

1 CITY OF KINGSTON  
2 RENT GUIDELINES BOARD  
3 PUBLIC MEETING  
4  
5 Wednesday, September 21, 2022  
6 6:37 p.m. until 8:42 p.m.  
7 Kingston City Hall  
8 420 Broadway  
9 Kingston, New York 12401

10  
11 BOARD MEMBERS  
12 NOAH KIPPLEY-OGMAN, Chair  
13 DIANA LOPEZ MARTINEZ  
14 MIE INOUE  
15 ANTHONY R. TAMPONE  
16 TARA A. PERRY  
17 MICHAEL TIERNEY  
18 CAROL SOTO  
19 MICHAEL BROWN

20  
21  
22  
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1 (The meeting commenced at 6:37 p.m.)

2 MR. STECKER: Okay. Good evening. It's  
3 six thirty-eight p.m., Wednesday, September 21st,  
4 2022. We have the first meeting in the Kingston  
5 City Rent Guidelines Board in Kingston City Hall.  
6 So I guess, you know, at this point, we can turn  
7 it over to the Chair to call roll, or I can call  
8 the roll for you if you'd like.

9 MR. KIPPLEY-OGMAN: Why don't you go  
10 ahead and call the roll?

11 MR. STECKER: Okay. Noah Kippley-Ogman?

12 MR. KIPPLEY-OGMAN: Present.

13 MR. STECKER: Diana Lopez Martinez?

14 MS. MARTINEZ: Present.

15 MR. STECKER: Mie Inouye.

16 MS. INOUE: Mie, present.

17 MR. STECKER: Okay. Michael Brown. He  
18 called ahead and said he was going to be absent  
19 this evening. Anthony Tampone?

20 MR. TAMPONE: Present.

21 MR. STECKER: Tara Perry?

22 MS. PERRY: Present.

23 MR. STECKER: Michael Tierney?

24 MR. TIERNEY: Present.

25

1 MR. STECKER: Carol Soto?

2 MS. SOTO: Present.

3 MR. STECKER: And Charles Sanchis.

4 We'll let the record reflect that there is a  
5 quorum. So just to introduce myself to everyone.  
6 I'm Peter Stecker, I'm an attorney with DHCR so I  
7 will be part of the team that's assisting the  
8 board providing the staff support. So all of you  
9 should have received a notice of public meeting,  
10 which was sent out to the public as well as to the  
11 board members, which has an agenda on there. And  
12 so we've already called to order. We called the  
13 roll. I think it makes sense for us at this point  
14 to discuss what your immediate responsibilities  
15 are following Kingston's adoption of ETPA. And  
16 what the board needs to do at this point, you  
17 know, moving forward, kind of a -- immediate  
18 responsibilities.

19 MR. KIPPLEY-OGMAN: I -- I would just  
20 like actually to say just a couple of words.

21 MR. STECKER: Sure.

22 MR. KIPPLEY-OGMAN: I am --.

23 MS. GRAY-HUERTAS: Noah, you have to be  
24 very close to the mic because it's being recorded

25

1 and they're not going to be able to transcribe.

2 MR. KIPPLEY-OGMAN: Is this -- is this  
3 on? I am -- I'm really glad to be here together  
4 as the first board -- the first Kingston City Rent  
5 Control Board, the first new rent control board in  
6 the state of New York in nine years. This is a --  
7 it's a serious but limited responsibility that we  
8 have that -- we will learn more about it over the  
9 course of the next presumably twenty minutes. And  
10 I'm looking forward to working together as a -- as  
11 a group to take on the task of making a space  
12 where we hear from tenants and we hear from  
13 landlords, and we hear from the community. And we  
14 hear also from experts and we hear from the state  
15 bringing data and analysis. And we come together  
16 with all of that information and we exercise our  
17 collective judgment. And this is -- this is a --  
18 a meaningful task that we've taken up and I'm  
19 proud of us for being here and I'm proud of our  
20 city for being here, and I'm looking forward to  
21 getting to work with -- with all of us.

22 And I would love if we could do a little  
23 bit of introduction for -- for each of us. If we  
24 could each say just who we are or where we're  
25

1 coming from.

2 MS. HUERTAS: Absolutely.

3 MR. KIPPLEY-OGMAN: All right. I -- do  
4 I have to ask permission? As Chair do I get to  
5 just say --.

6 MS. HUERTAS: You got the Chair for it.  
7 Feel free.

8 MR. KIPPLEY-OGMAN: All right. Well as  
9 Chair, I'm taking my prerogative. I would love to  
10 just say -- can we just say who we are and I don't  
11 know, something -- something relevant about  
12 yourself, right, it might be a job or whatever.

13 MS. PERRY: I guess I can go first. My  
14 name is Tara Perry. I represent property owners.  
15 As far as my experience goes, I actually manage  
16 apartments in the City of Kingston. I've been a  
17 property manager for over twenty-four years. I  
18 work with D.H.C.R. at the property I manage so I -  
19 - I have some familiarity with how things go and  
20 that's it.

21 MR. KIPPLEY-OGMAN: Okay.

22 MS. INOYE: My name is Mie Inooye. I  
23 am one of the public representatives on the board  
24 and I work as a Professor of Politics at Bard

25

1 College.

2 MS. LOPEZ MARTINEZ: My name is Diana  
3 Lopez from Comanche members area. And I am also  
4 part of the public and I am a community organizer  
5 and I work a lot within community members here at  
6 Kingston. And I've been in Kingston for over  
7 twenty-five years.

8 MS. SOTO: Hi. My name is -- hi. My  
9 name is Caroline Soto or Carol Soto and I have  
10 moved here recently. However, I lived in ... in  
11 the '70s. This region is familiar and I -- often  
12 visited in the past. So I consider it home. And  
13 I am also a community organizer. I have worked  
14 with a lot of different campaigns, mostly around  
15 Latin America, Central America, Nicaragua, El  
16 Salvador. And most recently, ten years of  
17 bringing atomic bomb survivors into the New York  
18 City school system to tell their personal stories  
19 in an attempt to stop nuclear arms. So it's --  
20 that's it.

21 MR. KIPPLEY-OGMAN: All right. April,  
22 could you --?

23 MS. HUERTAS: Sure. My name is April  
24 Gray-Huertas (phonetic). I'm an attorney with the  
25

1 State of New York and I'm hoping to help to  
2 provide you with some staff assistance as we move  
3 on.

4 MR. STECKER: Yeah. I think I've  
5 already introduced myself. Peter Stecker. I'm  
6 also an attorney for the State of New York.  
7 Hoping to do the same that April is providing  
8 staff support.

9 MR. TAMPONE: My name is Anthony Tampone  
10 but people call me Jr. I am also a community  
11 advocate focusing a lot on housing here in the  
12 City of Kingston and City of Planning. I run ...  
13 kingston.org among other things. I'm also a  
14 housing provider so I'm representing property  
15 owners here at this board.

16 MS. TIERNEY: Thanks. Hi everybody. My  
17 name is Michael Tierney. I'm a tenant  
18 representative for the board and I live in a rent-  
19 controlled apartment now. And I've also seen  
20 firsthand through my work through constituent  
21 service and government services, the imbalance  
22 that exists between the rights of tenants and the  
23 rights of landlords in the state of New York in  
24 the City of Kingston. So I'm happy to get to  
25

1 work. Thank you.

2 MR. KIPPLEY-OGMAN: And I'm Noah  
3 Kippley-Ogman. I am an accountant and a homeowner  
4 here in Kingston. I would love now to move to the  
5 next item on our agenda.

6 MR. STECKER: Okay, Chair.

7 MR. KIPPLEY-OGMAN: Which is to discuss  
8 our responsibilities following adoption of the  
9 Emergency Tenant Protection Act by the City of  
10 Kingston. And Peter I imagine you've prepared  
11 something.

12 MR. STECKER: Yes. So the first order  
13 of business is upon adoption of the Emergency  
14 Tenant Protection Act. This board first had to  
15 get together with the ... and now the first order  
16 of business is for this board to adopt two  
17 separate guidelines. The first is going to be the  
18 rent guideline that'll be applicable to leases  
19 from the day of adoption going forward. And the  
20 second is, if the board chooses, a fair market  
21 rent appeal guideline which will be used by the  
22 agency if there is an application by the tenants  
23 saying, prior to adoption, my lease was renewed at  
24 a rate higher than it should have been, this board  
25



1 has the authority to set the guideline where the  
2 agency can make a determination as to whether  
3 there was an excessive rent increase.

4           And we could talk through kind of the  
5 parameters of, you know, what that could be.  
6 However, it is up to this board to determine what  
7 an appropriate look-back period is both for the  
8 timeframe of the look-back period as well as the  
9 rate of increase that should have been  
10 appropriate. Similarly, in this board's purview  
11 to determine what the rent increases should be for  
12 new and renewal leases that are required by the  
13 Emergency Tenant Protection Act from the date of  
14 adoption going forward. Those would be for one  
15 and two-year leases. Every Emergency Tenant  
16 Protection Act lease is required to give a tenant  
17 -- tenant an option for either a one or two-year  
18 lease. So this board will be setting those two  
19 separate guidelines. And under the law, the board  
20 is required to do its homework so to speak. So  
21 it's supposed to look into a variety of different  
22 factors that are set up by the law, you know, can  
23 pull them up. But really the best way for this  
24 board at this point to, you know, gather relevant  
25

1 information is to set at least one public hearing  
2 to hear from landlords, tenants, other interested  
3 members of the public in the hopes that, you know,  
4 an educated guideline can be promulgated and  
5 agreed to by this board. And there really is no  
6 set number of meetings that need to be held by  
7 this board under the law. So it really is up to  
8 this board, you know, the manner that they go  
9 about holding the public hearings. However, you  
10 know, at least one should be held and, you know,  
11 we'll have to provide appropriate public notice  
12 beforehand and help with this, you know, to get  
13 public engagements so that this board can get as  
14 much information as possible.

15 MR. KIPPLEY-OGMAN: Thank you, Peter.  
16 Does anyone have any questions or points of  
17 clarification that they'd like to -- to get at  
18 this moment?

19 MR. TAMPONE: I have a question.

20 MR. KIPPLEY-OGMAN: Yes.

21 MR. TAMPONE: Is there a statutory limit  
22 to the look-back period?

23 MR. STECKER: So the Emergency Tenant  
24 Protection Act does not really have caps. It  
25

1 doesn't really have guidance and things like that.  
2 Again, it's really up to the board to determine  
3 what the look-back period should be. So, you  
4 know, that -- that being the caps that you're  
5 looking for, there's nothing really that I can  
6 point to.

7 MS. HUERTAS: Other than it has to be  
8 reasonable and something that the Court would also  
9 consider reasonable if somebody actually filed,  
10 you know, an article 78 or some other action  
11 against what the board does.

12 MR. STECKER: You know, that's where the  
13 public hearing becomes critical because, you know,  
14 you can see members of the public that are coming  
15 in and talking about rent increases during a  
16 certain time period. The board may look back and  
17 may say that the look-back period is appropriate  
18 to be captured in this timeframe.

19 MR. TAMPONE: Uh-huh.

20 MR. STECKER: But really it is up to the  
21 board to determine -- to determine the length, you  
22 know, as well the guideline for whatever the look-  
23 back period should be.

24 MR. KIPPLEY-OGMAN: I'm sorry, Peter.  
25

1 If you could lean much closer.

2 MR. STECKER: Sure.

3 MR. KIPPLEY-OGMAN: And if you could all  
4 follow that advice looking forward, that would be  
5 -- that would make --.

6 MR. TIERNEY: I have a -- I have a  
7 question.

8 MR. KIPPLEY-OGMAN: Closer, please.

9 MR. TIERNEY: Can --?

10 MS. PERRY: Closer.

11 MR. TIERNEY: In -- in determining fair  
12 market rent, can we use A.M.I. broken down by  
13 census tract, or does it have to be countywide?

14 MR. STECKER: Speak slowly for us.

15 MS. INOOYE: We can't hear you.

16 MR. TIERNEY: Really? You can't hear me  
17 from there?

18 MS. INOOYE: Yeah. We can't.

19 MR. STECKER: It's very directional.

20 MR. TIERNEY: Sorry. Is this better?

21 MS. INOOYE: Yes.

22 MR. STECKER: Yes.

23 MR. STECKER: Yes.

24 MR. TIERNEY: Okay. In determining fair  
25

1 market rent, can we use A.M.I. broken down by  
2 census tract or are we limited to countywide?

3 MS. HUERTAS: I'm not sure of the  
4 question. Are you asking if you could set a  
5 different look back periods for different areas or  
6 are you just looking at -- asking what information  
7 you can include in -- in determining the look back  
8 period?

9 MR. TIERNEY: The latter.

10 MS. HUERTAS: Under the law, in addition  
11 to the public hearings, there's a list of doc --  
12 of information that can be presented including  
13 taxes, water costs, the economics of the  
14 neighborhoods, you know. Actually I -- I don't  
15 remember off the top of my head. But I'm pretty  
16 sure A.M.I. is probably important in one of those  
17 pieces of information because you can use census  
18 information. There's nothing that's going to stop  
19 you. What you do as long as it's really simple.

20 MR. TIERNEY: Thank you.

21 MR. KIPPLEY-OGMAN: Piggybacking on  
22 that, H.C.R. staff is going to provide that  
23 information at our request or?

24 MS. HUERTAS: The H.C.R. will provide  
25

1 some of that documentation to the board under  
2 oath.

3 MR. KIPPLEY-OGMAN: Excellent.

4 MS. HUERTAS: You know, this is kind of  
5 odd only that it's coming at the time period  
6 because Kingston is coming in at the time period  
7 that it's coming in. As a general rule, and you  
8 know, there are -- before 2019, the only guideline  
9 boards were either New York City, Westchester,  
10 Rockland, and Nassau. Rockland and all of those  
11 boards set the guideline and this is what you will  
12 do next year is you have to a set of guideline  
13 before July 1st which is implemented as of October  
14 1st. And as part of them, yes. We will provide  
15 the documentations to look for. And we will be  
16 able to some of that. But it won't be the same  
17 overall information that we would be able to give  
18 you at that point or maybe -- one way or the  
19 other. Obviously, people will be able to present  
20 information together for the board obviously to  
21 make that determination.

22 MR. KIPPLEY-OGMAN: Okay.

23 MS. INOOYE: This is maybe the same or  
24 just a clarifying question. But -- so the data,  
25

1 are we at all responsible for bringing our own  
2 data to these meetings, or are we just presented  
3 to by you all or experts?

4 MS. HUERTAS: We provide -- we provide  
5 whatever information under the law and any  
6 additional information asked for. But clearly,  
7 there's nothing that stops any board member from  
8 bringing information to the board that -- you're  
9 board members, that is your job.

10 MS. INOYE: Okay. Yeah.

11 MR. TAMPONE: Hi.

12 MS. HUERTAS: Yeah. I'm sorry.

13 MR. TAMPONE: I have another question on  
14 just the rules. Do -- is the board only allowed  
15 to accept information outside of board members and  
16 attorneys during a public hearing or if a public  
17 hearing is closed, can we still receive  
18 information?

19 MS. HUERTAS: From where?

20 MS. MARTINEZ: I'm sorry.

21 MR. TAMPONE: I don't -- I don't know.

22 MS. MARTINEZ: Do you mind repeating  
23 what you just said?

24 MS. HUERTAS: I said from where.

25

1 MS. MARTINEZ: Okay.

2 MS. HUERTAS: You're obviously going to  
3 be able to take the information in addition to the  
4 public testimony.

5 MR. KIPPLEY-OGMAN: Closer.

6 MS. HUERTAS: Whatever other information  
7 you have, you know, I guess if you pick up ... and  
8 the day after you find a piece of information in,  
9 you're more than welcome and encouraged to use  
10 that as part of what you're going to send it back.  
11 There's no limitation as to what you're going to  
12 do as long as it's reasonable and it's legal.

13 MR. TAMPONE: Okay.

14 MR. KIPPLEY-OGMAN: I would love to get  
15 some clarity about what specifically this board  
16 will produce in the fall-ish is our timeline for  
17 the first set of ... DAS. Is that right?

18 MR. STECKER: I'm sorry. You said what  
19 this board will produce. I'm sorry.

20 MR. KIPPLEY-OGMAN: Yeah. What is --  
21 what is our duty? Our duty is produced two  
22 things, right?

23 MR. STECKER: That's right.

24 MR. KIPPLEY-OGMAN: So we produce the  
25



1 rent adjustment percentages for leases in -- that  
2 start between --.

3 MR. STECKER: August 1st forward, which  
4 is the effective date of Kingston's adoption. The  
5 effective date of Kingston's adoption of the  
6 E.T.P.A. is August 1st forward. So that would be  
7 the guideline you, on this board, will set for  
8 increases from August 1st going forward. So --.

9 MR. KIPPLEY-OGMAN: And the range of  
10 allowable changes to rent to is what?

11 MR. STECKER: The range of the increases  
12 is whatever this board sets.

13 MR. KIPPLEY-OGMAN: So -- so negative a  
14 hundred all the way until positive amount at this  
15 time?

16 MR. STECKER: I'm sorry. Can you repeat  
17 that?

18 MR. KIPPLEY-OGMAN: The -- the range of  
19 options available to us should we determine it to  
20 be reasonable is from a rent decrease all the way  
21 up to, you know, very large numbers of a lot of  
22 the rent increase. Well, and that's -- that's the  
23 range of figures that we're going to choose from.

24 MR. STECKER: Theoretically, yes.

25

1           MR. KIPPLEY-OGMAN: Great. And we set  
2 two percentages, right? Is that a percentage for  
3 a one-year lease and for a two-year lease?

4           MR. STECKER: That's correct.

5           MR. KIPPLEY-OGMAN: If in the City of  
6 Kingston we learn that there are -- there are  
7 tenants who are paying for utilities and then  
8 tenants who are not paying for utilities and we  
9 think that those deserve a different treatment,  
10 can we set four percentages, one for a one-year  
11 lease with heat and hot water, two-year lease with  
12 heat and hot water. One year lease without heat  
13 and hot water and a two-year period. Is that --

14          MR. STECKER: Yes.

15          MR. KIPPLEY-OGMAN: -- familiar?

16          MR. STECKER: Yes. The Board can set  
17 those different guidelines period.

18          MR. KIPPLEY-OGMAN: Are there other than  
19 ways that we can slice and dice, like what type of  
20 units get what type of ... rent adjustments?

21          MR. STECKER: Can you kind of elaborate  
22 on what exactly are you thinking about?

23          MR. KIPPLEY-OGMAN: I -- I just -- I've  
24 -- I've learned that you can set different numbers

25

1 for units that have heat and hot water included.  
2 And that just raises the question for me like  
3 what's the rule of other things that are  
4 reasonable.

5 MS. HUERTAS: In 20-plus years of doing  
6 guideline boards as counsel, those were the  
7 limits. I don't know if you can do something  
8 else. You can try. There's nothing wrong with  
9 having your decision challenged and go to court  
10 because that's probably what would happen. But  
11 there's no limitation as to what you can do.

12 MR. KIPPLEY-OGMAN: Thank you.

13 MS. HUERTAS: As long as it is  
14 reasonable and legal.

15 MR. KIPPLEY-OGMAN: All right. That is  
16 -- those are our ... reasonable and legal, and  
17 using our deliberative judgment based on  
18 information we hear from the public and from any  
19 other sources that we reasonably and lawfully ...

20 MS. APRIL: Correct.

21 MR. KIPPLEY-OGMAN: All right. I have a  
22 set of questions about the -- the setting of  
23 initial legal rents. Is that the right term for  
24 the -- but if there are other questions about the  
25

1 annual allowable -- the annual guidelines about  
2 the -- the ...?

3 MS. INOYE: So the guideline that we  
4 set is from Aug -- it's for one year and then it  
5 would be reset ...

6 MR. STECKER: That's correct. So in  
7 line with the other boards throughout the state,  
8 this board would regularly be meeting in May or  
9 June in each year to set the guideline that would  
10 commence on October 1st at the end of the year.  
11 So that would mean in June of 2023 to set a  
12 guideline that would commence on October 1st of  
13 2023.

14 MR. TAMPONE: So what about the -- so  
15 we're doing one year from August 1st. So what  
16 about between August 1st and October 1st of 2023?

17 MR. STECKER: Right. I mean the  
18 guideline that you set now will go until October  
19 1st, 2023.

20 MR. TAMPONE: Okay. Okay. So more than  
21 a year on the first year.

22 MR. STECKER: Yes.

23 MR. TAMPONE: All right.

24 MS. SOTO: I have a question. If -- is  
25

1     it possible for this guideline to affect services  
2     that are currently in charge separately to be  
3     included in rents? Or it's since if all of -- if  
4     all of our tenants are -- asked to pay sewage,  
5     water, and -- sewage and water to say separately,  
6     can we ask the -- the landlords to include that in  
7     the rent rather than with separate charges  
8     monthly?

9                   MS. HUERTAS: That's actually not  
10    something that this board will do. It's something  
11    that the tenants can ... to the division of  
12    housing concerning service-related issues and the  
13    question of what -- you know, if those are  
14    services that are included in all these,  
15    obviously, they would be subject to your  
16    guideline. And without any specific information  
17    on an individual case, I wouldn't be able to tell  
18    you ...

19                   MR. KIPPLEY-OGMAN: So we have heard a  
20    great deal about initial legal rents and the fair  
21    market rent appeal process. And I hope I've got  
22    those words right. We've heard -- we've heard  
23    look back periods. We've heard what other things  
24    that are -- well, for me it's a bunch of words,  
25

1 sort of ... towards ... But it looks like there  
2 is kind of -- I feel like there's a lot of things  
3 that I -- that I really have, what's possible,  
4 what's allowable, what's not allowable, or what  
5 the statute allows, what the policy allows. And  
6 I'm curious what you've said -- you've said that  
7 the world is our oyster as long as we're  
8 reasonable. What are the -- what are the things  
9 that other boards have done in outline -- in  
10 outlining what -- what the initial rent --.

11 MR. KIPPLEY-OGMAN: The -- the  
12 guidelines for fair market rent appeals. Is that  
13 -- is that a question that maybe we should raise  
14 as it would be nice to see some examples?

15 MR. STECKER: I think you're looking at  
16 -- I think you're looking for some sort of  
17 comparative numbers. Is that what you're saying?

18 MR. KIPPLEY-OGMAN: Just -- just like I  
19 am trying to figure out what's the world of  
20 options on which we exercise our judgment for the  
21 annual guidelines. I -- I would love to know  
22 what's the world options for how -- how we  
23 articulate set guidelines for the fair market rent  
24 appeals for the initial ... rent.

25

1           MR. STECKER: Well, I think it's -- it  
2 would be helpful. There was a recent example of  
3 the initial adoption in Westchester County ...  
4 and, you know, by way of example that ... They  
5 looked at the data was presented to them, and they  
6 held public hearings. And the look back that they  
7 came up was a six months look back and they had  
8 two separate guidelines. It was at two percent  
9 for tenants without leases and then four percent  
10 for tenants with leases. So again, I'll stress  
11 very strongly that this board needs to hold the  
12 public hearings. They need to look at the facts  
13 and the data that were actually presented to them  
14 by the public to underscore, you know, what the  
15 guideline is that's promulgated by this board.  
16 But in the end, that's what it's likely to look  
17 like is you'll have a look back period for X time  
18 period and will set something for tenants with  
19 leases and tenants without leases.

20           MR. KIPPLEY-OGMAN: I can't be the only  
21 person here who doesn't understand. The -- I'm  
22 trying to wrap my head around what does the look-  
23 back period mean?

24           MR. STECKER: Okay. I think it'd be  
25

1 helpful for me to explain how the look-back period  
2 is going to be used.

3 MR. KIPPLEY-OGMAN: Yeah. Perfect.

4 MR. STECKER: So the look back period is  
5 going to be used by DHCR to determine fair market  
6 rent appeal applications that are submitted by  
7 tenants. So once this board promulgates the fair  
8 market rent appeal, a tenant will be able to file  
9 with DHCR saying I got my initial registered rent  
10 and my landlord applied a rent increase to me that  
11 was excessive. And so in determining whether a  
12 rent increase for a given lookback period was  
13 excessive, DHCR will take the fair market rent  
14 appeal guideline promulgated by this guideline  
15 board and see, all right, was it during this time  
16 period and did it exceed the amount that the rent  
17 guidelines board said was appropriate. So that's  
18 hopefully ... defining the limit of what this  
19 guideline is going to be used for which is  
20 different from a guideline that goes from August  
21 1st forward which is between the landlord and  
22 tenant. This is what your, you know, this is what  
23 your rules is going to look like, this is what  
24 your lease is going to look like with the increase  
25



1 by -- you know, that's promulgated by this rent  
2 guidelines board. Fair market rent appeal is  
3 something that provides the parameters with DHCR  
4 to determine these applications that are submitted  
5 by the tenants.

6 MR. KIPPLEY-OGMAN: So the thing that  
7 this board names is over this period of time in  
8 the past before the effective date of the law or  
9 the --.

10 MR. STECKER: At the adoption of --.

11 MR. KIPPLEY-OGMAN: Of the adoption of  
12 the ETPA, a rent increase over a certain percent  
13 we think is likely to be -- to be excessive,  
14 right? So -- so if a tenant's rent was raised by  
15 fifteen percent over the course of the last three  
16 years and we think that is a -- like that's about  
17 like we -- we make a judgment about how much of an  
18 increase over what length of time was reasonable.  
19 And then DHCR uses that guideline to determine in  
20 a specific circumstance whether a rent increase  
21 was excessive.

22 MR. STECKER: That's correct.

23 MR. KIPPLEY-OGMAN: All right.

24 MR. TIERNEY: I -- I have a follow-up  
25

1 question to that. Does that apply only to  
2 renewals during the look-back period or can we  
3 also examine what the old tenant was paying but  
4 then the landlord raised the rent and a new tenant  
5 had to come in. Is that considered an increase?  
6 Because that's considered, you know, a rental-  
7 based eviction, right?

8 MS. HUERTAS: The fair amount ... is  
9 individual to the tenant, you know, look back is  
10 for that person's lease, not for that person's  
11 lease to a different person's lease. We realize  
12 that ... came in on August 1st, what happened  
13 before that was free market because they didn't  
14 have regulation. So in places where they are  
15 regulations, those things -- the prior tenants  
16 might -- might make a difference. In this  
17 situation, that wouldn't be applicable because  
18 what happened before that was a fair market rent.  
19 We had this discussion last night, and some of us  
20 didn't like the term fair market at this point  
21 because it doesn't mean the same thing here as  
22 everybody thinks that means. So in this case,  
23 it's a question of whether or not at the time that  
24 person signed that lease with the look-back period  
25

1 if there was an unreasonable increase in whatever  
2 time period this board sets as a look-back period  
3 based on whatever percentage this board also  
4 decides. So I don't know if that makes sense  
5 literally but --.

6 MS. INOOYE: So the percentage, we just  
7 decided one percentage and it's for the next year  
8 but also for the look-back period, no?

9 MR. STECKER: No. You're going to be  
10 setting two separate --.

11 MS. INOOYE: Two separate percentage.  
12 Okay.

13 MR. STECKER: So you're going to be setting  
14 fair market rent appeal guidelines. Again, the  
15 parameters the DHCR is to decide these fair market  
16 rent applications. And then you're going --  
17 that's going to be a backward-looking thing.

18 MS. INOOYE: Okay.

19 MR. STECKER: From prior to adoption.  
20 And then you're going to set a separate guideline  
21 which could look somewhat similar numbers-wise  
22 which will be from August 1st, 2022, going  
23 forward. So this board will come up with two  
24 separate guidelines.

25

1 MS. INOOYE: Okay. And how long do  
2 tenants have to like to file this --?

3 MR. STECKER: The fair market rent?

4 MS. INOOYE: Yes.

5 MR. STECKER: Right. And it all -- the  
6 clock starts ticking on it once they receive a  
7 copy of the initial registration from the  
8 landlord. I'm trying to remember exactly the time  
9 period --.

10 UNIDENTIFIED SPEAKER: Ninety days.

11 MS. HUERTAS: Ninety days.

12 MR. STECKER: Yeah. I believe it's  
13 ninety days.

14 MS. HUERTAS: Ninety days set forth.

15 MS. INOOYE: Okay.

16 MR. STECKER: Set forth that they have  
17 in order to file this application.

18 MR. TAMPONE: On the look back period,  
19 if a tenant was presented with an unreasonable  
20 rent increase and then was unable to meet that new  
21 rent and therefore was forced out during that look  
22 back period, do they have any recourse?

23 MR. STECKER: I'm just trying to think  
24 jurisdictionally, they wouldn't be stabilized

25

1 tenants as of the date of adoption. So I'm not  
2 sure ...

3 MR. TAMPONE: Okay.

4 MR. STECKER: If I understand the  
5 question, they were not before Kingston done with  
6 ...

7 MR. TAMPONE: Yeah, or even during -- I  
8 mean I guess the same could be said for something  
9 that happened after August 1st. But I'm saying  
10 like yeah if we say on the record it's a year and,  
11 you know, we find that, you know, a few dozen  
12 people that maybe were not able to pay the  
13 doubling of rent that -- that was required by the  
14 landlord. And then, therefore, left that -- that  
15 rental unit, do they have any recourse? Because  
16 if they did come up with the money to pay it and  
17 then they leave, then -- then would stay in the  
18 unit then they would have recourse as -- as we're  
19 -- as we're discussing now. But yeah, I'm just  
20 wondering whether or not they have any right to  
21 anything if they couldn't come up with the down.

22 MR. STECKER: It's an interesting  
23 hypothetical. I'm not sure that that's -- they're  
24 reviewing the application right now.

25

1 MR. TAMPONE: Yeah.

2 MR. KIPPLEY-OGMAN: Other questions  
3 about making sense of the look-back periods, the -  
4 - the -- the guidelines for fair market rent  
5 appeals of initial legal rents? Do we feel like  
6 we understand our responsibility or the -- the  
7 like scope of what we're responsible for  
8 producing?

9 MS. INOOYE: Yes. That's correct.

10 MR. KIPPLEY-OGMAN: That's correct. All  
11 right. And I think that's Chair then. I think  
12 I'm going to move us to the next item of our  
13 agenda which is scheduling dates for public  
14 hearings and public meetings. I guess my first  
15 question, and this is I think for us as a board,  
16 is we have an obligation to hold at least one  
17 public meeting, one public hearing. What are the  
18 other times that we want to come together as a  
19 board, like how many -- how many meetings do we  
20 need and thinking about like what information do  
21 we need and what -- what's reasonable about a sort  
22 of timeline and timeframe and number of meetings  
23 to deliberate about that commission did, the  
24 governing commission will understand it, and to  
25

1 join?

2 MS. INOYE: Can you remind us the  
3 deadline for our -- this is -- our findings or --?

4 MR. STECKER: There is no deadline set  
5 forth in the law. However this board should be  
6 trying to move as quickly as possible knowing that  
7 ... you know, the effective date was August 1st,  
8 2022. We're now in the middle of September. And,  
9 you know, we're kind of frozen in time for lack of  
10 a better phrase with cases that are currently  
11 happening now, renewals that are happening now,  
12 vacancies that are happening now. So this board  
13 should act with some urgency to, you know, gather  
14 the data and promulgate that ...

15 MR. KIPPLEY-OGMAN: I -- I would -- I  
16 would like to hear from any of us that are ...

17 MS. SOTO: I think that we have to be  
18 careful in terms of public hearings because a lot  
19 the people for instance in Stony Brook where I  
20 live did not know anything about the August freeze  
21 and that are -- are not educated on this, do not  
22 have access to computers or simply the elderly  
23 community. And so I think that we need a fair  
24 amount of time to give those people that will  
25

1 organize in the building enough leeway to get a  
2 good understanding of what's going on, like at  
3 least mid-October or something. That -- that's my  
4 feeling around Stony Brook.

5 MR. TAMPONE: I have a question on --  
6 and to piggyback on that. What resources are we  
7 going to have and are we going to do outreach to  
8 make sure we engage those people to get their  
9 input during the public hearing, like is there a  
10 notification requirement for

11 --

12 MR. STECKER: Yes.

13 MR. TAMPONE: -- for all those people?  
14 Yeah

15 MR. STECKER: Yeah. So the -- under the  
16 -- the New York State law and the open meetings  
17 law, there's a requirement that notice be  
18 disseminated prior to any public hearing, public  
19 meetings by this board. So as the staff support  
20 DHCR will be handling the sending out of public  
21 notice. It goes to emails that we have available.  
22 It goes to the mailing address that we have  
23 available, disseminated to available news media  
24 who will send it in to the board. We do our best  
25



1 efforts to get the public notice out as quickly as  
2 it's available to as many people as possible.

3 MR. TAMPONE: So theoretically, you  
4 would have a mailing address to every unit that is  
5 covered under this -- this control of this board.  
6 So would every one of those units get a  
7 notification by mail?

8 MS. HUERTAS: We don't actually have  
9 those addresses at this point. What we do have is  
10 the list of the properties that the City of  
11 Kingston believes are subject. We're in the  
12 process of sending notices to all of those owners.  
13 Owners who ... are operating any buildings are  
14 required to register with the agency every year.  
15 So those notices are being sent out at this point  
16 in time. And once they are sent, we will have  
17 some of that information, probably not before your  
18 next hearing or meeting. So what we would do is  
19 the same as we've done before. If you have a list  
20 of people and addresses that you want to send, you  
21 can give them to us so we will forward it to, you  
22 know, those folks also. We also send it to  
23 elected officials, as Peter mentioned, local  
24 newspapers, news organizations, landlords and  
25

1 tenants. We would have at least some -- we have a  
2 list of the landlords that are the city ... all  
3 those properties. And so they keep reading the  
4 record but I'm pretty sure they might be right.  
5 But, you know, of the -- I believe it's twelve  
6 hundred regulated apartments ... potentially you  
7 wouldn't have the twelve hundred contact  
8 information ...

9 MR. TAMPONE: But you would do a direct  
10 mailing to anyone that you did have an address to?

11 MS. HUERTAS: Yeah. You're right.  
12 That's absolutely correct.

13 MR. TAMPONE: Okay. At least they have.

14 MR. KIPPLEY-OGMAN: Sorry. Speaking of  
15 collecting people who might be interested here.  
16 Could you do me a favor and pass around the piece  
17 of paper to folks in the room who might be  
18 interested in getting on our list? Should people  
19 provide their email address, their name, and what  
20 -- what contact information do you need to get  
21 them on the list.

22 MR. STECKER: I'll set up a sign-in  
23 sheet and pass it around the room, Chair.

24 MR. KIPPLEY-OGMAN: Thank you. Okay.

25

1 Go ahead.

2 MR. TIERNEY: Yeah. For the public  
3 hearings, I would be opposed to anything before  
4 thirty days from now to ensure that we can give  
5 adequate notice to everybody. And I would not be  
6 opposed to having more than one on different days  
7 to ensure that those who have work can attend the  
8 other one or even, you know, the nightmare for  
9 everybody, having one on the weekend, if that's  
10 possible. But I think we should have as many as  
11 reasonable to ensure as many people who want to  
12 have the ability to testify.

13 MS. SOTO: I -- I agree with that.

14 MR. KIPPLEY-OGMAN: Sorry. Could you  
15 say that closer?

16 MS. SOTO: I said I agree with that.  
17 But I -- I said it'd be October but I was thinking  
18 actually the end of October ...

19 MR. TAMPONE: Will there be a way for  
20 people to comment without coming directly to the  
21 public hearing either by mail or email or in an  
22 online forum or some other type of way to?

23 MS. HUERTAS: Well, what we can do is  
24 what we've done in both Rockland and West Chester.

25

1 We'll include the email address and people to  
2 submit the testimony to -- to the e-mail address  
3 which would be presented to the board members,  
4 copies of it would be provided to the board  
5 members.

6 MR. KIPPLEY-OGMAN: I have a loose  
7 proposal or I think we could talk about and figure  
8 out if whether -- whether I'm anywhere near what  
9 might make any sense. I -- any we might meet in  
10 middle -- so in the interest of like moving with  
11 speed, making sure that we have the capacity to  
12 hear from -- as -- as many people as -- as we want  
13 to ... And also move it with speed. I was  
14 thinking we could have a meeting, not an open  
15 hearing where we ... public comments but at a  
16 meeting like this one in mid-October, right, to --  
17 if that's enough time to prepare information so we  
18 can start understanding the lay of the land and  
19 start getting used to what it's like to -- to  
20 interact with the type of data that will be  
21 provided and the type of analysis that will be  
22 provided. Public hearings in early November and a  
23 -- and a mid-November meeting to make a decision.

24 MS. INOYE: Sorry. I couldn't quite  
25

1 hear you. You said public hearings when, in?

2 MR. KIPPLEY-OGMAN: Early November.

3 MS. INOYE: Yeah, I mean that's good.

4 MR. TIERNEY: I think that's adequate  
5 and that gives people enough time because the  
6 beginning of November is only a month and a half  
7 away.

8 MR. KIPPLEY-OGMAN: Well, it's more than  
9 a week away.

10 MR. TIERNEY: ...

11 MS. HUERTAS: Well ... we're not  
12 available on November 15th. We have a public  
13 hearing and there's something on that day.

14 MR. KIPPLEY-OGMAN: Sorry, I --.

15 MS. HUERTAS: We -- the agency would not  
16 be available to be here on November 15. We have a  
17 public hearing in New York City that day.

18 MR. KIPPLEY-OGMAN: Good.

19 MR. TIERNEY: Exactly.

20 MS. PERRY: I just have a question.

21 What currently are the landlords doing? Are they  
22 not raising any rents right now until this is  
23 determined or are they allowed to -- is there any  
24 cap on anything right -- as of right now for the  
25

1 landlords?

2 MS. HUERTAS: Based solely on -- and the  
3 total stored information that was provided during  
4 public comments last night in meetings with all  
5 landlords and tenants. Although they are required  
6 to not give any ... increases as of August 1st,  
7 I've heard many various number of guideline  
8 increases that have been ... since August 1st.  
9 And I have a ray of information that seems -- the  
10 owners are either unaware or don't care what the  
11 ... or that recommendation is now in effect ...

12 MS. PERRY: Okay.

13 MR. KIPPLEY-OGMAN: Should we start  
14 talking about the dates?

15 MR. TIERNEY: Yes.

16 MR. KIPPLEY-OGMAN: Great. Tonight's a  
17 Wednesday night. Did Wednesday night like work  
18 for folks in general?

19 MR. TAMPONE: Yes. We're talking about  
20 just a meeting before this board not a public  
21 hearing at this point in time. Yeah, Wednesday  
22 night is fine.

23 MR. KIPPLEY-OGMAN: How about Wednesday,  
24 October 19<sup>th</sup>, for a meeting of this board, not a  
25

1 public hearing, a public -- meeting that is  
2 comprised of public meeting. I -- I'm -- I'll  
3 learn ... the meeting eventually. But does 10/19  
4 at 6:30 p.m. for -- for a meeting at this board to  
5 -- and what type -- what type of information could  
6 the State provide on a tight timeline. Do you  
7 have a sense of like what -- what could we be  
8 working with as of October 15?

9 MR. STECKER: So, you know, I think a  
10 little clarification would be great for what ...  
11 the October 19th one we've proposed.

12 MR. KIPPLEY-OGMAN: I -- I would like to  
13 -- to have some amount of information, analysis,  
14 reports brought in from whatever sources we can --  
15 we can rustle up and whatever the state can  
16 provide to support us to understanding what's the  
17 lay of the land here. And I think I would like to  
18 see -- I would like to have a conversation about  
19 that data and input from experts as -- as part of  
20 the process in figuring out what's reasonable. Is  
21 it -- yeah.

22 MR. TAMPONE: I've got a question on how  
23 do we get information right. Like do -- are -- is  
24 -- is staff allowed to give us information outside  
25

1 of the public board -- board meeting, like can you  
2 filter us any information that we can discern  
3 outside of this setting?

4 MR. STECKER: So the law recently  
5 changed about boards and what they're considering  
6 at a meeting, anything that the boards consider at  
7 meetings will be posted on the HCRs website in  
8 advance, right? I think it's forty-eight hours in  
9 advance. So, you know, from our perspective, I'm  
10 not 100 percent sure what the research unit at  
11 this point will be giving to this board. Again,  
12 as April mentioned previously, usually every year  
13 there's a survey that's sent out by the HCR  
14 Research and Analysis Unit where they get  
15 information from owners about, you know, their  
16 income and expenses. And that's not something  
17 that's going to be available obviously to Kingston  
18 at this point. You know, I don't want there to be  
19 a sense that, you know, the research unit is going  
20 to have a bunch of information available for an  
21 October 19th meeting. My view on that meeting, if  
22 there's going to be a meeting, the greatest amount  
23 of input and information this board is going to  
24 get is going to be the public hearings. So they -  
25



1 - they move this board to, if they're going to  
2 have this set of meetings to open them up for  
3 public comments so that view of Kingston ...  
4 stakeholders can be heard.

5 MR. TAMPONE: Yeah. That's kind of the  
6 feeling I had as well.

7 MR. KIPPLEY-OGMAN: Comments.

8 MS. MARTINEZ: I was just going to say  
9 October 19th does not work for me. I'm sorry.

10 MR. TAMPONE: Does it make more sense  
11 for us to try to set some public hearings and  
12 gather the information that way. If we -- if --  
13 if, you know, the staff can present the  
14 information and I guess it's going to be posted on  
15 the website. But then we can get it and then we  
16 can meet after collecting that data and being able  
17 to analyze that -- that data and then I would  
18 imagine we'd probably have to meet more than once  
19 before we're going to end up coming up with the  
20 guideline. But at least we'll have some rough  
21 bulk information to be able to digest over that  
22 period of time.

23 MR. KIPPLEY-OGMAN: Do you want to share  
24 an assessment?

25

1 MS. SOTO: That -- that seems reasonable  
2 to me however living in such a large complex, I --  
3 you know, I'd have to say that it would be pretty  
4 much impossible before the month's end to gather  
5 enough people and their problems and their  
6 information. I mean I can see that there should  
7 be several public hearings. And that's -- that's  
8 very important but, you know, I don't think we can  
9 do -- we can move quickly with so many people  
10 affected.

11 MR. KIPPLEY-OGMAN: Yeah. So I -- I --  
12 I heard Anthony suggesting that we start with  
13 public hearings in the beginning of November.

14 MS. SOTO: Okay.

15 MR. KIPPLEY-OGMAN: And then have two  
16 meetings that are not public hearings after those  
17 public hearings in route to making a decision. Is  
18 that --?

19 MR. TAMPONE: I mean I feel like that  
20 probably would be reasonable. ... obviously it  
21 was one meeting. But I -- I'm going to just guess  
22 that we're probably going to need more than that,  
23 so. And I would -- I would suggest that we have  
24 probably three public hearings and possibly in a  
25

1 variety of settings and -- and times of the day as  
2 well. And I really have to get a focus on  
3 allowing some type of like form or, you know,  
4 based way for people to -- to, you know, testify  
5 outside of physically being in the space and kind  
6 of really push back mechanism because I know it's  
7 hard. And I don't know whether or not this is  
8 something we could do. And it would be great if  
9 how are -- you know, would we -- I imagine that  
10 these public hearings are probably going to be  
11 long. There's going to be a lot of people with a  
12 lot of strong feelings. And if we could ask  
13 people to -- since we're -- if we're going to have  
14 multiple public hearings that they testify only  
15 one time at each -- at one of the three or more,  
16 just to kind of give other people a chance, so.

17 MR. STECKER: Just to give a little  
18 sense for how the public hearings work in the  
19 counties, you know, if they're -- in Westchester,  
20 there's a lot of input every year. And so that  
21 board has actually set limits on the speakers that  
22 limit them to three minutes per individual, five  
23 minutes if they're part of an entity. So, you  
24 know, that may be something that this board wants  
25

1 to implement as well just to kind of keep some  
2 order into the hearings to make sure that everyone  
3 gets a chance to be heard.

4 MR. TAMPONE: And we should set those  
5 goals before we set -- recommend, like we're going  
6 to do that as we set the hearing dates, right? We  
7 don't want to do that like day of the public  
8 hearings. We should have that -- whatever those  
9 rules we're going to have outlined previously.

10 MR. STECKER: That would be ...

11 MS. INOYE: Is there any like advantage  
12 -- like should the public hearings all be in the  
13 same like week or two, or should we try to like  
14 spread them out a bit in terms of accessibility?

15 MR. TAMPONE: I think we should spread  
16 them.

17 MS. INOYE: Yeah.

18 MR. TAMPONE: I think we should spread  
19 them out.

20 MS. INOYE: Yeah. So then would we  
21 basically just do public hearings in November,  
22 like do like three public hearings or something or  
23 I don't know?

24 MS. PERRY: Maybe we could see how many  
25

1 actually come to the first one and then from  
2 there, we can see if we need others. We may have  
3 a bunch of people show up to the first one. I  
4 mean, there's a time constraint here also which I  
5 think we all need to think about and to keep  
6 prolonging this. If this was already passed in  
7 August, we're almost into October. We don't want  
8 to spread this out too long. And -- and for an  
9 entire month to have public meetings that may be a  
10 bit excessive, just a thought.

11 MS. MARTINEZ: Yeah. I think too and if  
12 someone said about a weekend which is a -- like  
13 more flexible for folks to show up. So I think  
14 that if we have like a weekday night where folks  
15 are also out of work. And then like during the  
16 day on a Saturday would be a good -- but I -- to  
17 be honest maybe like yeah, just two periods would  
18 be good.

19 MR. KIPPLEY-OGMAN: Three hearings seems  
20 like a lot to me.

21 MS. MARTINEZ: Yeah.

22 MR. KIPPLEY-OGMAN: So how about a  
23 November 9<sup>th</sup> which is a Wednesday and November 19<sup>th</sup>  
24 which is a Saturday? Oh, we're getting close to  
25

1     Thanksgiving.   How about November 26th which is a  
2     Saturday?

3                 MR. TAMPONE:   Yeah.   I think that doing  
4     it sooner would probably be better.   That might  
5     allow us to meet before the end of November and  
6     have our first discussion about what we heard.

7                 MS. INOOYE:   So we would probably -- I  
8     mean I -- I -- I think realistically once  
9     Thanksgiving that week, we -- the rest of November  
10    is probably gone, right?

11                MR. KIPPLEY-OGMAN:   Yeah.

12                MS. INOOYE:   And then we're close to the  
13    holidays as well in December.   So I -- I'm just  
14    wondering like I don't -- I definitely want to  
15    make sure that we have enough time to get the  
16    notice -- get the word out.   But I'm wondering if  
17    this timeline is too compressed and if -- I don't  
18    know if we might want to do like the last week of  
19    October for the first one instead of trying to do  
20    everything in November.   I don't know.   I -- I --  
21    I want to hear if people think if that's enough  
22    time.   But I think there is this time sensitivity  
23    like we probably want to be done with our work by  
24    the holidays, right?

25

1 MR. TAMPONE: Oh, God, yes.

2 MS. INOYE: Like, so -- and it's going  
3 to get crazy in December so it would be great if  
4 we could, you know, finish this process in  
5 November, I think.

6 MR. KIPPLEY-OGMAN: The last weekend of  
7 October is Halloween. So it feels like -- which  
8 is on a Monday this year. So it feels like maybe  
9 Wednesday the 26th of October.

10 MR. TAMPONE: I agree with you.

11 MR. KIPPLEY-OGMAN: And then Saturday,  
12 November 5th.

13 MS. INOYE: I just -- I have a conflict  
14 on the evening of Wednesday the 26th,  
15 unfortunately.

16 MR. KIPPLEY-OGMAN: Do you want to ...

17 MS. HUERTAS: Is there any other day of  
18 the week that works for you all?

19 MR. KIPPLEY-OGMAN: Yeah. Yeah. The  
20 Tuesday the 25th or Thursday the 27th of October.

21 MR. TAMPONE: I'm available for all of  
22 those.

23 MS. MARTINEZ: Me too.

24 MR. TAMPONE: Tuesday the 25th is fine.

25

1           MS. MARTINEZ: I can do both. Let me  
2 know. It works for me either -- I'm fine with  
3 either.

4           MR. KIPPLEY-OGMAN: Well -- right. We  
5 have public hearing dates set for Tuesday 10/25  
6 and Saturday, November 5th.

7           MS. INOOYE: And what time?

8           MS. HUERTAS: Saturday, what?

9           MR. KIPPLEY-OGMAN: November 5th. We --  
10 we probably need to make motions and set times and  
11 figure out locations and how much of that can we  
12 delegate to the professionals in the room.

13          MR. STECKER: All of that is left to the  
14 board's purview. That should be made for times  
15 when you're most likely to get a quorum and when  
16 you most likely get public involvement. You know,  
17 it's unusual for the downstate boards to have  
18 weekend hearings. So I can't really give you a  
19 suggested time for that, you know, the usual  
20 hearings downstate start six thirty or seven, so.

21          MS. HUERTAS: ... point of information,  
22 whatever you're doing that Saturday we'll probably  
23 be doing without DHCR staff people because we're  
24 nine to five. There is a liability issue for us  
25



1 to be out on the weekend, so. And I have full  
2 faith that this board will be able to do a public  
3 hearing.

4 MR. KIPPLEY-OGMAN: Well I was going to  
5 ask if that's -- if that changes, what we think  
6 about a Saturday hearing.

7 Mr. TIERNEY: I think it's easier for  
8 families with kids to come on Saturday rather than  
9 after school at six thirty.

10 MS. INOOYE: Absolutely.

11 MR. TAMPONE: I have no problem doing  
12 the Saturday hearing. I think do it especially  
13 with ... -- it kind of depends on -- I think it's  
14 going to depend on where the venue is. I wonder  
15 about, you know, one thing obviously what we're  
16 going to try to do here in council chambers.  
17 We're going to have to, you know, check with the  
18 city and make sure that it's available at that  
19 point in time. I do think it might be valuable to  
20 do one of the hearings outside of city hall. I  
21 don't know where that venue could be. But maybe  
22 something that's also easily accessible in -- in  
23 open. Sometimes city hall is a little bit of a  
24 daunting place for people come and talk to, so.  
25

1 Do we have to set the venue right now?

2 MS. HUERTAS: No.

3 MR. STECKER: It doesn't have to be set  
4 right now. One thing to note, you know, about  
5 different venues ... Westchester county.  
6 Government buildings are usually easiest. They  
7 usually don't have fees associated with them. So,  
8 you know, usually libraries are safe bets too but  
9 government buildings and libraries is probably  
10 where I would keep the public hearings just -- and  
11 setting them up, it's a logistical nightmare to  
12 try to go beyond that.

13 MS. INOYE: The library.

14 MS. PERRY: Yeah. The library is  
15 accessible.

16 MR. TIERNEY: It won't be big enough. I  
17 think G.W. would be a better one if we want to  
18 shoot for somewhere in October.

19 MS. INOYE: Oh yeah.

20 MS. SOTO: We're -- I'm sorry. I didn't  
21 hear you.

22 MR. TIERNEY: George Washington, Stony  
23 Run (phonetic spelling), Dutch Hill (phonetic  
24 spelling) probably make up a significant portion  
25

1 of the ... somewhere where they can walk to. Oh,  
2 what's this data?

3 MR. TAMPONE: I mean Edison -- or Edson  
4 would be the closest elementary school there.  
5 Obviously, we're going to have to talk to the  
6 school district and see if that's something that  
7 ... Yeah, I mean that's the easiest walk. I  
8 think that's the school district they would be in  
9 anyway, yeah.

10 MR. STECKER: Just there's also A.D.A.  
11 compliance issues in ... venue and, you know, big  
12 consideration as well as everyone has sort of  
13 noticed, there's a court reporter here tonight.  
14 So, you know, for purposes of keeping the records  
15 of this board, you know, we arranged for the court  
16 reporters to show up for the hearings and  
17 meetings. I'm not sure whether the court  
18 reporters will be available for the weekends. I  
19 don't know if the court reporter can speak to me.

20 MS. HUERTAS: You would you have to call  
21 the office.

22 MR. STECKER: Okay. Yeah. So that's an  
23 open question as well before we can -- before we  
24 can hear. Otherwise, there wouldn't be any use of  
25

1 a -- a reporter --.

2 MS. INOOYE: Yeah. Can we just record  
3 it?

4 MR. STECKER: To be transcribed, yeah.  
5 So that would be what needs to be done otherwise.  
6 But it's obviously nice to have a court reporter  
7 here and just makes stuff easier that way.

8 MR. TAMPONE: But we could just record  
9 that.

10 MR. STECKER: We could.

11 MR. TAMPONE: Yeah. Okay. Because we  
12 can get -- we can borrow the equipment to do that  
13 pretty easily. It's -- it's successful in the  
14 community in itself.

15 MR. STECKER: Sure. Okay.

16 MS. INOOYE: Are we thinking six -- how  
17 long are those going to be, like -- like two hours  
18 or an hour and a half or --?

19 MR. KIPPLEY-OGMAN: I would love the  
20 advice of -- how long -- how long should public  
21 hearings be?

22 MR. STECKER: Well, I mean, that depends  
23 on how many members of the public show up.

24 MS. INOOYE: Oh, so we just say a start  
25

1 time basically, and then --.

2 MR. STECKER: Say a start time and I  
3 mean it -- it's in the best interest of this board  
4 to hear as many members of the public as possible,  
5 so.

6 MS. INOOYE: Okay.

7 MR. STECKER: We should --

8 MS. INOOYE: Cool.

9 MR. STECKER: -- we ... be careful what  
10 you wish for, you know, I've had meetings in  
11 Westchester that have lasted four or five hours,  
12 so.

13 MS. INOOYE: Okay.

14 MR. STECKER: And usually we set up  
15 three public hearings and the last one is when  
16 most of the people come. So, you know, it's --  
17 it's hard to say the one. Yeah.

18 MS. INOOYE: Okay. So we'd start at  
19 like six thirty or something on the Wednesday or  
20 the Tuesday?

21 MR. TAMPONE: I don't know maybe at six  
22 because if people come late, it doesn't really  
23 matter.

24 MS. INOOYE: Six. Yeah.

25

1 MR. TAMPONE: And we get, you know,  
2 we're not going to not let people sign up to speak  
3 just because they came at six thirty or something.

4 MS. INOOYE: Yeah.

5 MR. TAMPONE: And we'll definitely be  
6 there for probably at least two hours, maybe more.

7 MS. INOOYE: Uh-huh.

8 MR. TAMPONE: I'm definitely going to  
9 miss these chambers with the public hearings did  
10 ten o'clock at night ...

11 MS. INOOYE: And then this Saturday,  
12 when like noon or --?

13 MS. MARTINEZ: Noon sounds like a good  
14 time. One thing I did want to ask for these  
15 public hearings is that, if possible, we can  
16 provide volunteers to do childcare for families  
17 that are bringing their children. And also think  
18 about like interpretations for folks that English  
19 is not their common language.

20 MR. KIPPLEY-OGMAN: And what type of  
21 resources are available for language  
22 interpretation and for ASR interpretation?

23 MS. HUERTAS: I'd have to research it  
24 and get back to you. We've never used that and  
25

1 I've been ... for twenty years. At Westchester  
2 we've never had an interpreter but we can look  
3 into it and --.

4 MR. KIPPLEY-OGMAN: I feel like we won't  
5 be able to hear from the public if we don't have  
6 accessible appearances. Thank you, Ma'am.

7 MR. TIERNEY: I -- I think we have the  
8 resources in the community to provide those  
9 translations. It's just if -- can we accept the  
10 testimony through an interpreter?

11 MS. HUERTAS: And will it come -- yeah,  
12 and I don't see why not. But -- and you can also  
13 accept it in writing so, you know, unless somebody  
14 in the room starts screaming that's a wrong  
15 interpretation, we'll be good.

16 MR. TAMPONE: Yeah. I definitely I  
17 think it's important that we get at least Spanish  
18 interpretation in at least one of those hearings.  
19 It'd be great if we can do both. Yeah.

20 MS. HUERTAS: So now you just have two  
21 public hearings. When do you set the date and to  
22 set the guideline or do you want to wait to do  
23 that?

24 MR. KIPPLEY-OGMAN: Sorry. Come again.

25

1 MS. HUERTAS: So you're going to do two  
2 public hearings.

3 MR. KIPPLEY-OGMAN: Two public hearings.

4 MS. HUERTAS: Where all you have to do  
5 is take testimony, right? People are going to  
6 tell you their information. They're going to  
7 submit whatever they have. And subsequent to that  
8 the board has to meet to set the guideline. So  
9 you might want to keep that third date before you  
10 walk out of this room tonight.

11 MR. KIPPLEY-OGMAN: Well, I only have  
12 two more dates because I -- I think you're right,  
13 Anthony that -- is that we will want -- it will --  
14 it will require more than one conversation to come  
15 to what we think the guidelines ought to be.

16 MR. TAMPONE: If we picked two dates and  
17 we do come to write the guidelines in a single  
18 date, can we cancel the other one? If it's -- I  
19 mean before the like notification by open meetings  
20 law?

21 MS. HUERTAS: What we would do is in the  
22 notice we would put in parenthesis, which I've  
23 done in the past, to be a second meeting, if  
24 necessary.

25



1                   MR. KIPPLEY-OGMAN: I love it. That  
2   sounds great. Do you want to Wednesday night in  
3   November? The --.

4                   MR. TAMPONE: Do we need to be making  
5   motions for this?

6                   MS. HUERTAS: Once we get all together  
7   and make one motion. Well, need to second the  
8   motion.

9                   MR. KIPPLEY-OGMAN: Thank you. So, all  
10   right. So once is in November the 9th, the 16th  
11   and then it's Thanksgiving week after that. Do  
12   you want to -- do you want to book the 9th and  
13   16th of November?

14                  MS. SOTO: I'm unavailable the 16th of  
15   November.

16                  MR. KIPPLEY-OGMAN: Can you do other  
17   days then?

18                  MS. SOTO: Pardon?

19                  MR. KIPPLEY-OGMAN: Can you do other  
20   days then?

21                  MS. SOTO: I didn't understand.

22                  MS. HUERTAS: Or another date that week.

23                  MS. SOTO: Oh, any other date that week.  
24   I have an appointment that has been cancelled

25

1 three times and it was impossible to get another  
2 one for months.

3 MR. KIPPLEY-OGMAN: What time -- can you  
4 say it again? How about Tuesday the 15th?

5 MS. SOTO: Tuesday, the 15th?

6 MR. KIPPLEY-OGMAN: 11/9 and 11/15.

7 MR. TIERNEY: That doesn't work for me.

8 MR. STECKER: April, yeah.

9 MS. PERRY: That's -- that's --.

10 MR. KIPPLEY-OGMAN: On the 15th.

11 MS. INOYE: 17th?

12 MS. PERRY: A Thursday, November 10th.

13 We could try to do this more in the beginning of  
14 November.

15 MR. KIPPLEY-OGMAN: All right, two days  
16 in a row.

17 MR. TAMPONE: I have a conflict on the  
18 10th. I have another board meeting.

19 MS. PERRY: Well, we have -- well, we  
20 have Saturday, November 5th and then November 10th  
21 would be the --.

22 MR. KIPPLEY-OGMAN: Oh, sorry. We -- I  
23 was proposing the 9th as the first meeting, 11 --  
24 11/9 as the first meeting after the public  
25

1     hearings. And then scheduling the second meeting  
2     in case we need it.

3             MS. PERRY: So if there's already a  
4     conflict for November 9th, I believe.

5             MS. INOOYE: No.

6             MR. TAMPONE: It was the 16th.

7             MS. INOOYE: No. She can do the 9th,  
8     just not the 16th.

9             MS. PERRY: Okay. Okay.

10            MS. INOOYE: So we need something that  
11     third week.

12            MS. PERRY: That week. Okay.

13            MR. TAMPONE: All right.

14            MS. PERRY: 17th, the day after?

15            MR. KIPPLEY-OGMAN: I can't do the 17<sup>th</sup>.

16            MR. STECKER: What about the 14th?

17            MR. KIPPLEY-OGMAN: 14th is fine for me.

18            MS. HUERTAS: Yeah.

19            MR. KIPPLEY-OGMAN: Monday, 11/14.

20            MS. PERRY: That works for me.

21            MS. HUERTAS: It works for me.

22            MS. PERRY: Yeah.

23            MR. TAMPONE: That's fine.

24            MR. KIPPLEY-OGMAN: Yeah, you're looking  
25

1 for a six there. All right. So we've got two  
2 meetings, November 9th and November 14th, six  
3 thirty p.m. We'll figure out where we can hold  
4 them.

5 MR. TAMPONE: Okay. The -- what -- what  
6 are we agreeing on the -- for the public hearings.  
7 It's going to be the 26th and the 5th?

8 MR. KIPPLEY-OGMAN: Tuesday, October  
9 25th.

10 MR. TAMPONE: Okay, 25th. Okay.

11 MR. KIPPLEY-OGMAN: And Saturday,  
12 November 5th.

13 MR. TAMPONE: Okay.

14 MR. KIPPLEY-OGMAN: Are we ready for our  
15 motion? All right. Well, I'm going to make a  
16 motion. I move that we schedule two public  
17 hearings, one on Tuesday, October 25th at six p.m.  
18 and the second public hearing on Saturday,  
19 November 5th at noon. And two meetings, one at  
20 six thirty p.m. on November 9th and a second, if  
21 needed, on November 14th at six thirty p.m.

22 MR. TAMPONE: I'll second that.

23 MS. PERRY: Second.

24 UNIDENTIFIED SPEAKER: Second.

25

1 MR. KIPPLEY-OGMAN: Do you want to do  
2 roll call or did you just want to say a voice  
3 vote? We're going to do a voice vote. All right,  
4 say aye or nay.

5 MS. INOOYE: Aye.

6 MS. SOTO: Aye.

7 MS. PERRY: That -- that's perfect for  
8 me. Thank you.

9 MS. MARTINEZ: Aye.

10 MR. KIPPLEY-OGMAN: It's -- it's a  
11 turnover.

12 MS. INOOYE: Aye.

13 MR. KIPPLEY-OGMAN: Good job team.

14 MR. STECKER: For the purposes of the  
15 public notice, the meeting on November 9th, the  
16 agenda, the vision for that would be -- I think  
17 you had mentioned to kind of discuss.

18 MR. KIPPLEY-OGMAN: I would love to  
19 continue our conversation by asking how we set  
20 agenda's for meetings and -- and how we assemble  
21 and disseminate materials in advance of meetings.  
22 Because we -- we have to set the agendas as a  
23 board.

24 MS. INOOYE: What do you mean how do we  
25

1 do it? Like what -- like should we just talk now  
2 about what should be on the agenda or -- or --?

3 MR. KIPPLEY-OGMAN: So who sets the  
4 agenda? How far in advance is it disseminated?  
5 With what input is the agenda set. I -- I would  
6 say that like let's have the chair set the agenda  
7 of the meeting and welcome board members to -- to  
8 make suggestion of things to improve on the agenda  
9 including any documents to be discussed. And, you  
10 know, a week in advance of the meeting and then  
11 the -- the chair will assemble an agenda based on  
12 the input of the board and share that agenda and  
13 any attachments with the state who will post it  
14 publicly at least 48 hours in advance of the  
15 meeting. Is that a reasonable process? How do  
16 other boards set agendas?

17 MR. STECKER: So my question is really  
18 for the November 9th meeting. I know exactly what  
19 the agenda is going to be for the 25th and the 5th  
20 and 14th, if necessary. You know, the 9th is a  
21 public meeting. And so I was just, you know, it's  
22 really kind of an informal thing as far as you  
23 make a motion. I just wanted to -- I'm going to  
24 be drafting up the public notice once, you know,  
25

1 the ... figured out. And I'd like to as I did  
2 this notice to figure out what's going to be on  
3 the agenda for that day. So I was hoping to just  
4 clarify, you know, your motion of what you  
5 envision on that day.

6 MR. KIPPLEY-OGMAN: I would -- I would  
7 like -- April would like to set the guideline. I  
8 would like us to review information presented to  
9 the board by whatever the research team can  
10 produce by whatever the board members have  
11 identified as useful inputs. I -- we live in the  
12 community that has a lot of experts in -- in the  
13 questions that are relevant to the board. I  
14 imagine some of them would like to share some of  
15 their expertise with this board and I -- so I  
16 figure we could assemble an agenda as we know  
17 closer to the date what information it will be  
18 valuable to review in order to best exercise our  
19 good judgment.

20 MR. STECKER: Okay. And you know,  
21 there's wiggle room to the public notice needs to  
22 be sent out three days before the day of the  
23 meeting, so, you know, so long as it's kind of  
24 crystallized before whenever that is, the first  
25

1 week -- first of couple of days of November,  
2 that's fine in case we need to --.

3 MR. KIPPLEY-OGMAN: Sorry. You said  
4 three days.

5 MR. STECKER: Three days.

6 MR. KIPPLEY-OGMAN: Okay. I -- I heard  
7 thirty days.

8 MR. STECKER: No. No.

9 MR. KIPPLEY-OGMAN: Does that sounds  
10 reasonable on the process?

11 MR. TIERNEY: Yes.

12 MS. HUERTAS: We're good.

13 MR. TIERNEY: Just for clarity though.  
14 So at the November monthly meeting, that's when we  
15 will be setting the two guidelines or does that  
16 just reflect on the information gathered at the  
17 public hearing through sources?

18 MR. KIPPLEY-OGMAN: We will start the  
19 process of deliberating. And if we get to a point  
20 where we're ready to set guidelines, we will set  
21 guidelines. And if we don't finish that work, we  
22 will meet on the 14th.

23 MR. STECKER: I got you. Thank you.

24 MS. INOYE: Just one other clarifying  
25



1 question. So you'll send out a notice three days  
2 in advance. But will people --.

3 MR. STECKER: It will go out a lot  
4 longer than three days in advance.

5 MS. INOOYE: Okay.

6 MR. STECKER: It'll go out as soon as  
7 it's ready probably at least a month in advance  
8 before the first meeting.

9 MS. INOOYE: Okay. So it's just the  
10 updated agenda that would go out, like has to go  
11 out three days, okay.

12 MR. STECKER: Yeah. The agenda could be  
13 updated if need be.

14 MS. INOOYE: Up to three days before.  
15 Okay. Great.

16 MS. SOTO: But I -- I have a question  
17 about of the public testifying in -- in any of our  
18 meetings. Is there a -- a time when we ask for  
19 comments from people that attend our meetings?

20 MR. KIPPLEY-OGMAN: Carol, it's like  
21 you're reading my mind. I -- if we're finished  
22 with the scheduled dates for the public hearings,  
23 my -- my ambition for the other business was to  
24 invite anyone here who may have guidance that they  
25

1 want to share with us about what we're working on  
2 if they -- if they would like to comment. So I --  
3 I think that we should, as we plan agendas, we  
4 should identify if the -- if there's a meeting  
5 where we would like to hear from non-members of  
6 the board who are present. And we should make  
7 sure to always include other business because we  
8 may -- we may need it and we may want to hear from  
9 other folks in the room. Thank you.

10 MS. SOTO: Yes.

11 MR. KIPPLEY-OGMAN: Is that -- is that  
12 the right answer?

13 MS. SOTO: Nice -- nice answer. Yes.

14 MR. KIPPLEY-OGMAN: All right. Good.

15 MR. TAMPONE: I would -- I would like to  
16 stip -- if we do decide to do that, I'd like to  
17 stipulate that there's a fixed time for that to  
18 happen in, that there is a fixed amount of time  
19 that any person could speak. You know, public  
20 hearings are designed to be open-ended to -- to  
21 listen to the public. But if we're trying to  
22 deliberate and we have, you know, people taking up  
23 all the air in the room then we may never get  
24 finished, so.

25

1                   MR. KIPPLEY-OGMAN: Yes. I think we  
2   should -- we should exercise judgment about how to  
3   hold on to our agendas, you know. Moving on to  
4   the other business, if -- if the rest of us are up  
5   for it, I would love to hear if we have -- I know  
6   we have separate elected officials. We have -- we  
7   have a variety of people who are interested in  
8   this process here in the room with us. And I  
9   would love to hear anything that they have to say,  
10   if they have things to say. And with -- with the  
11   permission of the rest of us, I'd like to -- to  
12   see if folks have things to say, limiting  
13   statements to three minutes.

14                  MR. TIERNEY: Does that require a motion  
15   as well?

16                  MR. KIPPLEY-OGMAN: Does that require a  
17   motion?

18                  MR. TIERNEY: To open the meeting to  
19   public comment?

20                  MR. STECKER: It's -- I mean, it's up to  
21   the Board's purview. It's probably a good idea if  
22   we need to take a motion to opening up the public  
23   hearing.

24                  MR. TAMPONE: So moved.

25

1 MR. TIERNEY: I'll second. I'll second.  
2 MR. KIPPLEY-OGMAN: All right. And  
3 let's go around and -- and vote.  
4 MS. SOTO: Aye.  
5 MR. TAMPONE: Don't you need to call the  
6 roll, chair?  
7 MR. KIPPLEY-OGMAN: Oh, Diana?  
8 MS. LOPEZ-MARTINEZ: Aye.  
9 MR. KIPPLEY-OGMAN: Mie?  
10 MS. INOOYE: Aye.  
11 MR. KIPPLEY-OGMAN: Anthony.  
12 MR. TAMPONE: Seconded already.  
13 MR. KIPPLEY-OGMAN: Tara.  
14 MS. PERRY: Aye.  
15 MR. KIPPLEY-OGMAN: Michael Tierney?  
16 MR. TIERNEY: Aye.  
17 MR. KIPPLEY-OGMAN: And Carol.  
18 MS. SOTO: Aye.  
19 MR. KIPPLEY-OGMAN: Aye. The motion  
20 passes. Are there members of the public who would  
21 like to speak?  
22 MR. STECKER: Chair, I believe ... set  
23 the timer for three minutes for public speakers?  
24 MR. KIPPLEY-OGMAN: Yes, please.  
25

1 MS. PERRY: You like raise to it a ...

2 MR. MCKEE: Good evening. My name is

3 Michael McKee. I am the treasurer of the ...

4 Action Committee. I have -- thank you for the

5 opportunity to testimony -- testify. I can't deny

6 there was a written statement which ... I didn't

7 like to read but I would like to make some bullet

8 points. I've been doing this work for more than

9 fifty years. I was involved in the enactment of

10 the Emergency Tenant Protection Act in 1974. And

11 -- and then had been involved in the

12 implementation of it. And with the changes in it

13 ever since. I want to congratulate you. You are

14 first new rent guidelines awards since 1974.

15 That's forty-eight years. It has been a long time

16 coming. We have worked for many years to expand

17 the applicability to -- of rent controls statewide

18 and finding one out three years ago in the state

19 legislature. Kingston ... the first municipality

20 that's opted in. We expect there will be many

21 more. I wanted to first of all remind you of that

22 the law does not talk about rent increases.

23 Everyone says that your job is to promulgate rent

24 increases. The law says your job is to adopt rent

25

1 adjustments, if any. We all get sloppy then we  
2 all talk about rent increases. But we should  
3 remember, that is not what the law says. All four  
4 of the existing rent guidelines boards have frozen  
5 rents and in the case of Westchester and ...  
6 several times over the last many years. And you  
7 have the power to do that. And you have the power  
8 to go back in this. So please remember it's the  
9 rent adjustments. And I'd like to concentrate on  
10 the issue if I might -- sorry, Carol.

11 Carol: Please proceed.

12 MR. MCKEE: But I want to talk -- I want  
13 to concentrate on the fair market rent appeal.  
14 That's the most complicated and obtuse part of  
15 implementation of ETPA. That's the most  
16 complicated issue that you're going to be dealing  
17 with. And I have great concerns about how it's  
18 going to be implemented in Kingston. A fair  
19 market rent deal is not an overcharge. And I want  
20 to compliment April who -- a report us for the  
21 presentation last night. She understands the  
22 difference between a rental overcharge in a fair  
23 market rent appeal. And I'm not sure if everyone  
24 at the agency does. One of your first acts will  
25

1 be to do some research and some analysis. And you  
2 won't have a lot of hard data. As Peter said,  
3 most of what you're going to have is testimony.  
4 In later years, you'll have actual data before you  
5 that you won't have this first time around. But  
6 you need to determine what would have been a  
7 reasonable rent increase from now 2019 forward  
8 when Kingston first started talking about opting  
9 into ETPA. If manuals have not been manufactured.  
10 In other words, what would a real estate, a  
11 reasonable rent increase have been for a landlord  
12 to raise the rent. And I'm sure there are some  
13 landlords in the case that you have been  
14 reasonable. Oh, I haven't heard about them. And  
15 once I heard about them quite unreasonable and --  
16 and what ...

17 MR. KIPPLEY-OGMAN: Thank you, Michael.  
18 The board has --.

19 MR. MCKEE: I'm sorry.

20 MR. KIPPLEY-OGMAN: The -- the board set  
21 a timer of three minutes unless we would like to -  
22 -.

23 MR. MCKEE: I can't -- I'm sorry, I  
24 can't understand you, Mr. Chair.

25

1 MS. HUERTAS: The board set three  
2 minutes.

3 MR. MCKEE: Oh, you set three minutes.

4 MS. HUERTAS: So a summary.

5 MR. MCKEE: I can't possibly summarize  
6 that. I can't summarize my testimony in three  
7 minutes. What I will do is I will distribute my  
8 testimony, a written statement. It has my contact  
9 information on it. I'm happy to talk to any  
10 member of the board, if you want to get in touch  
11 with me about this. These are complicated issues.  
12 As you can see in my statement --.

13 MR. KIPPLEY-OGMAN: Why don't you take  
14 another two minutes?

15 MR. MCKEE: I'm sorry?

16 MR. KIPPLEY-OGMAN: Why don't you take  
17 another two minutes? Two -- two -- two more.

18 MS. HUERTAS: Can you sum it up in two  
19 minutes?

20 MR. MCKEE: Well, I'm summing it up.  
21 And that's what I'm doing.

22 MR. KIPPLEY-OGMAN: Okay. Good.

23 MS. HUERTAS: No. He's saying he'll  
24 give you two more minutes. So can you sum it up  
25



1 in two minutes?

2 MR. MCKEE: I can try. Okay. Number  
3 one, don't limit the look-back period. Don't do  
4 what happened in Ossining when the village in  
5 Ossining they opted in to ETPA in 2018, that the  
6 agency of counsels scared Westchester county rent  
7 guidelines board with talk of a landlord lawsuit  
8 if they went back more than six -- six months.  
9 You should not do that. Anything less than three  
10 years in Kingston would be unfair because that's  
11 when the landlord's started jacking up rents when  
12 they heard that they're not getting rent control  
13 being imposed. This is not about any individual,  
14 staff person or any of the good people working at  
15 the O.R.A. This is about the culture of the  
16 institution and this is about the design of a weak  
17 form of rent control, which was designed by the  
18 real estate lobbyist itself which I won't go into.

19 Secondly, I want to just point out  
20 to you that the form there -- the form that DHCR  
21 is using for this is totally inappropriate. It's  
22 a rent overcharge form, you know. This is not an  
23 overcharge. I think you should insist on a  
24 separate new form for fair market rent appeals and  
25

1 a fact sheet. There's nothing on the DHCR website  
2 about this issue. I'll write it for them and then  
3 ... polish it. But this is an important right  
4 that tenants in Kingston have and we want to see  
5 every tenant in Kingston exercise that right if  
6 they choose to do so. We don't want them to be  
7 arbitrarily denied the right to challenge the  
8 initial legal regulated rent to you. Thank you  
9 very much.

10 MS. HUERTAS: I'm sorry. Excuse me.  
11 Michael, do you mind spelling your last name for  
12 the record?

13 MR. MCKEE: M-C capital K-E-E.

14 MS. HUERTAS: Thank you.

15 MR. MCKEE: I'll ...

16 MR. KIPPLEY-OGMAN: Thank you, Michael.  
17 The gentleman ...

18 MR. MCKEE: I'll stand around.

19 MS. SOTO: Okay.

20 MR. KIPPLEY-OGMAN: Thank you very much.

21 MR. LILIENTHAL: Yeah, thank you for the  
22 opportunity to speak. I name is John Lilienthal. I  
23 am a tenant advocate with the metropolitan counsel  
24 on housing and I work for a tenant law firm  
25

1 Collins, Dobkin & Miller. You know, Mr. McKee is  
2 the oracle where he comes ... information. I would  
3 like to yield my time to Michael McKee.

4 I'm sorry. I'm asking to yield my time  
5 for Michael if -- if they all agree to it.

6 MR. MCKEE: We want you to put the mic  
7 off your mic.

8 MR. JOHN: Okay.

9 MR. KIPPLEY-OGMAN: Oh, thank you.

10 MR. JOHN: Just asking to yield my time  
11 to Michael McKee.

12 MR. MCKEE: No, it's okay.

13 MR. KIPPLEY-OGMAN: All right. It seems  
14 like he's declining.

15 MR. MCKEE: If you'll read my statement,  
16 I'm perfectly happy to talk to any board member  
17 individually or in groups as long as it's not more  
18 than five in a group. Does that apply with the  
19 ... so. I'll just get in touch. But I will be  
20 back.

21 MR. KIPPLEY-OGMAN: All right. Thank  
22 you so much.

23 MR. JOHN: It's the terminator.

24 MR. KIPPLEY-OGMAN: All right. Margaret  
25

1 Hill.

2 MS. HILL: Hi everybody. I'm Margaret  
3 Hill. This is great. I think this is a wonderful  
4 board that's been set up and I'm really looking to  
5 the process. I just want to say that it's been  
6 kind of an educational process. It's going to be  
7 August going -- you know, implementing this over  
8 the next few months. I have to say on my ward, of  
9 the twelve hundred units, there's five hundred.  
10 So I have a lot of anxious tenants who are in  
11 probably a few core developments and then I think  
12 another -- I think all together in wards one and  
13 two that might be ninety percent of the units. So  
14 I'm looking forward to help because there's a lot  
15 of stressed out people. And I think we learned  
16 last night that people can start putting in some  
17 paperwork of the ordinance. A lot of this is very  
18 confusing and I guess, you know, ... this way as  
19 we're deliberating, let me show you the testimony  
20 at the public hearings. But, you know, I hope  
21 there's some processes that we can start, you  
22 know, correct the forms and correct the FAQ sheets  
23 to help allay the anxiety of all these tenants  
24 because this is confusing. But thanks again.  
25

1                   MR. KIPPLEY-OGMAN: Thank you so much,  
2 Margaret. The gentleman --

3                   MR. JARNAN: Good evening. Eric Jarmon,  
4 J-A-R-M-O-N. I'm a resident of 21 since December  
5 of 2019, my family and I. And I just want to say  
6 two things. One with regard to those meeting  
7 notices, just thirteen days ago on the day of our  
8 first public hearing at the football field, I  
9 found out that evening after coming home that the  
10 property manager had ordered the maintenance on  
11 staff to remove notices that on the doors for that  
12 -- that meeting that evening and they were  
13 required to do that. So yes, we are dealing with  
14 the issues in the case of the ... okay, vicious  
15 agents, and I've never met the owner, only the  
16 agents, so I was sitting at the back. And I would  
17 like to make a suggestion if -- if it's possible,  
18 you know, to the November 9th meeting to help ...  
19 looking forward just as Carolyn mentioned we have  
20 a lot of elderly people in our -- in our complex.  
21 I'm sure there are others, if it all, if it's  
22 possible we can make use of notary publics who are  
23 also able to be sworn jurists and, you know, into  
24 that board of records if ... person or persons  
25

1 otherwise cannot make it to that meeting. And I'm  
2 offering, you know, my services in that  
3 department.

4 MR. KIPPLEY-OGMAN: Thank you. ...  
5 Michelle.

6 MS. HIRSCH: Hi. Good evening. My name  
7 is Michelle Hirsch. I'm the alderwoman of the  
8 board 9 Kingston here. When I took office on  
9 January 2020, I had West Chestnut street mansion  
10 apartments in my ward. We've got about a hundred  
11 and sixty tenants that were -- they're being  
12 terrorized by their landlord. Many were already  
13 receiving exorbitant rent increases. The  
14 landlords did an illegal lockout on the tenants.  
15 It is in the newspaper, The Daily Freeman. The  
16 landlord didn't pay electric bills for the common  
17 areas and the gas in the apartments. I'm going to  
18 urge all of you to please do at least a three-year  
19 look back as when I took office over two years ago  
20 because all these tenants were already receiving  
21 extreme rent increases in response to the city  
22 doing a rental survey back in 2019. Thank you.

23 MR. KIPPLEY-OGMAN: Thank you so much.  
24 Anyone else? Does anyone else on the board have  
25

1 anything we should talk about?

2 MS. SOTO: Okay. I think it's very  
3 important that we have a fact sheet and I'm  
4 wondering if the city is going to help us to put  
5 that out or are we responsible in any way or who's  
6 going to get the fact sheet together?

7 UNIDENTIFIED SPEAKER: I will say that  
8 ... fact sheet that the city was supposed to send  
9 it off.

10 MR. KIPPLEY-OGMAN: I'm sorry. I think  
11 that I have a question for the team at DHCR, which  
12 is in light of the comments we've heard about them  
13 a -- a ... fair market rent appeals not being  
14 available and I know there's a judgment that the  
15 forms were suggesting to use ... fair market rent  
16 appeals is in ...

17 MR. MCKEE: Those were my words.

18 MR. KIPPLEY-OGMAN: Do you have plans  
19 for or should we ask you to have plans for a fact  
20 sheet for tenants who are interested in filing a  
21 fair market rent appeal. And do plans for  
22 developing another appropriate reform to do that.

23 MS. HUERTAS: I would probably tend to  
24 disagree with Mr. McKee. I think that the form  
25

1     that is used will be fine. It's online. It will  
2     be available online for the tenants. Once this  
3     board sets a fair market rent appeal, look back  
4     period, and guidelines. It clearly states for --  
5     for it to be Kingston. It is labeled for  
6     Kingston. It's only going to be available for  
7     Kingston tenants but as of right now Kingston is  
8     the only location that can file a -- tenants can  
9     file a fair market rent appeal. So everything --.

10           MR. MCKEE: The form you got attached to  
11     my testimony is the form as it existed this  
12     morning.

13           MS. HUERTAS: Mr. McKee, I have to say  
14     one thing. While you spoke, I did not interrupt  
15     you.

16           MR. MCKEE: I know.

17           MS. HUERTAS: While you're not a member  
18     of this board, it was kind enough of the board to  
19     allow you to speak, but to speak over me is not  
20     accepted.

21           MR. MCKEE: I apologize.

22           MS. HUERTAS: If you would like to ask  
23     the board to give you another three minutes, you  
24     are welcome to do so. But in the meantime, allow  
25



1 me as counsel to complete my statement to the  
2 board because I allowed you to speak.

3 MR. MCKEE: Ms. Gray-Huertas, I  
4 apologize. I thought you were finished. I'm  
5 sorry.

6 MS. GRAY-HUERTAS: Okay.

7 MR. MCKEE: The acoustics in this room  
8 are not really good.

9 MS. HUERTAS: As to the second part,  
10 once this board has determined what will be the  
11 fair market information, that information will be  
12 obviously put into a public record and will be  
13 published on our website. It will be available to  
14 the public. But right now, we can't update that  
15 because other than to pull up to be determined, we  
16 wouldn't be able to give any information to the  
17 tenants or the owners as to what their lock-back  
18 period will be.

19 MR. KIPPLEY-OGMAN: Thank you. I would  
20 like to take a minute for us as a board to look at  
21 the form that Mr. McKee has so kindly shared with  
22 us and -- and see what we think about it. So like  
23 let's take a minute to do that.

24 The -- so I'm -- I'm -- I -- I  
25

1 welcome any of us to express any judgment during -  
2 - what our experience is in looking at this form.  
3 But I fill out forms frequently and -- and I am  
4 noticing that this form is asking for a lot of --  
5 a lot of documentation. This form is asking for  
6 attention copies of their leases for the last six  
7 years. It's asking for cancelled checks for every  
8 time you paid the rent in the last six years. Its  
9 asking -- and in the instructions are -- are  
10 referring to a fact sheet which -- the  
11 instructions refer to a fact sheet which is not  
12 the relevant fact sheet for it.

13 MR. KIPPLEY-OGMAN: I am also --.

14 MS. HUERTAS: I'm told --.

15 MR. KIPPLEY-OGMAN: Oh, sorry.

16 MS. HUERTAS: Sorry. Until the board  
17 sets -- until -- sorry. Until the board sets the  
18 fair market rental appeal. Once it is, the fact  
19 sheet will be updated and clearly nobody is going  
20 to have to provide six years' worth of  
21 documentation but six years ago this was the not a  
22 ...

23 MR. KIPPLEY-OGMAN: I haven't seen HCR's  
24 forms so I have nothing to really compare this to  
25

1 at this time. Did we receive that yet? I only  
2 have the ET --.

3 MR. TIERNEY: Oh, it's in the back.

4 MR. KIPPLEY-OGMAN: Is that the state  
5 one?

6 MS. INOYE: No. This is the overhead.

7 MR. KIPPLEY-OGMAN: Oh, I thought that  
8 was Michael, a spokesperson for Kingston.

9 MR. TIERNEY: No. This is the state's  
10 form.

11 MR. KIPPLEY-OGMAN: That's the state's  
12 form.

13 MR. TIERNEY: This is the state's form.

14 MR. KIPPLEY-OGMAN: Okay. Thank you.

15 MS. SOTO: I would have to note that my  
16 96-year-old neighbor almost had a nervous  
17 breakdown completing this.

18 MS. INOYE: So this form is the form  
19 that went out that's in this packet or not?

20 MS. HUERTAS: This form is what was the  
21 one that has made available online right now as an  
22 outline until -- until this board actually sets  
23 the fair market rent appeal. So tenants would  
24 fill out this form and send it in because they  
25

1 don't know what the look back period is or what  
2 the guideline is.

3 MS. INOYE: Okay.

4 MS. HUERTAS: So what we have done is we  
5 have used what in the city and the other  
6 communities. Westchester ... used as overcharge  
7 complaints. And as Michael did point out earlier  
8 they're two different things. So the overcharge  
9 is not what this is. What fair market rent appeal  
10 is not the same as an overcharge. An overcharge  
11 is what you have been charged as of today, as of  
12 August 1st going forward. What you're going to be  
13 doing with fair market rent appeal is going  
14 backward. So that form might actually be amended  
15 to some degree until we know what the fair market  
16 rent outline is that is prepared and approved by  
17 this -- it would actually just -- we would be  
18 guessing what we were putting in those documents.

19 MR. STECKER: I guess to answer that,  
20 it's not the board's responsibility to tell the  
21 H.C.R. how to amend these forms or change things  
22 and all that. So I don't know if the board is  
23 getting far afield trying to determine whether the  
24 form is ... rather than it's too complicated. I  
25

1 will also note that there is a lot of public  
2 information and resources that were made known to  
3 tenants and owners last night. So it's not like  
4 we pull up this form and there's no one we can  
5 call. You know, it's worth noting also that the  
6 H.C.R. has a very robust office of public  
7 information that is available at all times to help  
8 anyone who's trying to navigate through all these  
9 forms realizing that it's complicated.

10 MR. KIPPLEY-OGMAN: And -- sorry, just  
11 to be really quick. This -- the fair market rent  
12 appeal form or whatever process to do fair market  
13 rent appeal which the draft version of is use this  
14 form. This is the form that a tenant would need  
15 to file within ninety days of the landlord  
16 providing by certified mail, here's the services,  
17 and raise the rent.

18 MS. HUERTAS: Within ninety days of  
19 being served with registration, yes.

20 MR. KIPPLEY-OGMAN: And when can I go to  
21 start serving that registration?

22 MS. HUERTAS: The registrations have to  
23 be filed by the owners. So once they're filed by  
24 the owners -- the owner has to file with the  
25

1 agency and serve it on the tenant, return receipt  
2 requested. That's to begin the ... ninety day  
3 period which is also part of the reason that you  
4 got varied -- assumes that quicker, you know, a  
5 quicker period in which we'll do it because if you  
6 wait until December or January that would kind of  
7 ... those questions as far as that's concerned.

8 MR. KIPPLEY-OGMAN: Yeah. I'm getting  
9 that. This is a draft form that is confusing is  
10 maybe labeled with the -- I don't know, with the  
11 title of the format. Isn't the thing that people  
12 would use this form for at Kingston -- I  
13 understand it's a draft. But this is the form or  
14 a fair market rent appeal form is the first form  
15 that is necessarily and its necessarily in a  
16 ninety-day conference starting maybe now for some  
17 tenants. And I -- I guess I'm curious what the  
18 others on the board think about that.

19 MR. TAMPONE: So I have a question. The  
20 -- if the tenant is served they are noticed that  
21 they are in a unit that is controlled by the  
22 E.T.P.A. then their ninety-days starts then even  
23 though there are no guidelines in which they can  
24 file an appeal against. Is that correct?

25

1 MS. HUERTAS: That's pretty accurate.

2 MR. TAMPONE: I don't quite understand  
3 how the mechanics of that is supposed to work.

4 MR. STECKER: I mean that's why we urged  
5 at the beginning of the meeting to act with haste  
6 in trying to set up meetings and get the  
7 guidelines promulgated as quickly as you can. I  
8 know that the board is balancing is a lot of  
9 different factors between making sure that the  
10 public is aware of the meetings and able to  
11 collect their thoughts on the issue. But, you  
12 know, there's a lot that's depending upon this  
13 board acting with some sort of urgency and that's  
14 one of the things. But just for a little bit of  
15 context, the owners are required to file their  
16 registration by October 31st.

17 MR. TAMPONE: Uh-huh.

18 MR. STECKER: So we're probably looking  
19 at, you know, say somebody filed -- say there's a  
20 lot of filings on October 31st. The -- you know,  
21 the notice probably goes to the tenants somewhere  
22 first, second week of November. Then the clock  
23 starts to run based on the timeframe that the  
24 board has set up for promulgating their guideline,  
25

1     you know, say you have it on November 9th which  
2     would be in good shape for, you know, being able  
3     to attend to this.

4                 MR. TAMPONE:   So to date, no -- no  
5     property owner has registered with H.C.R.?

6                 MR. STECKER:   I don't know the answer to  
7     that question.

8                 MS. HUERTAS:   I haven't met with any  
9     officers for this week is -- ... in Kingston. But  
10    the last thing that one -- one owner had even  
11    attempted to file the registration.

12                MR. TAMPONE:   Will this board know when  
13    those notifications go out to the -- the tenants  
14    or will -- will staff be able to notify us? I  
15    mean I -- I guess the question is is this -- if  
16    there's -- if a bunch of notices go out and we  
17    feel the need to act in a greater urgency than  
18    we've already -- the days that we've lined out,  
19    then can the chair call a meeting to try to  
20    accelerate that timeline?

21                MS. HUERTAS:   The latest that the owners  
22    can file that over the deadline which doesn't need  
23    a length because clearly I can file it after that.  
24    It's October 31st. Based on what your board has  
25



1     said, you are not going -- you're going to set the  
2     guideline, either the first week or the second  
3     week of November. At that point, you're really  
4     talking about maybe a week or two difference  
5     between when the notice is served and -- I mean if  
6     we were -- if you guys can set the board meeting  
7     for January, that will be a concern. But you're  
8     pretty much running in line with when the -- when  
9     the owners have to file those registrations.

10           MR. TAMPONE: Well, you're saying you've  
11     already received probably one registration for a  
12     building?

13           MS. HUERTAS: One building registration  
14     but I don't know whether or not they served their  
15     tenants.

16           MR. TAMPONE: So we assume that they  
17     have then by the time -- and let's say we set a  
18     guideline in the beginning of -- or middle of  
19     November then that would leave at least those  
20     tenants less than 30 days to -- to do something.

21           MS. HUERTAS: Correct.

22           MR. TAMPONE: Okay. So that's the  
23     worst-case scenario I guess that we're looking at,  
24     right?

25

1           MR. KIPPLEY-OGMAN: Given the -- this  
2 conversation, do we as a board feel like we want  
3 to revisit the conver -- the motions that we  
4 passed about dates in regards to the meetings?

5           MR. TIERNEY: We already made the  
6 motion.

7           MR. KIPPLEY-OGMAN: We make -- we did  
8 make a motion.

9           MR. TIERNEY: When we vote.

10          MR. KIPPLEY-OGMAN: Yeah, we vote. We  
11 can't undo it. Well, I guess we can't undo it.  
12 Given the time of the conversation here and what  
13 feels like a sense among the board members that --  
14 that Kingstonians would appreciate a clear process  
15 and clear fact sheets about how to file fair  
16 market rent appeals. Does DHCR have a sense --  
17 are -- are you going back to the office thinking  
18 about this.

19          MS. HUERTAS: I'm not sure I understand  
20 what your question.

21          MR. KIPPLEY-OGMAN: It seems like this  
22 board would appreciate a fact sheet for people  
23 filing fair market rent appeals and perhaps a form  
24 that -- that is more narrowly tailored to the  
25

1 needs of this community at this moment. Do you  
2 have plans to do anything about? Would you like  
3 this board to make an advisory motion saying that  
4 we would like you to do that? I know we can't  
5 like tell you to do anything. And -- but what is  
6 the -- what is your sense of what's possible and  
7 what the agency may be up for?

8 MS. HUERTAS: The fact sheet will be  
9 updated when the board has set the fair market  
10 rent appeal. Which there's nothing we can do  
11 right now with the fact sheet unless you -- I  
12 mean, we don't have any information with that. So  
13 what would we put out a fact sheet even if I -- if  
14 I had said to you right now. Of course I'll go  
15 back on Monday and I'll get a fact sheet. I have  
16 no information to put on the fact sheet other than  
17 maybe the guideline, the PC guideline where we  
18 will set a fair market rent appeal in November.

19 MR. KIPPLEY-OGMAN: And maybe a process  
20 of -- of how you would go about filing a fair  
21 market rent appeal. I think -- I think that the -  
22 - the form doesn't require the guidelines to have  
23 a form and the -- like the office that you send  
24 the form to doesn't require the guidelines to like  
25

1 name the office that you send the form to. And  
2 the required information --.

3 MS. HUERTAS: But to process that --  
4 well, for a tenant to file a fair market rent  
5 appeal, they need to have information. It's --  
6 it's a formula. So perhaps -- that's a  
7 hypothetical -- perhaps five months ago, Mrs.  
8 Jones got a -- got an increase of ten percent.  
9 She thinks that's excessive, right?

10 MR. KIPPLEY-OGMAN: Uh-huh.

11 MS. HUERTAS: She can file -- she could  
12 file whatever she wanted to I assume but there's  
13 nothing for us to do as an agency for processing  
14 purposes because this board hasn't set the look  
15 back period and/or percentage increase. So other  
16 than putting it in a queue and letting it sit  
17 there, there's nothing for us to do in putting a  
18 piece of paper that says this might -- we can't  
19 say what this board might be doing. We serve  
20 solely as staff to the board. So we can't tell  
21 the board what to do. We're not going to go over  
22 a piece -- you know, a documentation or to say  
23 that. We have updated our forms so that Kingston  
24 is included. We -- we last night, you know, we  
25

1     probably gave out the information for what the  
2     easiest contact information is for both getting  
3     information off of our website, updated website,  
4     and a phone number for people to contact us.

5                 MS. INOYE:   Sorry if I'm  
6     misunderstanding this conversation.   But the  
7     tenants that may already have received the  
8     registration.   They could fill this out even  
9     though we haven't yet set a guideline or can they  
10    not -- they can't --?

11                MS. HUERTAS:   There's nothing for them -  
12    - there's nothing for -- there's nothing for them  
13    to fill out because they don't have -- what are  
14    they going to fill out.   They don't know what the  
15    guideline look back.   They don't know what the --  
16    this board is setting as a look back period or  
17    whether this board is going to consider to be the  
18    fair market rent appeal increase that you sent  
19    them, right?   So the board sets two -- two things.  
20    They set the fair market rent appeal information,  
21    which is as of August 1st what this board thinks  
22    is the look back period that's acceptable for when  
23    an owner might have charged in excess.   And the  
24    board will also determine what would have been an  
25

1 ... number to show -- present this charge for at  
2 least during that look back period.

3 MS. INOOYE: Right.

4 MS. HUERTAS: So the -- the fair market  
5 rent appeal form filled out by tenants submitted  
6 to the agency has to say I got a -- I got a lease  
7 renewal on such a such a date. It's whether the  
8 period that the Kingston board set as the look-  
9 back period and a percentage that the owner gave  
10 me or the lease period that the tenant -- the  
11 owner gave me for that time period and the  
12 percentage is in excess of what the board said  
13 would be acceptable. And that would be processed  
14 by the agency so that they would get an order,  
15 provided the ... order that says yes, Mrs. Jones,  
16 you are correct. What you were charged during  
17 this time period was -- the time period was within  
18 the time period set by the right guidelines board.

19 MS. INOOYE: Uh-huh.

20 MS. HUERTAS: And the percentage that  
21 you were charged was in excess of it. The owner  
22 would be directed to refund that amount of rent.

23 MS. INOOYE: Right. So if I were like a  
24 tenant and I were filling it out on question

25

1 thirteen, where it says I am complaining about  
2 rent overcharges from blank to blank. That would  
3 be the look back period. It would be within the  
4 look back period. And then I would track fair  
5 market rent appeal.

6 MS. HUERTAS: Correct.

7 MS. INOOYE: So -- okay, so they need to  
8 know what the look back period is. So I guess the  
9 thing would just be that it would be good if  
10 tenants who may have already received the  
11 registration knew when to expect, roughly, like  
12 when to expect our guidelines.

13 MS. HUERTAS: Right.

14 MS. INOOYE: So that they could plan to  
15 fill out the form within the window. So is there  
16 a way to communicate that to people who might have  
17 already -- whose landlords might have already sent  
18 the --.

19 MS. HUERTAS: The body of the ...

20 MS. INOOYE: Yeah.

21 MR. TAMPONE: I have a question. What  
22 does the registered notice that the tenant  
23 receives, what does that look like? Is it the --  
24 the property owner has to send a tenant a  
25

1 registered letter?

2 MR. STECKER: Just a copy of the  
3 registration.

4 MR. TAMPONE: A copy and --.

5 MR. STECKER: That's why it would be  
6 restrictive so that ...

7 MR. TAMPONE: Does it would include any  
8 other information or it's just like a -- it looks  
9 like legal form?

10 MR. STECKER: So the information in the  
11 registration statement is what the rent on the  
12 premises is, the name of the tenant, services  
13 provided. And there's several different boxes of  
14 information. So the tenant is receiving a copy of  
15 the registration statement.

16 MR. TAMPONE: Is -- is this what they  
17 would get? Just -- so that --.

18 MR. STECKER: That's the registration  
19 form, yeah, so. Yeah. And then for purposes of  
20 the fair market rent appeal, you know, the most  
21 important aspect of it is what the rent is listed  
22 on it but there's a whole host of other  
23 information on it.

24 MR. TAMPONE: Oh, yeah. I just want to  
25



1 kind of get a feeling for what the tenant's point  
2 of view is going to be as they get notification of  
3 this process.

4 MS. HUERTAS: So sometimes what will  
5 happen, right? Because there's a lot of  
6 possibilities, perhaps the owner files that with  
7 the agency. If lists two thousand dollars as the  
8 rent. But the tenant knows that the the rent is  
9 twelve hundred. Maybe it lists the wrong lease  
10 period. Maybe it lists the wrong, you know, the  
11 wrong amount. And maybe it says it's for this  
12 period and not that period. That's all part  
13 whether to file to the agency as a fair market  
14 rent appeal. They might look at it in and the  
15 owner says the rent is only nine hundred dollars  
16 but they know they're paying twelve hundred  
17 dollars. They would also file an appeal because  
18 you're telling the agency my rent is nine hundred  
19 dollars and I pay twelve hundred. Clearly, the  
20 owner owes me three hundred dollars a month.

21 MR. TAMPONE: Right.

22 MS. HUERTAS: That's all part of the  
23 process that we have ... staff that have been  
24 assigned solely to determine these cases that are  
25

1 coming in from Kingston once the board has done --  
2 done setting the guidelines, I mean.

3 (Off-the-record)

4 MS. HUERTAS: To the fair market rental.  
5 If the tenant looks at this and says my services  
6 are X, Y, and Z, whatever they may be, those are  
7 not the services. Or those services are not being  
8 provided. There are online forms for the tenants  
9 to also file service at one point alleging of what  
10 was the service listed here or the date that's in  
11 your lease hasn't been provided to them. But  
12 that's -- all of that is outside of the purview of  
13 the guidelines board. What it -- what the board  
14 does is part -- is going to be the basis for the -  
15 - for the tenants on -- at least initially to be  
16 able to file this complaint forms.

17 MR. TAMPONE: Is there a phone number  
18 that -- that a tenant can call from to -- to help  
19 them understand this notification? And there's a  
20 website on here but there's no phone numbers. I  
21 imagine this is back of this form probably.

22 MR. STECKER: I can tell you that they  
23 were hours of information testifying --.

24 MR. TAMPONE: Yes. Yeah. Yeah.

25

1                   MR. STECKER: And the number was  
2 disseminated there. I don't have it off the top  
3 of my fingertips but that has been disseminated.  
4 It's on the website. So it's easy to find. But  
5 yeah, as I mentioned, there is robust public  
6 information of the HCR so there's a lot of people  
7 ready, willing, and able to help anyone that needs  
8 a question answered on any aspect of all this  
9 stuff.

10                  MS. PERRY: The City of Kingston has a  
11 web page and all of this information should be on  
12 there. I checked it before we came here and it  
13 said that there was a rent guidelines board  
14 meeting form. But it didn't said that there was a  
15 meeting today which is public meeting and -- and  
16 so it had not been updated. But I think that's an  
17 important component here is the cities involvement  
18 in that -- in getting this information out.

19                  MR. KIPPLEY-OGMAN: Great. One of the -  
20 - one of the challenges that I think it was  
21 alluded to a couple of times here is that we as a  
22 board, we are empowered to do two specific things  
23 and nothing else. And -- and our work as a board  
24 is an input into much of the enforcement work that  
25

1 -- that staff and investigators of DHCR do to --  
2 to support compliance with the law and to support  
3 landlords and tenants in following the guidelines  
4 that we set and we rely on the -- the agencies of  
5 the city or the state, of legal aide, of local  
6 organizations, of -- of organizers on the ground  
7 who are organizing tenants. And -- and kind of  
8 the, you know, the local real estate boards to --  
9 to do their part of letting people know what's  
10 going on and support people in following the --  
11 the guidelines that we set and the laws enforced  
12 by our friends at DHCR, which is a fine service.  
13 ... to come. Do we have other business or are we  
14 ready to adjourn? I -- I would hear a motion to  
15 adjourn. You have to say it out loud.

16 UNIDENTIFIED SPEAKER: So moved.

17 MS. INOOYE: Second. What? Oh, did you  
18 make a motion?

19 MR. TIERNEY: You're the Chair. You can  
20 --.

21 MR. KIPPLEY-OGMAN: Michael made a  
22 motion.

23 MS. INOOYE: Second.

24 MR. KIPPLEY-OGMAN: I'll call roll,  
25

1 Diana.

2 MS. MARTINEZ: Aye.

3 MR. KIPPLEY-OGMAN: Mie.

4 MS. INOOYE: Aye.

5 MR. KIPPLEY-OGMAN: Anthony.

6 MR. TAMPONE: Aye.

7 MR. KIPPLEY-OGMAN: Tara?

8 MS. PERRY: Aye.

9 MR. KIPPLEY-OGMAN: Michael Tierney?

10 MR. TIERNEY: Aye.

11 MR. KIPPLEY-OGMAN: Carol.

12 MS. SOTO: Aye.

13 MR. KIPPLEY-OGMAN: Aye and we are

14 adjourned. Thank you so much.

15 MR. TAMPONE: Thank you.

16 MR. KIPPLEY-OGMAN: Everybody like oh,

17 my goodness. You all are saints.

18 (The meeting concluded at 8:42 p.m.)

19

20

21

22

23

24

25

1 STATE OF NEW YORK

2

3 I, ANNETTE LAINSON, do hereby certify that the  
4 foregoing was reported by me, in the cause, at the  
5 time and place, as stated in the caption hereto,  
6 at Page 1 hereof; that the foregoing typewritten  
7 transcription consisting of pages 1 through 97, is  
8 a true record of all proceedings had at the  
9 hearing.

10 IN WITNESS WHEREOF, I have hereunto  
11 subscribed my name, this the 6th day of October,  
12 2022.

13

14 *Annette Lainson*  
15 ANNETTE LAINSON, Reporter  
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