through the years the City-Wide
21 Housing Court Task Force became fully funded and
22 is I think a very vital organization and still
23 providing information to unrepresented litigants
24 in Housing Court.

25 This resolution which was

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2 introduced in the previous legislative session by
3 my predecessor, then Councilwoman Marguerita Lopez
4 requests for a public housing information table to
5 be placed in the Hearing Room. This will provide
6 tenants of public housing who are going through
7 the administrative process with a person who could
8 provide them with information before they head
9 into their Administrative Hearing.

10 The Housing Authority is subject to
11 Administrative Law where they would have to
12 exhaust administrative remedies before getting
13 into Housing Court. So what happens in an
14 Administrative Hearing is very important. And if
15 the case ever gets to Housing Court that
16 information is relied upon by the Judge.

17 So this is just going to be a
18 hearing and we're going to lay this Reso over to
19 another day. And at this point I would like to
20 call Louise Seeley from the City-Wide Task Force
21 on Housing Court to come and give testimony.

22 And I will like to thank everyone
23 who's here today to give testimony and to remind
24 people that if you want to give testimony please
25 fill out one of these sheets with the Sergeant at

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2 Arms in the back. Thank you everyone for being
3 here today. Ms. Seeley whenever you're ready.
4 You can identify yourself for the record and give
5 your testimony.

6 MS. LOUISE SEELEY: Louise Seeley,
7 Executive Director of the City-Wide Task Force on
8 Housing Court, good morning. I was going to start
9 with a faulty oath but a joke seems to have run
10 its course already in today's paper so.

11 Thank you for giving me this
12 opportunity to testify today. As I said, my name
13 is Louise Seeley and I am the Executive Director
14 of the City-Wide Task Force on Housing Court. I
15 am here today in support of Resolution 1308 and
16 urge the Council to pass the resolution calling
17 upon the New York City Housing Authority to permit
18 us to have an information table for pro se tenants
19 with Administrative Tribunal Hearings at 250
20 Broadway.

21 Every year over 1,000 people are
22 summed by NYCHA to 250 Broadway for Administrative
23 Hearings. At stake for most of these people is
24 their home. Either their right to stay in their
25 home or their ability to get affordable housing.

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2 An overwhelming majority of these people come to
3 these hearings alone and without legal counsel.
4 They are unaware of their rights and often agree
5 to settlements which are not to their advantage.
6 They do not know how to defend themselves at
7 hearings. These tenants are also unaware of the
8 resources available to them for assistance.

9 We believe that these tenants
10 should have access to information about their
11 rights and the community resources available and
12 believe an information table at 250 Broadway is
13 the best way to provide this information. We
14 currently have information tables in each of the
15 City's seven Housing Courts. At these tables we
16 assist tens of thousands of New Yorkers with
17 Housing Court problems, providing information and
18 referral to legal service providers and community
19 groups.

20 Through our work we encounter many
21 NYCHA tenants who are in court on holdover
22 proceedings. NYCHA is seeking to evict these
23 people from their homes for reasons other than
24 nonpayment of rent. Unfortunately by the time we
25 see them there is almost nothing we can do to

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2 assist them. This is because the matter has
3 already been resolved at the Administrative
4 Hearing.

5 Some of these tenants are being
6 evicted for good reasons. They were never on the
7 family composition form and they have no right to
8 stay in the apartment or perhaps they are a danger
9 to their neighbors in the community. But many
10 have good reasons why they should be allowed to
11 stay and had they had adequate information at the
12 time of the hearing they might not be in Housing
13 Court at all.

14 Providing information about rights
15 and resources to unrepresented tenants at
16 Administrative Hearings is the right thing to do.
17 These hearing deal with matters that are crucial
18 to peoples' lives. They decide whether a tenant
19 can stay in their apartment, maintain or receive a
20 Section 8 Voucher, get approval to add a family
21 member to a lease or be granted a transfer.
22 People face with defending such crucial matters
23 should have access to information about their
24 rights and know the resources available to them.

25 As in Housing Court, most

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2 Administrative Hearings are settled by
3 stipulation. The negotiations are usually between
4 the NYCHA representative and an unrepresented
5 litigant. The horrors of the hallway settlements
6 in Housing Court are well known and documents.
7 What happens at the cubicles at 250 Broadway is
8 less known but just as damaging.

9 For some tenants settling the case
10 is the right thing to do. They're given a chance
11 to correct an error on their part. But in some
12 cases tenants sign an agreement which give up
13 substantial rights including the rights to remain
14 in the apartment.

15 Some of the terms in these
16 agreements are more severe than an ALJ would
17 impose after a hearing. We have seen tenants who
18 have agreed to terminate their tenancy, consented
19 to exclude minor children from their home even
20 though they are legally responsible to house the
21 child, or agree to incredibly onerous and lengthy
22 probation periods.

23 Tenants should know what their
24 rights are and options before they enter into a
25 stipulation. Tenants should also know that they

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2 can ask for an adjournment to seek further
3 assistance. Tenants should know their rights if
4 they choose to defend their case in front of an
5 Administrative Law Judge. Providing us access to
6 set up a table at 250 Broadway will enable us to
7 provide this information.

8 The City-Wide Task Force on Housing
9 Court has been providing information to pro se
10 litigants in Housing Court for over 20 years. We
11 know the power of information and the importance
12 of empowering unrepresented litigants. While
13 information is not a substitute for an attorney,
14 we realize that right to counsel in Administrative
15 Hearings or Housing Court is something that we've
16 been working on with Council Member Mendez, is
17 still a distant goal.

18 And until that goal is met,
19 providing information is the least we as a City
20 can do for unrepresented litigants. Our
21 experience has also taught us that one of the most
22 effective ways to inform pro se litigants is to
23 have the information available close in proximity
24 and time to the proceedings.

25 Most people do not seek out

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2 information until they need it. And very few
3 people do research before they come to House Court
4 or 250 Broadway. Also we found that the
5 information needed is often very complicated and
6 fact specific.

7 By having a live person who can
8 inquire about the facts of the case and provide
9 specific information, we're providing an
10 invaluable service. And this is why we believe
11 there must be an information table at NYCHA
12 Administrative Hearings.

13 CHAIRPERSON MENDEZ: Thank you Ms.
14 Seeley. First of all could you tell me what kind
15 of training your staff and/or volunteers who sit
16 at these tables get?

17 MS. SEELEY: Sure. When staff
18 comes into the office they are trained both in the
19 office and onsite. We have a staff member who's
20 been a Borough Coordinator for over 20 years
21 called Karl Peterson. So for the first month
22 after having in house training at the office
23 through videos, reading materials and working with
24 myself and the Assistant Director, they actually
25 sit with Karl and observe him for a period of time

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2 before they're allowed to start assisting clients,
3 both landlords and tenants, at the table. And as
4 they get more comfortable they do more and more on
5 their own. We don't allow them to be alone at a
6 table until we're confident that they can do the
7 information.

8 One of the things that if we get
9 permission to do this table, we would expand the
10 knowledge that we have. We currently don't
11 provide a lot of assistance on applying for
12 Section 8 applications and the Section 8
13 application process. But it's our understanding
14 that that is one of the things that's occurring at
15 250 Broadway and we would train our staff on that.

16 Our staff also attends trainings
17 held by the Legal Services Society, the Community
18 Service Society, LSNY [phonetic] and other
19 trainings throughout the City. Our office also
20 coordinates a lot of these trainings.

21 CHAIRPERSON MENDEZ: In Housing
22 Court, you provide information to tenants and
23 landlords who are unrepresented, that is correct.

24 MS. SEELEY: Yes. That is correct.

25 CHAIRPERSON MENDEZ: And based on

1
2 the numbers of people who come to your table, the
3 majority of individuals are tenants or landlords
4 or about the same.

5 MS. SEELEY: Oh no, the vast
6 majority of people we see are tenants. In
7 Boroughs such as Staten Island and Queens we have
8 a higher percentage of landlords but I would still
9 say of the people we see, 85% to 90% of them are
10 tenants.

11 CHAIRPERSON MENDEZ: So one could
12 surmise that more tenants are unrepresented than
13 landlords.

14 MS. SEELEY: Absolutely. There
15 have been many, many studies that show that as
16 well. I think it's currently accepted that 90% of
17 all tenants in Housing Court are pro se while
18 it's, I believe, 10% to 15% of landlords are not
19 represented.

20 CHAIRPERSON MENDEZ: in terms of
21 the Housing Authority and the Administrative
22 Hearings, what, how do you feel that a table
23 really specifically helps residents of public
24 housing?

25 MS. SEELEY: Just as in Housing

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2 Court, there's a very unfair power dynamic when
3 you have somebody who's unrepresented and
4 unfamiliar with the system trying to negotiate
5 with somebody who is an attorney, who knows the
6 system, who knows the rules and who's there every
7 day. There's already an unfair power dynamic in
8 knowledge.

9 Then there's an unfair power
10 dynamic in that people who come to these hearings
11 are petrified. They are at risk of losing their
12 homes. And we have seen that this power dynamic
13 combined with the fear result in people giving up
14 rights, even when they may even know they don't
15 have to give them up, out of fear.

16 We'll talk to people that have come
17 to our table after being at 250 Broadway and say
18 well why did you agree to give up your tenancy?
19 Why did you agree to exclude your child? Why did
20 you not go for the hearing? And they will say,
21 you know, they didn't have anybody to talk to
22 right then and there. They were scared. They
23 didn't know what to say. So they just agreed to
24 it and hoped it would all work out.

25 And so by having the information

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2 there, they can come, they can talk to us, we can
3 give them information. We do not give people
4 advice. We'll just let them know what their
5 options are so that they can make an educated
6 decision.

7 CHAIRPERSON MENDEZ: Do you see a
8 lot of public housing tenants at the tables in the
9 Housing Courts?

10 MS. SEELEY: We do. I'd hoped to
11 run our numbers but we've switched systems on how
12 we keep our data. So I didn't think that they
13 were going to be reliable enough to present them
14 at a Hearing. We see large numbers.

15 In Manhattan our table's actually
16 right near the Court Room that sees the Housing
17 Authority cases, so we even see a higher volume in
18 Manhattan. But in all the Boroughs we see a high
19 volume.

20 CHAIRPERSON MENDEZ: Would you be
21 able to have those numbers for this Committee in
22 the near future?

23 MS. SEELEY: I could, with the
24 caveat that because we've switched systems over
25 the course of the year, I'll put in the numbers

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2 what our concerns are about matching throughout
3 the year.

4 CHAIRPERSON MENDEZ: Thank you. If
5 you could provide that information to this
6 Committee and if the Housing Authority is
7 interested I'll certainly forward that information
8 to them. So by the time a public housing tenant
9 is in Housing Court they have already have a
10 stipulation.

11 MS. SEELEY: Right. On the
12 nonpayment cases which is the bulk of the people
13 that we see are nonpayment cases. But those cases
14 can be resolved as long as you pay. So if I'm a
15 Housing Authority tenant and I've fallen behind on
16 my rent and I can get the money, I stay in the
17 apartment.

18 The problem with the cases that
19 come out of Administrative Hearings are there's no
20 way to save the tenancy once it's gotten to
21 Housing Court, it's very difficult. In a holdover
22 the Housing Authority is seeking to regain the
23 apartment, period. You can pay until you're blue
24 in the face; you're not getting that apartment
25 back.

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2 What happens at the Administrative
3 Hearing is determinative of what's going to happen
4 in Housing Court. So if they're claiming that I
5 violated my lease and I lose at the hearing by
6 signing an agreement saying, you know what, you're
7 right, I did violate my lease. When I come into
8 Housing Court it's too late for me to undo that.

9 The Judges will not rehear the
10 facts of the case. They merely rubber stamp what
11 the Housing Authority did.

12 CHAIRPERSON MENDEZ: Ms. Seeley,
13 does the City-Wide Housing Court Task Force
14 currently have the staff or the funding to provide
15 an information table--

16 MS. SEELEY: [Interposing] We--

17 CHAIRPERSON MENDEZ: --if granted
18 permission by the Housing Authority.

19 MS. SEELEY: At this point we don't
20 have the funding or the staff to do it full-time.
21 If we were given permission I believe we would
22 really find a way to have somebody there at least
23 one afternoon a week to get a sense of what's
24 going on so that we could do funding grants,
25 request money from the Council and perhaps

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2 foundations. We're far more stretched in the
3 mornings because that's when we're in the Courts
4 in the other Boroughs.

5 But I believe we could get somebody
6 at least one day a week, once given permission.
7 It's also been very difficult to get funding
8 because we can't go to foundations or the Council
9 and say give us money for a hypothetical
10 opportunity. We have asked for permission to have
11 a table for many, many, many years and have not
12 been granted it and without the permission we
13 cannot even begin to look for funding.

14 CHAIRPERSON MENDEZ: Thank you. I
15 just want to state on the record that the Housing
16 Authority has had a financial deficit for many
17 years and in the past the Federal government has
18 laid many unfunded mandates which have burdened
19 the Housing Authority, and I am not asking the
20 Housing Authority to put any financial resources
21 into this unless they're ever in a better
22 financial state. But that I, this is something
23 that I'm committed to and I'm looking under these
24 hard financial times to see if there's a way that
25 I can help support funding for such a program.

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2 Thank you Ms. Seeley for your testimony and for
3 answering my questions.

4 MS. SEELEY: Thank you.

5 CHAIRPERSON MENDEZ: We're going to
6 be calling people two at a time now. I'd like to
7 ask Felicita Madera from Smith Houses and Ellen
8 Davidson from The Legal Aid Society. And whoever
9 is ready to provide their testimony, Felicita, are
10 you here? Oh, she left for the day? Okay. Okay.
11 Gloria Bonilla, Gloria? Mary Sheridan from
12 Teamsters Local 237?

13 [Witnesses getting settled]

14 CHAIRPERSON MENDEZ: Yes. Whenever
15 you're ready and please identify yourself for the
16 record.

17 MS. ELLEN DAVIDSON: My name is
18 Ellen Davidson; I'm a Staff Attorney at The Legal
19 Aid Society. And this, the testimony that's being
20 offered is actually being jointly offered by The
21 Legal Aid Society and Legal Services NYC. And the
22 written testimony I think makes that clear.

23 I want to start by saying how much
24 we appreciate the opportunity to come to this
25 hearing and testify before this Subcommittee and

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2 how much we appreciate the leadership of Council
3 Member Rosie Mendez, Chair of this Subcommittee on
4 this issue.

5 We were here about a year ago when
6 there were hearings on the process, the problems
7 that tenants were finding, facing, dealing with
8 the New York City Housing Authority. And at that
9 time we discussed a number of problems and a
10 number of solutions. That testimony is actually
11 attached to our current testimony.

12 And one of the issues that we spoke
13 about what the problem with the stipulations that
14 were offered to represented and unrepresented
15 tenants once they came to 250 Broadway, for
16 termination of tenancy proceedings. And having
17 represented tenants at termination of tenancy
18 proceedings I must say it's unlike representing
19 tenants in other forums including Housing Court
20 where there's a lot more of an opportunity to
21 represent your client and to ensure that if
22 they're being brought in front of the Hearing
23 Officer because they're being accused of harboring
24 a pet or I have a case right now where my client's
25 being accused of harboring an overweight pet. Her

1 pet is seven pounds over the weight limit.

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3 When that happens in Housing Court
4 one often negotiates a stipulation if the tenant
5 will--if you're looking at a probationary step
6 that is limited to the behavior that that tenant
7 is accused of. As we testified last time, the
8 stipulations offered to tenants here are very long
9 and are for every single behavior that one could
10 imagine a tenant might, any violation of any rule,
11 regulation or lease. You have an overweight pet,
12 if you sign a probationary stip, you're signing a
13 probationary stip in which if you're late with
14 rent one week you've violated the stip, the
15 probationary stip and you're back at 250 Broadway.

16 I can only imagine what it's like
17 to be a pro se tenant facing this system. I've
18 seen the results of it because certainly we have
19 people come to us after they've signed a
20 probationary stip, one where the offending member
21 is out of the household and they've now signed,
22 you know, a stip agreeing to probation even
23 though, had they gone to a hearing, they would not
24 have been terminated because they could show that
25 the person is no longer in the household. Those

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2 are the rules.

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What bringing City-Wide Task Force on Housing Court to 250 Broadway would do, would be provide people with information. And even when they get the information from their adversary, I just--it's hard for people to, because they're so scared, to necessarily comprehend everything they're being told.

Allowing them to come to the table in a non-adversarial atmosphere and simply being told what the information, what information there is about what's going on, what the procedure is, I believe would give them the ability to negotiate in, you know, to the extent that one can negotiate here. It would give them the ability to negotiate and to make informed decisions. Unfortunately, as you know, the people who represent tenants, NYCHA tenants, indigent people, is very small. We can't represent everyone.

I would love to see a right to counsel for all people who are at risk of losing their homes but because that is not what is on anyone's--that is not what is before us, I think that having City-Wide Task Force on Housing Court

1 at 250 Broadway would be an excellent thing.

2 Thank you.

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4 MS. MARY E. SHERIDAN: Good
5 morning. My name is Mary Sheridan; I'm the
6 Director of Teamsters, Local 237 Legal Services
7 Plan. Teamsters Local 237 represents over 20,000
8 NYCHA and other Citywide Agency Employees and has
9 over 4,000 retirees in the New York City area.

10 Additionally approximately 30% of
11 our membership resides in NYCHA housing. I thank
12 the Committee and Chairwoman Mendez for allowing
13 me to testify. And I'm happy to be here today to
14 express Teamster Local 237 President Greg Floyd's
15 unconditional support for Resolution number 1308.
16 Furthermore Local 237 strongly encourages NYCHA to
17 allow City-Wide Task Force on Housing Court to
18 have an information table outside of NYCHA
19 Administrative Tribunal Hearings.

20 City-Wide Task Force has provided a
21 similar service, as you know, in Housing Court for
22 over 20 years. They're an excellent organization
23 that tens of thousands of New Yorkers rely on
24 every year. Although we at Local 237 represent
25 our members in Housing Court, we are not able to

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2 represent our members who are NYCHA tenants due to
3 our relationship with NYCHA.

4 Most tenants in NYCHA hearings, as
5 in Housing Court in general, are unrepresented.
6 These tenants would greatly benefit from access to
7 information about their rights. The goal is not
8 who wins or loses the hearings, rather the goal is
9 to provide as close to an equal playing field as
10 possible and thus providing fairness when one is
11 threatened with eviction from their home.

12 Knowledge of due process and other
13 rights will help prevent wrongful evictions and
14 serve also to maintain affordable housing in New
15 York City and Teamsters Local 237 is committed to
16 that goal. Thank you for your time.

17 CHAIRPERSON MENDEZ: Thank you for
18 your testimony. I just actually never thought
19 about that, about the apparent conflict
20 representing your members who live in the Housing
21 Authority. So then your members who live in
22 private housing get a benefit that all of your
23 members should get but those who live in the
24 Public Housing Authority, then like every other
25 tenant, whether they can get a Legal Aid attorney

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or afford an attorney, they're sort of on their own, is that correct?

MS. SHERIDAN: Yes, that is correct. And in fact because they work for New York City, although some of our members as you know, you know, are on the lower scale of--

CHAIRPERSON MENDEZ: [Interposing]
Um-hum.

MS. SHERIDAN: --salaries in New York City although because they work they're not going to be eligible for legal aid either, so. Most of these tenants, we try, we have worked with Emergency Rent Coalition and certain organizations to try and get them to help our tenants out that we cannot because of the conflict.

CHAIRPERSON MENDEZ: Thank you. As a former Legal Services attorney myself, I know it is impossible to represent every tenant who comes through our doors looking for assistance who may qualify for assistance. And that all cases are triaged for The Legal Aid Society. How do you feel an information table for residents who would be going to an Administrative Hearing would benefit with the assistance of a table, if not

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2 able to get representation by Legal Services
3 providers or afford an attorney.

4 MS. DAVIDSON: I think that it
5 would be extremely helpful for the tenants.
6 There's so many thing that are frightening about
7 being called down to an Administrative Hearing.
8 Not understanding how the process works, I mean
9 there's lots of pieces of information that would
10 allow a tenant to move through the fear and start
11 to make informed choices.

12 And I think that the table, by
13 simply, as I said, being in a non-adversarial
14 manner, non-adversarial atmosphere, be able to
15 answer questions. You know, can I ask for an
16 adjournment? How do I do that? What happens
17 next? Would be extremely helpful, not only simply
18 talking about procedure but also giving, making
19 sure that the tenants have some understanding of
20 what the rules and regulations. There are certain
21 rules about what happens if you go to a hearing,
22 you know, whether if you go to a hearing how long
23 of a period of probation that a Hearing Officer
24 can give versus what you do with a stip.

25 There are certain--the issue of

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2 exclusion, excluding people. Most tenants don't
3 know, especially those who are unrepresented, that
4 if you sign an exclusionary--you sign a
5 stipulation to exclude someone then that person,
6 if they're caught visiting you, not only can they
7 not live with you but they can't visit you. And
8 if they're caught visiting you that's a violation
9 of the probation.

10 If you go to a hearing and the
11 Hearing Officer decides that person should be
12 excluded from your household, they can still
13 visit. Simple, and once given that information,
14 tenants may still decide that it's in their
15 interest to sign the stipulation. But the point
16 is that now they're making an informed choice.
17 And an informed choice, I think, is always better.

18 CHAIRPERSON MENDEZ: Thank you. I
19 don't know if you have an idea or have numbers of,
20 and this is for The Legal Aid Society 'cause DC 37
21 can't represent--

22 MS. SHERIDAN: [Interposing] Local
23 237.

24 CHAIRPERSON MENDEZ: --Local 237,
25 I'm sorry--

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2 MS. SHERIDAN: [Interposing] The
3 other one.

4 CHAIRPERSON MENDEZ: Yes. I was
5 having a conversation earlier with DC 37--

6 MS. SHERIDAN: [Interposing] Okay.

7 CHAIRPERSON MENDEZ: --so it's
8 still lodged in my brain, I apologize. Since
9 Local 237 cannot represent their members who are
10 NYCHA residents, so this is for The Legal Aid
11 Society, how many NYCHA tenants come to you
12 representing a representation that you have to
13 turn down or can't take their case.

14 MS. DAVIDSON: I don't know the
15 numbers for NYCHA. The numbers before the
16 financial crisis was that we accepted for
17 representation one out of every seven people who
18 came to us. My understanding is that there has
19 been a not surprisingly, an increase in requests
20 for services, our legal services, since the world
21 went into financial crisis. And we actually, as
22 you know, have less capacity to represent tenants
23 than we did when we were turning people away. As
24 I said what is it, we turn away six people for
25 every seven people who come to us.

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2 CHAIRPERSON MENDEZ: And this is
3 irrespective of whether they're public housing or
4 is there a way to get the numbers for public
5 housing?

6 MS. DAVIDSON: I don't know. I can
7 go back and ask. I will, I can go back and ask.
8 I mean, you know, I can find out if we keep track
9 of--

10 CHAIRPERSON MENDEZ: [Interposing]
11 If it's not too onerous since I know--

12 MS. DAVIDSON: [Interposing] Sure.
13 I mean it's either we can get--I think it's going
14 to be a matter of either we can get the
15 information or we can't. I don't know how
16 detailed the notes are kept of the people who call
17 us who we turn away about the housing that they're
18 in.

19 CHAIRPERSON MENDEZ: And so this
20 number now is going up--

21 MS. DAVIDSON: [Interposing] Yes.

22 CHAIRPERSON MENDEZ: --and when do
23 you think you'd have a better sense of what that
24 number would be that you could provide to this
25 Committee of how many people you turn down?

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2 MS. DAVIDSON: I don't know but I
3 can go back and ask. And certainly--

4 CHAIRPERSON MENDEZ: [Interposing]
5 Um-hum.

6 MS. DAVIDSON: --we're always happy
7 to provide information.

8 CHAIRPERSON MENDEZ: And of these
9 now, in your previous numbers of the six people
10 you were turning down, that wasn't based on the
11 fact that they just didn't qualify for legal
12 services, it was based on?

13 MS. DAVIDSON: Capacity.

14 CHAIRPERSON MENDEZ: Capacity.

15 MS. DAVIDSON: We have fewer
16 attorneys doing housing. We have had tremendous
17 cuts from the sources of funding for housing. You
18 know, the Civil Division received, it lost half of
19 its funding from the City this year. We've lost
20 money from the State. And all that money goes
21 into funding our attorneys.

22 And so that we just have less
23 capacity. And people, there's a fair amount of
24 funds available these days for foreclosure. So
25 we're making sure that those positions are staffed

1
2 but there is less people willing to fund
3 representation of tenants these days.

4 CHAIRPERSON MENDEZ: Let me just
5 take a quick look here. I don't know if you could
6 answer this question. If there was a change that
7 could be made to the hearing process what would
8 you like to see and why? And if in your capacity
9 right now you can't speak on behalf of The Society
10 or LISNY, I certainly understand.

11 MS. DAVIDSON: Well I do believe
12 there was quite a bit of testimony a year ago
13 about what we saw wrong with the process. It
14 seems that there's some problems that come up that
15 should be dealt with at the management level. I
16 have a colleague who represented a family that was
17 at a termination proceeding because they were
18 accused of dropping a spoonful or rice outside of
19 their window. A child was trying to feed the
20 pigeons and the rice fell. How that case got to a
21 point where a family's housing was threatened is
22 beyond me.

23 I don't, my sense is that the
24 attorneys don't feel like they have any power, the
25 NYCHA attorneys, have any power to negotiate. The

1 stipulations that they offer, you can't negotiate
2 over the words in them. They are a three year
3 probation for everything or a five year probation
4 for everything. It does not matter what the
5 charges are. It would seem to me that the process
6 might be easier and more fair if there was an
7 actual ability to negotiate based on the charges,
8 based on the tenant's history in NYCHA
9 proceedings.
10

11 We see a lot of terrible problems
12 with how bills, the bills tenants get. We see
13 problems where tenants are hauled in for chronic
14 rent delinquency and when you try to understand
15 what they're being billed, it's impossible.
16 Charges come in, charges come out. And when
17 tenants try and get that corrected so that they
18 don't end up at 250 Broadway, they are told the
19 only way to get it corrected is to be sued in
20 Housing Court. And truthfully, that's right.

21 The only time these things seem to
22 get corrected is when the tenant is sued in
23 Housing Court. They can't seem to get it
24 corrected in the Management Office. I think that
25 would help if that process was more rational,

1
2 you'd see less tenants ending up at 250 Broadway
3 for termination of tenancy proceedings.

4 I'm sure there's other suggestions
5 that were listed in our testimony from a year ago
6 but off the top of my head those are some of the
7 things I think would make the system more fair.

8 CHAIRPERSON MENDEZ: Ms. Davidson,
9 Ms. Sheridan, thank you for your testimony.

10 MS. SHERIDAN: Thank you.

11 CHAIRPERSON MENDEZ: Susan Jacobs,
12 from the Center for Family Representation. She's
13 on her way, okay. Joyce Brown from Concerned
14 Citywide, you can give me the full name. And Lisa
15 Kappa. Lisa Kappa. Ms. Kappa's not here. Lisa
16 Burris from Public Housing Residents of the Lower
17 East Side. And whenever you're ready, and if you
18 can just state your name for the record.

19 MS. JOYCE BROWN: Good morning
20 Council Member Mendez. My name is Joyce Brown and
21 I'm hoping that you'll extend the scope of City
22 Housing to include Mitchell-Lama Housing. And--

23 CHAIRPERSON MENDEZ: [Interposing]
24 I would just first tell you that my Subcommittee
25 only deals with public housing. That I will

1
2 listen to your testimony but I will have to refer
3 anything that is not within the scope of public
4 housing to the Chair of Housing and Buildings,
5 which this is a Subcommittee of, which deals with
6 private housing and Mitchell-Lama and other types
7 of housing in this City. But if your testimony is
8 specifically for Mitchell Lama, we're not going to
9 be--

10 MS. BROWN: [Interposing] Well
11 basically, it comes under the scope of public
12 supported housing which Mitchell-Lama Housing is.
13 Part of the funding for Mitchell-Lama Housing
14 comes from public funds; it's supplemented by
15 public funds.

16 CHAIRPERSON MENDEZ: But the, yes,
17 but there's State law that has created Mitchell-
18 Lama Housing--

19 MS. BROWN: [Interposing] Yes.

20 CHAIRPERSON MENDEZ: --and Federal
21 law has created Public Housing Authorities. So
22 they fall under two different realms.

23 MS. BROWN: Oh.

24 CHAIRPERSON MENDEZ: Even though
25 there are public subsidies, they are under

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different government laws that they were created.

MS. BROWN: Okay. Having been in Housing Court, trying to settle problems with Mitchell-Lama Housing, I have to agree that the City-Wide Task Force is about the only thing I was able to get assistance from with my housing issues. Having many companies, lawyers, who said that they were for tenants, were not, they would not answer. They would not reply.

You could not get anyone to help with the citizens on housing, a private citizen. Landlords have no problem. And because the law is such a fine--you have to be extremely knowledgeable about the law in order to go into Housing Court or do any housing matters. It really makes a big problem for people, common citizens, who have no knowledge about the law to fight in Housing Court.

And as I said before, that agency on the first floor of Housing Court in Manhattan was about the only help I could get to help with my case. I am here because, I'm sorry I have to mention, Mitchell-Lama Housing which is sponsored by HPD, New York City, it seems, there is a

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problem with enforcing the laws.

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It seems that it is no longer abiding by the laws and there is no recourse for the citizens in Mitchell-Lama Housing to get assistance. Other agencies in HPD, such as the one that works for the TIFF which is similar to co-ops or buildings that are going into co-ops, have had an excellent program introducing the people as to the laws and what is going on, their rights, etcetera, in housing.

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Mitchell-Lama does not do that. They seem to be a little disreputable in HPD. And the other agencies in HPD are aware of this and they seem to agree that there is a problem with the Mitchell-Lama Division. I have documentation as to not only my Mitchell-Lama Housing but other Mitchell-Lama Housing where they have increased the maintenance 14% in a short period of time which seems to be pretty high since the public is helping to finance the building.

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23

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And that's about all I have to say. I wish, I'll try and get the name of the person who I can go to assist me with this Mitchell-Lama Housing Program because many people have wrote to

1
2 the Ex Donovan and they did not receive any
3 assistance with their problem.

4 CHAIRPERSON MENDEZ: Ms. Brown I
5 want to thank you for coming here today and giving
6 your testimony. And certainly I think it's very
7 relevant in terms of that some of the housing
8 structures are very specific and you need to know
9 the specific laws and having an information table
10 has been helpful to you. And I believe that an
11 information table for public housing tenants would
12 also be helpful--

13 MS. BROWN: [Interposing]
14 Definitely--

15 CHAIRPERSON MENDEZ: --to them.

16 MS. BROWN: They have much less
17 education than I do. And I had an awful lot of
18 problems manipulating the housing--

19 CHAIRPERSON MENDEZ: [Interposing]
20 I will like to take all of your information so
21 that I can pass it on to Erik Dilan who is the
22 Chair of Housing and Buildings here for the City
23 Council and it's a Committee I sit on and we'll,
24 you know, and my great staff that's here, is the
25 staff for Housing and buildings and when there are

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other hearing specifically on Mitchell-Lama to make sure that we let you know so that you can come and give your testimony on the record--

MS. BROWN: [Interposing] Thank you--

CHAIRPERSON MENDEZ: --at that time.

MS. BROWN: --can you let me know who I should pass the information to?

CHAIRPERSON MENDEZ: One of the staff will come and get your information--

MS. BROWN: [Interposing] Thanks so much.

CHAIRPERSON MENDEZ: --and thank you.

MS. LISA BURRIS: Am I on?

CHAIRPERSON MENDEZ: Yes you are.

MS. BURRIS: All right. Good afternoon. Is it morning or?

SERGEANT AT ARMS: It's morning.

MS. BURRIS: We're still morning? Okay. Good morning everyone. I'm Lisa Burriss. I am an organizer at Good Old Lower East Side. I direct also a program, the program, Public Housing

1
2 Residents of the Lower East Side. We've been
3 around for a decade now organizing residents about
4 their rights and housing economic justice. And we
5 do our work through direct service, grassroots
6 organizing. We do information trainings and we
7 also provide like comprehensive workshops.

8 So we appreciate this opportunity
9 because when I saw that the City Councilwoman of
10 course is never skipping a beat in terms of her
11 support for public housing, was trying to pass
12 Reso 1308 to permit City-Wide Task Force to have a
13 table at 250 Broadway. And I thought it was
14 ingenious. We fight for the rights of public
15 housing residents in many facets. And one of the
16 reasons is because public housing residents are
17 like the second class citizens of this country.

18 So while let's take it on a Federal
19 level, only public housing residents have to do
20 mandatory community service if they're
21 underemployed or unemployed. Now let's take it on
22 a local level. Only public housing residents,
23 when they are evicted, can get evicted in two
24 courts, 111 Center Street, and 250 Broadway.
25 That's indicative of how we're just marginalized

1
2 and a lot of--it just says a lot about how public
3 housing is singled out.

4 So when we do our direct service, a
5 lot of times we see like five to ten residents, we
6 get five to ten evictions a week. A lot of these
7 things we find could have been prevented on a
8 management level. As we said earlier, yes there
9 are residents that are evicted for justly reasons.
10 They do endanger residents or they're not paying
11 the rent on time or they're not abiding by the
12 Housing Authority's rules. But then again there
13 are some residents that could, are being evicted
14 in cases where it could have been prevented on a
15 management level.

16 There are several ways to get
17 evicted in public housing. You could get non-
18 desirability. You can do chronic rent
19 delinquency. You can do a breach of rules and
20 regulations, misrepresentation, a transfer of
21 possession of apartments, or non-verifiable
22 income.

23 Well a lot of the times when we get
24 residents and they are coming in and they're
25 getting evicted, we found that a lot of them

1
2 didn't get notice of, didn't get a notice to speak
3 to their management about their issue, as per the
4 Management Manual which provides residents with
5 due process before their file is sent to 250
6 Broadway.

7 I've also identified in this work,
8 I've been doing this case management for three
9 years, I've been a member of Good Old Lower East
10 Side for five years and I've been a public housing
11 resident--I was a public housing resident for 25
12 years. So I know the experience. So I'm speaking
13 from experience.

14 On a management level, there's
15 conflicting policies. There's one policy right,
16 where the Housing Authority has, if you lose your
17 job, and you report to the Housing Authority and
18 you report that to management, it takes them three
19 months to reduce your rent so that you can prove
20 that you are permanently unemployed.

21 However this is what I find, this
22 is contradicting with the other policy, is the
23 policy that states, you know, once the resident
24 gets a job they are to report this to the Housing
25 Authority within a month, and their rent is

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2 increased with in a month. And I'm thinking that
3 if the Housing Authority can demonstrate the
4 ability to increase a residents' rent in a month,
5 they should be able to reduce their rent in a
6 month, or make them consistent in some way.

7 Because in that process, NYCHA's
8 policy with chronic rent delinquency, it's when
9 residents pay their rent three times late within a
10 year and that's when they take them to 250
11 Broadway. So if a resident loses their job and it
12 takes NYCHA three months to reduce their rent,
13 they're going to get evicted. This is conflicting
14 to us.

15 Also as was stated before, when
16 we're trying to seek charity or, you know, for the
17 residents, the amount's always different. They're
18 capricious from the rent statements all the way
19 down to what they're charging in court for. And
20 so then it challenges our ability to find charity
21 for residents because the amounts are not exact.
22 And then it's also a double-dip in the City's
23 resources because a lot of times we do have to
24 secure residents' apartments at 111 Center Street
25 because HRA requires that residents provide

1
2 eviction notice to receive like one shot support
3 for one shot deal or any support for rental
4 arrears. And so it could have been prevented.
5 Now we have a double-dipping in the City's
6 resources about the rent--

7 CHAIRPERSON MENDEZ: [Interposing]
8 If you could summarize, please.

9 MS. BURRIS: I'm sorry.

10 CHAIRPERSON MENDEZ: Please.

11 MS. BURRIS: 'Cause this is very
12 passionate to me. We see, these are families that
13 we see every day and it could be prevented on many
14 levels and that's a policy I feel could be. Then,
15 so now the resident's at 250 Broadway, and before
16 they get to this level we can't find them a
17 lawyer. Funding was cut for Legal Aid Society.

18 We try to do things to combat this.
19 We have a legal workshop series to educate
20 residents about their rights. We also have a film
21 to education residents about their rights. It's
22 called What's Up with Public Housing? Public
23 Housing TV. But if we can't find them a lawyer,
24 they're at 250 Broadway and we tell them listen,
25 don't sign anything. Don't agree to anything

1
2 because you don't have any legal representation
3 and we're hoping that this adjournment letter will
4 be granted by the NYCHA's attorney and they'll
5 give us more time to find a legal representative.

6 Oftentimes residents still sign.
7 We have 80-year old women who signed for an
8 agreement to permanently exclude two young
9 grandchildren that she has no control over. Those
10 residents, those youth were once again caught with
11 drugs in some other development and we were trying
12 to secure her apartment now.

13 Also they don't know their right to
14 adjourn and lastly, the residents can also take
15 this case further to Supreme Court and they can do
16 an Article 78 and there's a 4 month stipulation
17 with that. So if residents knew that, you know,
18 if there was the City-Wide Task Force was there to
19 inform them of these different opportunities, I
20 think that we'd prevent a lot of evictions on that
21 ground.

22 CHAIRPERSON MENDEZ: Thank you.

23 MS. BURRIS: Thank you.

24 CHAIRPERSON MENDEZ: I just want to
25 just correct, I think, some inaccuracies. First

1
2 is I'm not the genius who thought of this
3 resolution. That was my predecessor. I've just
4 reintroduced it and tweaked it a little bit.

5 MS. BURRIS: Sorry, you're right.

6 CHAIRPERSON MENDEZ: That's all
7 right. And give her her due. Great advocate who
8 I worked for. The second one which I think is
9 inaccurate and I just want to clarify for the
10 record, you represent that public housing tenants
11 are being evicted twice. That's not really
12 accurate.

13 Under Administrative Law they have
14 to exhaust administrative remedies before they go
15 into Housing Court. So that means that there's no
16 eviction at 250 Broadway. But it is the first
17 process before getting into Housing Court. And
18 any appeals that can be done at the administrative
19 level within 250 has to be exhausted before the
20 Housing Authority can take someone to Housing
21 Court.

22 The administrative process was
23 created as a result of Escolara [phonetic] case
24 which is supposed to afford a resident an
25 opportunity to have a hearing and to have a

1
2 discussion about the issues before finding
3 themselves in Housing Court. So it's supposed to
4 be, as I see it, a protective measure. You know,
5 if you're not informed of all your rights, we
6 don't know how protective it can be.

7 So you have provided information to
8 tenants of public housing, who are going to an
9 Administrative Hearing, is that correct?

10 MS. BURRIS: Correct.

11 CHAIRPERSON MENDEZ: And when you
12 see these residents for the first time, do they
13 know any of their rights?

14 MS. BURRIS: No. A lot of them
15 don't. A lot of them think that 250 Broadway is
16 play court. And that is not, you know, they don't
17 understand the implications of it. It's a
18 cubicle. You know, the way that the atmosphere--
19 the bad job is that there's cubicles, that people
20 don't know that this is it. They can lose their
21 apartment at this level. And yeah. So they don't
22 know their rights at all.

23 What we try to do is we provide
24 this program series for legal workshops to educate
25 residents about their rights. And we also have

1
2 that film that I mentioned before. But that's
3 never enough because residents still need legal
4 representation.

5 A lot of them can't understand
6 these complicated policies. And then the charges,
7 what I mean was that it was--what makes us unique
8 then is that there are seven other ways to get
9 evicted in public housing. And there are seven
10 charges that you could breach and a lot of the
11 time, the residents didn't breach those rules or
12 regulations, it was just misinformation on the
13 management level.

14 And at that level, my hands are
15 tired. We need a lawyer now. We can't, I can't
16 go back to the management level and address it.

17 CHAIRPERSON MENDEZ: Now Ms. Burris
18 you were a resident of public housing, were you
19 not?

20 MS. BURRIS: Yes.

21 CHAIRPERSON MENDEZ: And when you
22 were a resident, were you aware of your rights as
23 a tenant and as the daughter of the tenant of
24 record?

25 MS. BURRIS: No. But my mother

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2 practiced things that we try to teach residents
3 that protected us. She always documented any type
4 of communications that she had with the Housing
5 Authority. And she had proof that it was
6 delivered with a stamp, you know, stamped with the
7 date. That helped us in a lot of different ways
8 with the Housing Authority. That protected us.
9 So those are other things that we teach residents.
10 Ways to, best practices to do, you know,
11 preventative--to take preventative measures. You
12 know.

13 CHAIRPERSON MENDEZ: I want to
14 thank you for your testimony here today.

15 MS. BURRIS: Thank you.

16 CHAIRPERSON MENDEZ: I would like
17 to call Reginald Bowman up to testify and Susan
18 Jacobs. And I'm just going to take one brief
19 minute, so just settle into your seats and I'll be
20 right back.

21 [Pause]

22 SERGEANT AT ARMS: Mr. Bowman,

23 CHAIRPERSON MENDEZ: And Ms.
24 Jacobs. {Whispering}.

25 SERGEANT AT ARMS: Citywide Chair.

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[Pause]

COUNCIL MEMBER JAMES: Hello, how are you? Welcome to Obama Nation.

[Pause]

COUNCIL MEMBER JAMES: Hello? Yes. At a meeting, where do you think I am? Of course, yeah I've been in meetings all day. I don't have time. I'll call him when I have time, okay? Have you been out? Have you been out? Yes who else?

[Pause]

CHAIRPERSON MENDEZ: Yeah I've-- yeah.

[Pause]

[Microphone rattling]

CHAIRPERSON MENDEZ: Again I want to remind anyone who wants to testify to fill out one of these little sheets with the Sergeant at Arms in the back. And I'd have to call the attention to Mr. Garber who hasn't filled one out yet. No? Okay. Thank you. And we have been joined; oh she just stepped out, by Councilwoman Letitia James from Brooklyn.

And these will be the last two individuals testifying on this mater today. And

1
2 in the interests of disclosure, I want to say that
3 I worked with Susan Jacobs when I was a law
4 student and she was one of several supervising
5 attorneys and a great one at that at The Legal
6 Action Center. And it's certainly great to have
7 you here today.

8 MS. SUSAN JACOBS: Thank you. All
9 good things come back around.

10 CHAIRPERSON MENDEZ: Whenever
11 you're ready and please identify yourself for the
12 record.

13 MR. REGINALD BOWMAN: She has
14 graciously allowed me to go first. My name is
15 Reginald Bowman and I'm the President of the City-
16 Wide Council of Presidents of the New York City
17 Housing Authority Resident Associations. And I
18 officially represent all of the residents that
19 live in the nation's largest housing authority.

20 The details that are specified in
21 the Resolution 1308 that I received in the mail,
22 however for the record, I represent the residents
23 of 345 developments, 2,700 buildings, 181,000
24 units and close to 500,000 authorized residents.
25 I'm going to restrict my remarks to the Resolution

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2 because I think this is a very important
3 resolution that I support.

4 We who reside in the complex's
5 developments are regulated by the Federal CFR
6 Regulations, HUD and NYCHA Guidelines, that often
7 due to no fault of the leaseholder land the
8 resident in a situation where there is a breach of
9 rules and their folder is sent to 250 Broadway for
10 an Administrative Hearing to terminate their
11 tenancy.

12 NYCHA is the only agency that can
13 terminate the lease of a resident and leave the
14 resident with no legal recourse to challenge that
15 decision. What I mean by leaving them with no
16 legal recourse, when you arrive at the Agency
17 downstairs, because all of this takes place in
18 this building, there are no stations in the
19 hearing area where people can actually be given
20 information that will assist them in this process.
21 Unless the resident can obtain legal counsel they
22 are at the mercy of the Administrative Law Judges
23 of NYCHA.

24 I applaud and support City Council
25 Members Mendez, Jackson, James, Mark-Viverito,

1
2 Brewer, Fidler, Foster, Koppell, Lou Martinez and
3 Gersom for sponsoring this Resolution and the
4 City-Wide Task Force on Housing Court for
5 recognizing the plight of residents of public
6 housing and taking the steps to change the NYCHA
7 policy and practice in the matter of
8 Administrative Hearings. Those of us that are
9 familiar with this part of NYCHA's bureaucracy
10 know that it is primarily designed to protect the
11 interests of NYCHA and is usually unrepentantly
12 insensitive to the extenuating circumstances that
13 land some residents in these hearings.

14 The time has come to support
15 Resolution Number 1308 as a beginning of a process
16 to secure a permanent policy that compels NYCHA to
17 permanently allow assistance tables with competent
18 legal counsel and information available to
19 residents to protect their due process rights.
20 NYCHA must allow CWTFHC to set up these tables
21 outside their Administrative Tribunal Hearings
22 where residents' cases are heard.

23 I also urge the members of this
24 Committee to call on all of their colleagues and
25 the President of the City Council who have

1
2 significant public housing resident populations in
3 their Districts to support this initiative and
4 resolution to protect the rights of their
5 residents' constituencies.

6 Just to elaborate a little bit, to
7 take up--my three minutes are probably gone, I
8 just want to say that I think that this resolution
9 is very important at this time because we, the
10 residents of the Housing Authority, and many of
11 them who get into these situations of
12 Administrative Hearings, as was illustrated at the
13 testimony of the person before me, the people
14 really don't know what their rights are.

15 And in this day and age there
16 should be a way of creating and putting
17 information stations not only at the
18 Administrative Hearings but this information
19 should also be disseminated to the public housing
20 resident community at large so that they can
21 understand how this process works.

22 I also believe that on the State
23 level and on the City level there needs to be more
24 oversight and reform done for NYCHA's policies
25 because the structure that's in place is supposed

1
2 to afford residents the opportunity to get
3 themselves together before they get evicted. But
4 the practice that's in place is not working like
5 that.

6 So I think that this is a very good
7 step in the right direction to put the information
8 that's necessary at the disposal of residents in
9 the New York City Housing Authority to who land
10 downstairs in the Administrative Hearing Rooms of
11 NYCHA.

12 Finally I'd like to take this time
13 to ask Chairman Mendez and the members of this
14 Subcommittee to put us on your calendar to discuss
15 our 2009 agenda for full funding for public
16 housing and the reform the State Legislation that
17 governs NYCHA as an authority. We want to be at
18 the table as partners to ensure that NYCHA is
19 returned to the City and State budgets as a line
20 item for operational capital and social support
21 funds in the 2009 calendar year, and to work to
22 reform the rules that govern NYCHA to make it more
23 accountable to New York City Government and its
24 residents.

25 The reason why I added that caveat,

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2 as you know, we're going through an
3 extraordinarily upbeat time of reform in
4 government and some of the issues that exist like
5 the problem with the hearings, would not be as
6 amplified now if the New York City Housing
7 Authority and City Government were partners or if
8 City Government and the State would create more
9 oversight and would work with residents as
10 partners along with City Government to repair some
11 of the antiquated policies and procedures that
12 exist in the New York City Housing Authority as it
13 stands.

14 So we want to make sure that we can
15 work with you as partners so that this policy that
16 you're about to create and the things that are
17 going forward into 2009 that require our
18 cooperative working together will be able to be
19 done in a way that can solve some of and prevent
20 some of these problems going into the future.

21 Thank you.

22 MS. JACOBS: Thank you Chairwoman
23 and to the rest of the Committee. I want to note
24 before I start my testimony that the prepared
25 testimony you have from the Center for Family

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2 Representation is not totally focused on, and not
3 at all actually, focused on the Resolution. We
4 thought this was a broader conversation. I'm
5 happy though to tailor my remarks so that it is as
6 close to the subject at hand as possible.

7 CHAIRPERSON MENDEZ: I believe it
8 is broader just about providing information and to
9 unrepresented individuals.

10 MS. JACOBS: Great. Thank you.
11 I'm Susan Jacobs, the Executive Director of The
12 Center for Family Representation and we want to
13 thank the Subcommittee on Public Housing for the
14 opportunity to testify today.

15 Your leadership in these issues is
16 very critical to many of our clients. We are a
17 public interest law firm who represents families
18 who are at least under investigation by the
19 Administration for Children's Services all the way
20 through any court proceeding they may have.

21 The parents we represent face a
22 number of obstacles to reunification with their
23 children and one of the biggest challenges and one
24 of the most difficult to overcome is finding and
25 keeping stable housing. About 12% of our current

1
2 clients are homeless and if trends continue, that
3 will surely rise. And obviously the recent
4 economic downturn has increased the nightly census
5 of homeless families.

6 Our clients' cases can often hinge
7 on their housing situation which is why we've
8 given these issues special attention. We recently
9 helped 14 young people, young parents under 25
10 with housing assistance. And many of our clients,
11 and I don't have the exact number of percentage
12 for you but I will get that, are or want to be
13 NYCHA tenants. So the expansion of or the
14 protection of legal resources for those tenants is
15 very critical.

16 I just want to take a minute to
17 illustrate to you that there's a ripple effect
18 when clients or tenants don't have the kind of
19 resources that my colleague here is talking about
20 to hold onto their housing. And the restrictions
21 and the lack of housing aid leads to a situation
22 very common for clients in Family Court which is
23 that it's impossible if their children were
24 removed for them to reunite if they don't have
25 housing. And if they do have housing and that

1
2 housing is threatened because of rent arrears for
3 instance--

4 [Telephone ringing]

5 MS. JACOBS: No worries. It's
6 going to be harder for them to hold onto their
7 children and have those children not go into
8 foster care. Add to this obviously the challenges
9 that they have in terms of other mandated services
10 and the lack of housing resources has many
11 unfortunately consequences for these families. I
12 want to say parenthetically in a previous life I
13 represented people in the Administrative
14 proceedings at NYCHA and I think many of those
15 folks would have avoided serious consequences had
16 they had the kind of information that you're
17 talking about available to them at the Tribunal
18 site.

19 Excuse me. I think that dealing
20 with these problems and returning children to
21 their parents and keeping children safely at home
22 are issues that cross silos in the New York City
23 and the New York State budget. One of the reasons
24 to support this resolution is that as you know the
25 State just recently, as part of its December,

1
2 Governor Patterson's December budget, essentially
3 eviscerated the eviction prevention money that had
4 gone to, I think it's Citizen's Advice Bureau, I'm
5 not totally sure about that.

6 Yeah? Oh you guys there? Okay.
7 So I... Citizen's Advice Bureau, Catholic Charities
8 and others. And I don't want to steal your
9 thunder. But I think that the result of that
10 which was presented at a budget briefing that I
11 attended is that many more tenants are going to be
12 under pressure of eviction without legal services.

13 And finally what I would offer to
14 the Subcommittee is our willingness to work with
15 the organization referenced here, which I think we
16 tangentially have talked with, to see if we can't
17 provide some additional assistance, so that there
18 may be referrals if people are both in the child
19 welfare system and in housing jeopardy at NYCHA,
20 that we could help with. Certainly in Manhattan.

21 CHAIRPERSON MENDEZ: Thank you for
22 your testimony. I think the bottom line is that
23 more information is a good thing. And that more
24 information for individuals who find themselves of
25 losing the most critical thing they could I have,

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2 I think, here in this City, their housing, is
3 critical and important to them.

4 There are representatives from the
5 Housing Authority here and sometimes I don't know
6 if you feel like we're bashing you. But the New
7 York City Housing Authority is the best housing
8 authority in this nation. And if we bash you
9 sometimes it's 'cause we want you to be better
10 than what you are. And we know you can be. I
11 think providing the space for individuals,
12 organizations to provide information to tenants,
13 it's a humane thing. It's, I think, an important
14 thing. And I hope the Board will consider
15 providing these organizations with the space to do
16 that.

17 I just want to say this is the
18 first hearing of 2009. And I want to, and just
19 for the individuals, who gave their testimony, I
20 have no questions, your testimony was clear and I
21 thank you for always being here.

22 MR. BOWMAN: The question was just
23 raised--

24 CHAIRPERSON MENDEZ: [Interposing]
25 We usually ask the questions Mr. Bowman.

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MR. BOWMAN: But this is a--

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CHAIRPERSON MENDEZ: [Interposing]

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I will allow a little flexibility.

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MR. BOWMAN: Thank you. This was

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just something in discussing the relationship

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between NYCHA and this particular resolution and

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it's why I put into my remarks the suggestion that

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there is a further discussion and exploration of

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oversight. Does the Housing Authority have any

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objections to these stations being placed

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downstairs?

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CHAIRPERSON MENDEZ: This--

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MR. BOWMAN: [Interposing] Or has

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that been brought up?

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CHAIRPERSON MENDEZ: This is

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something that has to be voted on by the Board.

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It would mean them freeing up some space to put

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the table. And that's all we are asking for is

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the space. We're not asking the Housing Authority

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to fund this because they don't have the financial

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wherewithal to do so. And this is something I

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hope that the current Board under the leadership

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of Acting Chair Morales will consider. And Mr.--

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MR. BOWMAN: [Interposing] So I'll

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2 take that as--

3 CHAIRPERSON MENDEZ: [Interposing]

4 Yes.

5 MR. BOWMAN: --as a no.

6 CHAIRPERSON MENDEZ: What?

7 MR. BOWMAN: Can I take that as a

8 no? I have to ask--

9 CHAIRPERSON MENDEZ: [Interposing]

10 No, I'm not taking that as a no. I think the
11 Board, now with the new leadership has to be given
12 an opportunity to raise it at their bi-weekly--

13 MR. BOWMAN: [Interposing] Board
14 meeting.

15 CHAIRPERSON MENDEZ: --meeting and
16 make a determination.

17 MR. BOWMAN: Okay.

18 CHAIRPERSON MENDEZ: And so I'm
19 going to--my colleague is back and she has some
20 comments. Do you have any questions for the?

21 COUNCIL MEMBER JAMES: Yeah. I
22 just have a few. Okay. Thank you Madam Chair.
23 So based on the answer to the question that was
24 posed to you by Mr. Bowman, it appears that it's
25 an issue of space which for me is an unacceptable

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2 answer. Notwithstanding the fact that it's a
3 reality--I mean notwithstanding the answer, I'm
4 not saying--not saying Chair, your answer is
5 unacceptable, but that reasoning is unacceptable.

6 CHAIRPERSON MENDEZ: Um-hum.

7 COUNCIL MEMBER JAMES: We can't
8 find space.

9 CHAIRPERSON MENDEZ: Well I'm not
10 saying they can't find the space, I'm saying
11 that's all we're requesting at this point.

12 COUNCIL MEMBER JAMES: Okay.

13 CHAIRPERSON MENDEZ: And earlier
14 when you were not here I said that the Housing
15 Authority is in a financial crisis. And I am not
16 asking or putting a burden, an unfunded mandate on
17 them as the Federal--

18 COUNCIL MEMBER JAMES:

19 [Interposing] Sure.

20 CHAIRPERSON MENDEZ: --government
21 has put a lot of unfunded mandates on the Housing
22 Authority which is in part, and hasn't fully
23 funded them which is in part the reason for this
24 financial crisis and so that at this moment it is
25 for the Board to decide where, if they should have

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2 a table, where this table would be, and to provide
3 us that space within their facilities.

4 COUNCIL MEMBER JAMES: Sure. And I
5 apologize for being late. And I would hope that
6 NYCHA and the new leadership of NYCHA would accept
7 this resolution and would move forward
8 expeditiously to allow and provide for this table.
9 And I would hope that since it's my understanding
10 that NYCHA has submitted a request to the Federal
11 government for funds under this stimulus package
12 that they take into consideration the need for
13 legal services.

14 I have seen onerous, illegal and
15 really objectionable stipulations. And it appears
16 to me that there is an abuse of these documents.
17 As a former Legal Aid attorney, I'm always a Legal
18 Aid attorney, I think it's consistent with the
19 message of our new President, consistent with the
20 message of our new Governor, and the new sentiment
21 and tone in this nation, that NYCHA would do all
22 that it can to avert as many evictions at this
23 point in time and to rise above itself and to
24 provide the least of the citizens of this country.

25 So I support this resolution. I'm

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2 on this resolution. I'm a co-sponsor of this
3 resolution. If any Federal money comes down,
4 it'll be a priority of my office to ensure that it
5 goes to legal services, not only for NYCHA
6 residents, but to prevent all these evictions that
7 are happening and foreclosures that are happening
8 in this nation.

9 CHAIRPERSON MENDEZ: Thank you
10 Councilwoman James and thank you for being a great
11 colleague and for always being here at every one
12 of my hearings. Since this is the first hearing
13 of the year, you're just going to have to bear
14 with me a little bit. I want to take the
15 opportunity to thank the incredible staff who's
16 been with me for a couple of years.

17 [Applause]

18 CHAIRPERSON MENDEZ: My attorney,
19 Baaba Halm and Policy Analyst, Ben Goodman,
20 without your work and your caring and late hours
21 and tenaciousness this Subcommittee would not be
22 as good as it is. I am grateful and thankful to
23 you both. I want to thank the tenants and
24 advocates who were here today who have been here
25 for the last several years attending every

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hearing.

[Applause]

CHAIRPERSON MENDEZ: And you know who you are. It would take me too long to name all of your names. And to the Housing Authority, unlike other agencies, you come to my hearings, stay throughout the entire hearing, that is not a benefit that every Committee in the City Council is afforded and I want to thank the Housing Authority for that.

[Applause]

CHAIRPERSON MENDEZ: This matter is laid over. And oh I need to announce for the record, the Community Service Society has submitted testimony for the record. And anyone who wants this, it will be made available to them. Thank you everyone for being here today. This hearing is coming to a close. Thank you.

[Gavel Banging]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____February 2, 2009_____