



Wednesday, February 24, 2021

**STATEMENT OF CHIEF DAVID BARRERE
HOUSING BUREAU
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC HOUSING
REMOTE HEARING
FEBRUARY 24, 2021**

Good morning Chair Ampry-Samuel, Public Advocate Williams, and Members of the Council, I am David Barrere, Chief of the Housing Bureau of the New York City Police Department (NYPD). I am joined today by Gerald Nelson, Vice President for Public Safety for the New York City Housing Authority, Marcos Soler, Acting Director of Mayor's Office Director of Criminal Justice, and Michael Clarke, Managing Attorney of the NYPD's Legislative Affairs Unit. On behalf of Commissioner Dermot Shea, I wish to thank the Council for the opportunity to discuss this important issue.

The core of the NYPD's mission is to ensure that each and every resident, in each and every neighborhood in our city can be able to walk out their front door without having to fear for their safety. The 400,000 residents of New York's public housing developments are no less deserving of this freedom from fear and the Department has been committed to providing the highest level of service to these residential communities.

The NYPD has never wavered from this commitment, even during the unprecedented challenges that the past 12 months have imposed on our city and on the NYPD. This has been a challenging year facing a multi-layered crisis, a crisis that every New Yorker has been helping each other through. It is this spirit of community and collaboration that inspires us at the NYPD to continue striving to do better.

The Department's, and specifically the Housing Bureau's, commitment to Neighborhood Policing in public housing has reaped numerous benefits, not just in solving crimes but also with reinforcing our overall commitment to bettering the quality of life for NYCHA residents. Our partners at Cure Violence are working with us in our developments. Violence interrupters have deep inroads in their communities and groups such as 696 Build Queensbridge have been instrumental in changing individual and community attitudes and norms about gun violence. The NYPD is also funding a \$4 million Basketball Court Initiative, in partnership with NYCHA, to rebuild or refurbish arena-style basketball courts capable of being converted to soccer fields in over a dozen locations from about the 60 sites that have already been surveyed. Work is scheduled to begin this spring with the goal that all construction will be completed by the fall, with many ready for use much sooner than that.

Unfortunately, even while our city is beset by historic challenges, we have also experienced a saddening rise in shootings and homicides. I take each of these tragedies personally, and even one shooting is one too many. NYCHA residents have not been spared from the citywide uptick. The proportion of on-development shootings stayed consistent the last 19 years, including last year.

As soon as we saw the increase in shootings, the Housing and Patrol Services Bureaus redoubled our efforts to stem the tide. It is exactly these types of scenarios which the Precision Policing model is designed for, allowing us to quickly redeploy personnel and resources to the affected areas and enabling our detective squads to more effectively investigate and arrest those relatively small number of individuals who account for the majority of the city's violent crime. We are doing all of this while maintaining the downward trend of summonses issued and other low-level enforcement to historically low levels.

Our partnership with NYCHA is the most important facet in our combined efforts to keep every resident in public housing safe. I and my staff maintain ongoing daily communication with Chief Nelson and other NYCHA executives, as did each of my predecessors in the role of Chief of Housing. I personally do walkthroughs of developments with my partner at NYCHA, General Manager Vito Mustaciuolo. My commanders as well partner with local NYCHA managers to problem-solve at the development level. This collaboration is key not only to focused, effective policing, it is the backbone of Neighborhood Policing in our developments. Each PSA is fully staffed with their complement of Neighborhood Coordination Officers (NCOs) who continue these collaborative efforts with NYCHA staff, and our residents.

Our public housing residents are often the backbone of the neighborhoods where they reside, and just like they are there for each other, we at the NYPD are there for them, whenever and wherever we are needed.

I would be happy to answer any questions you may have.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC HOUSING
FEBRUARY 24, 2021**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Ampry-Samuel, and members of the Committee on Public Housing, for holding this oversight hearing today on public safety in NYCHA buildings.

Last year, shootings and killings increased across our City at an alarming rate. Shootings increased by 97 percent and murders went up by 44 percent. Unfortunately, we saw the same pattern at NYCHA housing complexes, where shootings rose by 103 percent and murders jumped by about 50 percent. These statistics are extremely concerning because it is inconceivable why public housing buildings pose such a dangerous risk to their own tenants.

A number of efforts have been put forth over the past several years to address this problem, one being the Mayor's Action Plan for Neighborhood Safety, also known as MAP. The Mayor created MAP to increase safety through crime reduction efforts at 15 NYCHA developments, which had comprised 20 percent of the violent crime in public housing. The initiative brings together agencies and community-based partners to provide employment opportunities, mentorship and recreational programs for youth, improve community-police relations, and maintain the physical infrastructure and public spaces in each development. MAP has NeighborhoodStat, which allows residents and agencies to develop solutions to crime through use of shared knowledge, data, and performance metrics. The program involves a map engagement coordinator at each site, stakeholder teams of residents, and City agency partners to identify what each community's safety needs are. Researchers found that between 2014 and 2019, reported crimes in the major felony categories at MAP sites decreased by 7.5 percent, and reported crimes for misdemeanors went down by 19.9 percent. It is clear that the MAP program has been conducive in reducing crime and violence at its NYCHA developments. And when the City announced over a year ago that the Mayor's Office to Prevent Gun Violence and MAP would merge their efforts to create the Office of Neighborhood Safety, I fully supported this move because I knew that this new partnership would help build on the good work of the OPVG and MAP through a united effort and a holistic approach.

Given last year's statistics, we can attribute the uptick in crime rates primarily to the COVID-19 crisis. The pandemic has hindered the ability of MAP administrators to engage with the youth at these NYCHA developments. The pandemic has also disproportionately impacted issues of food insecurities, unemployment, and health care, thereby worsening the problem of gun violence, a public health crisis in and of itself.

I held a virtual press conference last month because of the horrific number of deaths we have been seeing in NYCHA buildings. And quite frankly, I am frustrated. These people died because of what they look like and where they live. The City has the ability to do so much more. The solution should include law enforcement sharing community Compstat information with various community groups and City agencies, so both parties can work collaboratively to address underlying factors contributing to the violence. And we cannot stop at condemning violence; we have to advance peace. I launched the National Network to Combat Gun Violence and was a leading voice in the creation of the Task Force to Combat Violence, which initiated the Crisis Intervention Program. The Program employs violence interrupters through evidence-based community interventions, anti-violence messaging, and support services in the 17 highest violence precincts in the City. In areas like East New York and the South Bronx that deployed the Crisis Management System, we saw a reduction in gun violence. The Administration can build on CMS by adding a model called “Advance Peace” to its functionality. This addition would create a deeper level of mentorship between our violence interrupters and at-risk youth, and create opportunities for these young folks to develop personally and professionally. Last, but not least, the NYPD should be responding to this increase in crime with equity, transparency, and accountability. Last year, the Department blamed the spikes on everything from defunding the police to bail reform, and to legislation aimed at police accountability. There was no truth to those claims.

A reason why gun violence at NYCHA continues is because no plan has been developed with input from residents and relevant stakeholders. My bill, Intro 1709, on which I am proud to have Chair Ampry-Samuel as a co-sponsor, would convene NYCHA resident representatives and invite the contribution of senior NYCHA officials to study, report on, and make recommendations to improve NYCHA’s engagement with its tenants and better address residents concerns with building safety and quality of life within NYCHA facilities. The task force would be required to hold at least two public meetings a year before submitting an annual report outlining tenant concerns. This piece of legislation serves as a means of creating a tangible long-term solution to ensure the safety of our NYCHA residents.

I say all of this to express that I, in my capacity as an elected official, have been doing everything in my power to address this problem. My colleagues in the Council are doing their part. It is time for the Administration to do their part, by implementing a method of sharing CompStat data with community stakeholders, adding the “Advance Peace” model to CMS, and ensuring that law enforcement responds to the needs of residents in an equitable and transparent manner. I look forward to hearing how the Administration plans to implement these measures, or other mechanisms that they have developed, so we can make sure we do not lose any more of our NYCHA residents this year. Thank you.

**Testimony of
Alison Wilkey, Director of Public Policy
on behalf of
John Jay College Institute for Justice and Opportunity
before
The Council of the City of New York
Committee on Public Housing**

February 24, 2021

The John Jay College Institute for Justice and Opportunity’s mission is to create opportunities for people to live successfully in the community after involvement with the criminal legal system by addressing structural racial and economic inequalities.

For decades, the New York City Housing Authority’s (NYCHA) approach to safety in public housing has been punitive, not preventative. NYCHA has relied on and supported intrusive and unconstitutional policing methods of the New York Police Department¹ while cutting its social services to residents. NYCHA has used eviction and permanent exclusion as a response to issues that stem from the lack of economic opportunity and endemic state violence experienced by NYCHA residents.

For decades, New York City and NYCHA have responded to social problems—like unemployment, mental health, and substance use disorders—with arrests and incarceration. NYCHA bears a disproportionate load of these social problems because NYCHA communities have been chronically under-resourced. These issues are iatrogenic, a cure that worsens the very thing it is trying to fix.

Findings from a study in which researchers spoke with 330 NYCHA youth who carry guns demonstrates the iatrogenic nature of the city’s response to safety in NYCHA. The study found that youth who carry guns or were at high risk for carrying guns did so because they felt unsafe or were previously victimized—but a significant source of feelings of being unsafe came from fear of law enforcement.² What led youth into illegal activity and gun possession were poverty and having a criminal record, which further excludes youth from legal economic opportunity.

Thus, increased reliance on the criminal legal system to solve gun violence is counter-productive. Locking NYCHA residents up or making them homeless drives people further into

¹ See, e.g., *Davis et al. v. City of New York et al.*, 10 Civ. 0699 (2010).

² “‘Gotta Make Your Own Heaven’: Guns, Safety, and the Edge of Adulthood in New York City,” Center for Court Innovation (2020). Available at <https://www.courtinnovation.org/publications/gun-violence-NYC>

desperation. As Ta-Nehisi Coates has said, “That heavy type of aggressive policing that we see mostly in Black neighborhoods makes people feel like they can’t trust the police. And when people can’t trust the police, crimes go unsolved, and people have to find other ways to keep themselves safe.”³

NYCHA furthers the harm wrought by under-investment and over-policing by punishing residents caught up in the criminal legal system. NYCHA residents are the only tenants in New York City who systematically have an arrest reported by NYPD directly to their landlord.⁴ When NYCHA receives information about the arrest of resident—or the arrest of a guest—NYCHA determines whether to seek termination the lease of the household. In the administrative termination proceedings that follow, most residents do not have legal representation, and they do not have the same rights and due process protections afforded in housing court.

In these termination cases, NYCHA often gives residents the impossible choice to challenge the termination at a hearing and face eviction, or to agree to a settlement requiring permanent exclusion of the member of the household who was arrested. If a resident exercises their right to a hearing, an administrative law judge employed by NYCHA decide the outcome, and legal standards and rules of evidence followed in housing court do not apply. Unsurprisingly, most residents decide that to avoid facing eviction of the entire family it is better to sign a stipulation excluding one member,⁵ knowing that it will rip apart their family.

It is a coercive system that impacts families, not just the individual who was arrested. Families rely on each other for support—physical, economic, and emotional support. NYCHA’s policies forcefully separate families, not even allowing an excluded person to visit their family’s home.

While NYCHA has proposed changes to some of its policies, the proposed policy changes do not go nearly far enough. NYCHA’s proposal does not change its draconian ineligibility rules, which bar any person from living in NYCHA for 3 to 6 years after their conviction, depending on the level of conviction. Instead NYCHA should limit its criminal background admissions ineligibility to the three categories of mandatory exclusions required by federal law, instead of the current policy that goes far beyond what HUD requires.

Further, NYCHA must end its practice of evicting and excluding residents who are arrested. This includes ending the practice of evicting and excluding people based on arrest charges where someone has not been convicted. Destabilizing people by separating them from their families and communities, and too often forcing them into the shelter system, does not increase public safety.

³ “*Housing Segregation and Redlining in America: A Short History*,” Code Switch, NPR. Available at <https://www.youtube.com/watch?v=O5FBJyqfoLM>.

⁴ Memorandum of Understanding – Disclosure of Arrest and Complaint Information By NYPD to NYCHA (December 1996), on file with the Institute for Justice and Opportunity.

⁵ “Outcomes of Non-desirability Cases – 2020,” New York City Housing Authority. Available at <https://www1.nyc.gov/assets/nycha/downloads/pdf/2020-Outcomes-of-NonDes-and-PE-Removal.pdf> Note that the number of cases in 2020 is significantly less than prior years due to the COVID-19 closure of the Administrative Law Department. Still, 94% of cases were settled by stipulation.

NYCHA is the largest landlord in New York City, and the largest source of affordable housing. Continued punishment of NYCHA residents will not achieve safety in NYCHA. New York City and NYCHA must end failed punitive policies that do not increase safety and unfairly oppress NYCHA residents.

Alison Wilkey
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**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE COMMITTEE ON PUBLIC HOUSING
OF THE NEW YORK CITY COUNCIL**

250 Broadway,
New York, NY

Wednesday, February 24th, 2020

SUBJECT: Public Safety at NYCHA

PURPOSE: To discuss how the need for increased public safety at NYCHA facilities has multiple causes and should not include permanent exclusions

Presented by

Andre Ward

Associate Vice President, David Rothenberg
Center for Public Policy

The Fortune Society
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Testimony by The Fortune Society, 10/24/20

Good afternoon. My name is Andre Ward and I am the Associate Vice President for the David Rothenberg Center for Public Policy at the Fortune Society. The Fortune Society is a 53 year old organization that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by: believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative correctional system.

I know that the committee's focus here today is to talk about public safety within New York City Housing Association's (NYCHA) developments, including the progress of the Mayor's Action Plan for Neighborhood Safety (MAP). The MAP plan is focused on reducing crime in 15 public housing developments that together comprise almost 20 percent of violent crime in the New York City's public housing.¹

I am a formerly incarcerated black man who spent the first 19 years of my life living in NYCHA housing in one of the targeted neighborhood of East New York. I also have a number of family members who still rely on NYCHA for their housing. As a result, public safety in these dwellings is, of course, one of my key priorities as well. However, because of both the pandemic and because the MAP initiative has failed in a number of troubling ways, we cannot use the increased violence that is occurring as rationale for keeping NYCHA's "permanent exclusions" regulations in place.

First, it is important to remember that 2020 was a year unlike any other in American history since 1918. Experts, politicians, and everyday Americans know that the COVID-19 pandemic has resulted in a surge in violence, not just in particular housing units in particular parts of New York City, but *nationwide*.² When asked about the surge, Professor Alex Vitale, coordinator of the Policing and Social Justice Project at Brooklyn College and a well-known criminologist, summarized the social factors behind the increase:

It's pretty closely correlated with the onset of COVID. Especially the period right after the most intensive lockdowns. So I think what we're seeing here is a response to a deep, deep level of sort of social and economic instability and insecurity. That's creating a tremendous amount of stress in already stressed communities.³

Others have pointed out that the pandemic has also taken away many of the healthier outlets that local youth can turn to, such as in Brownsville, Brooklyn. "We have so many people

¹ NYC Mayor's Office of Criminal Justice, The Mayor's Action Plan for Neighborhood Safety, <https://criminaljustice.cityofnewyork.us/programs/map/> (last accessed Feb. 19, 2021).

² National Public Radio, "Massive 1-Year Rise In Homicide Rates Collided With The Pandemic In 2020," <https://www.npr.org/2021/01/06/953254623/massive-1-year-rise-in-homicide-rates-collided-with-the-pandemic-in-2020> (last accessed Feb. 19, 2021).

³ Reuven Blau, "Why Are Shootings Up Around the City?," *The City*, Dec. 21, 2010, available at <https://www.thecity.nyc/2020/12/21/22189682/why-are-shootings-up-in-new-york-city-in-2020-nypd>

unemployed now who can't get jobs," Anthony Newerls, Director of Brownsville in Violence Out (BIVO) noted, also pointing to the closure of afterschool programs and community centers."⁴ And in the midst of all this, the Black and Latino families that make up the majority of NYCHA residents are experiencing the pandemic at a much higher level than the rest of New York residents. In fact, in May 2020, the death rate from COVID-19 reported at NYCHA complexes was more than twice that of New York City as a whole.⁵ As one minister in Chicago concluded, when asked about the surge of violence in his city as well, "COVID has had a disproportionate impact and people are increasingly desperate. And people, because of the concentration of poverty, tend to turn on each other."⁶

So, in order to consider public safety at MAP-concentrated residences with an objective eye, it is important to take account of the fact that we are in the midst of a global pandemic. But second, we must also look at the failures of the MAP program itself. MAP was designed in 2014 with a number of admirable priorities, such as "increasing opportunities for youth through mentorship and partnership," "supporting vibrant public spaces through infrastructure, design, stewardship and public place activation," and "bringing together residents, more than 15 agencies and community organizations... to deploy system-wide solutions aimed at tangible results that repair and increase neighborhood trust."⁷

However, the stated goals of MAP and the realities of what it has actually funded have turned out to be huge. As a \$210 million program, MAP could prioritize a number of safety measures, including more programs or jobs for youth, or more resident and police cooperation. However, as of 2018, nearly 40% of its budget focused on one initiative only: the building of high-powered "safety lights" at MAP residences (which many residents deemed ineffective).⁸ Meanwhile, a number of other promised initiatives failed to ever even come to fruition, such as trauma counseling for young people in Brownsville Housing-- a service that has been especially needed during the times of COVID-19.⁹

The same could be said about improving police-community relations, during the summer of the Black Lives Matter protests that followed the murder of George Floyd. However, this does

⁴ Jackson IBelle, "Brownsville's Uptick in Violence Can Be Partially Attributed to COVID-19, Says Anti-Violence Group," *BKReader*, Sept. 16, 2020, available at <https://www.bkreader.com/2020/09/16/brownsvilles-uptick-in-violence-can-be-partially-attributed-to-covid-19-says-anti-violence-group/>.

⁵ David Cruz, "Map: COVID-19 Death Rate In NYCHA Developments Far Outpaces That Of NYC," *The Gothamist*, May 20, 2020, available at <https://gothamist.com/news/map-covid-19-death-rate-nycha-developments-far-outpaces-nyc>

⁶ Cheryl Cosley, "Experts Say The Pandemic Coincided With The Largest One-Year Rise In Homicide Rates," NPR: All Things Considered, Jan 4, 2021, <https://www.npr.org/2021/01/04/953314589/experts-say-the-pandemic-coincided-with-the-largest-one-year-rise-in-homicide-ra>

⁷ NYC Mayor's Office of Criminal Justice, *supra* note 1.

⁸ Jake Bittle and Castle Craven, "Do NYCHA's \$80 Million Crime-Reducing Lights Actually Reduce Crime?," *The Gothamist*, May 14, 2018, available at <https://gothamist.com/news/do-nychas-80-million-crime-reducing-lights-actually-reduce-crime>

⁹ Greg G. Smith, "How Shootings Spiked at NYCHA Complexes Targeted in de Blasio Crime Prevention Campaign," *The City*, Jan. 31, 2020, available at <https://www.thecity.nyc/2021/1/31/22258847/nycha-crime-prevention-shooting-spike-map-nypd-de-blasio>

not appear to have been one of MAP's priorities either. In fact, there was a recent study of 330 youth in high-violence, low-income areas of the city, 79% of whom lived in NYCHA housing. That study found that these youth were still having widespread police contact, often for low-level offenses, and there was a basic lack of trust in police effectiveness, alongside an overriding sense of a lack of care.¹⁰

In other words, it appears that MAP has not been doing its job effectively or well. Therefore, City Council cannot use the temporary surge in violence in some NYCHA housing as a reason to support the continued use of exclusions of tenants because of criminal record. But NYCHA currently mandates a blanket denial for admission to anyone with a B misdemeanor conviction in the past 3 years, an A misdemeanor conviction in the past 4 years, an E or D felony conviction in the past 5 years, and an C, B, or A felony conviction in the past 6 years. It also *permanently* excludes certain tenants that it decides to place under the label of "non-desirability." This makes it so that a former tenant who committed a dangerous act as a teenager --and whose prison sentence ended perhaps twenty years ago—is still not able to come and visit his new granddaughter on NYCHA premises.

In fact, while permanent exclusion jeopardizes the housing stability of family members whose loved ones visit with them or stay with them illegally, it often does not keep such visits or stays from actually happening. There are literally thousands of people living in NYCHA who are barred from doing so and are living in the shadows with risk to everybody concerned. NYCHA should be doing everything that it can to have individuals who can live safely or visit safely in NYCHA be able to come out of the shadows and do so.

This was done under NYCHA's Family Reentry Pilot program, in which formerly incarcerated individuals were able to join their families under "temporary permission," and receive case management services by nonprofit organizations. At the end of two years, if the pilot participant had successfully completed the requirements of the program, his or her family could request that he or she be added to the NYCHA household on a permanent basis.¹¹

The pilot was designed to test the theory that providing formerly incarcerated people with a "safe and stable living environment can improve their quality of life and reduce their risk of future justice-system involvement while improving public safety."¹² Of the 85 participants, four participants were arrested for new offenses and another four committed technical violations of their parole—but only one participant was been convicted of a new charge while in the program. In addition, 41 found a job or maintained employment, 11 attended employment training and workshops, 12 were receiving training toward certifications, 12 were attending school, and 15 were in substance-use treatment programs.¹³ This is proof – not theory –that permanent exclusion excludes people who could live safely at NYCHA to the detriment both of them and of their families.

¹⁰ Rachel Swaner et al., Center for Court Innovation, *"Gotta Make Your Own Heaven' Guns, Safety, and the Edge of Adulthood in New York City"*, (2020).

¹¹ The Vera Institute of Justice, PUBLIC HOUSING FOR PEOPLE WITH CRIMINAL HISTORIES 5 (Aug. 2015).

¹² The Vera Institute of Justice, COMING HOME AN EVALUATION OF THE NEW YORK CITY HOUSING AUTHORITY'S FAMILY REENTRY PILOT PROGRAM 12 (Nov. 2016)

¹³ *Id.* at 24.

Not only is permanent exclusion unjust, it may even be dangerous: the lack of housing affects the ability of the formerly incarcerated to successfully take on almost any other essential re-entry task, such as employment or drug rehabilitation, raising their potential rates of recidivism in the process. Indeed, studies have shown that “homelessness in the 90 days post release, significantly increases the already high risk of reoffending.”¹⁴ So, while the increased violence in the NYCHA complexes served by MAP may seem like it calls for the continued use of exclusions, in fact it does the opposite. The pandemic has to end, MAP needs to do its job, and permanent exclusions must also be removed: it is only at that point that we can truly and effectively analyze the data on violence in public housing that the city provides.

¹⁴ The Fortune Society and the John Jay School of Criminal Justice, *IN OUR BACKYARD: OVERCOMING RESISTANCE TO REENTRY HOUSING* (2010) at 3.



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Oral Testimony
Before New York City Council
Committee on Public Housing

Judith Smith
Member, WE ACT for Environmental Justice

Good afternoon Chair and members of the Committee. Thank you for the opportunity to testify regarding public safety in NYCHA.

My name is Judith Smith, and I am a resident of Douglass Houses. I am also a member of WE ACT for Environmental Justice and the Healthy Homes Working Group and together we are fighting for healthy housing in NYCHA.

I am testifying today in support of increasing efforts to address the public safety conditions in NYCHA. Building maintenance to improve health issues like mold, lead and clean water is key. Building maintenance is also key to improving public safety in NYCHA. In my experience, the intercoms are constantly being broken, and the entrance door is not locked as needed. By ensuring the safety and accountability within the resident environment, there will be more opportunity to positively influence interactions between residents. Therefore, home environments will be safer; preventing or reducing the health effects of chronic stress, and preserving environmental health.

It is important to act fast to address the public safety crisis in NYCHA, because we public housing residents deserve to live safe and healthy lives. NYCHA is an asset to our City. Our population amounts to 600,000 people – that is larger than some cities around the world. For too long we have been pushed to the side, our health and well being has been ignored, and now with the additional crisis of COVID-19, we are dealing with even great social, economic, and political impacts. The environmental and systematic mismanagement and neglect that has led NYCHA to disrepair must be brought to justice now.

Thank you for your time.

Sincerely,

Judith Smith





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Oral Testimony

Wendy L. Olivo
WE ACT for Environmental Justice, Bi-lingual Organizer

Good afternoon Chairs and members of the Committee. Thank you for the opportunity to testify regarding public safety in NYCHA.

My name is Wendy Lorenzetti Olivo and I'm a bi-lingual community organizer at WE ACT for Environmental Justice. I organize with NYCHA residents to work in our healthy homes working group. I'm here to discuss important public safety considerations for residents in their developments.

I have worked with NYCHA residents for almost a decade, more closely in the past three years with residents in the polo grounds, and rangel houses. In my experience there was little to no public safety. The doors were constantly broken and were left so that anyone could walk into any building. Stairways and common areas have also been areas of concern as far as public safety.

In working with residents at WE ACT, residents have stated that they believe that all NYCHA buildings should have a security unit with adequate resources including fully functioning surveillance devices to maintain security for residents, including intercoms and cameras. We want residents to feel safer, and be safer; understanding that preventing or reducing the health effects of chronic stress, will contribute to an improvement on quality of life for residents. With existing issues like lead, mold, and other indoor environmental health problems, residents should not have to deal with feeling and being unsafe in and around their own homes.

Thank you for your time.

Sincerely,

Taylor Morton

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McGuffin in the House

By Susan Yung

In 2016, 500 Gowanus artists out of 700 artists were evicted from Brooklyn's studio space on 9th St & 2nd Ave. for the developer to refurbish with modern amenities catering to "tech & media advertisers". There's a photo of City Councilman Brad Lander, who used these artists for his "Bridging Gowanus" campaign during the construction of Lightstone, posing with the evicted artists.

In Brooklyn's 5th Ave, south of Park Slope's 6th Ave, it used to be diverse in the 80's. Then, gentrifier, Fifth Ave. Committee led by Brad Lander, a community service program replaced bodegas, cuchifritos, local drug stores, Kentucky Fried Chicken, discount stores as well as displacing ethnics with fashionable boutiques. The only diversity is Iman House, a little storefront for fending leftover rent stabilized tenants and providing writer's workshops for women of color. Now, Fifth Ave. is renamed Park Slope and extends to 4th Ave with 20 story luxury apts.

Four years later, 2020, the Mayor with CM Brad Lander, are on a rezoning campaign. Mayor Di Blasio wants to rezone & displace Manhattan's Soho & NoHo artisan's small businesses for building contractors/developers. Meanwhile, Brad Lander wants to relocate low income tenants in the most highly toxic 5 acre "Public Land" during the Gowanus Canal Superfund. Brad says it'll be 100% low income housing & a new school facility. The McGuffin is understood that Peoples of Color, homeless families, disabled & seniors are most qualifiable for low income housing. Is this another form to ghettoize & genocide a new community on highly toxic land?

(Already, developers are buying up & waiting for **rezoning** so that the area will be an extension of Park Slope for more luxury buildings until it reaches the Canal.)

Do not believe politicians who are deaf, blind & double talking to their constituents. Nothing is fair anymore. When will it ever end?

My latest response to Kevin Duggin's Feb, 8th Brooklyn Paper's article:
<https://www.brooklynpaper.com/epa-gowanus-green-letter-affordable-housing/>

Michael Ryan of the New York State Department of Environmental Conservation in a Dec.7 letter obtained by Brooklyn Paper made many personal political mudslinging attacks whereas the "EPA Guru" presented an honest presentation that the Public Place is highly toxic to local residents & for future occupants, if the cleanup isn't thoroughly & properly cleaned. He had 10 years been planning the project & through its development there were many obstacles encountered (for example) as mentioned in Katia Kelley's "Pardon Me for Asking" article <https://www.brooklynpaper.com/epa-gowanus-green-letter-affordable-housing/>

Does anyone remember the City's proposal to build a costly mechanical robotic tunnel under the Canal and how that got discontinued? It was a distraction for Christos who answered over 100 questions from local Gowanus residents. He was able to disprove such a theory cannot occur when it'll supercede the Superfund's contractual deadline.

Christos proved to us that we can trust his professionalism as an engineer as oppose to the city's sci fi fantasy of making the Gowanus Canal a super luxury civilization that can rival the canals of Vienna. So now after Christos summation as viewed in vimeo's "12/1/20 Gowanus Canal CAG Meeting" at 59:00 <https://vimeo.com/showcase/7227155/video/486794663>, Christo's "verbal technical review of the remedy for the MGP site," becomes character assassination by city officials who align themselves with profiteering developers.

Signed as Local Resident



TESTIMONY OF:

Maia Cole – Skadden Fellow, Civil Justice Practice

Presented before:

The New York City Council Committee on Public Housing

Oversight Hearing on Public Safety at NYCHA

February 24, 2021

My name is Maia Cole and I am a Skadden Fellow with the Civil Justice Practice at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support, and advocacy, for nearly 30,000 clients in Brooklyn every year.

BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had interaction with the criminal, family, or immigration legal systems. Through legal advocacy in court and at various agencies, CJP helps people remain in their homes, maintain their public benefits, stay in school, keep their jobs, and protects their consumer rights. We also provide advice and technical support to our criminal and family defense attorneys and clients aimed at minimizing potential civil ramifications of involvement with these systems. In this work, we routinely assist clients in a wide range of interactions with NYCHA, including defending residents facing the termination of their tenancies due to allegations of criminal conduct by a household member or guest of the family, advocating for family-court-involved clients to be approved for NYCHA housing to facilitate reunification, and pushing for the safety transfers or repairs necessary to ensure our client's homes are safe for their families to live in.

I thank the Committee on Public Housing and Chair Alicka Ampry-Samuel for the opportunity to testify today about safety and security in NYCHA developments and to share the stories of some of our clients who have been caught up in the housing authority's flawed efforts to make public housing safer.

Introduction

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Our office represents NYCHA residents who often describe feeling unsafe at home. But the people we serve and their communities at NYCHA are not made safer by an increased police presence. In 2014, Mayor de Blasio launched the Mayor’s Action Plan for Neighborhood Safety (MAP) to improve public safety at fifteen NYCHA developments by investing in all aspects of the community. But in practice, the effect of MAP was to increase the policing of NYCHA residents. Indeed, residents at these fifteen developments, including many of our clients, experience regular police harassment, and at the same time, have seen their community centers close and their buildings remain in a state of disrepair. ¹ Increased policing causes further harm to NYCHA families, many of whom face tenancy terminations and evictions based on even minimal contact with the police. We are grateful for the opportunity to share some of their stories today.

Where a society allocates its budget is a statement of its values. We ask you to carefully consider the message it sends to NYCHA residents when the City fails to make necessary building repairs but can afford to pay the officers who terrorize their communities, or when community centers close and the Summer Youth Employment Program is cancelled while the NYPD blows past its annual overtime allotment by \$100 million yet again. While the MAP program promised NYCHA residents increased opportunities for work, play, development, and health, the only change our clients have reported is an increased presence of police.

The NYCHA residents we serve report repeated harassment by the police for minor issues or for no reason at all. Residents describe being stopped and/or arrested for small infractions—jaywalking, littering, marijuana possession.² We already know that this strategy of broken windows policing is not effective at reducing crime and promoting safety. Residents do not feel that the police are there to build or improve their community, but to do exactly the opposite. As a result, a lack of trust in police pervades NYCHA communities.³ At the same time, the police do not protect the NYCHA residents we serve from violence. Many young residents have multiple friends who have been killed and whose murders remain unsolved.

The poor conditions of the buildings further harm the health and safety of NYCHA residents. Despite continued promises to improve conditions, residents are exposed to toxins such as lead, asbestos, and mold; they suffer through lack of heat in the winter; and they face infestations of rats, mice, and roaches. Without improving these conditions across NYCHA developments, it will be impossible to meaningfully improve residents’ health and safety.

Client Stories

Ms. R is a lifelong resident of one of the MAP developments and has experienced her home change dramatically over the past forty years. Since MAP launched, and especially this past

¹ *Stringer Releases Investigative Survey of NYCHA Doors*, N.Y.C. Comptroller (Oct. 12, 2018), <https://comptroller.nyc.gov/newsroom/stringer-releases-investigative-survey-of-nycha-doors>.

² *‘Gotta Make Your Own Heaven’: Guns, Safety, and the Edge of Adulthood in New York City*, The Center for Court Innovation 36 (August 2020).

³ *Id.* (in a study of 330 youth, 78% of whom live in public housing and 94% of whom are Black or Latinx, only 35% thought the police tried to protect public from violent crime and only 15% thought the police have good reasons for arrests).

summer, she has seen more police at her development. Rather than building connections with residents, the officers antagonize and intimidate them, young adults and children in particular. Ms. R's young-adult son and his friends are yelled at for sitting on benches at their development. The police frequently bring them into the precinct to question them about their friends and try to foment conflict. As Ms. R described it, the police see her son and his friends as guilty, regardless of anything they have done. Ms. R feels unsafe at her home precisely because there are more police.

At the same time, the young residents of Ms. R's development no longer have their own community center where they can spend time, building positive relationships and skills. The community center that Ms. R grew up with has been privatized, and her son and his friends do not go there. In addition, the conditions of Ms. R's building have deteriorated. She has a persistent rat problem. The lighting is poor—the bright “safety lights” installed as part of MAP are no longer there, and the ever-present scaffolding makes the development grounds even darker.

Ms. H, another resident at a MAP development, has personally experienced police harassment. Police officers have told that they are monitoring her Instagram account and have made sexually explicit comments to her. Unsurprisingly, she feels unsafe in and around her home. Her young children already have nightmares about the police. Compounding the problem of police harassment, Ms. H's development has minimal lighting, asbestos, lead, and other toxins, all of which harm her health and safety.

It is clear that unsafe conditions and building disrepair have the most significant impact on our clients' sense of safety and security in their homes. Ms. S was thrilled to get approved for a NYCHA apartment in 2018 after years on the waiting list. However, it was immediately apparent that the conditions in her apartment were unsafe for her young daughter, whose severe asthma was exacerbated by mold and mildew. She has been fighting for repairs in her apartment since she moved in, but the mold has returned repeatedly because the underlying structural problem, a pipe leak in the ceiling, has not been addressed.

Many more of our clients have shared similar stories with us but do not want to come forward because they justifiably fear retaliation by the police.

NYCHA's Trespass List

As part of the regular harassment by law enforcement that NYCHA residents face, police officers regularly question residents' right to be in their own buildings, to spend time with friends, and to visit their families. NYCHA and the NYPD have a “trespass” or “not wanted” list. Anyone with a felony drug sale *arrest* on NYCHA property is put on that list. Once someone is on the trespass list, they are considered banned from NYCHA property and can be arrested for being on NYCHA property at any point, even if they are a NYCHA resident.

NYCHA accepts without question the NYPD's characterization of someone's conduct by using the arrest charge to determine who is placed on the trespass list. People whom the District Attorney decline to prosecute, people whose charges are dismissed, sealed, or resolved without a

criminal conviction, people who merely had drugs for personal use and not sale—all can end up on the trespass list. They all can be arrested simply for coming back to their home.

The trespass list reflects NYCHA's and NYPD's broader policy of over-policing and criminalizing NYCHA residents. Trespass is already unlawful. If someone who is not a NYCHA resident trespasses on NYCHA property, they can be penalized without resorting to the punitive trespass list. But with the trespass list, NYCHA can criminalize and harass its own residents.

Termination of Tenancy Proceedings

NYCHA aggressively pursues termination of tenancy proceedings against residents who allegedly engage in “non-desirable” behavior.⁴ Often, NYCHA learns about an arrest on its property and uses that as a basis to begin termination proceedings against the household involved. NYCHA will initiate proceedings while the criminal case is still pending; they do not wait to see if the criminal case is resolved favorably. The pretext for this is the importance of getting “dangerous” tenants out of public housing. The real reason is that once a criminal case ends favorably, the arrest records are sealed and cannot be used in a termination proceeding. While a case is pending, however, NYCHA is able to pursue the termination and eviction.

In the name of public safety, NYCHA will terminate the tenancies of lifelong NYCHA residents based on minor infractions or criminal charges that are ultimately dropped. Often, the arrest underlying the termination proceeding was not even of a NYCHA resident; we frequently see NYCHA tenants facing termination because a friend or family member who does not live in NYCHA was arrested. In these situations, NYCHA will evict an entire household when no one in the household was even accused of criminal activity.

NYCHA attorneys have broad discretion in pursuing termination of tenancy. They could use that discretion to examine whether an arrest was warranted, whether the provable allegations indicate that a tenant is a risk to other residents, and the tenant's history at NYCHA before considering termination as an option. Instead, NYCHA attorneys use their discretion to pursue termination in nearly all cases. Termination is about punishment, not public safety.

Indeed, if the purpose of termination of tenancy proceedings was to improve public safety, the tenant's history with NYCHA and their relationship with their community and management office should be a primary focus of any investigation. Relatedly, NYCHA should invest in improving and expanding community resources to support residents and avoid future issues. As a comparison, the DA's office in Brooklyn frequently works with clients to pursue programs that allow for non-criminal dispositions. These programs have proven to reduce recidivism and prevent the devastating consequences of a conviction. But, for the vast majority of cases, NYCHA makes no such effort to work with families to keep their tenancies.

Recommendations

⁴ *Guidelines on Handling Termination Cases, Exclusion of Violent or Dangerous Individuals and the Lifting of Exclusions*, N.Y.C. Hous. Auth., [www1.nyc.gov > pdf > law-ansf-case-handling-guidelines](http://www1.nyc.gov/pdf/law-ansf-case-handling-guidelines).

The focus of this hearing is on public safety at NYCHA, and I urge the Council to think broadly about what public safety means. Right now, we are experiencing an unprecedented public health crisis, which has taken its worst toll on Black and Latinx communities, and low-income communities. The pandemic has laid bare our country's disinvestment in communities of color, and this is precisely the situation for NYCHA residents.

Public safety at NYCHA must include investment in the communities rather than investment in policing. This includes improving the physical structure of NYCHA developments so that residents are not exposed to dangerous and unsanitary conditions. This also includes rebuilding and maintaining community centers at NYCHA that are publicly run and for NYCHA residents, giving young residents in particular somewhere to spend time, building positive relationships and skills. Finally, this includes revitalizing youth employment programs, which have been increasingly underfunded, but which provide critical opportunities for many young NYCHA residents. Given the problems with increased police contact, NYPD-run youth programs are a poor substitute for community-led programs.

In addition, NYCHA should invest in alternatives to policing and criminalization. Termination of tenancies should not happen, and if they do, they should be NYCHA's absolute last resort. Instead, NYCHA could make credible messengers⁵ and social workers available to work with residents or give residents alleged to have engaged in non-desirable activity the option to enroll in programs. Doing so would make the entire NYCHA community safer—unlike current punitive termination policies—by restoring trust in NYCHA and eliminating some of the factors leading to arrests in the first place.

We support NYCHA's efforts to undo some of its barriers to serving New Yorkers who have been impacted by the criminal-legal system through their Family Reentry program. But we urge NYCHA to go further. So far, NYCHA has admitted 166 people into their Family Reentry program. For these 166 families, the program has been life changing. Yet there are thousands more people who would undoubtedly benefit from being reunited with their families in NYCHA after incarceration. NYCHA should encourage more people to apply to the Family Reentry program and expand its eligibility criteria to the program so that it is not just limited to reuniting immediate family members. Doing so would ensure that more people coming out of incarceration have a place to stay, improving public health and safety across the city.

NYCHA does not have unlimited resources. Instead of spending them on increased policing and punitive termination proceedings that have no demonstrable impact on residents' safety, NYCHA should invest those resources in its residents, in improving building conditions, and in providing opportunities to support and strengthen their communities. Such strategies will meaningfully improve public safety at NYCHA.

We thank the City Council for your attention and care regarding these issues. We hope you consider BDS a resource as we continue to work toward improving public housing. If you have

⁵ Credible messengers are people with experience in the criminal-legal system who mentor others currently involved in the system. *A Transforming Approach to Justice*, Credible Messenger Justice Center, <https://cmjcenter.org/approach/>.

any question, please feel free to contact Alexandra Dougherty, Senior Staff Attorney and Policy Counsel, at adougherty@bds.org.

Good Day

I am a Fulton Houses resident and member of the working group. I would like to talk about NYCHA, RAD/PACT and the working group. The past and future of public housing. How we came to the recommendations.

Thank you
Mary McGee