

Testimony from NYCHA's Chief Asset & Capital Management Officer Shaan Mavani
\$78.34 Billion: NYCHA's Physical Needs Assessment
Committee on Public Housing
Friday, September 22, 2023 – 10 a.m.
New York City Hall Council Chambers

Chair Alexa Avilés, members of the Committee on Public Housing, other distinguished members of the City Council, NYCHA residents, community advocates, and members of the public: good morning. I am Shaan Mavani, NYCHA's Chief Asset and Capital Management Officer. I am pleased to be joined by Vice President of Design and Construction for Real Estate Development Matthew Charney and Senior Vice President of Intergovernmental Affairs Brian Honan.

Thank you for this opportunity to discuss the significant capital needs across NYCHA's portfolio and the ways we are addressing them to bring residents the quality of life they deserve. Our number one priority is to ensure the health and safety of our properties – for today's residents and the generations to come – and there are a number of critical housing preservation initiatives underway to comprehensively rehabilitate NYCHA developments and better support the communities we serve.

NYCHA's 2023 Physical Needs Assessment

NYCHA's 2023 Physical Needs Assessment (PNA) estimates the 20-year physical needs at \$78.3 billion across 264 public housing properties that NYCHA currently directly manages, comprising 161,400 apartments. This represents a 73 percent increase from the 2017 PNA's total estimated needs of \$45.3 billion.

The PNA is a critical resource for effectively evaluating capital investment needs, as well as for planning and prioritizing capital investments, across our properties. Conducted approximately every five years as recommended by the U.S. Department of Housing and Urban Development (HUD), the PNA involves assessing when in the next 20 years the physical assets that make up NYCHA's buildings and campuses will require replacement or upgrade, and then estimating the costs for these renovations based on current market prices and NYCHA's recent contracts.

NYCHA has undertaken PNAs since 2006. A 20-year capital investment outlook is recommended by HUD as it is a real estate industry standard, and it captures the magnitude of capital investment required to comprehensively address the conditions of NYCHA's aging

buildings and campuses to bring them to a state of good repair and ensure their long-term viability. Going forward, NYCHA will update the 2023 PNA results on an annual basis. This will ensure that estimates can reflect both increases in needs due to market price escalation or other causes, as well as needs addressed through completed capital projects and other programs.

The PNA Process

NYCHA's 2017 PNA included architectural and engineering assessments at all buildings and grounds for more than 300 NYCHA properties, and it generated over 40,000 data points and hundreds of reports. Many physical assets and building systems were found to be close to, at, or beyond their useful life. Because the 2017 PNA collected so much baseline information for assessing asset conditions and modeling future deterioration, NYCHA focused the 2023 PNA on inspections at a representative sample of 30 properties with approximately 29,000 apartments. The purpose of these on-site inspections was to verify and update the asset deterioration forecasts applied to all properties, as is common practice in the industry.

This was done through surveys and interviews of property staff and resident leaders at these sites; joint walkthroughs; and architectural and engineering assessments in all buildings, 10 to 15 percent of apartments in each property, and the grounds. While physical needs assessments typically focus on visual inspection of physical assets, one apartment wall was opened for a sample of apartments and buildings at different properties to also allow assessment of the condition of piping and other elements behind the walls.

Data from various recent analyses, work order data, environmental testing results, and field assessments undertaken by NYCHA were also used in the 2023 PNA to further validate the inspection results and to incorporate new areas of scope not included in 2017, such as lead-based paint abatement, decarbonization of heating systems, and open spaces enhancements.

Growing Needs and Costs

[Presentation slide 2]

Approximately two-thirds of the 73 percent increase from the 2017 to the 2023 PNA is driven by market price escalation, and the remaining one-third by the additional scope areas I mentioned,

accelerated asset deterioration and methodology refinements. I would also like to note that the 2023 PNA figure excludes approximately \$10.5 billion of needs already addressed since 2017 through completed capital projects and the PACT program.

[Presentation slide 3]

Fifty-four percent (or \$42.1 billion) of the total need identified relates to assets already at the end of their useful life and requiring replacement immediately or within the next year, and 77 percent (or \$60.3 billion) of the total need identified relates to assets requiring replacement within the next five years. Thus, while the PNA is a 20-year physical needs estimate, the majority of these needs require capital investment in the very short term.

[Presentation slide 4]

NYCHA's capital investments are currently focused on major building systems in line with the requirements of the HUD Agreement – including heating systems, elevators, waste management infrastructure, building exteriors to reduce mold, and lead-based paint abatement – as well as safety and security-related systems. Apartments therefore comprise the largest share of physical needs, followed by additional investments required in heating systems, building exteriors, and plumbing. These areas together account for \$57.8 billion (or 74 percent) of the total physical needs. The remaining 26 percent comprise a range of building systems and components as well as grounds improvements.

[Presentation slide 5]

The per-apartment average physical need, including all assets within the buildings and campuses, is approximately \$485,000. Of course, the level of physical needs can vary significantly among properties: buildings comprising 61 percent of NYCHA apartments have less than \$500,000 in per-apartment physical needs while 39 percent require more than \$500,000 of investment. In addition, the actual cost of any individual project to address specific assets at each property can vary significantly from these figures due to factors such as the project's particular scope of work and procurement approach.

Strategies to Address the Massive Needs

[Presentation slide 6]

To tackle these enormous needs, we are executing a large capital projects portfolio as well as pursuing a variety of innovative and vital housing preservation initiatives. We must use every tool and strategy available to improve residents' quality of life through desperately needed investment.

We believe that approximately \$38 billion (or 49 percent) of the 20-year PNA estimate can be addressed through ongoing and planned capital projects, the PACT program, and the Public Housing Preservation Trust. There are currently more than 750 ongoing and planned capital projects focused on almost \$5 billion of investment in individual building systems and components or comprehensive modernization of properties. In collaboration with our partners, we aim to fully rehabilitate an additional 47,000 apartments through PACT, and the Public Housing Preservation Trust law currently allows for the comprehensive renovation of 25,000 apartments.

Progress for the Present and for Posterity

The majority of NYCHA's properties are more than a half century old, and they have not received the regular investment that all buildings require to remain in a state of good repair. Our mission is to bring our developments the massive investment needed through all avenues possible, to support the health, safety, and quality of life of NYCHA families. Funding is required from all levels of government, in particular the State and federal government, to help address these needs. Thank you for your partnership as we ensure that NYCHA remains a vital bastion of affordable housing for the decades to come.

Thank you. We are happy to answer any questions you may have.

Manhattan



Asset & Capital Management

2023 PNA Overview

September 2023

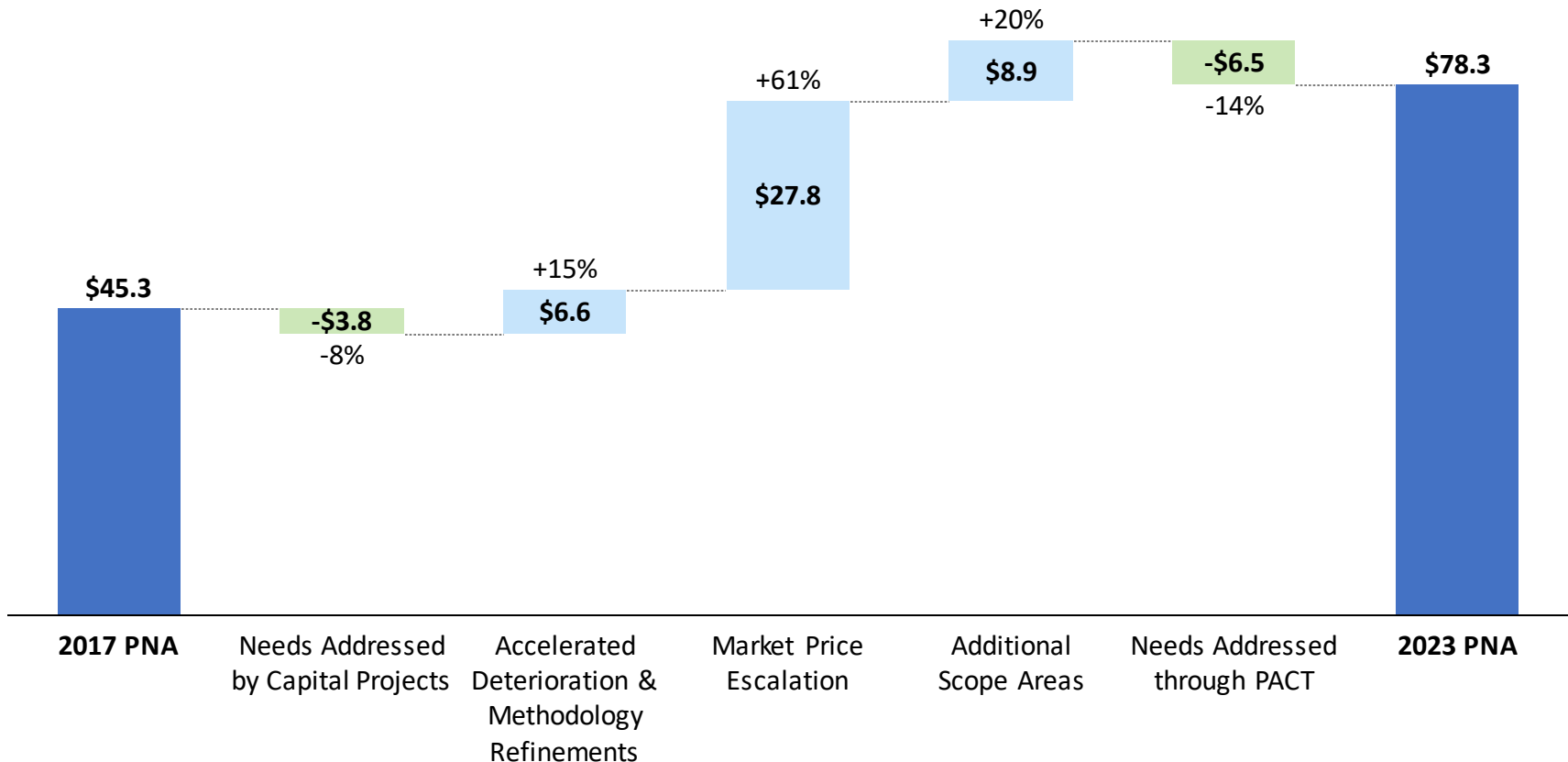


NEW YORK CITY
**HOUSING
AUTHORITY**

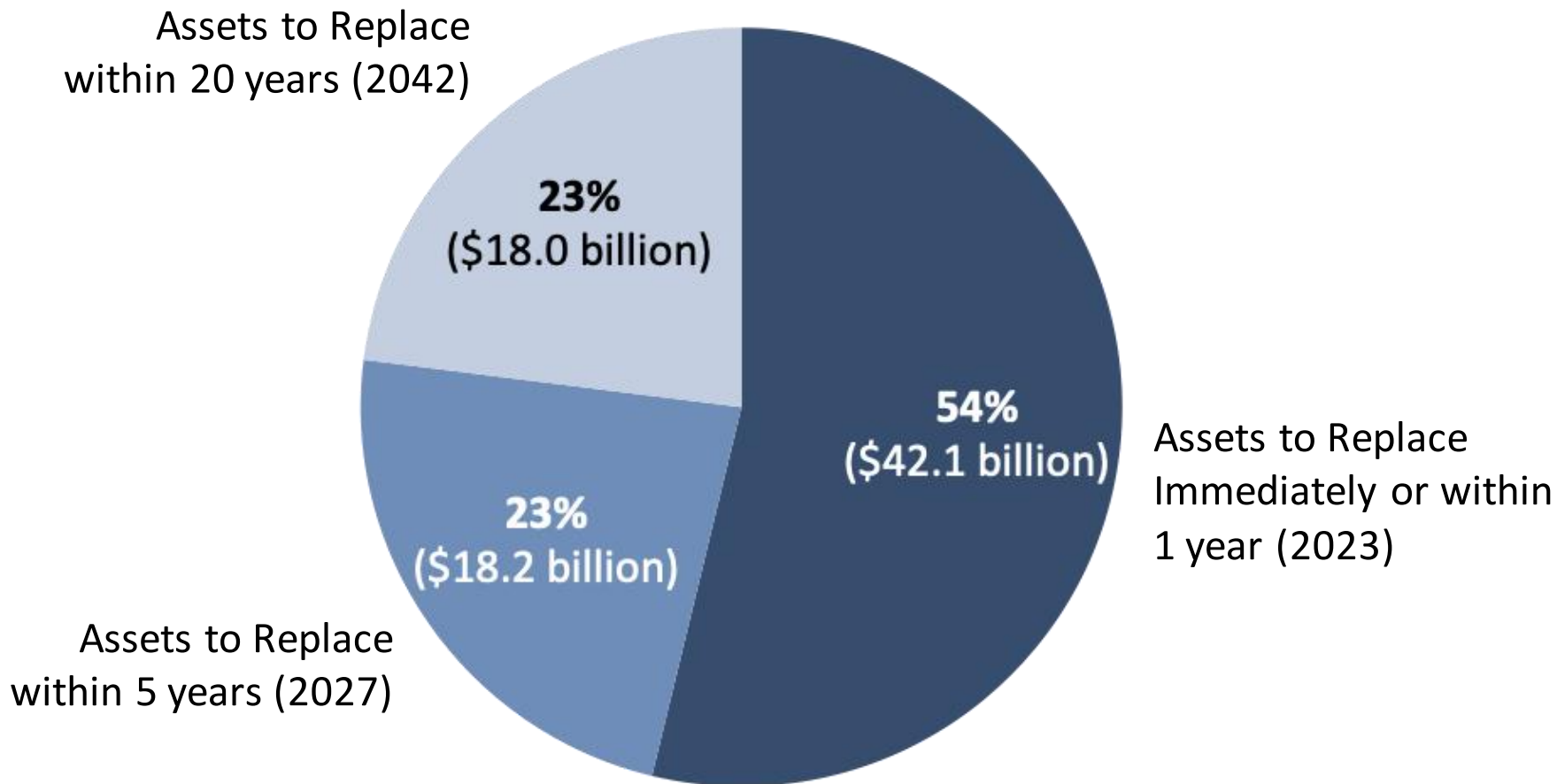


20-year Physical Needs Estimate increased from \$45.3 billion to \$78.3 billion, or by 73%

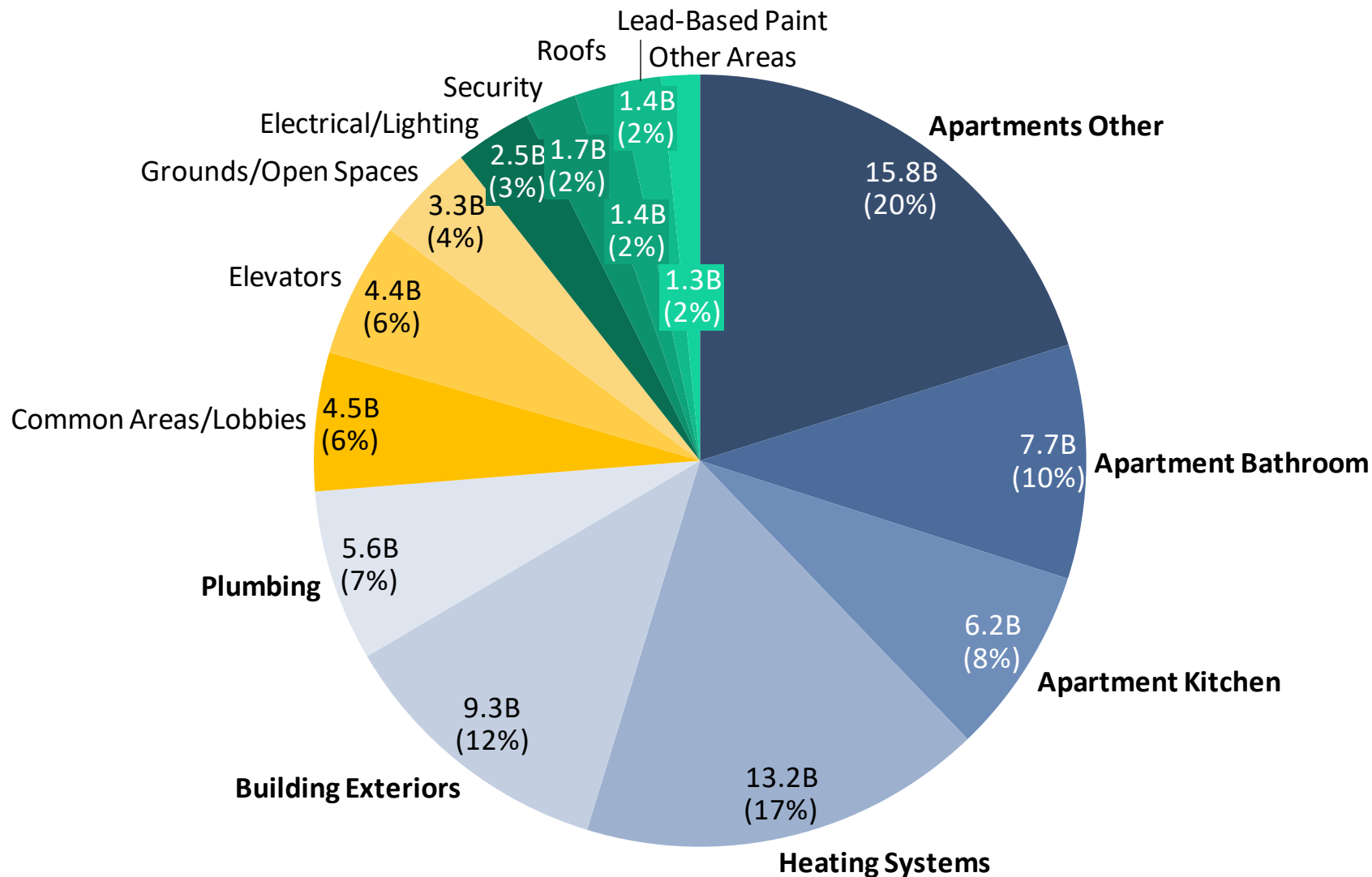
20-year Physical Needs Estimate (\$ Billions)



54% or \$42.1 billion of the 20-year estimate relates to assets requiring replacement within 1 year, and 77% within 5 years



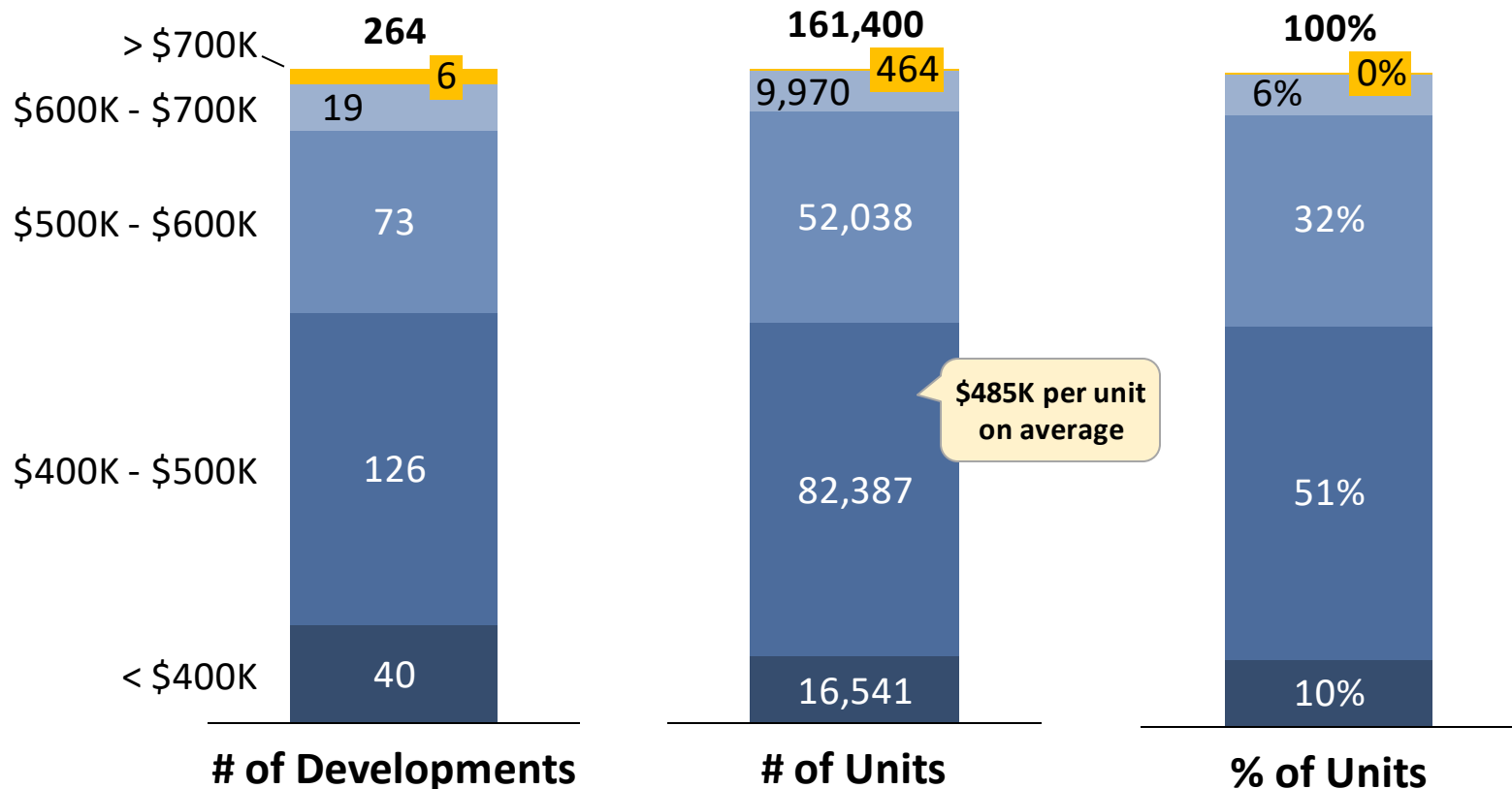
Apartments, Heating Systems, Building Exteriors and Plumbing account for \$57.8 billion or 74% of total 20-year Physical Needs



* Asbestos abatement costs are distributed across relevant scope areas through unit cost adjustments. The "Apartments Other" category primarily includes apartment floors, doors, light fixtures, radiators, and electrical panels. "Other areas" includes Waste Management, Section 504 (apartments), Fire Protection, and Ventilation / Air Conditioning.

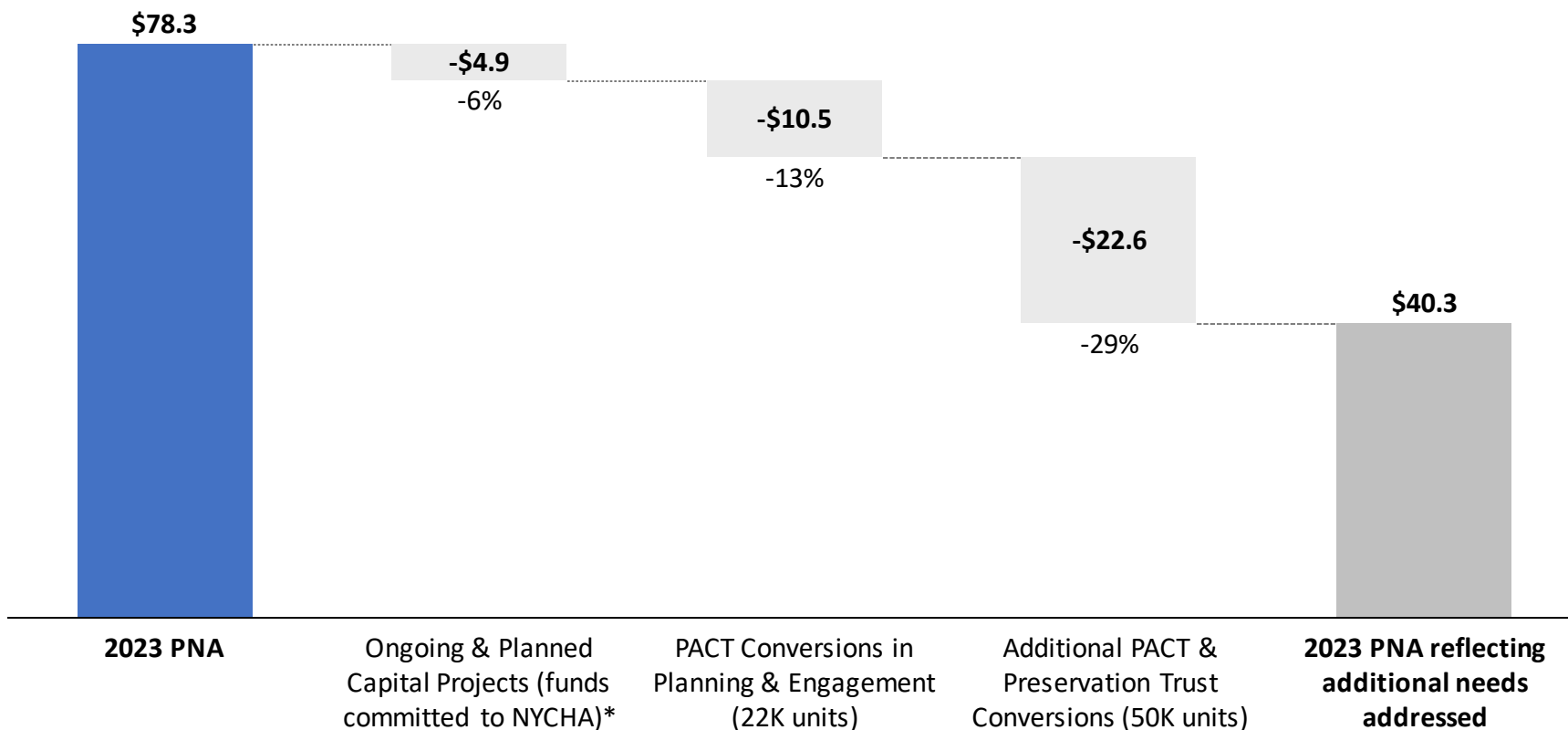
\$485K average per-unit physical needs, with 98,928 or 61% of units are below \$500K and 62,472 or 39% above \$500K

20-year Per-Unit Physical Needs Estimate



\$38 billion of identified physical needs planned to be addressed through capital projects, PACT and Preservation Trust strategies

20-year Physical Needs Estimate (\$ Billions)



*Includes a small portion of federal funding for ongoing projects not yet committed but assumed in NYCHA's capital plan to be provided in the next 3 years



JUMAANE D. WILLIAMS

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON
PUBLIC HOUSING
SEPTEMBER 22, 2023**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much to Chair Avilés and members of the Committee on Public Housing for holding this hearing and allowing me the opportunity to provide a statement.

A year ago my office released a report on NYCHA called, [*How the Other Half Lives in Public Housing*](#), which spotlights the unjust and dangerous conditions at NYCHA developments that we witnessed during our 5 Borough Tour. These issues still appear today at different developments showing little to no improvements. The Physical Need Assessment (PNA) is conducted every five years to review which areas of each development needs a replacement or improvement.¹

Based on the results from this past July, NYCHA announced that they needed \$78.34 billion to fix the aging infrastructure. An astonishing increase compared to the prior 2017 amount of \$45.3 billion. It is concerning to me that there is a huge increase in the amount since the 2017 PNA results. According to an article on THE CITY, for this year's PNA, NYCHA reportedly only checked 30 developments with more than 28,000 apartments. NYCHA currently manages and operates 264 developments with 161,400 apartments.² There is clearly a gap in the data since a majority of these developments were not inspected. Based on the 30 developments that were inspected, the data shows that last year's problems remain, and have gotten significantly worse.³

We must adequately invest in NYCHA to ensure they have the resources to address the residents needs along with the aging infrastructure of its buildings. I hope during today's hearing we are able to learn more about the PNA results, the PNA process for a better understanding of the huge increase in the cost, and how NYCHA plans on using this data to make future improvements.

Thank you.

¹ <https://www.nyc.gov/assets/nycha/downloads/pdf/2023-PNA-Report-Physical-Needs-Assessment-NYCHA.pdf>

² <https://www.thecity.nyc/2023/7/12/23792898/nycha-78-billion-fix-housing-projects>

³ Ibid.



NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC HOUSING

TESTIMONY RE: OVERSIGHT - \$78.34 BILLION: NYCHA'S PHYSICAL NEEDS ASSESSMENT

Thank you for the opportunity to testify before the New York City Council Committee on Public Housing.

The Community Service Society of New York (CSS) works with and for New Yorkers to promote economic opportunity and champion an equitable city and state. Since 1843, CSS has powered change through a strategic combination of research, services, and advocacy to make New York more livable for people facing economic insecurity.

The Legal Aid Society is the largest, most influential social justice law firm in New York City. The Legal Aid Society is built on one simple but powerful belief: that no person should be denied their right to equal justice.

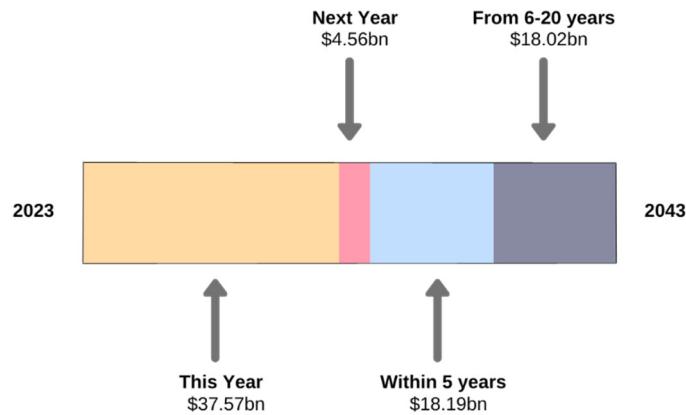
Last year, CSS carried out its annual survey of New Yorkers with a focus on capturing the experience and needs of low-income residents, including those in public housing. We found that in 2022, almost half of NYCHA residents say that leaks and mold are a serious problem in their home, and more than half say that properly working doors are a serious concern. These are the types of issues we continually hear from residents. We were shocked to find that that more than 30% of NYCHA residents said that access clean drinking water was a serious concern. There has never been a more critical moment to turn our collective attentions to NYC's public housing stock and the most up to date estimates of what it will cost to modernize, rehabilitate, or replace it. We applaud NYCHA for taking a step towards openness and transparency by providing their Physical Needs Assessment in a data friendly format for the first time. Upon reviewing this data and the report prepared by STV-AECOM PNA A JOINT VENTURE, we find that there are various facts and figures worth highlighting and several worrying trends and questions that need to be addressed for NYCHA and the City to best serve residents moving forward.

Overview

The 2023 Physical Needs Assessment of NYCHA's portfolio is a worrying but important accounting of conditions in the 264 public housing developments. The assessment was the result of the inspection of 30 developments, including building exterior, common areas, systems, a selection of apartments and the opening of several walls. With these inspection reports and additional factors to update the assessment

performed in 2017, NYCHA estimates that its total needs are \$37.57 billion today and another \$40.77 between now and 2043.

NYCHA CAPITAL NEEDS 2023-2043



Source: NYCHA 2023 PNA

A majority of the capital needs are for renovations and modernization work needed right now! The needs can be further broken down to understand where lawmakers can focus their efforts.

There are major differences in how the 2023 PNA estimate was arrived at vs the 2017 PNA. The most notable change is the addition of 7 new categories—decarbonization, façade repairs, lead, security, open spaces, waste infrastructure, and Section 504 (accessibility upgrades). However, these important additions makeup less than 20% of the costs (only 15% over the next 5 years). The addition of these categories provides crucial information in terms of ways to significantly impact the lives of NYCHA residents immediately. We now know that, at only \$3.4bn, façades repairs could be made to all public housing buildings; this would not only improve the outward appearance of residents’ homes but also ameliorate one of the biggest safety hazards they face and finally allow the 26 miles of sidewalk sheds to be dismantled. The new categories tell us that, \$1.4bn could prevent a single additional NYCHA resident from being exposed to lead poisoning.

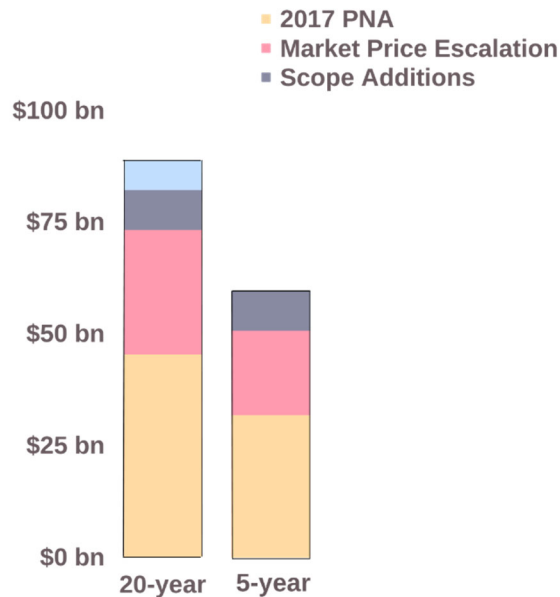
Ultimately, the bulk of the capital needs NYCHA has had for the last two decades remains the same—40% is apartment-based (mostly kitchens, bathrooms, and floors), followed by architectural work (mostly windows) at 11%, mechanical (mostly water and heating systems).¹

Comparing 2017 to 2023

¹ Decarbonization, a new category, makes up 12.3% of short-term needs which mostly refers to switching to electric heat and water pumps.

The 2023 PNA was less comprehensive than the 2017 PNA, taking a representative sampling totaling 30 developments instead of having inspectors visiting all 264. The 2023 PNA used an equation to model capital costs that assumes that the buildings’ systems and assets deteriorate slowly at first speed up in the middle of their ages and slow down towards the end of their useful lives. Both PNAs looked at inflation, market conditions, the cost of materials and labor, and other financial influences to calculate the capital costs.

NYCHA 2023 PNA BREAKDOWN



Source: NYCHA 2023 PNA²

While the total figures in both PNAs may seem alarming—given the ~90% increase in 5-year need and ~73% increase in 20-year need—it is important to understand that a majority of the increase stems from “market conditions and inflation”. The PNA points to COVID-related price increases to explain this dramatic increase in cost. Though, it would be helpful to get a full accounting for what input specifically led to this bump; especially since the City should be looking to help newcomers to our city find employment, including in the construction labor market where a shortage can mean higher capital costs. If there are specific materials that were more expensive while supply chains were disrupted, we would expect their return to normal (as well as the lessons-learned in chain resiliency) to mean costs that are lower than estimates calculated at the height of our global inflation *perfect storm*. If market prices were inflated due to increased transportation costs due to a tightened oil supply after the Invasion of Ukraine and decisions made by OPEC, we should consider that this increase will not last 5 and 20 years from now. The overall point being, we need more information on how this market price escalation was arrived at due to how significantly it contributed to the overall capital cost increases.

In terms of NYCHA’s work completed since the last PNA, less than \$4 billion in capital needs has been addressed. NYCHA and the City have leaned on Section 8 conversions instead. So far, more than \$6

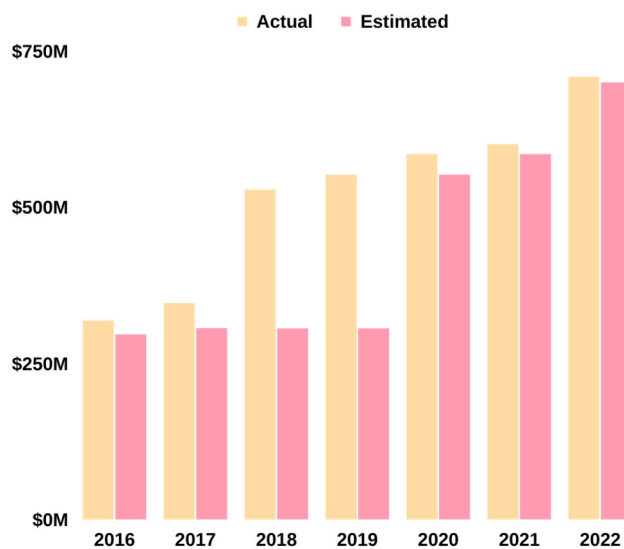
² The light blue portion of this chart is accelerated deterioration, which increased in the 20-year cost estimate but decreased in the 5-year.

billion in needs have been addressed through Section 8 conversions in the PACT program and \$15 million more needs are in developments with planned/ongoing conversions. The limited capital work outside of PACT draws attention to NYCHA's capital spending, which is as limited as it is opaque.

Addressing the Need

Since 2001, NYCHA has faced an operations funding shortfall from the Federal Government, with Congress consistently providing less funds than is needed to manage its housing stock. This lack of funding has added to the capital needs seen in the 2023 PNA. From 2001 to 2013, NYCHA's capital funding from the federal government continually declined each year. However, there has been a noticeable rebound in funding over the last five years.

NYCHA CAPITAL FUNDS (FEDERAL) 2016-2022



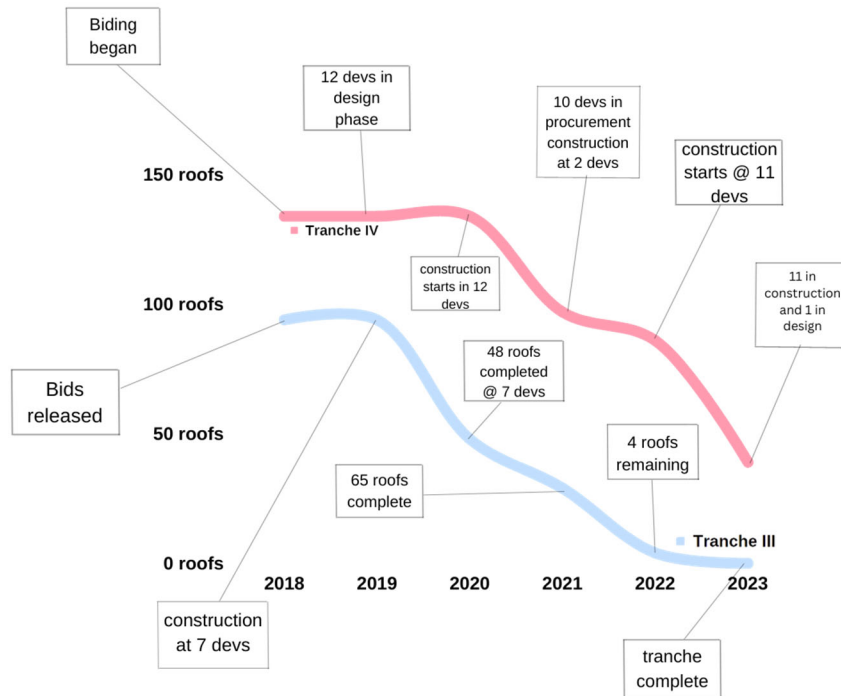
Source: NYCHA Capital Plan 2015-23 & NYCHA Budget Book 2015-23

In its capital plans, NYCHA estimates future funding amounts by using a conservative guess based on prior funding. For example, from 2016 to 2019, NYCHA guessed that capital funding for the subsequent five years would be \$306,356 million a year. This sort of *guessing* what funding levels will be makes planning capital projects very difficult. Capital planning is done in five-year increments, wherein money that will be spent in 2022, must be dedicated in 2017. However, it appears that federal funds have exceeded NYCHA's estimated funding levels since 2016. Its important to note that, Federal capital funds must be obligated in 2 years and spent in 4 years, otherwise NYCHA faces punishment including potential forfeiture of funds.

In terms of City capital funding, there are various capital fund allotments the city has put towards specific work types for NYCHA development rehab and modernization. However, NYCHA has opted to prioritize spending of federal dollars which have a deadline and have stated that City funding has been difficult to spend down for several reasons. We took a look at the funds for roof repairs as an example:

The DeBlasio Administration’s Roofing Initiative capital funding allocated \$1 billion starting in 2017 (including a \$300 million investment in 2015). At the time, the costs of fixing all roofs in NYCHA were estimated to be \$1.4 billion, as stated in the 2017 PNA. The former mayor’s plan set \$100 million every year from 2016 to 2028 to cover \$1.3 billion of this work by the end of the plan. The plan was set to replace 1153 roofs over the period in 13 *tranches*. Under the plan, NYCHA was expected to be on tranche 8 by this fiscal year (2023) and have had replaced 576 roofs. However, only 319 roofs have been replaced so far and NYCHA is only on tranche 6.

NYCHA CITY CAPITAL ROOF REPLACEMENT (TIII & TIV)



NYCHA CAPITAL PLAN 2017-2023

While legal issues slowed tranche II, questions remain regarding NYCHA’s ability to efficiently complete this work. According to the 2023 PNA, roof physical needs are still at \$1.1 billion (short-term). Given the considerable amount of work that has been completed already replacing roofs, the most recent PNA figure is worrying. Was the initial plan never realistically going to address the total roof replacement need? If so, are deterioration rates for roofs extraordinarily higher than what the 2017 PNA estimated? Or are there other issues with the procurement, work quality, internal capital planning process, administrative capacity, or contractor/material availability that have slowed down construction or required renovations earlier than expected? Or is the City capital just being spent at a slower rate due to the need to use Federal spending first? A look at tranche III and IV as examples, shows that it took NYCHA 5 years to move 94 roofs from bidding to completion, with much of the construction not beginning until long-after the bidding, in both scenarios.

In the past, City capital funding for NYCHA has been restricted. As we can see, the funding mentioned is restricted to roof work, another \$335 million could only be used for façades; \$16.3 million for dealing with rats; and another collection for boilers and another for waste management. These constraints makes it difficult for City money to be worked into NYCHA's capital planning and has an added disadvantage of oversight by the city's Office of Management and Budget (OMB). To make matters worse, state law continues to limit City capital funds to "hard costs" so that they can't be used to pay for the much of the necessary work that is required to get repairs done. Meanwhile, the Adam's administration attempted to cut \$47 million of the Community Development Block Grant (CDBG) funding for NYCHA developments from 2024-2026 in the preliminary budget. The CDBG is a source of operations funding for NYCHA that was significantly used to staff NYCHA capital work under the DeBlasio administration. While the council was able to restore the funds, NYCHA needs an increase in flexible capital funding.

The Adam's administration did increase capital funding over the last capital plan, but the increase is almost entirely shifted towards the PACT program. It is clear that the closing of PACT deals moving forward will require the use of subsidy from the NYC Department of Housing, Preservation, and Development (HPD). However, this should not lessen the obligation to address needs in developments that are not converting AND should not preclude advances in NYCHA's ability and aptitude to spend capital dollars, addressing the conditions facing public housing residents today.

It is with this context that we propose the following recommendations:

1. **Fund NYCHA Operations:** The amount of capital funding that the city provides NYCHA with is meaningless if the agency is not adequately staffed. Every year austerity budgets and cuts to capacity hollow out our public agencies more and more.
2. **Continue to push to Reduce Restrictions on City Capital Funds.**
3. **Increase City Capital and Bond Financing to \$4 billion annually:** This will allow NYCHA to perform more aggressive planning in capital budget outyears.
4. **Stop the Ban on Using Low Income Housing TA Credits (LIHTC) for NYCHA Capital Projects**
5. **Improve NYCHA's Budget Transparency:** While the fact that NYCHA's budget is on the calendar year and not the fiscal year like City agencies makes the timing of comprehensive budget documents difficult, it should not be difficult for taxpayers, residents, and stakeholders to understand what was spend and what wasn't. We recommend that NYCHA provide an annual capital spending breakdown by funding source to accompany the budget documents on its site. This should at least be from 2015 looking forward.
6. **We recommend that NYCHA be clearer in its messaging of the findings of the PNA investigations and help explain more fully to people about the real costs and future expenses:** We are concerned that announcements about the 2023 PNA put the unmet capital needs at a whopping \$78 Billion, nearly double that of the 2017 PNA. After a close read of the Report and conversations with NYCHA, it became clear that they expect PACT conversions and possible conversions to Section 8 under the new NYCHA Preservation Trust to address over \$37 Billion of those needs, leaving about \$40 Billion of remaining outstanding capital repairs. We are concerned that the alarmist nature of the \$78 Billion announcement sends a message to those on the federal, state and city level that NYCHA public housing is not worth saving because unmet needs are just too great and could lead unreasonable and inaccurate credence to the idea that demolition of public housing is the only option for the future of these valuable homes.

NYCHA has begun to embark on a voting process for select residents, instituting a first-of-its-kind preservation process. We cannot stress enough that residents cannot make informed decisions as to which programs to use to make necessary repairs at their developments if they do not have accurate information concerning the actual needs and associated costs to repair and available financing tools to meet such costs. We are concerned about the comprehensiveness of inspections and findings under PNA investigations and reports. As mentioned above, the 2023 PNA was much less comprehensive in terms of the number of units that were inspected in order to come up with a predication of unmet needs. Indeed, only 30 developments were actually inspected. In addition, a number of other items were added to the list of items to be inspected and included in coming up with the final total of capital needs costs. As NYCHA turns to different programs to address repair issues throughout its portfolio, including through the use of PACT and conversions under the NYCHA Preservation Trust, it is crucially important that all parties, including NYCHA residents and potential development partners and finance teams understand the real needs at each development. Recent changes to the PNA used by the Fulton Elliott Chelsea Working Group to come up with comprehensive plans as to addressing redevelopment needs at the developments are alarming and have not been made publicly available.

Thank you for the opportunity to speak on this pressing matter. With your help, we can advance these recommendations and substantially impact the lives of many New Yorkers who deserve a safe and healthy home.



240 West 35th Street ■ Suite 302 ■ New York, New York 10001

Testimony on the New York City Housing Authority's 2023 Physical Needs Assessment

Submitted to the New York City Council Committee on Public Housing

September 22, 2023

Sean Campion, Director of Housing and Economic Development Studies, Citizens Budget Commission

Thank you for the opportunity to testify on the New York Housing Authority's (NYCHA) 2023 Physical Needs Assessment (PNA). I am Sean Campion, Director of Housing and Economic Development Studies at the Citizens Budget Commission (CBC), a nonpartisan, nonprofit think tank and watchdog devoted to constructive change in the finances, services, and policies of New York State and City governments.

NYCHA's PNA provides the information needed to identify what has happened to NYCHA's housing stock over the past five years and to help plan for its future. CBC's analysis of the 2023 PNA finds that:

- Since 2017, NYCHA's actions addressed \$10 billion of its capital needs, up from less than \$2 billion over the 2012-2016 period;
 - Most of this was through the Permanent Affordability Commitment Together (PACT) program; over 30,000 residents will enjoy renovated units and improved quality of life thanks to PACT.
- Conditions at the 161,000 Section 9 public housing units NYCHA manages have deteriorated so precipitously while inflation increased so significantly that the required investment needed to rehabilitate units has doubled;
 - NYCHA's investment needs over the next five years now total \$60 billion, or \$373,000 per unit, more than double the \$29 billion, or \$180,000 per unit, as estimated in 2017.
 - Twenty-year investment needs have reached \$78 billion, or \$483,000 per unit, up from \$45 billion, or \$255,000 per unit, estimated in 2017.
- Almost one-third of NYCHA's apartments are at or very close to the point at which they cost more to repair than to build new (replacement cost):

- 29 percent are nearing CBC's estimate of replacement cost (\$400,000 to \$500,000 per unit); and
 - 2 percent are above replacement cost (over \$500,000 per unit).
- Another 57 percent of apartments are at risk of being above replacement cost very soon, with five-year needs of \$300,000 to \$400,000 per unit.

Some Investment Was Made Since the 2017 PNA

The previous PNA, conducted in 2017, found that conditions at NYCHA developments were dire and worsening at a rapid rate. NYCHA's five-year capital needs had increased four-fold over the previous decade, from \$7 billion to \$32 billion. The PNA also made it clear that NYCHA's Section 9 public housing program funds were woefully insufficient to address NYCHA's needs. CBC warned that without more investment and better management, 90 percent of NYCHA's portfolio would be close to costing more to repair than to rebuild by 2027.

Fortunately, NYCHA did act. NYCHA secured financing to address \$10 billion in long-term capital needs over the past five years, up from less than \$2 billion over the previous five-year cycle from 2012 to 2016. Two-thirds of those resources came via the PACT program, under which NYCHA converts funding from Section 9 to Section 8. PACT unlocks the ability to issue debt to fund rehabilitation and to partner with private affordable housing managers to oversee construction and day-to-day operations while maintaining NYCHA ownership and existing resident rights and affordability. Over 30,000 NYCHA residents now benefit from improved living conditions and quality of life thanks to these PACT renovations.

The Cost of Repairing NYCHA's Already Deteriorated Housing Stock Doubled Since 2017

Despite that investment, the 2023 PNA shows that conditions have become even more dire for the 161,000 public housing units in NYCHA's Section 9 program. Five-year needs now total \$60 billion, or \$373,000 per unit, more than double the \$180,000 per unit for those same properties in 2017. Twenty-year needs have reached \$78 billion, or \$483,000 per unit, up from \$255,000 per unit in 2017.

This increase in NYCHA's twenty-year needs is not due to unexpected deterioration, but rather to high inflation and the insight—gained from having renovated thousands of units—that the 2017 PNA underestimated both the scale and scope of repairs needed. The PNA shows that:

- **Inflation accounts for two-thirds of the increase:** Higher than expected inflation increased the twenty-year needs \$27.8 billion. Since 2017, inflation for unaddressed needs increased at an average annual rate of 10 percent.
- **Scope additions and modifications account for one-third of the increase:** A more accurate and appropriate scope of work increased the twenty-year need \$15.5 billion. Cost assumptions going

forward were increased based on the actual costs of repair work done through PACT and NYCHA's capital program. To more accurately project the cost of repairs, NYCHA also included additional needs in the 2023 PNA that had not been included in previous iterations. These additions were intended to better reflect the work that NYCHA would do if it were to rehabilitate buildings, such as decarbonizing its buildings by electrifying heating and hot water systems instead of replacing existing gas or steam fired systems. The estimate also reflects the higher number of units that need lead paint abatement.

NYCHA's updated analysis shows that the number of units at risk of not being cost-effective to repair—meaning the cost to repair them is close to or above the cost to build new units— increased much faster than CBC had forecasted.

In 2018, CBC estimated that by 2023, based on the historic rate of deterioration, 5 percent of units would be at or very close to the point at which they cost more to repair than to build new. Now, in 2023, with the increase in costs, almost one-third are at or close to the point at which they cost less to build new than to repair—a six-fold increase from 2017. Based on CBC's updated estimated replacement cost thresholds:

- 29 percent are nearing replacement cost (five-year need of \$400,000 to \$500,000 per unit);
- 2 percent are above replacement cost (over \$500,000 per unit); and
- Another 57 percent of units are at risk of being above replacement cost in the near future (\$300,000 to \$400,000 per unit).

The situation appears even worse based on the U.S. Department of Housing and Urban Development (HUD) definition of obsolescence—rehabilitation costs at or above 62.5 percent of the total cost to develop a new building. Based on five-year needs, 95 percent of NYCHA's portfolio is obsolete under the HUD standard, and 9 percent exceeds HUD's replacement cost estimate. Based on twenty-year needs, 100 percent of the portfolio is obsolete, and 71 percent exceeds replacement cost.

Exceeding the HUD thresholds makes most NYCHA properties eligible for more valuable tenant protection vouchers (TPVs), which provide higher levels of subsidy than provided under the Rental Assistance Demonstration program. TPVs can fund more extensive renovations, like the PACT projects completed to date, or redevelopment, such as the project that has been proposed for the Fulton, Chelsea, and Elliott Houses.

What is Next, Given NYCHA's Plan Meets Less than Half the Remaining Needs?

NYCHA addressed \$10 billion in capital needs over the last five years largely through the success of PACT. Switching to Section 8 funding allowed NYCHA to leverage private capital to renovate significantly

more units than it would have otherwise, often without spending City capital dollars, and while retaining public ownership and resident rights.

However, even if PACT and the newly created Preservation Trust proceed as expected in the PNA, NYCHA's plan will meet less than half the five-year need going forward.

In reality, the plan does not yet account for the fact that future PACT deals will be more expensive than earlier deals and will require additional public subsidy. Interest rates on the loans that fund PACT projects increased nearly 50 percent since 2020, from approximately 4.5 percent to 6.5 percent, while construction costs have increased 25 to 30 percent since 2021. As a result, loans that typically fund PACT projects now fund a much smaller share of the total cost of renovations than in the past, requiring NYCHA and the City to identify additional subsidy sources to make projects financially feasible.

To address its immense capital needs, NYCHA needs both funding and the flexibility to execute. This raises two big questions:

1. Can NYCHA ensure the process is as fast as possible?

Every month of delay increases costs. The longer you wait, the more expensive renovations become, and delays increase the chances that unexpected events—like the recent spike in inflation and interest rates—will derail plans.

While resident engagement and input is part of the PACT and Preservation Trust process, its impact on overall project speed can become a risk to projects' fiscal feasibility by increasing costs. NYCHA's current engagement strategy seeks to balance engagement with expediency. The State and City should seek to streamline the process as much as possible and not introduce additional steps that could delay the renovation process.

2. Can NYCHA raise enough capital to execute its plans?

The City and State will need to tap additional sources of financing to help close future PACT and Preservation Trust deals. This likely will require both levels of government to make hard choices about how to allocate finite housing resources, potentially including Low Income Housing Tax Credits or New York's tax-exempt bond volume cap, between NYCHA projects and other needs. The City's Fiscal Year 2024 Executive Budget Capital Commitment Plan already includes \$1.5 billion in City capital subsidies for future PACT projects through fiscal year 2026. NYCHA will need to raise additional sources of capital through infill development and phased redevelopment, where feasible, to support its capital program.

Thank you.

September 22, 2023

**New York City Council
Oversight Hearing Before the Committee on Public Housing
Re: \$78.34 Billion: NYCHA's Physical Needs Assessment**

Written Testimony of the New York Legal Assistance Group

The New York Legal Assistance Group (“NYLAG”) uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality.

NYLAG works closely with community organizations, agencies, and elected officials, and operates numerous legal clinics in locations such as community centers, courthouses, and hospitals. Since the implementation of the Right to Counsel at the NYCHA Office of Impartial Hearings, NYLAG has created the Public Housing Justice Team, known as “PHJP,” within its Tenants’ Rights Unit. NYLAG’s PHJP is the first team of attorneys in New York City solely devoted to the representation of public housing residents. PHJP represents tenants in both Section 9 and Permanent Affordability Commitment Together, known as PACT, developments.

More often than not, our clients, both in Section 9 and PACT developments, are subjected to unacceptable living conditions. As their advocates, we see firsthand the barriers residents face in getting much-needed repairs.

The appalling living conditions facing NYCHA residents operate at two levels. The first is systemic. NYCHA’s 2023 Physical Needs Assessment, or “PNA,” estimates 20-year physical needs of \$78.3 billion across NYCHA’s current holdings. NYCHA has indicated that 54% of these needs are immediate, requiring repair or replacement in the next year. Likewise, NYCHA has indicated that approximately half of the overall need can be covered through current funding, including capital projects, and privatization schemes.

The deterioration of NYCHA’s housing stock was predictable and preventable. It is the direct result of NYCHA’s persistent failure to complete regular and preventative maintenance, combined with the decades-long systematic divestment from public housing at every level of government. This disinvestment from public housing and public housing tenants is both a social justice issue and a racial justice one. NYCHA residents are disproportionately Black, Latine, and low income. Given these demographics, the systemic divestment from public housing disproportionately harms people of color, people with low incomes, and other systemically marginalized groups. We urge City Council to fund NYCHA adequately to ameliorate this longstanding systemic neglect.

The ongoing horrific living conditions too often seen in NYCHA developments operate at the individual tenant level as well. Although the PNA includes plans to cover some of NYCHA’s physical need through large, sweeping campaigns, it markedly leaves individual residents struggling with significant housing code violations in their homes without meaningful access to relief. We implore City Council to remember NYCHA residents who have contended with deplorable conditions and ongoing repair needs for years, unable to get relief. The push to privatize

public housing, the systemic neglect of public housing, and the disregard for residents' rights hastens the displacement of public housing residents.

We submit the following testimony to urge and remind the City Council of the following matters: regardless of the expected cost over the next 20 years, NYCHA remains responsible for maintaining its buildings and ensuring that all NYCHA residents, our clients included, are afforded safe and habitable homes. The PNA and the expected high costs of necessary work are not an excuse to not provide repairs, or a rationale to privatize public housing. We implore this City Council to take this as a call to mobilize and appropriate the money to fund NYCHA adequately, to invest in our public housing residents, and to save public housing.

I. NYCHA's PNA Is Not a Justification for Its Failure to Provide Safe and Healthy Housing to Current Residents and New Yorkers in Need.

NYCHA is the largest landlord in New York City, holding approximately 7% of the rental stock, and housing an estimated 500,000 people—more than the total population of Atlanta or Miami.¹ Of those 500,000, 90% are Black or Latine, nearly a quarter are over 62, and over 85,000 are children under the age of 18.² NYCHA households tend to be long-term, multigenerational homes that provide stable housing for generations of New Yorkers, and serve as the hub of family life. NYCHA is also the last opportunity for deeply affordable housing in New York City. Indeed, it is often the only hope for New Yorkers with low-income and no-income. Without the essential housing lifeline that NYCHA provides, tens if not hundreds of thousands of New Yorkers, including children and the elderly, would face homelessness.

As a landlord in New York City, NYCHA is obligated to follow with the City's Housing Maintenance Code, comply with HUD Housing Quality Standards, and uphold the implied warranty of habitability, which ensure that its residents' apartments and buildings are safe and livable. When it fails to do so, residents' homes become unsafe and even completely uninhabitable. However, unlike other New York City renters, NYCHA residents do not have the option of calling 311 to report a problem with their apartments. Instead, NYCHA tenants must raise issues to their landlord, NYCHA. But, when residents raise concerns to NYCHA about their living conditions, instead of conducting repairs in a reasonable time or predictable manner, NYCHA staff look for any opportunity to close out repair tickets without fixing the problem. We hear regularly that instead of knocking on our clients' doors, NYCHA staff leave notes claiming they weren't home when they were. NYCHA staff often point to the PNA as an excuse for why it cannot fix even simple problems. NYLAG's PHJP sees this problem frequently. PHJP represents NYCHA residents in a variety of types of proceedings, including termination of tenancy, cases involving allegations of nonpayment of rent, and HP Actions for apartment conditions. Regardless of the type of case, one thing is near constant: Our clients need basic repairs done and NYCHA refuses to do them.

Whether or not apartment conditions are the initial reason for our representation, our clients' conditions issues come up in nearly every single case. When we bring these basic habitability issues to the NYCHA attorneys, those attorneys merely tell us there is nothing they can do. Both in informal conversations, and on the record in housing court, NYCHA attorneys cite to the funding deficiencies identified by the PNA to excuse their refusal to conduct even low-cost

¹ NYCHA Connected Communities Guidebook (2020), page 17, *available at* <https://www.nyc.gov/assets/nycha/downloads/pdf/Connected-Communities-Guidebook.pdf>.

² NYCHA Resident Data Book Summary (2022), page 2, *available at* <https://www.nyc.gov/assets/nycha/downloads/pdf/Resident-Data-Book-Summary-2022.pdf>.

basic repairs. Sometimes, we and our clients are simply told that the repair will not get done until NYCHA receives funding to renovate the entire development completely. By way of example:

1. In a Holdover Proceeding in Manhattan Housing Court, a NYCHA attorney refused to agree to replace a broken sink in a resident's apartment, relying on the PNA and claiming they would be fired if they agreed to it.
2. Similarly, one of our clients has been waiting for a functional kitchen sink for over a year. NYCHA removed the old sink and has yet to install a new one.
3. In yet another example, the lock on a client's mailbox has been broken for months, meaning her legal and personal mail was left unsecured. Even though her mailbox can be fixed with a *single screw*, NYCHA has refused and is refusing to fix it, telling her she has to wait until they have the money to replace all the mailboxes in the entire development.
4. We recently met a client in the middle of an HP Action whose living room floor tiles have deteriorated and become detached from the flooring underneath due to flood damage from broken pipes. Every morning our client and her senior husband wake up in a dangerous, nearly uninhabitable home. NYCHA knows the condition of the home, but the devastating conditions remain unaddressed.

Among our own cases we have many other examples of NYCHA's attempt to flout its obligation to maintain habitable apartments by hiding behind the PNA, which is both an unacceptable abdication of NYCHA's responsibilities to its residents, and not supported by the PNA. The staggering figures included in the PNA should not mean that no repairs are done until all repairs for the next 20 years are funded—as it too frequently NYCHA's asserted position.

NYCHA's flagrant failure to comply with local, federal, and common law legal requirements is appalling and must end. We urge the City Council to provide the necessary oversight and accountability to ensure that NYCHA is meeting its obligations to tenants. We also urge the Council to provide guidance to NYCHA attorneys and staff, as well as housing court staff, that it is unacceptable for NYCHA to rely on the PNA as justification to not provide necessary repairs to individual households. We strongly urge the City Council to put in place much-needed protections for NYCHA tenants to ensure that they are able to access essential repairs. In particular, the Council must ensure that NYCHA does not use the findings in this PNA to justify not doing necessary repairs to vacant apartments, or inhabited ones.

II. The PNA Does Not Justify the Continued Privatization of Public Housing Through RAD/PACT or the Preservation Trust.

In the PNA, NYCHA relies on the PACT program and Preservation Trust privatization in its plan to close the gap in its sorely needed funding. However, City Council should not allow NYCHA to use the PNA to justify the privatization of an essential public good at the expense of the rights and security of public housing tenants.

The current state of conditions in NYCHA was not a *fait accompli*, but rather the culmination of decades of government divestment and deliberate inaction and misrepresentation by NYCHA. This self-manufactured crisis cannot be the basis for privatization and subsequent sharp reduction in procedural and substantive rights of residents.

In the PNA, NYCHA relies on PACT and the Preservation Trust as solutions to the public-housing-funding crisis. However, PACT is not a silver bullet. NYCHA induces its residents to vote

in favor of these privatization schemes by making promises of improved conditions and access to repairs that, even after conversion, these residents will likely never see. Instead, post-conversion, residents are left with private management companies that demolish developments and line their own pockets with market-rate apartments built on the back of public housing and taxpayer dollars. And residents in converted developments continue to be denied even basic apartment repairs. Our clients who live in developments that have been converted from NYCHA management to private management continue to live under the same dire and uninhabitable conditions they were subjected to before. Private management companies, like NYCHA, consistently refuse to conduct even the most basic repairs. For example:

1. Ms. F, who was a NYCHA tenant for decades, was left to live with a broken fridge for *years* after conversion to RAD/PACT. When Ms. F's granddaughter alerted the new private management about mold in the apartment, they told her to sue Ms. F instead of taking responsibility and doing the work required.
2. When Ms. J finally received a lease in her name, years after RAD conversion, Section 8 denied her application after inspecting the apartment because of the extensive repairs that needed to be done—even though the development was one of the first to convert to RAD/PACT. The necessary repairs ranged from faulty wiring to pervasive mold conditions, all issues Ms. J had been pleading with management to fix for years.

NYCHA uses the PNA to evade accountability and quite literally pass the buck to private companies—which mimic NYCHA and also shirk their obligations to residents. The conditions in PACT buildings are so bad that they have forced international human rights organizations to take notice. In January 2022 Human Rights Watch published a damning report called "The Tenant Never Wins" about the terrible conditions in PACT developments.³ City Council must take action to stop NYCHA's misuse of the PNA.

III. NYCHA's 2023 PNA Is Not a Defense to NYCHA's Alarming High Vacancy Rate—Particularly Amidst New York City's Homelessness Crisis.

NYCHA's neglect of its housing stock is particularly harmful given the ongoing homelessness crisis. Housing is a critical solution to homelessness. There are approximately 19,569 families experiencing homelessness in New York City.⁴ And yet, according to City Council data, there were 3,300 vacant NYCHA apartments in December 2022. Moreover, we believe that number is growing due to the sharp increase in average time it takes NYCHA to turnaround vacant apartments. That turnaround time was just 160 days in 2022, but has now skyrocketed to 370 days.⁵ Making matters worse, NYCHA frequently points to the PNA as an excuse to withhold viable housing from the City's most vulnerable residents. NYCHA has stated that the reason it can't lease these apartments amidst NYC's acute housing crisis is because of repair conditions. The delay in repairing conditions for current tenants, then leads to NYCHA dragging out the re-renting process

³ "The Tenant Never Wins" Private Takeover of Public Housing Puts Rights at Risk in New York City, Human Rights Watch (January 2022), *available at* <https://www.hrw.org/report/2022/01/27/tenant-never-wins/private-takeover-public-housing-puts-rights-risk-new-york-city>.

⁴ Coalition for the Homeless, Basic Facts About Homelessness: New York City Data and Charts (July 2023), *available at* <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city-data-and-charts/>.

⁵ Mayor's Management Report: New York City Housing Authority (September 2023), *available at* <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2023/nycha.pdf>.

for more than a year in order to then, finally, address repairs. These delays in re-renting vacant units are unacceptable, needlessly exacerbate the housing crisis, and sap rental revenue that NYCHA desperately needs to maintain its housing stock.

NYCHA's failure to turnaround vacant apartments within its developments has real and serious consequences for New Yorkers. Current NYCHA residents are unable to obtain reasonable accommodation or safety transfers because, even if they can identify empty apartments within their developments that would meet their needs, those apartments require repairs that have not been addressed. Worse, it means that those families on NYCHA's never-ending waitlist are unlikely to ever see the public housing they desperately need. NYCHA's inaction means that more than 3000 families are stuck in shelters while there are at least 3,300 potential stable and affordable homes sitting vacant and falling further into disrepair.

These numbers are not surprising to those of us that work with NYCHA residents every day. We hear stories about apartments sitting empty for years from our clients who are desperate to relocate to get their own repairs done. Just last week, a client told us that the apartment she was relocated from about a year and a half ago because of excessive water damage and mold continues to sit vacant and untouched.

City Council cannot allow the findings of the PNA to justify NYCHA's inaction. Failure to maintain habitable apartments is a self-fulfilling prophecy: the longer NYCHA delays in preparing these apartments, the longer it misses out on collecting rent from potential tenants. It is NYCHA's duty to provide safe and affordable housing and it is this City's responsibility to make sure NYCHA fulfills that obligation.

Conclusion

We implore this City Council to mobilize and appropriate the money to fund NYCHA adequately, to invest in our public housing residents, and to provide the ongoing guidance, accountability, and oversight required to ensure that NYCHA does not evade its responsibilities leaving public housing residents to suffer the consequences. We strongly urge this Council to act now in collaboration with the state and federal governments to fully fund Section 9 and ensure that no public housing tenant in New York City has to compromise their rights to keep their home for their rights to a habitable home. We also urge this Council to provide oversight and guidance to ensure that the PNA is not used to justify NYCHA's failure to meet its obligations to individual residents in need of repairs, or as an excuse for allowing apartments to lay vacant for years. Thank you for your attention to this urgent issue.

Respectfully Submitted by:

Sophie E. Cohen

Staff Attorney

Tenants' Rights Unit, Public Housing Justice Project

Anna Luft

Project Director

Tenants' Rights Unit, Public Housing Justice Project

Kate Fetrow

Senior Staff Attorney
Special Litigation Unit



September 22, 2023 - Delos Testimony - Committee on Public Housing

We spend up to 90% of our lives indoors. These indoor spaces, most notably our homes, have a profound impact on our acute and chronic health and play a significant role in overall health care costs. Creating spaces that support health and well-being is of paramount importance worldwide, but for the over 500,000 people who live within NYCHA residences - 1 in 17 New Yorkers - the ability to create such an environment is burdened by aging infrastructure and resource availability. As identified through PACT, many NYCHA buildings have conditions which are unacceptable and unsafe. We have a responsibility to support our residents by evaluating the spaces in which they spend the majority of their lives. By taking a data-centric approach to identifying issues within NYCHA residences, particularly air quality issues, we can ensure proposed infrastructure and policy changes are substantiated by data, and have a direct correlation to improved health outcomes to make a lasting impact on the quality of life for occupants, as well as to positively impact New York City's short and long-term health care costs.

The pandemic has dramatically shifted the public mindset on the importance of indoor environments to our health. While our response to public health crises continues to improve, many experts recognize that another pandemic is inevitable. Also, extreme weather events, as we saw earlier this year with the Canadian wildfires, are becoming more common due to climate change, furthering the importance of ensuring our homes are a safe haven from outdoor influence. Areas of northern Manhattan and the Bronx suffer from some of the highest rates of asthma in the country, leading to a large portion of emergency room visits and hospitalizations for children and young adults. At the same time, congestion fees will likely push traffic to areas where NYCHA developments are located, exacerbating air quality issues that impact indoor environments. Indoor air quality can be two to five times worse than outdoor air quality; pathogen transmission concerns, particulate concerns from increased traffic and industrial equipment emissions, particulate concerns from wildfire smoke, or even particulate and volatile compound related concerns caused by human activities like cooking and smoking indoors, all contribute to indoor air quality issues. The short and long-term health impacts of these environmental challenges are clear and many studies have tied the cost of human exposure to indoor pollutants to significant economic related productivity loss as well as increased health care costs.

Delos is the pioneer of the healthy buildings movement, having researched the health impacts of indoor environments for over a decade. Delos has reviewed hundreds of health and wellness products in the market utilizing a science-based approach to evaluate the performance and impact on human health outcomes. Through testing and data collection, insights evaluation and deployment of scientifically proven health and wellness technologies, Delos offers its support and encourages a collaboration with NYCHA to implement air quality monitor and air purifier focused pilot programs in an effort to inform and create healthier spaces for residents.

It is imperative that we take a more proactive approach to better the health and well-being of New York City residents.

Sincerely,

Paul Scialla

Oversight - \$78.34 Billion: NYCHA's Physical Needs Assessment
Testimony Submitted by Fifth Avenue Committee

This testimony is being submitted on behalf of Fifth Avenue Committee (FAC), a forty-five-year-old nonprofit comprehensive community development corporation based in South Brooklyn whose mission is to advance economic, social, and racial justice in New York City through integrated, community-centered affordable housing, grassroots organizing, policy advocacy, and transformative education, training, and services that build the power to shape our community's future.

We applaud NYCHA for using the 2023 PNA to get a better picture of the true cost of bringing its portfolio to a good state of repair while also prioritizing accessibility and decarbonization. We also know that it's equally important to transparently outline how these repairs will be addressed and to outline why the new PNA's have doubled across the entire portfolio even when units have already been transferred to RAD / PACT. The launch of the Public Housing Preservation Trust promised to close the gap between the developments receiving renovations through PACT and those that were not slated for PACT, yet it's unclear how NYCHA intends to fund the new needs identified in this PNA.

We also believe it is important to recognize the aging and disabled tenants' populations residing in NYCHA housing that simply cannot endure the stress and burdens of relocations or interior building repairs while residing in place. We ask for there to be an additional evaluation of expenses for NYCHA residents whose quality of life and autonomy could be so deeply diminished and impacted under any comprehensive repairs as important to consider in PNAs—alongside new considerations like decarbonization of buildings—for the many most vulnerable populations like seniors and disabled residents who have lived in NYCHA housing for decades. We work with public housing residents in several South Brooklyn developments, including Gowanus Houses, Wyckoff Gardens, and 572 Warren Street, which is now a PACT project. As the convening organization behind the Gowanus Neighborhood Coalition for Justice (GNCJ), we fought for and won \$200 million funding commitment through the Gowanus Rezoning to provide comprehensive modernizations at Gowanus Houses and Wyckoff Gardens. We are proud of this commitment, but we share the residents' concerns that the 2023 PNA shows there may be a long way to go to address the full capital needs of these developments.

The full needs for these two developments have risen from \$411,558,577 in 2017 to \$848,032,497 in the latest 2023 PNA. Importantly, the PNA also verified what tenants have already been telling us for years—that the worst conditions are in the apartments themselves. While the \$200 million we fought for will address some of the most pressing needs, there will still be up to \$648,032,497 that is not being addressed through Comprehensive Modernization. Locally, and across the NYCHA portfolio, there is deep concern about the ballooning expenses and concern that the portfolio is on the brink of planned obsolescence for Section 9 housing. We want to reiterate we have heard from some of the longstanding local tenants that they want to remain Section 9 and demand that the comprehensive modernization commitment to fully address the scope of the interior renovations at Gowanus Houses and Wyckoff Gardens be addressed to meet any unmet capital needs brought on by the increased expense estimate through the new PNAs.

We recently saw that NYCHA presented to the tenants at Wyckoff Gardens that the bathrooms are no longer in scope. We ask that NYCHA and NYC be held accountable for the comprehensive modernization of the full apartment interiors including the bathrooms at Wyckoff Gardens within the RFPs for Design and Build that is now underway for Gowanus and Wyckoff.

Furthermore, we agree with the concerns expressed at the City Council Hearing on the PNA. Now that that the portfolio is transitioning to residents voting on PACT/RAD and the Trust at their developments, it is now necessary for independent PNAs and ask that the City Comptroller office step in oversee the PNA process.

DESCRIPTION OF SOME CONDITIONS AT LES III TOWNHOUSES

Owned by NYCHA; Currently managed by Kraus Inc.

Written by S. Abdur-Rashid, President of the LES III Tenants Association

To The New York City Council Committee on Public Housing:

I am writing on behalf of myself and residents at LES III “Townhouses” at 373 East 8th Street and 722 East 9th Street in District 2, Manhattan. We are represented by Councilwoman Carlina Rivera. We live in a very diverse community; our residents are Chinese, Latino and African/American. Most households include working adults, seniors and school aged children. Residents pay rent according to NYCHA guidelines, but unlike other NYCHA developments, residents are responsible for paying their own Con Edison utility bills. Our development was not as badly affected by Hurricane Sandy as the nearby Riis Houses. However, the flood waters on the streets soaked the tree roots which affected the sidewalks. These have since been replaced.

The LES III Townhouses are among the most aesthetically pleasing developments; it is a low-rise development with the third floor apartments being duplex apartments making both buildings four stories high. The development has approximately 56 apartments distributed on two streets (28 apartment on either side) which are connected by an inner courtyard. There are bushes and a small playground area inside the courtyard. The courtyard is entered through a large gate in the middle of each street (i.e. 8th Street and 9th Street) The mailboxes and garbage cans are accessed through the two gates. The gates are locked; each household has at least one key for the gate locks. The development has always been privately managed. Our current management company is Kraus Inc.

Each apartment has its own individual entrance; the ground floor apartments open directly onto the street. The second and third floor apartments are accessed via staircases; some have locked gates and others are accessed from the 2nd floor landing without a gate.

There is a laundry room accessed via the courtyard and a large community space (like a one room schoolhouse) also accessible through the courtyard.

This description could seem idyllic. However, when one looks closely, one begins to notice problems with the campus itself and problems inside individual apartments, primarily due to poor design and neglect.

POOR DESIGN

1. **KITCHEN DESIGN.** All of the apartments are either two or three bedroom apartments meant for families . However, the storage space (i.e. closet space) is extremely limited. There is no linen closet, no broom closet, and depending on which apartment one visits, only a single kitchen drawer. The kitchens are extremely poorly designed with refrigerators blocking access to counter space and under cabinets. Because of poor designing, certain kitchens have space above kitchen cabinets while other have no space further limiting kitchen storage. The kitchen undercabinets also included a space supposedly for a dishwasher (which indicates these buildings were not originally meant for NYCHA tenants) That space was left with a sheet of plywood to cover it. Residents use the space to store things. The under cabinets were never completed in many apartments. Also, the countertops are the old style with metal edging which holds insects, crumbs, etc. The cabinets are made of compressed wood or compressed sugarcane. Edges splinter. The cabinets have gaps near the stove where mice can enter the kitchen from behind the stove. **THESE KITCHEN CABINETS & COUNTER TOPS NEED TO BE REPLACED!!!!** (In some instances, residents troubled by mice have replaced them themselves because the bureaucracy either refused to do so or couldn't seem to make it happen.
2. **VENTS, PIPES & APARTMENT LINES** The next design issue has to do with how the apartments are lined up above one another. While the A lines and B lines are directly above each other, the other apartments towards the center of the building are more like a puzzle over lapping one another with some bathrooms being above kitchens, etc.

It seems as if the designer/architect was trying to squeeze as many apartments into as small a space as possible. The result includes a maze of water pipes and vents that appear to be beams inside apartments but are actually hiding pipes full of hot water or air vents that do not always work properly. One does not know whether what appears to be a beam is actually a vent or a hot water pipe encased in a square beamlike covering.

3. (There are **no kitchen or bathroom windows** with the exception of certain third floor apartments in the B line and perhaps one other line on the third floor). **Mold has been and continues to be a problem** in apartments due to leaks, lack of windows and poor ventilation. Maintenance and/or repair of roof vent fans only occurred after years of complaints from residents. I am unaware at this time how well all the vents are functioning in every apartment on both 8th Street and 9th Streets.
4. There is also a problem in some apartments with **BROWN WATER**. Despite replacing the hot water tanks, certain residents continue to report **consistent rusty/brown water** flowing from bathroom and/or kitchen faucets. It most certainly is a problem with the pipes. The issue of the pipes themselves has not been dealt with. This also points to the use of the cheapest materials possible used to construct these buildings.
5. Also, the bathtubs need replacing. They are chipped and stained in most apartments. Some bathtubs have been painted over in an attempt by management to renovate them but the paint jobs are cheap and sloppily done and bathtub paint never lasts. **REPLACE THE BATH TUBS ALONG WITH THE PLASTIC SHEETING! PLEASE! NEW TUBS AND TILES!**
6. **MOLD & BATHROOM SHEETING.** The walls surrounding the bathtub are covered with plastic sheeting instead of tiles. This is a problem because the bathrooms lack windows so the limited amount of air flow is dependent on the small ceiling vent. This means the bathrooms are damp and a breeding ground for mold. The plastic sheeting holds mold and insects and germs behind it. The mold begins growing on and around the sheeting, the caulking, etc. This requires constant cleaning with bleach which is a health hazard. Eventually the plastic sheeting begins to separate from the wall exacerbating the

situation. In some cases, metal screws were used to secure the sheeting to the wall; these screws then became rusted. This problem of mold in the bathroom could be mitigated with simple subway tiles and improved ventilation. In my own apartment, the mold was ongoing even after several attempts to remove it. The plastic sheeting was replaced with simple subway tiles; the ceiling light was removed and a vent fan was installed; and I repainted the bathroom with paint (that I purchased myself) that actually resists mold. *The combination of tiles, improved venting and good quality anti-mold paint accomplished what years of visits by NYCHA "mold remediation specialists" never accomplished.*

This triple process should be done in other apartments in the LES III complex.

7. LEAKS/ WATER DAMAGE

Another issue related to poor design and poor maintenance includes leaks from various places in the complex bi-passing one apartment and leaking into another so it's more difficult to determine the origin of the leak. INTERIOR: I have seen huge holes in ceilings and mini-waterfalls inside and outside neighbors' apartments due to leaks that may not have originated from the apartment directly above but from another apartment or from the roof. The roof needs attention; drains must be cleaned regularly and the roofs should be regularly inspected for cracks.

The gutters and sewer drains must also be cleared regularly to prevent toilet flooding in first floor apartments.

EXTERIOR: The exterior brick facing is damaged on both buildings (373 & 722) due to cheap quality of bricks and constant leaking from roof water. There are 250 year old buildings in New York City with bricks that are not as damaged as the bricks at NYCHA's LES III Townhouses, which was built less than 30 years ago!

POOR QUALITY MATERIALS/ STRUCTURAL INTEGRITY

As previous mentioned, the quality of construction materials is obviously quite poor and the damaged brickface is an obvious example. Another example is the cement steps

leading to the second floor apartments. These steps are full of cracks on the sides and on the landings themselves. The landing cracks were carelessly plastered over for a recent inspection, but the cracks in the cement on the sides of the steps themselves have not been addressed.

Also, in many apartments, the walls have settled and separated from the ceilings! Is this the reason one can hear the wind whistling through the apartment? There are tiny gaps between the walls and the ceilings (not cracks). The remedy from management has been to either caulk or tape over the spaces. How can a building constructed in the late 20th century pass inspection where this occurs?? In my own apartment, the shelf and clothing pole recently collapsed after repairmen were banging on the adjacent wall in gas meter room. How can the walls be so thin that repairmen in an external meter room adjacent to my apartment cause the shelf to fall in my closet? How safe is this building? Was this building up to code when NYCHA acquired it? If not, how has NYCHA mitigated that situation?

INNER COURTYARD

LES III Tenants Association with NYCHA's design department designed a new courtyard renovation which includes replacing the old play equipment, rubber matting, old benches, and invasive species of flora with *brand new youth and adult exercise equipment, matting, benches, trash receptacles, new flora landscaping including an additional tree*. We were under the impression that this renovation would begin in late 2023 into early 2024. However, we have since been told that the funding is not adequate for the renovation. Such renovation would improve the appearance of the courtyard and foster use of the space by families. We have many seniors living at LES III Townhouses. They used to sit in the courtyard but no longer do so.

The residents are eager to enjoy the courtyard and some have volunteered to improve the appearance through landscaping it themselves. However, everything has been placed on hold.

LAUNDRY ROOM COMPLAINTS

We have a small laundry room with four washers and two dryers. Compared to commercial laundromats, the prices are reasonable. However, the method of payment was abruptly changed during the Covid lockdown in 2021. Residents had no warning, nor say in the decision to change from coin operated machines to card/ digital payment which included a price increase. For those residents who do not use cell phones to pay for things, using the card machine is inconsistent and many residents, including myself, have lost money adding value to the laundry cards. The cards themselves cost five dollars apart from adding money to them. Who decided this new policy? This is another example of NYCHA making decisions that affect residents without the residents' knowledge.

RATS/MICE/INSECTS

Changing the kitchen cabinets will help decrease the mice. The walls behind the cabinets are full of holes. The walls behind the cabinets were not sealed or covered with sheetrock; I have seen that myself when a neighbor's cabinet was removed. Metal garbage cages outside the gates might also improve control of the rats which run around the garbage areas, past ground floor apartment doors, and up the steps to the upper floors. Checking for holes in apartments will also help.

SECURITY

Like other NYCHA and New York City communities, security is an issue for residents at LES III Townhouses. For fifteen years, we had a security guard on the premises from 3pm until midnight. However, since NYCHA has withdrawn funding security guards, our development has experienced more vandalism. There is an increasing problem of homeless mentally ill individuals, addicts and thieves sleeping and shooting up drugs in the area. With the increase in deliveries since Covid, there are more strangers lurking around to steal packages from the premises. The gate locks have been replaced twice

within a single year. Residents are complaining about strangers sleeping in front of their doors, on the ground floor as well as the second floor landings. In the past, there have been incidences of someone climbing into an apartment window. While that has not happened in recent years, residents are discussing the need for new security cameras in place of a security guard. A request for security cameras has been made to management for the laundry room area/hallway due to a recent attempt to break into the Tenants Association office. Residents are also requesting heavy duty brass locks installed on the courtyard gates instead of the cheaper quality locks. Perhaps a better system is available that retains the open design of the gates, but provides more security and are vandal proof.

Another security issue is the lack of air conditioner window cages. The ground floor apartments of 9th Street all have window cages on their livingroom windows. However, the 8th Street side has never had window cages installed. This has meant residents keep air conditioners inside their windows instead of properly installed outside. This is because residents are concerned that installing AC's facing the street without cages will result in break-ins.

SUMMARY

This is a general description of major issues at LES III. It is certainly not exhaustive; individual residents have their own complaints. Ours are certainly not the worst when it comes to conditions in most NYCHA owned developments. Our residents love where they live and most never want to move out. It is a small development with an active and diverse tenant association. We are fortunate to live in a diverse community with so many amenities including local shopping; transportation; The Girls Club and other community programs; good schools; restaurants; easy access to local public servants' offices; community gardens; public libraries; Tompkins Square Park; etc. Because this is such a small development, we believe NYCHA could use it as a model for successful public housing. However, that can only happen when major issues listed in this letter are addressed; *that means spending the necessary money to repair and improve!* Ours

is not a thousand apartment campus. Our campus is small; with specific renovations, it can be vastly improved. In nearly 30 years there has only been a single incident of graffiti on a single third floor overhang written by a stranger. Our residents themselves have never scrawled graffiti on any walls on either building, nor in the courtyard. Most households are eager to keep the development clean and safe. Some have even considered inquiring about converting our townhouse apartments into a cooperative. You can see we are real stakeholders in our community and only want to make it better.

I hope this letter will make a difference. Public Housing is an important aspect of urban life. As the population ages, and artificial intelligence replaces jobs, more citizens will require income-based housing. It is irrational *not* to support public housing. Public Housing, like public transportation can help the environment by pooling resources, using more environmentally friendly materials, and creating more green spaces (like our courtyard). A robust policy supporting Public housing assures that everyone has a place to live; it is economical in the long run, (i.e. instead of spending millions of dollars on temporary housing such as hotels, shelters, jail, etc). Public housing allows low-to-moderate income families and individuals the dignity of stability resulting in community building, academic success, economic self-reliance and better health outcomes. Without a healthy, safe, stable home, it is nearly impossible to accomplish anything.

S. Abdur-Rashid

President

Lower East Side III Tenants Association

ST. MARY'S RESIDENT COUNCIL



A NYCHA DEVELOPMENT



RC Office: 645 Westchester Avenue (Lobby Office), Bronx, N.Y.10455, Office-(347) 591-3934

Email office: saintmarysrcbx@gmail.com Management:649 Westchester Avenue, Bronx, NY10455

D.Elden-(347-567-5459) - email: dgelden149@gmail.com - 645 Westchester Ave #7H

"Serving Our Residents Is Our Highest Priority"

Good Afternoon to Madame Chair Aviles and to The Council Members, NYCHA and my fellow NYCHA Residents in attendance. My name is Dana Elden, President of our Resident Council as well as our 5013C. I also sit on the Steering Committee for RPPH "Residents to Preserve Public Housing". It is no secret, as you have heard from others, that Section 9 is in dire need of funding, to be used to ready apartments for occupancy; but also for repairs that are needed citywide. My apologies, as I am currently hosting a grocery bag distribution, as well as homebound deliveries to residents in St. Mary's of the cooked meals that are provided by RAIN Mobile Kitchen. I am quite busy so please forgive me going out and coming back to this hearing.

It is my concern that funding has not been provided to cover the scope of those needs. But also that the needs assessment process and participation in obtaining these figures are questionable. There is a concern that I have regarding the use of contractors and their performances. Not only am I awaiting the replacement of our roofs here in St. Mary's, which were completed in 1959; but there are questions that I have after meeting with Capital Needs as to the air quality of the top floor apartments, in which the windows will be sealed, as well as having the air vents shut down. I would say that the

estimate of costs of the job of replacing the roofs has been discussed; however, with the apartments being sealed, will each apartment be given an airlifters for their apartments.

I can say that I would believe that because of this push of privatization of many developments, the needs assessment for the remaining developments is in fact confusing to say the least. How does this figure almost double? And where does the PNA come in for the thousands of apartments that need work done so that they can be rented again. St Mary' had 6 vacancies 2 years ago, and now has 73 vacancies. Both Section 8 & Section 9 apartments. We are currently waiting again for our roofs, which are 40 years old, to be replaced, as well as the need for a handicapped ramp to the one building that is not accessible. Then Assemblywoman Vanessa Gibson, awarded us \$300k for the construction of that ramp. Until the roofs are replaced, no construction can begin towards the ramp. And until the roofs are replaced, we will continue to have scaffolding that stretches 100 ft around each building. This scaffolding complicates the property views and accessibility for residents, maintenance staff operations, and the daily deliveries, etc. Also, we have a need to replace the 40 year old camera system as well. Recently we had 4 shootings on our property. My residents are consumed with fear and apprehension of navigating the scaffolding. And with 1/3 of my residents being seniors, it has been a daunting JOB for me in assuring them that this who process will take place soon, the roofs will be replaced, along with adequate brick replacement done, thereby opening up the property again. And once this is done, the work on the accessible ramp can begin.

In regard to Fulton & Chelsea-Elliott houses, I personally have a concern regarding the voting process of both. I've spoken to the Presidents of

both Tenant Associations; as well as residents there who tell different stories, if not versions as to how they are now in the process of demolition. I pray that this Council will continue to hold NYCHA accountable.

And in closing, as a disabled senior, the work that we presidents put in to see that our developments is staggering. The need for clarity and transparency regarding the PNA as well as the need for funding of Section 9 is paramount for the survival of public housing. Thank you for this opportunity to speak before the Council, on behalf of the residents of St. Mary's Park Houses.

Dana Elden, President, St. Mary's Park Houses. September 22, 2023

Renee Keitt

#####

PHYSICAL NEEDS ASSESSMENT

NYCHA's physical needs assessment has estimated that it would cost 78.3 billion over 20 years to deal with the needs of its developments. Each NYCHA development is unique with its own characteristics and needs: three stories, row houses, eleven stories, nineteen stories, twenty-five stories, brownstones, or a combination of row houses and eight-story buildings just to name a few. This is a scare tactic to justify the continued privatization of our homes. People are in shock at the figure. They aren't asking the question, how is this possible with a smaller portfolio that the need has risen?

NYCHA's use of the largest developments in each borough Baruch in Manhattan, Red Hook in Brooklyn, and Queensbridge in Queens as comparisons isn't credible especially when one of them has suffered extensive damage due to Hurricane Sandy in 2012 and is still recovering from the damage. Another problem is the use of developments affected by Hurricane Sandy: Baruch, Carey Gardens, Gravesend, Red Hook East, Red Hook West, and Two Bridges URA site 7 (<https://www.nyc.gov/site/nycha/about/recovery-resiliency.page>)

Appendix A: The property questionnaire is interesting. You would need long-term knowledge of the development to answer some of the questions. NYCHA's property management and staff are constantly in flux.

The capital needs assessment (CNA) should be given to the residents not just the TA Presidents and Property Management. The one thing we have seen is that when the word resident is used it means the TA President which continues the top-down management style of NYCHA. As residents, we need the tools to make informed decisions about our homes. There should be a third-party assessor who doesn't conflict of interest. In the case of the Elliott Chelsea, we have seen pictures without context. We don't know where the pictures were taken. There hasn't been a third-party assessment. We only have what Essence/Related has said.

It continues. We do not have an independent Physical Needs Assessment of the Elliott-Chelsea and Fulton Houses. We have a Related Companies/Essence assessment of the property which we haven't seen. We have been told it would cost a billion dollars but we don't know the problems in each building and how they derived at the cost. The comptroller needs to look at how NYCHA determines the physical needs assessment. A sample of thirty buildings is inadequate.

①

09-22-2023

Good morning chair. My name is Crystal G.

Reparations simple means the payment of damages, giving satisfaction for a wrong or injury.

The New York City Housing Authority owes its residents reparations (money) because of neglect! NYCHA stopped maintaining its properties for decades, causing them to Deteriorate!!

For as long as I can remember hard drugs were always sold on NYCHA property but back then management kept the buildings, parks and grounds spotless. We didn't have washing machines in the apartments because housing didn't allow it. We had laundry rooms. And then Crack came. Destroyed our laundry rooms! And NYCHA allowed it.

Tenants didn't report their neighbors because they were afraid & wanted to live so they kept their mouths shut. This caused dysfunction, sickness, stress & death, even suicide.

(2)

In 2018, it became illegal to smoke cigarettes in the buildings. It's even on our lease, but you didn't create a way to enforce it. Yes tenants can call CCC and report their neighbors but smoke travels. We can't always tell where the smoke is coming from.

You allow us a voice by giving us tenant associations. TA's are independent & democratic which lets you off the hook because if ~~the board~~ ^{the tenants} don't like the way their boards are working, they can vote them out. Most residents don't get involved because they don't understand the value of a RA-TA, or they are scared, nor do you (The authority) mingle with the residents. You go through the tenant leaders but some of them don't keep their tenants informed. I was told by a federal monitor member that 95% of TA's-RA's are not operating within their by-laws. 95%! To all the tenant leaders that fought, tired, got sick & died, this ones for you! We, me, a resident of ~~the~~ NYCHA, I want my Reparations.

Look on back please →

You claim you need billions of dollars to piece our buildings back together? Well, you are the reason they were destroyed.

You will say "the tenants destroy where they live because they are slabs. No, there are really good people in NYCHA. The slabs are just a portion of people. You NYCHA didn't have a plan. I'll stop here but this I do know. I want my reparations. I will never forgive how when I tried, you abandon me. Shame on you.

Sincerely,

Ms. Glover

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Matthew Charney

Address: _____

I represent: NYCHA, Vice President of Design

Address: & Construction

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shaan Mavani

Address: _____

I represent: NYCHA, Chief Asset & Capital

Address: Management Officer

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THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brian Honan

Address: _____

I represent: NYCHA, Senior Vice President of

Address: Intergovernmental Affairs

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Kaplan

Address: _____

I represent: NYCHA, Chief of Staff

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ranee Keith

Address: _____

I represent: Elliot Chelsea

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 9/22/2023

(PLEASE PRINT)

Name: Sophie E. Cohen

Address: _____

I represent: New York Legal Assistance Group

Address: 100 Pearl St. 19th Fl. NY NY 10064

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

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THE CITY OF NEW YORK**

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in favor in opposition

Date: 9/22/23

(PLEASE PRINT)

Name: Sean Campion

Address: 240 W 35th St, 302, NY NY 1001

I represent: Citizens Budget Commission

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 9/22/23

(PLEASE PRINT)

Name: Marquis Jenkins

Address: E 5th St

I represent: RPPH

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 09-22-2023

(PLEASE PRINT)

Name: LUZ CHILE

Address: 10038

I represent: Smith's Houses Residents - Committee

Address: 17 Saint James, Ground Fl. Moderniz.

Manhattan NY NY 10038

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THE CITY OF NEW YORK**

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Date: 9/22/23

(PLEASE PRINT)

Name: JONATHAN RINALDI

Address: _____

I represent: DISTRICT 24.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Daniella May

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 9/22/23

(PLEASE PRINT)

Name: Christina Chaise

Address: 35th Ave Astoria NY 11114

I represent: Ravenswood Houses Resident Association

Address: + Take Root Justice

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

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lucy Newman

Address: _____

I represent: THE LEGAL AID SOCIETY

Address: 49 Thomas Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 09-22-23

(PLEASE PRINT)

Name: Crystal G.

Address: E. 99 St.

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 9/22/23

(PLEASE PRINT)

Name: Louise Burwell

Address: East 124th St

I represent: NYCHA

Address: _____

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