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**NEW YORK STATE HOMES AND  
COMMUNITY RENEWAL  
BOARD MEETING**  
**Westchester RGB Rebuttal and  
Vote Meeting**  
**Held Via Teleconference**  
**Tuesday, June 23, 2020**  
**7:01 p.m.**

1 [START RECORDING]

2 MR. PETER STECKER: Good evening. It's Tuesday,  
3 June 23rd, 2020. The time is 7:01. We're here for the  
4 final Westchester County Rent Guidelines Board meeting  
5 for 2020 which is being brought to you by Zoom.

6 I'll go ahead and read the notice that appears at  
7 the beginning of the public notice.

8 "In response to the Governor's directive to take  
9 every effort to keep New Yorkers safe and  
10 mitigate the spread of COVID-19 and pursuant to  
11 Executive Order 202-1 which allows for the  
12 suspension of the Public Officers Law, the  
13 Westchester County Rent Guidelines Board will be  
14 conducting public hearings to set guideline  
15 rates or rent adjustment for housing  
16 accommodations within its jurisdiction, subject  
17 to the Emergency Tenant Protection Act of 1974,  
18 for leases commencing between October 1st, 2020  
19 and September 30th, 2021 via teleconference.  
20 Instructions for members of the public to  
21 simultaneously view or listen to the meetings  
22 have been posted to HCR's website for the Office  
23 of Rent Administration under the public hearing  
24 section prior to all the meetings. And the  
25 hearings will also later be transcribed, and the

1 public will have the ability to view the  
2 transcripts."

3 Now, with that being said, Madam Chair, I will send  
4 it over to you to call the roll.

5 MS. ELSA RUBIN: Thank you. Good evening.  
6 Everybody, welcome. This is our last meeting for the  
7 season. Tonight we are going to hear the rebuttals of  
8 tenants and owners' representatives. And immediately  
9 after that, we are going to proceed with the vote for  
10 rent adjustments.

11 I will now take rollcall. Please respond if you're  
12 present.

13 Velene Acquah.

14 MS. VELENE ACQUAH: Present.

15 MS. RUBIN: LaMont Badru.

16 MR. LAMONT BADRU: Present.

17 MS. RUBIN: Eddie Mae Barnes.

18 MS. EDDIE MAE BARNES: Present.

19 MS. RUBIN: Eliot Cherson. Eliot?

20 MR. ELIOT CHERSON: Hold on. Present.

21 MS. RUBIN: Kenneth Finger?

22 MR. KENNETH FINGER: I'm here.

23 MS. RUBIN: Evelyn Santiago?

24 MS. EVELYN SANTIAGO: Present.

25 MS. RUBIN: Tamara Stewart?

1 MR. TAMARA STEWART: Present.

2 MS. RUBIN: And Elsa Rubin, public member. Present.

3 Let the record show that we have a quorum.

4 I will now ask our counsel, Peter Stecker, if he has  
5 any announcements or --

6 MR. STECKER: Just to remind everyone that there  
7 will be one final meeting of the Rent Guidelines Board  
8 this year which will likely take place in September which  
9 will be to certify whatever guidelines the board adopts  
10 this evening. And also, the question has been asked a  
11 few times during these meetings, how many YouTube views  
12 there have been. I haven't had a firm answer for that  
13 any of the nights. But tonight I can tell you  
14 cumulatively over the five meetings we've had -- there's  
15 been 205 total views.

16 So with that being said, that's really all I have.

17 MS. RUBIN: Thank you.

18 So I will now ask the tenant and owner  
19 representatives who is going to go first. I think  
20 Kenneth went first last time.

21 So, Tamara, I think it's your turn to go first, or  
22 you want to debate it among yourselves?

23 MS. STEWART: I'm fine with first or second,  
24 whichever the owners prefer.

25 MR. CHERSON: I'd prefer second.

1 MS. RUBIN: Okay. So, Tamara, it's your turn.

2 MS. STEWART: All right. Thank you.

3 Good evening, Chairwoman Rubin, fellow board  
4 members, Deputy Counsel Stecker, and members of the  
5 public. We've heard a lot from landlords and their  
6 advocates, much of it the same complaints we hear from  
7 them year after year, that DHCR survey numbers are  
8 inaccurate, that our net operating income calculation is  
9 wrong, that capital expenses like mortgage interest and  
10 depreciation should be counted as operating expenses, and  
11 that landlords just can't make ends meet without an  
12 increase despite evidence to the contrary.

13 I took the liberty of sending you some bullet points  
14 earlier today that highlight key points that I believe  
15 you should consider as well as responsive to some owner,  
16 quote, fake facts, unquote, that should be dismiss.

17 The coronavirus pandemic is posing unthinkable  
18 possibly long-term threats to public health and the  
19 economy. I just read another sobering article today in  
20 the city newsletter that stated that New York City's  
21 independent budget office projected last month that it  
22 will take until 2024 for the city to reclaim the jobs  
23 lost over the past three months.

24 While both landlords and tenants are being affected  
25 by these momentous events, the economic health and

1 resources of the two groups are far from equal.

2 Even before the advent of COVID-19, the facts  
3 warranted a rent freeze for Westchester tenants. Owners  
4 have been steadily enjoying a net operating income of  
5 about 38 percent for the past four years. And the first  
6 six months of implementation of HSTPA has not changed  
7 their healthy bottom line.

8 The cost of heating oil is down to 2004 levels which  
9 is half of 2008's high with heightened levels of  
10 uncertainty predicted through 2021. Meanwhile, fixed  
11 income seniors aren't expected to see a cost of living  
12 increase in 2021 and possibly not in 2022 either.

13 Our board has passed higher increases for each of  
14 the past four years than any of the other Rent Guidelines  
15 Boards while the need for affordable housing in  
16 Westchester is at a critical level according to last  
17 year's housing needs assessment. Clearly, owners had an  
18 advantage over tenants in a pre-pandemic assessment. And  
19 no rent increase is warranted.

20 More importantly, we know that the advent of the  
21 coronavirus pandemic has wrought havoc with the economy  
22 which affects all of us, regardless of where we live.  
23 Double-digit unemployment that is being compared to the  
24 Great Depression has taken residence in our nation with  
25 low-income black and Latino workers being hardest hit

1 financially because of their overrepresentation in  
2 occupations that have faced higher rates of job loss.

3 To add insult to injury, these same workers have the  
4 dubious distinction of being, quote, essential workers,  
5 end quote, whose jobs have put them at higher risk of  
6 contracting COVID-19 even as their health profiles make  
7 it more likely that they could die from the disease if  
8 they catch it. No or inadequate health insurance also  
9 make the prospect of serious illness or even death a real  
10 possibility for many essential workers.

11 Private sector unemployment plummeted 25 percent in  
12 April. And there are serious concerns that there's a  
13 second wave of new layoffs heading our way once PPP loans  
14 have been forgiven.

15 The Federal Reserve is predicting years of high  
16 unemployment. And a 600-dollar-per-week of enhanced  
17 unemployment benefits that have been a lifeline enabling  
18 many tenants to pay their rent is set to expire on July  
19 31st.

20 Without additional emergency government assistance,  
21 homelessness is expected to rise 45 percent. While it is  
22 heartening that some owners have stepped up and made  
23 payment arrangements with some of their tenants, I don't  
24 recall owners or their reps asserting that they won't  
25 pursue evictions once the moratorium is lifted. These

1 are the daunting circumstances that tenants are facing  
2 with limited temporary assistance in the wake of  
3 COVID-19.

4 Landlords are also being challenged by the current  
5 economic circumstances, although they are far more likely  
6 to be able to work from home, have high-quality health  
7 insurance, savings, investments, and assets to help them  
8 combat the coronavirus.

9 In addition, owners have access to federal  
10 assistance through the PPP Flexibility ACT, EIDL, federal  
11 loans up to \$2 million each with one year deferred  
12 repayment, federally backed mortgage forbearance, non-gap  
13 loan modifications, tax benefits, and a \$45 billion  
14 federal reserve program, plus whatever assistance becomes  
15 available for real estate and other taxes. Owners are  
16 clearly in a far better position to weather the current  
17 storm than the tenants who rent from them.

18 Beyond these compelling facts in favor of a rent  
19 freeze, please don't forget that Westchester County has  
20 been and is subject to the same economic racial and  
21 healthcare inequalities that have been brutally exposed  
22 by COVID-19. Our country's longstanding injustices  
23 created redlining and housing discrimination which have  
24 hindered black and Latino well-creation and created  
25 overrepresentation of black and Latino families in rental



1 housing. Housing inequality is real.

2       During our hearings, while owner after owner railed  
3 against rent regulation in general, HSTPA in particular,  
4 and threatened to withhold maintenance and necessary  
5 repairs if it means cutting one iota into their healthy  
6 investment profit, tenant voices were silent because the  
7 technology gap is real. And it works against those of  
8 limited means, little education, and no broadband access.

9       We haven't inherited assets -- excuse me. Many  
10 tenants are like me. We rent out of necessity and not by  
11 choice. We haven't inherited assets or wealth. And the  
12 salary increases that we receive are minimal at best.

13       A rent increase on the back of rent-burden tenants  
14 and fixed-income seniors so that owners can expand for a  
15 fifth year running at 38 percent net operating income  
16 would be unjustified, unfair, and harmful under the  
17 current dire circumstances. That's why New York City  
18 just passed its third rent freeze since 2015. And  
19 Rockland rents have been frozen since 2016.

20       Westchester ETPA tenants' situation is similar to  
21 that of our tenants in neighboring communities, but we've  
22 raised our rents more than Rockland, Nassau, and New York  
23 City for each of the past four years. Westchester ETPA  
24 tenants need and deserve our consideration as they engage  
25 in an extremely lopsided battle with coronavirus, the

1 economy, and landlords who are refusing to make necessary  
2 capital improvements because they can no longer game the  
3 system and overcharge for MCIs and IAIs indefinitely.

4 If we truly appreciate our essential workers and  
5 healthcare heroes, many of whom live in ETPA building,  
6 and if we believe that redlining, housing discrimination,  
7 and systemic racism are wrong (break in audio) our  
8 actions should reflect our values. Please do what little  
9 we can to support overwhelmed tenants and pass zero  
10 percent increases on one and two-year lease renewals.  
11 Thank you.

12 MS. RUBIN: Thank you, Ms. Stewart.

13 Any questions for Ms. Stewart? Yes, Evelyn.

14 MS. SANTIAGO: Tamera, last week we had a discussion  
15 about what mitigating factors landlords have in terms of  
16 mitigating income loss. And there was a discussion about  
17 whether or not they qualified for the PPP loans that turn  
18 into grants.

19 In your rebuttal, your written rebuttal, there is  
20 a -- one of the bullets says that the CARES Act provides  
21 direct relief to landlords with federally backed  
22 mortgages. Could you expand on that, please?

23 MS. STEWART: In the supplement that I sent out on  
24 Sunday --

25 MS. SANTIAGO: Yes.

1 MS. STEWART: -- there was --

2 MS. SANTIAGO: On the first page.

3 MS. STEWART: Right. There was an article in there,  
4 in the section on relief that was available to landlords  
5 that went into detail about the various assistance that  
6 is available to landlords. So -- let me see here.

7 MS. BARNES: I think it's on page 3.

8 MS. STEWART: With regard to -- are you speaking  
9 about the SBA loans, the paycheck protection program?  
10 Because they added the piece where they could --

11 UNIDENTIFIED SPEAKER: Yes.

12 MS. STEWART: -- they have enhanced the access to  
13 those funds. And there is also an article in there that  
14 said that even though they weren't initially supposed to  
15 get them, now they have gotten it anyway.

16 MS. SANTIAGO: Thank you.

17 MS. RUBIN: Anybody else? If no one else has a  
18 question, we will proceed with Mr. Eliot Cherson.

19 MR. CHERSON: Okay. Good evening, everyone.

20 MS. RUBIN: Good evening.

21 MR. CHERSON: That time of the year again.

22 When I made my rebuttal statement last year, I  
23 pointed out that the new -- to the new members of the  
24 board, and we had a few last year, about my experiences  
25 in the real estate industry as a practicing lawyer in

1 real estate litigation with the specialty in the housing  
2 courts of New York City and Westchester County. Mr.  
3 Finger has a similar experience and expertise, although  
4 he's been doing it a little longer than me. Yes, smile.

5 All right. Anyway, these are some of the quotes  
6 from last year's statement that I find to be just as  
7 relevant and worth repeating as most of them have come  
8 true. Last year, the HSTPA was passed. And, obviously,  
9 Mr. Finger and I made a lot of points about how it's  
10 going to negatively impact the landlords. But now it's  
11 come to pass.

12 This is a quote from last year.

13 "I am not going to say that every one of my  
14 clients is a saint. You can't say that about  
15 any business. However, I can tell you that all  
16 of my clients, large and small, deeply care  
17 about their tenants. They all strive to provide  
18 decent and safe housing for their tenants, no  
19 exceptions. To do so, they need funds to take  
20 care of the buildings.

21 "The money comes from of only the following four  
22 sources: 1, rental income; 2, personal funds;  
23 3, family funds; and 4 would be banks and other  
24 financial institutions."

25 And by the way, before we get into that, taking care

1 of people, the COVID epidemic has added on additional  
2 burdens to landlords which they have taken on willingly  
3 in sanitizing buildings, cleaning buildings, and doing  
4 all of the necessary work in order to keep them as  
5 COVID-free as possible.

6 The first category is rental income. This is by far  
7 the largest source. Buildings are fun for a profit.  
8 This is no secret. So taking money from personal or  
9 family funds is counterproductive and detrimental to the  
10 overall financial health of the building.

11 Next one is bank loans. By and large, this  
12 option -- I said it last year that it won't happen. Now  
13 we know it has happened. By and large, the option of  
14 bank loans, whether it's refinancing or just getting a  
15 loan, does not exist as very few, if any, banks will  
16 refinance due to HSTPA. The banks -- I've heard this  
17 from many clients and have spoken to Chase which is  
18 our -- my own bank.

19 Because of HSTPA, the banks no longer know how to  
20 value a building. They used to before, but they don't  
21 anymore. And because of these changes, they are not  
22 willing, except under the most onerous of conditions, to  
23 refinance the mortgage or loan any additional monies. So  
24 because of that, the buildings are not worth what they  
25 were before. And they're worth substantially less.

1           People say, whether it's on this board or in the  
2 general public, that, okay, it's not such a great  
3 business anymore, sell the building. That's a great  
4 idea. The problem is that there are no buyers. There  
5 are no buyers for the type of rent-stabilized buildings  
6 in Yonkers, Mount Vernon, New Rochelle, et cetera, that  
7 exists. And even if you have a person who's willing to  
8 purchase these buildings which are by in large 100 or --  
9 to 60, 70 years old, they're not there. And if they do  
10 find someone, the banks are not willing to loan for the  
11 new seller -- I mean, sorry, for the buyer.

12           So the landlord is stuck with his building. He'd  
13 like to sell, but he can't sell. He'd like to do things,  
14 but he can't. That's the reality of the situation.

15           Last year I said the new law would result in the  
16 following: A, no more building-wide improvements due to  
17 the death of MCIs for new roofs, heating systems,  
18 elevators, windows, security systems, repiling gas and  
19 water lines, new electric service, et cetera. This is  
20 the reality for the past year. No more renovations in  
21 apartments such as new kitchens, bathrooms, floors and  
22 walls, doors, et cetera. This is the reality of the past  
23 year. Any necessary repairs will be done with patches,  
24 Band-Aids, and spit. This is the reality of the past  
25 year.

1           And the cause of all of these detriments, cause of  
2 all of this, is to the detriment of the tenants due to  
3 the elimination of the New York's -- by New York State of  
4 vacancy increases, MCIs, IAIs, et cetera.

5           Most landlords are so disgusted by the turn of  
6 events over the past year that they would sell the  
7 building but can't find a buyer. As I said, even if they  
8 could find a buyer, it would be a fire sale. The buyer  
9 probably can't even find a mortgage. And results in  
10 buildings they no longer want to own. They will not do  
11 any major repairs or renovations. A new tenant will  
12 simply get a coat of white paint, and that's it.

13           And we've talked about this a number of times. They  
14 will keep vacant apartments which were rented -- low-rent  
15 apartments vacant because they're simply not worth  
16 renting at the same exact amount an apartment that a  
17 person in all likelihood with a rent that low, you  
18 probably had a person living there for many, many, many  
19 decades. Grandma, grandpa. And in all likelihood, not  
20 much has been done to the apartment. Grandma and grandpa  
21 didn't want a lot of things done to the apartment in all  
22 likelihood.

23           So when those apartments in the past became vacant,  
24 they needed new bathrooms. They needed new kitchens.  
25 They needed new floors, walls, doors, you name it. That

1 cost is extensive. And before at least the landlord can  
2 recoup some of that. That no longer exists.

3 Last year, last year, a year ago in a New York Times  
4 editorial dated June 10th, 2019, the New York Times said  
5 the government needs to make sure that owners of  
6 rent-stabilized buildings are earning a sufficient return  
7 so that real estate remains an attractive investment.  
8 That was last year.

9 In an editorial dated June 16th, 2020, which, of  
10 course, is this year in the New York Post, the Post said:

11 "Tenants hit financially by COVID may be having  
12 trouble making the rent, but the Rent Guidelines  
13 Board is seriously out of touch to think  
14 landlords aren't hurting too and can bear  
15 another rent freeze. A rent freeze will worsen  
16 the pain for landlords struggling to pay their  
17 bills when the lockdowns have left a quarter of  
18 all tenants paying no rent at all. To freeze  
19 rents, the Board must ignore its own data  
20 showing 3.7 percent bump in the landlord's  
21 cost," that's New York, "and a 0.6 deduction or  
22 dip in their net income from 2017 to 2018",  
23 which was the first in 15 years.

24 Ken Finger gave the numbers last week concerning  
25 Westchester. And the move -- this is -- they keep going



1 on. This is from the Post still.

2 "The move will ultimately harm tenants because  
3 landlords will have to cut back on services to  
4 survive. Already more and more buildings are  
5 falling into financial distress. Ironically,  
6 many building owners are the same -- very same  
7 people that Mayor de Blasio says he wants to  
8 help Mom and Pop operators, immigrants, people  
9 of color. But since they aren't as numerous as  
10 tenants, he has no qualms about squeezing them."

11 As the Real Deal stated a year ago, on June 14th,  
12 2019, New York Community Bank, Signature Bank, and Dime  
13 Community Bank, which are three of the largest lenders to  
14 multifamily rent-stabilized housing, have lost a combined  
15 2.5 billion with a B, B, billion in market capitalization  
16 since June 2019 when the new laws became operable. The  
17 banks simply won't lend for re-fis or purchases or major  
18 repairs.

19 Another article in the Real Deal on June 18th, 2019  
20 has also come to pass. They said this last year. The  
21 removal of vacancy deregulation means that landlords no  
22 longer have a clear end-all when attempting to raise  
23 rents. At this point under the new rules, landlords have  
24 used up all of the available tools to increase rent  
25 beyond any approved RGB rent hikes. That means that what

1 we do for Westchester County landlords, we are the only  
2 manner, the only way that rents can be raised whatsoever.

3 Last year when you were listening to me or Ken, you  
4 probably thought that a lot of what we were saying about  
5 the impact of HSTPA was like scare tactics. But name one  
6 of the predictions that I just cited, and these were  
7 cited by major publications, not just myself, as -- name  
8 one of the predictions that has not come true. There are  
9 none.

10 A few items in rebuttal to Tamara's statements last  
11 week and tonight. Ms. Stewart made light of the  
12 landlords' allegations concerning apartments renting for  
13 less than \$800 per month. The surveys of 3,447  
14 apartments, which is six percent of all surveyed  
15 apartments, shows that there are 185 such apartments.  
16 And of the 185 such apartments, 39 are below \$600. 49  
17 are between 601 and \$700. 97 apartments are between 701  
18 and \$800, again, a total of 185. And if you extrapolate  
19 that figure to include all 27,000 ETPA apartments in the  
20 county. It comes to 1,620 apartments that are renting  
21 for less than \$800 per month. It is not any significant  
22 figure.

23 Ms. Stewart also cited Ms. Roche handouts. And she  
24 stated that -- Ms. Roche, I guess, you know, she stated  
25 that large owners have access to capital markets and

1 several federal programs already offering them billions,  
2 that's again with a B, a B, billions in assistance. And  
3 then she has footnote number 13 which Ms. Stewart also  
4 cited last week, today or last week.

5 Footnote 13 says:

6 "In addition to availing themselves of PPP loans  
7 not originally intended for landlords and the  
8 loosening forgiveness requirements of the June 5  
9 PPP Flexibility Act, the federal government has  
10 put in place EIDL loans of up to \$2 million with  
11 no repayment for one year. SBA bridge loans,  
12 forbearance for federally backed mortgages,  
13 non-GAAP loan modifications, tax benefits, and  
14 \$454 billion," again with a B, "in federal  
15 reserve programs."

16 And then she cites an article of some sort. That's  
17 just bunk. None of that exists. I mean, don't you think  
18 we all would have heard on the news, in publications that  
19 landlords are getting 454 billion dollars in federal  
20 reserve program? I mean, obviously we saw in the news --  
21 there was a big to-do about large corporations, airlines,  
22 you know, huge corporations getting PPP money. Then when  
23 it became known, as I recall, most of those corporations  
24 were forced to return the monies to the federal  
25 government.

1           Have you heard anything about a \$454 billion program  
2 to get money to landlords? It doesn't exist. There's no  
3 EIDL loans of up to \$2 million with no repayment for one  
4 year. This is fantasy, pure unadulterated fantasy. It  
5 does not exist.

6           Ms. Stewart also claims that there will be an  
7 avalanche of evictions. There is no substantiation of  
8 same. The courts are presently in a basically  
9 nonoperating state even though the court administrators  
10 are like -- are saying otherwise lately. The very  
11 earliest any new case will appear on a court calendar in  
12 my guess, and it's basically a guess, is September or  
13 October. And at that point, the goal of the court system  
14 is to have every single tenant have an attorney.

15           And there will be a conference, a virtual conference  
16 like what we're doing between the landlord's attorney,  
17 the tenant, pro se -- well, I'm sorry, tenant, and their  
18 counsel. And according to Jean Schneider who's an  
19 administrative judge in the city, and basically these  
20 things apply to Westchester as well, even if you have  
21 your first conference in September or October, the next  
22 date is probably going to be three months from then. So  
23 that will bring us already into 2021 for the second  
24 appearance.

25           In order to have anybody be evicted, you have to

1 have a judgment of possession and you have to have a  
2 warrant issued to a marshal. At the present time and for  
3 the foreseeable future, the courts, through -- and  
4 pursuant to Cuomo's order, have -- and the administrative  
5 judges, they have stated unequivocally that there will be  
6 no default judgments.

7 In other words, if a tenant fails to appear, a  
8 tenant fails to answer, no default judgments whatsoever.  
9 So if a tenant gets a petition and they just ignore it,  
10 and people do that, and they just ignore it, nothing is  
11 going to happen to them. There is no hammer to make them  
12 want to pay the rent because it doesn't exist. And they  
13 have stated that that will be the case for the  
14 foreseeable future. I don't have a crystal ball that's  
15 going to tell us when that -- you know, the old system,  
16 the normalcy that existed before March will come back,  
17 but it's going to be a long time. It's a very lengthy  
18 process. It just is.

19 Ms. Stewart also stated in her presentation that  
20 Assistant Commissioner Guy Alba, quote, signed off,  
21 unquote, on Ms. Roche's analysis of the cost of living  
22 chart as accurate. When questioned by Mr. Finger about  
23 this, Ms. Stewart stated that, quote, Guy Alba included  
24 Roche's calculations in the explanatory statement,  
25 thereby confirming Mr. Alba's signing off, quote, signing

1 off, unquote. Roche's position is that interest and  
2 depreciation should not be included, among other things,  
3 because there is this 38 percent profit for landlords.

4 On June 17th, 2020, Guy Alba responded to Ken  
5 Finger's query about this. And Mr. Alba stated, and I'm  
6 going to show it to you in a second.

7 Good morning, Ken. This is June 17th, 2020, last  
8 week. I do not, quote, sign off, unquote, on products  
9 that I did not structure, create, and analyze on my own  
10 or through my staff. Be well and stay safe.

11 I'm hoping that you can -- that you can read this,  
12 or I can send it to Peter. Can I send that to you,  
13 Peter, or just scan it through? You're -- you're muted,  
14 Peter.

15 MR. STECKER: Yeah, sure. I can -- I can scan it.

16 MR. CHERSON: So I'll scan it to you?

17 MR. STECKER: Yeah, that's fine.

18 MR. CHERSON: All right. So as soon as I finish,  
19 I'll put it in the scanner.

20 So that -- that -- you know, when I heard that  
21 statement, it was like, wow. I mean, if I'm a public  
22 member, I'm saying to myself, wow, Guy Alba is endorsing  
23 Ms. Roach's figures and Ms. Stewart's claims. That's  
24 pretty hefty. I would like Guy to substantiate or  
25 acknowledge and agree to some of the claims -- the

1 statements that we're making. But it's not the case.

2 And I think most of us know Guy for many, many years.

3 This is not something he would do. And why Ms. Stewart

4 brought that up and made that statement is beyond me.

5 Based upon some of the things that Tamara stated  
6 tonight, I just have a few other points. And I'm almost

7 done. She stated Westchester County needs affordable

8 housing. There is no doubt about that. New York City

9 needs affordable housing. Nassau County needs, it,

10 Rockland County, the whole state. The whole country

11 needs affordable housing. The landlords can't build it.

12 The only entity that can build new affordable housing is

13 the government, whether it's the state of New York, the

14 city of New York, or the United States Government.

15 And I think we all know that the United States

16 Government under the present administration, who has been

17 trying for the past three and a half years to cut back on

18 Section 8 vouchers, they're not going to be doing the

19 building that went on, let's say, in the 1970s, the 1960s

20 and 1970s. That's not going to happen.

21 And as far as NYCHA, is that really something you

22 want to emulate? I doubt it. This is not the burden of

23 private landlords. It is the burden of the government to

24 provide safe and affordable housing for people who can't

25 afford it. It's as simple as that. There's too much --

1 it takes too much money to build buildings and get a  
2 lesser rent because the people are lower income.

3 One of the things that Ms. Stewart also brought up,  
4 and I would too if I was her. Folks have had the rent  
5 freeze in New York City. The rent freeze in New York  
6 City -- unlike our board -- I'm not sure if everybody  
7 understands this or knows it, so if I'm repeating it,  
8 please forgive me. The New York City Rent Guidelines  
9 Board, all nine of them, are appointed by the mayor of  
10 the city of New York. The landlords don't get to pick  
11 two sort of like what we do. The tenant organizations  
12 don't get to pick two like our board. And the five  
13 public members as well are all appointed by the mayor.

14 And he also designates who the chairperson of the  
15 board will be. They're all appointed by him. How many  
16 speeches has Bill de Blasio made in the past few months  
17 leading up to the RGB hearings in New York City in which  
18 he said I want a zero increase, I want a zero increase?  
19 That's hard if you're appointed by this guy to say no to.  
20 It's almost impossible. That's why there should be a  
21 separation to insulate, but there isn't.

22 It's like federal judges, they get appointed.  
23 They're appointed for life. And the president, whoever  
24 the president is, can say whatever he or she wants. But  
25 the -- it's up to the Supreme Court to make their



1 decisions because the president has no influence over  
2 them because they have this lifetime appointment. So  
3 that doesn't exist. It's a terrible system in that --  
4 how they do it.

5 Just last but not least, landlords, despite the  
6 statements that have been made, are not getting these  
7 loans. They are not getting the financial assistance  
8 that has been presented to this board. As a practical  
9 matter, it doesn't exist. There has so far been no  
10 mortgage relief. There has been no bills passed in  
11 Albany that give landlords any type of relief.

12 For example, taxes, maybe make the taxes payable  
13 over more time or reduce the taxes. The taxes,  
14 obviously, need to be paid because the city of New York  
15 and the city of Yonkers and the city of Mount Vernon all  
16 need that money to run the city. And, yes, there's less  
17 income tax and sales tax because of the COVID. So where  
18 is the greatest source of income? It's real estate  
19 taxes. And there is no forgiveness by the states, the  
20 cities, the municipalities. We -- it's due July 1st.  
21 you have to pay it July 1st. And if you don't pay it  
22 July 1st, there are interest and penalties. And that  
23 goes for the water charges. And that goes for everything  
24 else.

25 So the tenants have a tremendous break, if that's

1 the right word, maybe not, with regard to the COVID.  
2 They don't have to pay the rent now because the courts  
3 and system is shut down for all practical purposes.  
4 There's nothing a landlord can do you if you don't pay  
5 the rent. That's commercial or residential.

6 And most of my clients I've spoken to, any tenant  
7 how goes to the landlord and says I am a COVID victim, I  
8 lost my job, they all say, the landlords, okay, I'm sorry  
9 to hear it, we understand, how would you like to pay it  
10 back, we will give you time, how much time do you want.  
11 And by and large, they're more than willing to give  
12 payout. And this is without going to court. And that's  
13 what all of the landlords are doing even though they're  
14 taking it on the chin because not everybody is going to  
15 them and saying I would like to pay you, Mr. Landlord,  
16 but I need more time. Most people don't do that.

17 And the commercial premises, they don't do anything.  
18 And a lot of them are open. It's not as if they're  
19 closed. A lot of them are open. I had one client in  
20 (indiscernible) city, huge store, he's been open since  
21 the beginning with a very high rent. He pays nothing.  
22 And he's got -- because of the COVID and the other stores  
23 being closed, he's got probably twice the business that  
24 he had before.

25 MS. RUBIN: Mr. Cherson?

1 MR. CHERSON: I'm done.

2 MS. RUBIN: Okay. You want to summarize?

3 MR. CHERSON: How's that? No. I think I did  
4 already. But thank you, Ms. Rubin.

5 MS. RUBIN: Thank you.

6 MR. FINGER: Elsa, I have -- I have one --

7 MS. RUBIN: Yes.

8 MR. FINGER: -- matter of information I'd like to  
9 point out. I understand that the Kavanagh bill that we  
10 talked about last week was passed. It is being funded  
11 with \$100 million that goes to the tenants to make up for  
12 the inability to pay rent to those that are paying over  
13 30 percent of their income in rent. And it is -- it  
14 actually goes to landlord on behalf of the tenants. So  
15 we talked about the Kavanagh bill. So I just wanted to  
16 make the board aware that there is financial assistance  
17 for those tenants that can't meet their obligations  
18 because of the COVID. Thank you, Madam Chairwoman.

19 MS. RUBIN: Thank you.

20 Anybody else has a question for Mr. Cherson?

21 Yes, Ms. Stewart?

22 MS. STEWART: Hi. I would like to address a couple  
23 of Mr. Cherson's points that are inaccurate.

24 First, please let me know if you did not receive a  
25 sheet from the statisticians that says cost-to-income

1 ratio both, one side including interest and depreciation  
2 and the other side excluding interest and depreciation,  
3 Westchester County, 1987 to 2019. That chart from which  
4 Genevieve Roche calculates net operating income is one  
5 that initially she first started doing when she was on  
6 the board and that has since been adopted by the  
7 statisticians such that they include it every year in the  
8 paperwork that we receive when they do their  
9 presentation.

10 So it seems to me that if they're providing that  
11 information that was first provided because Genevieve  
12 Roach started that calculation and they've continued it,  
13 that that would imply that they have verified that, in  
14 fact, that information is accurate since they are  
15 producing it and providing it.

16 I also recall a number of past rent guidelines,  
17 explanatory statements that did include Ms. Roach's  
18 calculations in them. So I can't imagine that they'd  
19 have been including a bunch of explanatory statements  
20 that were inaccurate if there was not somebody taking a  
21 look to make sure that the information that was being  
22 presented was verifiable. So that's one point.

23 Another point that Mr. Cherson brought up, in the  
24 supplement that I sent on Father's Day, there is an  
25 article from Greenberg Gulsker dated April 7th. And the

1 title is Real Estate Implication of the CARES Act. And  
2 it is from that article that I make the assertion that  
3 there are quite a few options and opportunities,  
4 assistance programs that are available to landlords.

5 The 454 billion dollars is not only available to  
6 landlords, but they are eligible to apply as other  
7 businesses are eligible to apply, the same thing with the  
8 PPP FA where they -- where more latitude is allowed for  
9 businesses that apply to be able to get PPP money to use  
10 for things other than payroll. So that information I did  
11 provide to folks on Sunday. I refer you back to that.

12 In addition, the -- let's see. The repeated  
13 statement that guideline increases are the only way that  
14 landlords can increase their income is just inaccurate.  
15 Landlords are still eligible to apply for IAIs and MCIs.  
16 Granted, they may not find them as attractive as they  
17 found in years' past because the percentage that they can  
18 charge back has been reduced. And they can't, you know,  
19 game the system indefinitely by inflating rent through  
20 IAIs and MCIs that say stay in -- that are effective in  
21 perpetuity.

22 However, 30 years is a good long time. And the  
23 calculation was done in such a way that landlords do  
24 recoup the monies that they spend on MCIs and IAIs that  
25 have been approved by HCR. And so to act like that

1 avenue is no longer available is just inaccurate.

2       On top of that, there was an article that I sent you  
3 all on Sunday that says what can an equitable pandemic  
4 rental assistance program look like in New York. And one  
5 of the points that gets made in that article is that  
6 there are a lot of landlords that are having trouble  
7 financially because they are overleveraged because of  
8 either speculation or monies that they took out of their  
9 properties after 2008 and the mortgage crisis. And based  
10 on the expectation that they were going to be able to  
11 jack up rent in their buildings and get longtime tenants  
12 out, get new tenants in, push the rents up to market  
13 rate.

14       And now that HSTPA has finally righted a 20-plus  
15 year wrong, landlords are saying, oh, we can't -- our  
16 buildings aren't worth anything, we can't do anything.  
17 No. It's not tenants' fault that some landlords have  
18 chosen to take on more debt than they can comfortably  
19 afford. That's got nothing to do with tenants. Tenants  
20 certainly weren't the ones that approved these loans.  
21 But that article does a very good job of addressing some  
22 of those concerns. And that's not me saying that. That  
23 is what has been written on the subject.

24       Last but not least, Mr. Finger just referred to the  
25 Kavanagh Act, which, in fact, is designed to provide some

1 rental assistance for some tenants who may be in need.  
2 Unfortunately -- and even the people who wrote and passed  
3 the bill are honest enough to say it's not enough money,  
4 it doesn't include everybody. There are definitely  
5 tenants that will fall through the cracks who are in need  
6 of assistance. The means test is questionable. And the  
7 act is that because the funds go directly to landlords,  
8 there -- and at the end, there is no guarantee that  
9 tenants are protected from being evicted even after the  
10 landlords get the money from program. So those are the  
11 key points that I wanted to address.

12 MS. RUBIN: Thank you, Ms. Stewart.

13 Anybody else? Yes, Mr. Finger?

14 MR. FINGER: I have a couple -- just a couple of  
15 comments. Number 1, the statute provides that we're  
16 supposed to look at data, not newspaper articles. I  
17 would suspect that if we wanted to trade newspaper  
18 articles, we could spend the next three years finding  
19 articles that support our position. And I have a  
20 little -- I have a little concern about making decisions  
21 about what an article said in either April or May or June  
22 or whenever. I'll leave it up to Mr. Cherson to deal  
23 with the issue of the -- what he pointed out. But I  
24 did -- I am the one that wrote to Mr. Alba.

25 And certainly, the form is a form that the

1 explanatory statement refers to as it refers to the fact  
2 that the survey show that expenses went up more than  
3 income in the past four years as it shows that -- what  
4 the arguments of the parties were which is what I believe  
5 Mr. Alba was referring to when he disputed the fact that  
6 he confirmed anything.

7       Certainly, he does put forth different contentions  
8 but at different parties. That doesn't mean he confirms  
9 them or affirms them. And I think that Mr. Cherson will  
10 submit the --

11       MR. CHERSON: Done it already.

12       MR. FINGER: -- email that specifically said he  
13 didn't do that.

14       And another point -- but I lost my train of thought.  
15 I'll get back to that later.

16       MR. CHERSON: Just I've emailed Mr. Alba's statement  
17 I think to everybody, Peter and the members of the board.  
18 April, I might have left you off. Sorry.

19       Maybe, Peter, you could send that off to her.  
20 That'd be great.

21       Did everybody get it? Did anybody get it?

22       MR. FINGER: No.

23       MR. CHERSON: No. Nobody got it?

24       MS. RUBIN: I just got it.

25       MR. CHERSON: Oh. And I might not have sent it to



1 you. I know -- I know you know what's in it.

2 I mean, the response to -- it is what it is. I  
3 mean, here we have the document from Mr. Alba that says  
4 no. What Ms. Stewart is saying and Ms. Roach is saying  
5 or their allegations about himself and his -- what his  
6 representations are is simply not fact, plain and simple.

7 MS. RUBIN: May I just interject? I think that what  
8 Ms. Stewart is implying is that it was a suggestion upon  
9 a suggestion from Ms. Roche that this new line, maybe new  
10 column was added. And that's what I understand.

11 MR. FINGER: No, it wasn't added.

12 MS. RUBIN: Is that correct?

13 MR. FINGER: This column has been there since I've  
14 been on the board for the past 20 years. They've always  
15 had that column which doesn't include both the cost of  
16 an -- it does include interest and depreciation. But it  
17 also doesn't include the cost of MCIs and the cost of  
18 IAIs, only the amortized cost. And you have to do it for  
19 tax purposes over 27 years.

20 And the last point that I wanted to make before was  
21 that Ms. Stewart said that you get back the cost of your  
22 MDCI. Well, what you get back is two percent a year for  
23 30 years. The way I calculate that, if you multiply two  
24 percent times 30 years, you get 60 percent. So the  
25 maximum you can get back is 60 percent over 30 years.

1 And I mention this last week, that when you figure out  
2 the present-day value of getting back two percent over 30  
3 years, it's certainly nowhere near 30 or -- even 30 or 40  
4 percent. And then after 30 years it comes off the rent  
5 anyway.

6 So, yes, you get something back. You certainly  
7 don't get back enough, considering you don't get back the  
8 value of the financing to put in a major capital  
9 improvement to make it worthwhile doing it.

10 MR. CHERSON: If I can just add --

11 MS. RUBIN: Anybody else --

12 MR. CHERSON: Can I just add something to that, Ms.  
13 Rubin?

14 MS. RUBIN: Sure.

15 MR. CHERSON: Again, Ms. Stewart said, I believe,  
16 hopefully I'm quoting you correctly, that landlords can  
17 take on more debt if they wanted -- they could always  
18 just take on more debt to put in a new elevator or a roof  
19 or something like that, whatever it is. Taking on more  
20 debt means that somebody is going to give you the money.  
21 And that somebody, unless it's grandpa or Uncle Joe, is a  
22 bank. That's who gives the money. That's who, you know,  
23 gives you a mortgage, gives you money secured by the  
24 building. And they will give you the funds to put on a  
25 new roof, for example.

1           But they're not doing it anymore. Banks are not  
2           lending for that purpose anymore because they don't  
3           even -- they're worried about getting the original  
4           mortgage back. They're worried about getting that amount  
5           to add onto it another few hundred thousand dollars or  
6           whatever. They're taking an even greater risk. Hey, if  
7           they can't pay back two million, how are they going to  
8           pay back 2.2 million? And that's the reality that we're  
9           living in. It is the reality that we're living in.

10           MS. RUBIN: Last time we were discussing the EIDL, I  
11           think it was Ken that mentioned that it's only \$10,000.  
12           And I found out that that's an advance that the persons  
13           get for -- the people who are borrowing. Beyond that,  
14           you can get up to \$200,000. So I don't know if people  
15           have applied for that, but it's available.

16           MR. CHERSON: Well, I can tell you --

17           MS. RUBIN: Well, it's supposedly available.

18           MR. CHERSON: I can tell you, Elsa, that I know a  
19           lot of people in different businesses who have requested  
20           that money. The \$10,000 was given out very easily. I  
21           mean, basically you put in an application, you got  
22           \$10,000. But nobody has gotten more than that that I  
23           know of. And I think there --

24           MS. RUBIN: I --

25           MR. CHERSON: -- have been a few articles that the

1 SBA who runs it, they -- there's been complaints by  
2 various politicians in Washington saying, hey, guys, how  
3 come you're not giving out the money we gave you?  
4 Because they're not doing it.

5 MS. RUBIN: I know at least two people who have  
6 gotten 150- and 180,000 on top of the 10,000 to pay --

7 MR. CHERSON: But they're --

8 MS. RUBIN: -- within 30 years a three percent rate  
9 so --

10 MR. CHERSON: Are they landlords?

11 MS. RUBIN: No, they're not landlords.

12 MS. ACQUAH: May I say something as well?

13 MS. RUBIN: Yes.

14 MS. ACQUAH: Elsa?

15 MS. RUBIN: Yes.

16 MS. ACQUAH: Okay.

17 MS. RUBIN: Go ahead and --

18 MS. ACQUAH: Right. No. So from what I understand,  
19 there are some stop points with that program as well.  
20 Whether it's the SBA or if there's an -- if that  
21 particular applicant has existing loans or other debt  
22 that exists, I think there's some stop points as to what  
23 would make them eligible to have -- to receive added  
24 funds basically.

25 MS. RUBIN: Yes. Yes.

1 MS. ACQUAH: Yeah.

2 MS. RUBIN: They check the credit for everybody.

3 MS. ACQUAH: Correct.

4 MS. RUBIN: If you have a low credit, you don't get  
5 it.

6 MS. ACQUAH: Correct.

7 MS. RUBIN: Anybody else wants to add to the  
8 discussion? Yes, Evelyn first and then Tamara.

9 MS. SANTIAGO: Okay. I have a question for Eliot  
10 and Ken. Kenneth, you mentioned the passing of the  
11 Kavanagh bill for the 100 billion dollars for tenants who  
12 have difficulty paying their rent. I just wanted to know  
13 over what time period those funds are going to be  
14 available. In other words, how long will tenants' rents  
15 be paid by this bill?

16 MR. FINGER: I do not know the answer to that,  
17 Evelyn. I wish I did. My understanding is it'll be for  
18 as long as the money lasts. And it's 100 million  
19 dollars. And it's for tenants who have more than thirty  
20 percent of their income going to rent. That is the main  
21 condition that I understand, somewhat similar, I think,  
22 to the condition for Section 8 which is, I think,  
23 predicated also on 30 percent. Hopefully, it -- they've  
24 already funded it. They're using the federal money  
25 coming to the state that they can renew that. But that's

1 up to our legislature. So perhaps we all agree to get to  
2 the legislatures. Maybe they'll increase it to 500  
3 million. Who knows?

4 MS. SANTIAGO: And what percentage of tenants would  
5 fall under those guidelines?

6 MR. FINGER: Any tenant that is paying more than 30  
7 percent of their income for rent.

8 MS. SANTIAGO: No, I mean the percentage of total  
9 tenants.

10 MR. FINGER: Oh, I have no idea what the -- how many  
11 tenants pay more than 30 percent. You can read newspaper  
12 articles that say 40 percent of the tenants are, 20  
13 percent, 60 percent. It depends on which articles, which  
14 survey, whatever. I have great hesitancy in accepting  
15 anything I read these days in the newspaper as fact.

16 MS. RUBIN: Well, okay.

17 MR. CHERSON: If I can just --

18 MS. RUBIN: I think I'm going to go to  
19 (indiscernible) --

20 MR. CHERSON: I just wanted to add to that --

21 MS. RUBIN: -- and then you, Eliot.

22 MR. CHERSON: -- if I could.

23 MS. RUBIN: Tamara first and then you, Eliot.

24 MR. CHERSON: Okay.

25 MS. RUBIN: Thank you.

1 Yes, Tamara?

2 MS. STEWART: I find it a bit distressing that my  
3 colleagues are claiming that the New York Times and the  
4 Wall Street Journal are like some, you know, fly-by-night  
5 papers that do not provide information, credible  
6 information, that's based on data and sources.  
7 Meanwhile, you know, there are assertions being made that  
8 all the landlords are working with their tenants as if  
9 either of the gentlemen has -- could possibly speak to  
10 every single landlord in Westchester County to determine  
11 that all of them are willing to cut their tenants a break  
12 and work with them.

13 And then there are the assertions about, oh, no one  
14 has been able to get more than 10,000. Where is your  
15 data? Where is the data to that that backs these  
16 assertions that you're making? As much as you want to --  
17 you know, to claim that what I'm saying is not credible,  
18 I've at least provided some data, some articles, some  
19 courses that at least document what I'm saying.

20 You're saying that based on your own experience, all  
21 of this and all of that. That is highly suspicious in my  
22 mind.

23 MS. RUBIN: Yes, Mr. Cherson.

24 MR. CHERSON: Two things.

25 The data that you're requesting comes from the fact

1 that my law firm represents a few hundred landlords. I  
2 don't know the exact number, but quite a few. They're in  
3 New York City, they're in Nassau, and quite a few here in  
4 Westchester County.

5 And I've been talking to them almost constantly over  
6 the past three months while, you know, I have not been  
7 able to go to my office. I've been working from here.  
8 They all are asking questions. They all -- I talk to  
9 them. And they're all saying the same thing. They're  
10 not out to hurt the tenants. They're willing to give  
11 them time to pay. They understand the COVID. They're  
12 not living in some -- on Mars. They certainly  
13 understand. And if a tenant wants to work with them,  
14 they are more than willing to work with the tenant.

15 No landlord -- and this is to my detriment, again,  
16 no landlord wants to pay legal fees to bring tenants to  
17 court, knowing that the system and the courts, whether  
18 it's in Westchester or New York, is a pro-tenant, very,  
19 very long process of delays, delays, delays. It takes  
20 forever to get the money by going to court, if you get  
21 it.

22 And what happens many times with court cases is the  
23 tenant doesn't pay, then the marshal gets to the door,  
24 knocks on the door. And what happens many, many times,  
25 and I know this from my experience, the tenant left.



1 They skipped, owing the money. The landlord gets none of  
2 the rent, and the landlord has to pay the legal fees and  
3 the costs. So that's why they would much rather make an  
4 agreement with Mr. Jones, a tenant, who's willing to pay  
5 the back rent at, you know, 10 percent a month for the  
6 next 10 months or whatever it is. All of them want to do  
7 that.

8 I also speak to people -- I'm counsel to the  
9 Bronsman (ph.) and Association of Realtors. I deal with  
10 banks. I deal with people who own buildings. I deal  
11 with brokers. This is not something that hasn't been  
12 discussed over the past few months. This is something  
13 that's real. Plus there are a lot -- there's been many  
14 meetings on Zoom of bar associations and landlords and  
15 CHIP and RSA. This information comes from them. And  
16 this information is accurate.

17 MS. RUBIN: Yes, Mr. Finger?

18 MR. FINGER: Yeah. I just want to say that I have  
19 avoided personalizing. And I would hope that when I'm  
20 quoted, I'm quoted accurately. You've all heard what  
21 I've said. I never called the New York Times or the Wall  
22 Street Journal fly-by-nights. And I resent being  
23 misquoted. And I'll stand by what words I have and not  
24 by those that Ms. Tamara puts in my -- in my mouth.

25 MR. CHERSON: And I quoted from the New York Times

1 in my presentation.

2 MS. STEWART: So, obviously, some newspaper articles  
3 are acceptable if you quote from them, but somehow if I  
4 quote from them they're not?

5 MR. CHERSON: You know --

6 MR. FINGER: This is demeaning.

7 MR. CHERSON: This is --

8 MR. FINGER: I'm not going to even respond to that.

9 MR. CHERSON: Yeah, this is -- this makes -- this is  
10 not productive to get into that discussion.

11 MS. STEWART: I did not -- I wasn't the one that  
12 made the assertion. You were.

13 MS. RUBIN: Anybody else has any other -- yes, Eddie  
14 May?

15 MS. BARNES: Certainly, our responsibility is not  
16 to -- to be fair with the landlords and with the tenants.  
17 And we're all experiencing hard times now. And we  
18 certainly -- as to rent guideline members, we don't want  
19 to add to people who are homeless. We don't want the  
20 landlords to not be able to do what they have to do. And  
21 I don't know if you remember, but there are a plethora  
22 of -- can you hear me?

23 MS. RUBIN: Yes, we can hear you.

24 UNIDENTIFIED SPEAKER: Yes.

25 UNIDENTIFIED SPEAKER: Uh-huh.

1 MS. BARNES: A couple of the landlords who  
2 presented, they were asked if they were making some  
3 money, and they said yes. And I don't know if other  
4 people remember that being said, but it made me feel  
5 better.

6 And I just really believe that if the landlords  
7 themselves, they're saying, you know, things aren't as  
8 bad as, you know, is being put here. But let's look at  
9 it from both points of view and try to do the best we can  
10 with deciding, you know, what we can do in terms of, you  
11 know, what tenants are going to do and the landlords.

12 MR. FINGER: Hear, hear.

13 MS. RUBIN: All right. Anybody else have any  
14 comment? Not hearing any more comments.

15 MS. ACQUAH: Yes. Yes, I want to say something.

16 MS. RUBIN: Oh, go ahead.

17 MS. ACQUAH: Velene. Velene, yes, yes.

18 MS. RUBIN: Yes.

19 MS. ACQUAH: I really -- yes. I definitely -- I  
20 agree with Eddie Mae. Her point is that we are here to  
21 do the best that we can under the circumstances,  
22 especially -- we're in a crisis right now. We're talking  
23 about -- and we talked about it the last meeting we're in  
24 with the health crisis, rent crisis, income crisis.

25 UNIDENTIFIED SPEAKER: Um-hum.

1 MS. ACQUAH: We have a whole list. So where are --  
2 you know, where -- basically, okay, where society is --  
3 where is our society? Where are the priorities? What  
4 are the priorities? Okay. Do we choose renters let's  
5 say possibly being homeless or do we choose having  
6 landlords make a small profit, let's put it that way,  
7 instead of a large profit? And I don't know another way  
8 of saying that.

9 But, as I said before, I think for me, as a  
10 member -- and looking at the facts, actually, I'm looking  
11 at facts. I'm hearing both sides. I'm hearing the  
12 facts. We're going to talk about who's suffering the  
13 most and who's feeling it the most, who's hurting the  
14 most. And I think we're at that point where we have to  
15 sort of I would say make also some type of moral decision  
16 while we're contemplating what to do with this at this  
17 time.

18 MS. RUBIN: Okay. I want to -- did you finish? I'm  
19 sorry.

20 MS. ACQUAH: Yes, I'm finished.

21 MS. RUBIN: Yes. I just want to say that as board  
22 members, I'm going to ask the -- under the circumstances,  
23 because these are very special circumstances, I'm going  
24 to ask the owners to make reasonable and fair motions ant  
25 to -- same to Ms. Stewart because this is a pandemic, and

1 we are all suffering.

2 And to my colleagues, the public members, I want to  
3 remind you that we are representing both the tenants and  
4 the owners. And we have to remember the small landlords.  
5 And we have to remember the people who don't make a lot  
6 of profit.

7 So with that said, I'm going to --

8 MR. FINGER: Eliot.

9 MR. CHERSON: Yes.

10 MR. FINGER: Eliot has the motion.

11 MS. RUBIN: No. We're not ready for --

12 MS. ACQUAH: No, no motion.

13 MS. RUBIN: -- to make a motion. I just to say -- I  
14 just want to give thanks to each and every one of the  
15 participants who came and time of their busy schedules  
16 during this pandemic to come to testify in front of this  
17 Court. We really appreciate that effort.

18 And once again, I want to thank our counsel, Peter  
19 Stecker, for the tremendous job that he has done and the  
20 rest of the staff. April Gray-Huertas is here and so is  
21 Francis (ph.) is here tonight. Thank you and the rest of  
22 the HCR staff for making possible for us to meet through  
23 this venue which was no easy task. I know that.

24 And again, to my fellow board members for the  
25 passion, dedication, and commitment to this mission that

1 we have been entrusted with.

2 And with that said, I'm going to ask who wants to go  
3 first with the motion. Okay.

4 Mr. Cherson?

5 MR. CHERSON: Okay. I appreciate -- before I say --  
6 before I make my motion, I appreciate very much what  
7 Chairman Rubin just stated. And it says it all, that we  
8 know the landlords -- we represent landlords; Ms. Stewart  
9 represents the tenants and the five public members who  
10 represent the public, which is made up of both. And I'd  
11 ask also, just repeating what Ms. Rubin said, that you  
12 think about both, not just one.

13 Based upon this conversation, the hearings, and all  
14 of the information that's before us, I would propose a  
15 two percent increase for one year and 3.5 for two years.

16 MS. RUBIN: Okay. Peter, do you want to call the  
17 roll for the vote?

18 MR. CHERSON: Need a second.

19 MS. BARNES: Wait, wait, wait, wait.

20 MS. RUBIN: Oh, second.

21 MS. BARNES: The wasn't a --

22 MS. RUBIN: Somebody has to second.

23 MS. BARNES: -- second on that. I didn't hear  
24 anybody second it.

25 MR. FINGER: I second it.

1 MS. RUBIN: Yeah, sorry.

2 MS. BARNES: Oh.

3 MS. RUBIN: Thank you.

4 MS. BARNES: I didn't hear you.

5 MR. FINGER: I was -- I was muted. My apologies.

6 MS. BARNES: Oh, okay.

7 MS. ACQUAH: Yeah. We didn't hear you. Yes.

8 MR. FINGER: It's rare when someone doesn't hear me.

9 Ask my wife.

10 MS. ACQUAH: Oh, dear.

11 MR. FINGER: Or my children.

12 MS. RUBIN: Peter, can you call the roll --

13 MR. STECKER: Okay. Do you want me to call --

14 MS. RUBIN: -- for the vote?

15 MR. STECKER: -- the vote? Okay. So just again,

16 the motion was two percent for one-year leases, 3.5

17 percent for two-year leases, motion made by Eliot

18 Cherson, seconded by Ken Finger.

19 Ken Finger?

20 MR. FINGER: Yes.

21 MR. STECKER: Eliot Cherson?

22 MR. CHERSON: Yes.

23 MR. STECKER: Tamara Stewart?

24 MS. STEWART: No.

25 MR. STECKER: Eddie Mae Barnes?

1 MS. BARNES: No.

2 MR. STECKER: Lamont Badru.

3 MR. BADRU: No.

4 MR. STECKER: Evelyn Santiago?

5 MS. SANTIAGO: No.

6 MR. STECKER: Velene Acquah?

7 MS. ACQUAH: No.

8 MR. STECKER: And Chair Rubin?

9 MS. RUBIN: No.

10 MR. STECKER: Okay. That motions fails with two in  
11 favor and six against.

12 MR. CHERSON: Seven.

13 MR. STECKER: No. There's only eight members on the  
14 board right now.

15 MR. CHERSON: Oh, of course.

16 MS. BARNES: Yes.

17 MS. RUBIN: Ms. Stewart, do you want to go next?

18 MS. STEWART: I would like to make a motion for a  
19 zero percent one-year and zero percent for two-year on  
20 lease renewals.

21 MS. RUBIN: Any second?

22 MS. BARNES: Second.

23 MR. STECKER: Okay. Chair, do you want me to call  
24 the roll?

25 MS. RUBIN: Yes, please.



1 MR. FINGER: Who seconded?

2 MR. STECKER: It was a zero one and two-year motion  
3 made by Tamara Stewart, seconded by Eddie Mae Barnes.

4 So call the roll now?

5 MS. RUBIN: Could you restate the motion just for  
6 clarity, please?

7 MR. STECKER: Sure. It was zero percent for  
8 one-year leases and zero percent for two-year leases.

9 Okay. So Tamara Stewart?

10 MS. STEWART: Yes.

11 MR. STECKER: Eddie Mae Barnes?

12 MS. BARNES: Yes.

13 MR. STECKER: Evelyn Santiago?

14 MS. SANTIAGO: Yes.

15 MR. STECKER: Velene Acquah?

16 MS. ACQUAH: Yes.

17 MR. STECKER: Lamont Badru?

18 MR. BADRU: Yes.

19 MR. STECKER: Ken Finger?

20 MR. FINGER: No.

21 MR. STECKER: Eliot Cherson?

22 MR. CHERSON: No.

23 MR. STECKER: And Chair Rubin?

24 MS. RUBIN: No.

25 MR. STECKER: Okay. That motion passes by a vote of

1 five to three.

2 MS. RUBIN: I think we have a rent guideline for  
3 2020-2021. And if anybody has any comment at this  
4 point --

5 MS. SANTIAGO: I can only -- I would like to explain  
6 my vote if I may. I think that as a public member, I  
7 indeed -- I think it's our responsibility to look at both  
8 sides. And indeed, in my own family, I have people on  
9 both sides. I have people who are renting, and I have  
10 people who are small owners of properties. And it's the  
11 duty of this board to strike a very delicate balance  
12 between the needs of landlords and the needs of tenants  
13 who may be experiencing financial loss.

14 But I believe that -- rather, the landlords may be  
15 experiencing financial loss. But I believe and I know  
16 that, on the tenant side, the needs are more Maslowian,  
17 Maslow needs of food, shelter, clothing, the very basic  
18 needs.

19 MS. BARNES: Medication.

20 MS. SANTIAGO: And so I think that that was why I  
21 made the decision that I made.

22 MS. RUBIN: Thank you, Ms. Santiago.

23 Yes, Ms. Stewart? You wanted to say something?

24 MS. STEWART: I wanted to thank the public members  
25 and appreciate you for recognizing the asymmetry of both

1 resources available to tenants and landlords at an  
2 incredibly difficult time for everyone. I truly hope and  
3 pray that the jobs come back, that, you know, the economy  
4 rebounds much faster than a lot of what's being forecast.

5 And certainly when we reconvene next year, we will  
6 have a lot more information to see whether it did or it  
7 didn't. But there are a lot of people who are hurting  
8 right now and will be for the foreseeable future. And I  
9 wanted to thank you and appreciate you for recognizing  
10 that many tenants have few or no resources to help get  
11 them through this difficult time. So thank you very  
12 much.

13 MS. RUBIN: Thank you, Ms. Stewart.

14 If nobody else has a comment, this meeting is going  
15 to be concluded.

16 MS. ACQUAH: No. I'd like to make a comment.

17 MS. RUBIN: Yes. Yes, Ms. Acquah.

18 MS. ACQUAH: Yes. And I do -- I want to echo what  
19 Ms. Santiago said. It is about the needs. That's what I  
20 have been echoing myself. And I do appreciate the owners  
21 and their presentations. And I would say under, quote,  
22 normal circumstances, you know, the outcome may have been  
23 different. You know, it may have been. But I do  
24 appreciate when there is appreciation for a situation  
25 that calls for it. And that's my comment for the night.

1 Thank you.

2 MS. RUBIN: Thank you. Any more comments? No one  
3 else has a comment?

4 I will ask for a motion to adjourn.

5 MS. BARNES: So moved.

6 MR. BADRU: Second.

7 MS. RUBIN: Second?

8 MR. BADRU: Second.

9 MS. RUBIN: Thank you, everybody. The meeting is  
10 adjourned.

11 MS. ACQUAH: Thank you.

12 MS. RUBIN: Have a good night.

13 [END RECORDING]

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C E R T I F I C A T I O N

1  
2           The prior proceedings were transcribed from audio  
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	27:1;44:1	2:6;36:1;43:1	<b>appreciate (8)</b> 10:4;45:1;46:5,6; 50:2;51:2,2,9	<b>aware (1)</b> 27:1
<b>\$</b>	<b>add (7)</b> 7:3;34:1,1;35:5; 37:7;38:2;42:1	<b>airlines (1)</b> 19:2	<b>appreciation (1)</b> 51:2	<b>B</b>
<b>\$10,000 (3)</b> 35:1,2,2	<b>added (5)</b> 11:1;13:1;33:1,1; 36:2	<b>Alba (8)</b> 21:2,2;22:2,4,5;31:2; 32:5;33:3	<b>approved (3)</b> 17:2;29:2;30:2	<b>back (20)</b> 9:1;17:3;21:1;23:1; 26:1;29:1,1;32:1;33:2, 2,2;34:2,6,7,7;35:4,7,8; 41:5;51:3
<b>\$100 (1)</b> 27:1	<b>addition (3)</b> 8:9;19:6;29:1	<b>Albany (1)</b> 25:1	<b>April (5)</b> 7:1;28:2;31:2;32:1; 45:2	<b>backed (3)</b> 8:1;10:2;19:1
<b>\$2 (3)</b> 8:1;19:1;20:3	<b>additional (3)</b> 7:2;13:1,2	<b>Alba's (2)</b> 21:2;32:1	<b>arguments (1)</b> 32:4	<b>backs (1)</b> 39:1
<b>\$200,000 (1)</b> 35:1	<b>address (2)</b> 27:2;31:1	<b>allegations (2)</b> 18:1;33:5	<b>arrangements (1)</b> 7:2	<b>bad (1)</b> 43:8
<b>\$45 (1)</b> 8:1	<b>addressing (1)</b> 30:2	<b>allowed (1)</b> 29:8	<b>article (11)</b> 5:1;11:1,3;17:1; 19:1;28:2;29:2;30:2,2, 5;31:2	<b>BADRU (8)</b> 3:1,1;48:2,3;49:1,1; 52:6,8
<b>\$454 (2)</b> 19:1;20:1	<b>adjourn (1)</b> 52:4	<b>allows (1)</b> 2:1	<b>articles (8)</b> 31:1,1,1;35:2;38:1,1; 39:1;42:2	<b>balance (1)</b> 50:1
<b>\$600 (1)</b> 18:1	<b>adjourned (1)</b> 52:1	<b>almost (3)</b> 23:6;24:2;40:5	<b>asserting (1)</b> 7:2	<b>ball (1)</b> 21:1
<b>\$700 (1)</b> 18:1	<b>adjustment (1)</b> 2:1	<b>although (2)</b> 8:5;12:3	<b>assertion (2)</b> 29:2;42:1	<b>Band-Aids (1)</b> 14:2
<b>\$800 (3)</b> 18:1,1,2	<b>adjustments (1)</b> 3:1	<b>always (2)</b> 33:1;34:1	<b>assertions (3)</b> 39:1,1,7	<b>bank (7)</b> 13:1,1,1;17:1,1,1; 34:2
<b>[</b>	<b>Administration (2)</b> 2:2;23:1	<b>among (2)</b> 4:2;22:2	<b>assessment (2)</b> 6:1,1	<b>banks (8)</b> 12:2;13:1,1,1;14:1; 17:1;35:1;41:1
<b>[END (1)</b> 52:1	<b>administrative (2)</b> 20:1;21:4	<b>amortized (1)</b> 33:1	<b>assets (3)</b> 8:7;9:1,9	<b>bar (1)</b> 41:1
<b>[START (1)</b> 2:1	<b>administrators (1)</b> 20:9	<b>amount (2)</b> 15:1;35:4	<b>assistance (12)</b> 7:2;8:1,1,2;11:5; 19:2;25:7;27:1;29:4; 30:4;31:1,6	<b>Barnes (20)</b> 3:1,1;11:7;42:1; 43:1;46:1,2,2;47:2,2,4, 6,4;48:1,1,2;49:1,1,3; 50:1;52:5
<b>A</b>	<b>adopted (1)</b> 28:6	<b>analysis (1)</b> 21:2	<b>Assistant (1)</b> 21:2	<b>Based (5)</b> 23:5;30:9;39:2,6; 46:1
<b>ability (1)</b> 3:1	<b>adopts (1)</b> 4:9	<b>analyze (1)</b> 22:9	<b>Association (1)</b> 41:9	<b>basic (1)</b> 50:1
<b>able (6)</b> 8:6;29:9;30:1;39:1; 40:7;42:2	<b>advance (1)</b> 35:1	<b>announcements (1)</b> 4:5	<b>associations (1)</b> 41:1	<b>basically (6)</b> 20:1,1,8;35:2;36:2; 44:2
<b>acceptable (1)</b> 42:3	<b>advantage (1)</b> 6:1	<b>ant (1)</b> 44:2	<b>asymmetry (1)</b> 50:2	<b>bathrooms (2)</b> 14:2;15:2
<b>accepting (1)</b> 38:1	<b>advent (2)</b> 6:2,2	<b>anymore (4)</b> 13:2;14:3;35:1,2	<b>attempting (1)</b> 17:2	<b>battle (1)</b> 9:2
<b>access (4)</b> 8:9;9:8;11:1;18:2	<b>advocates (1)</b> 5:6	<b>apartment (3)</b> 15:1,2,2	<b>attorney (2)</b> 20:1,1	<b>bear (1)</b> 16:1
<b>accommodations (1)</b> 2:1	<b>affected (1)</b> 5:2	<b>apartments (12)</b> 14:2;15:1,1,2;18:1,1, 1,1,1,1,1,2	<b>attractive (2)</b> 16:7;29:1	<b>became (3)</b> 15:2;17:1;19:2
<b>according (2)</b> 6:1;20:1	<b>affects (1)</b> 6:2	<b>apologies (1)</b> 47:5	<b>audio (1)</b> 10:7	<b>becomes (1)</b> 8:1
<b>accurate (3)</b> 21:2;28:1;41:1	<b>affirms (1)</b> 32:9	<b>appear (2)</b> 20:1;21:7	<b>available (11)</b> 8:1;11:4,6;17:2;29:4, 5;30:1;35:1,1;37:1; 51:1	<b>beginning (2)</b> 2:7;26:2
<b>accurately (1)</b> 41:2	<b>afford (2)</b> 23:2;30:1	<b>appearance (1)</b> 20:2	<b>avalanche (1)</b> 20:7	<b>behalf (1)</b> 27:1
<b>acknowledge (1)</b> 22:2	<b>affordable (6)</b> 6:1;23:1,1,2,7,9	<b>appears (1)</b> 2:6	<b>avenue (1)</b> 30:1	<b>below (1)</b> 18:1
<b>Acquah (25)</b> 3:1,1;36:1,1,1,1; 37:1,3,6;43:1,1,1;44:1, 2;45:1;47:1,7;48:6,7; 49:1,1;51:1,1,1;52:1	<b>again (9)</b> 11:2;18:1;19:1,2; 34:1;40:1;45:1,2;47:1	<b>applicant (1)</b> 36:2	<b>avoided (1)</b> 41:1	<b>benefits (3)</b>
<b>Act (8)</b> 2:1;8:1;10:2;19:9; 29:1,2;30:2;31:7	<b>against (3)</b> 9:3,7;48:1	<b>application (1)</b> 35:2		
<b>actions (1)</b> 10:8	<b>ago (2)</b> 16:3;17:1	<b>applied (1)</b> 35:1		
<b>actually (2)</b>	<b>agree (3)</b> 22:2;38:1;43:2	<b>apply (5)</b> 20:2;29:1,6,7,9		
	<b>agreement (1)</b> 41:4	<b>appointed (6)</b> 24:1,1,1,2,2,9		
	<b>ahead (3)</b>	<b>appointment (1)</b> 25:2		

<p>7:1;8:1;19:1 <b>best (3)</b> 9:1;43:2,9 <b>better (2)</b> 8:1;43:5 <b>Beyond (4)</b> 8:1;17:2;23:4;35:1 <b>big (1)</b> 19:2 <b>Bill (6)</b> 24:1;27:1,9;31:3; 37:1,1 <b>billion (8)</b> 8:1;17:1,1;19:1,1; 20:1;29:5;37:1 <b>billions (2)</b> 19:1,2 <b>bills (2)</b> 16:1;25:1 <b>bit (1)</b> 39:2 <b>black (3)</b> 6:2;8:2,2 <b>Blasio (2)</b> 17:7;24:1 <b>Board (23)</b> 2:1,4;4:7,9;5:3;6:1; 11:2;14:1;16:1,1;24:1, 1,6,9;25:8;27:1;28:6; 32:1;33:1;44:2;45:2; 48:1;50:1 <b>Boards (1)</b> 6:1 <b>borrowing (1)</b> 35:1 <b>both (11)</b> 5:2;28:1;33:1;43:9; 44:1;45:3;46:1,1;50:2, 7,9 <b>bottom (1)</b> 6:7 <b>break (3)</b> 10:7;25:2;39:1 <b>bridge (1)</b> 19:1 <b>bring (2)</b> 20:2;40:1 <b>broadband (1)</b> 9:8 <b>brokers (1)</b> 41:1 <b>Bronzman (1)</b> 41:9 <b>brought (4)</b> 2:5;23:4;24:3;28:2 <b>brutally (1)</b> 8:2 <b>budget (1)</b> 5:2 <b>build (3)</b> 23:1,1;24:1 <b>building (9)</b> 10:5;13:1,2;14:1,3;</p>	<p>15:7;17:6;23:1;34:2 <b>buildings (14)</b> 12:2;13:2,3,3,7;14:5, 8;15:1;16:6;17:4;24:1; 30:1,1;41:1 <b>building-wide (1)</b> 14:1 <b>bullet (1)</b> 5:1 <b>bullets (1)</b> 10:2 <b>bump (1)</b> 16:2 <b>bunch (1)</b> 28:1 <b>bunk (1)</b> 19:1 <b>burden (2)</b> 23:2,2 <b>burdens (1)</b> 13:2 <b>business (3)</b> 12:1;14:3;26:2 <b>businesses (3)</b> 29:7,9;35:1 <b>busy (1)</b> 45:1 <b>buyer (4)</b> 14:1;15:7,8,8 <b>buyers (2)</b> 14:4,5</p>	<p><b>capitalization (1)</b> 17:1 <b>care (3)</b> 12:1,2,2 <b>CARES (2)</b> 10:2;29:1 <b>case (3)</b> 20:1;21:1;23:1 <b>cases (1)</b> 40:2 <b>catch (1)</b> 7:8 <b>category (1)</b> 13:6 <b>cause (2)</b> 15:1,1 <b>certainly (9)</b> 30:2;31:2;32:7;34:3, 6;40:1;42:1,1;51:5 <b>certify (1)</b> 4:9 <b>cetera (4)</b> 14:1,2,6;15:4 <b>Chair (4)</b> 3:3;48:2,8;49:2 <b>Chairman (1)</b> 46:7 <b>chairperson (1)</b> 24:1 <b>Chairwoman (2)</b> 5:3;27:1 <b>challenged (1)</b> 8:4 <b>changed (1)</b> 6:6 <b>changes (1)</b> 13:2 <b>charge (1)</b> 29:1 <b>charges (1)</b> 25:2 <b>chart (2)</b> 21:2;28:3 <b>Chase (1)</b> 13:1 <b>check (1)</b> 37:2 <b>Cherson (48)</b> 3:1,2;4:2;11:1,1,2; 22:1,1;26:2;27:1,2,3; 28:2;31:2;32:1,1,2,2,9; 34:1,1,1;35:1,1,2;36:1, 7;38:1,2,2,2;39:2,2; 41:2;42:5,7,9;45:9; 46:1,4,5;47:1,2,2;48:1, 1;49:2,2 <b>Cherson's (1)</b> 27:2 <b>children (1)</b> 47:1 <b>chin (1)</b> 26:1 <b>CHIP (1)</b></p>	<p>41:1 <b>choice (1)</b> 9:1 <b>choose (2)</b> 44:4,5 <b>chosen (1)</b> 30:1 <b>circumstances (7)</b> 8:1,5;9:1;43:2;44:2, 2;51:2 <b>cited (4)</b> 18:2,6,7;19:4 <b>cites (1)</b> 19:1 <b>cities (1)</b> 25:2 <b>city (19)</b> 5:2,2;9:1,2;12:2; 20:1;23:1,8;24:1,1,5,6, 8;25:1,1,1,1,1;26:2;40:3 <b>City's (1)</b> 5:2 <b>claim (1)</b> 39:1 <b>claiming (1)</b> 39:3 <b>claims (3)</b> 20:6;22:2,2 <b>clarity (1)</b> 49:6 <b>cleaning (1)</b> 13:3 <b>clear (1)</b> 17:2 <b>Clearly (2)</b> 6:1;8:1 <b>client (1)</b> 26:1 <b>clients (4)</b> 12:1,1;13:1;26:6 <b>closed (2)</b> 26:1,2 <b>clothing (1)</b> 50:1 <b>coat (1)</b> 15:1 <b>colleagues (2)</b> 39:3;45:2 <b>color (1)</b> 17:9 <b>column (3)</b> 33:1,1,1 <b>combat (1)</b> 8:8 <b>combined (1)</b> 17:1 <b>comfortably (1)</b> 30:1 <b>coming (1)</b> 37:2 <b>commencing (1)</b> 2:1 <b>comment (6)</b></p>	<p>43:1;50:3;51:1,1,2; 52:3 <b>comments (3)</b> 31:1;43:1;52:2 <b>commercial (2)</b> 26:1,5 <b>Commissioner (1)</b> 21:2 <b>commitment (1)</b> 45:2 <b>communities (1)</b> 9:2 <b>Community (2)</b> 17:1,1 <b>compared (1)</b> 6:2 <b>compelling (1)</b> 8:1 <b>complaints (2)</b> 5:6;36:1 <b>concern (1)</b> 31:2 <b>concerning (2)</b> 16:2;18:1 <b>concerns (2)</b> 7:1;30:2 <b>concluded (1)</b> 51:1 <b>condition (2)</b> 37:2,2 <b>conditions (1)</b> 13:2 <b>conducting (1)</b> 2:1 <b>conference (3)</b> 20:1,1,2 <b>confirmed (1)</b> 32:6 <b>confirming (1)</b> 21:2 <b>confirms (1)</b> 32:8 <b>consider (1)</b> 5:1 <b>consideration (1)</b> 9:2 <b>considering (1)</b> 34:7 <b>constantly (1)</b> 40:5 <b>contemplating (1)</b> 44:1 <b>contentions (1)</b> 32:7 <b>continued (1)</b> 28:1 <b>contracting (1)</b> 7:6 <b>contrary (1)</b> 5:1 <b>conversation (1)</b> 46:1 <b>coronavirus (4)</b></p>
	<b>C</b>			

5:1;6:2;8:8;9:2 <b>corporations (3)</b> 19:2,2,2 <b>correctly (1)</b> 34:1 <b>cost (10)</b> 6:1,8;16:1,2;21:2; 33:1,1,1,1,2 <b>costs (1)</b> 41:3 <b>cost-to-income (1)</b> 27:2 <b>counsel (5)</b> 4:4;5:4;20:1;41:8; 45:1 <b>counted (1)</b> 5:1 <b>counterproductive (1)</b> 13:9 <b>country (1)</b> 23:1 <b>country's (1)</b> 8:2 <b>County (12)</b> 2:1,4;8:1;12:2;18:1, 2;23:1,7,9;28:3;39:1; 40:4 <b>couple (4)</b> 27:2;31:1,1;43:1 <b>course (2)</b> 16:1;48:1 <b>courses (1)</b> 39:1 <b>court (9)</b> 20:1,1,9;24:2;26:1; 40:1,2,2;45:1 <b>courts (5)</b> 12:2;20:8;21:3;26:2; 40:1 <b>COVID (8)</b> 13:1;16:1;25:1;26:1, 2,7;27:1;40:1 <b>COVID-19 (5)</b> 2:1;6:2;7:6;8:2,3 <b>COVID-free (1)</b> 13:5 <b>cracks (1)</b> 31:5 <b>create (1)</b> 22:9 <b>created (2)</b> 8:2,2 <b>credible (2)</b> 39:1,5 <b>credit (2)</b> 37:2,4 <b>crisis (5)</b> 30:9;43:2,2,2,2 <b>critical (1)</b> 6:1 <b>crystal (1)</b> 21:1 <b>cumulatively (1)</b>	4:1 <b>Cuomo's (1)</b> 21:4 <b>current (3)</b> 8:1,4;9:1 <b>cut (3)</b> 17:3;23:1;39:1 <b>cutting (1)</b> 9:5	<b>demeaning (1)</b> 42:6 <b>depends (1)</b> 38:1 <b>depreciation (5)</b> 5:1;22:2;28:1,2;33:1 <b>Depression (1)</b> 6:2 <b>Deputy (1)</b> 5:4 <b>deregulation (1)</b> 17:2 <b>deserve (1)</b> 9:2 <b>designates (1)</b> 24:1 <b>designed (1)</b> 30:2 <b>despite (2)</b> 5:1;25:5 <b>detail (1)</b> 11:5 <b>determine (1)</b> 39:1 <b>detriment (2)</b> 15:2;40:1 <b>detrimental (1)</b> 13:9 <b>detriments (1)</b> 15:1 <b>DHCR (1)</b> 5:7 <b>die (1)</b> 7:7 <b>different (4)</b> 32:7,8;35:1;51:2 <b>difficult (2)</b> 51:1,2 <b>difficulty (1)</b> 37:1 <b>Dime (1)</b> 17:1 <b>dip (1)</b> 16:2 <b>dire (1)</b> 9:1 <b>direct (1)</b> 10:2 <b>directive (1)</b> 2:8 <b>directly (1)</b> 31:7 <b>discrimination (2)</b> 8:2;10:6 <b>discussed (1)</b> 41:1 <b>discussing (1)</b> 35:1 <b>discussion (4)</b> 10:1,1;37:8;42:1 <b>disease (1)</b> 7:7 <b>disgusted (1)</b>	15:5 <b>dismiss (1)</b> 5:1 <b>disputed (1)</b> 32:5 <b>distinction (1)</b> 7:4 <b>distress (1)</b> 17:5 <b>distressing (1)</b> 39:2 <b>document (2)</b> 33:3;39:1 <b>dollars (5)</b> 19:1;29:5;35:5;37:1, 1 <b>done (8)</b> 14:2;15:2,2;23:7; 27:1;29:2;32:1;45:1 <b>door (2)</b> 40:2,2 <b>doors (2)</b> 14:2;15:2 <b>Double-digit (1)</b> 6:2 <b>doubt (2)</b> 23:2,8 <b>down (2)</b> 6:8;26:3 <b>dubious (1)</b> 7:4 <b>due (4)</b> 13:1;14:1;15:2;25:2 <b>during (3)</b> 4:1;9:2;45:1 <b>duty (1)</b> 50:1	<b>education (1)</b> 9:8 <b>effective (1)</b> 29:2 <b>effort (2)</b> 2:9;45:1 <b>EIDL (4)</b> 8:1;19:1;20:3;35:1 <b>eight (1)</b> 48:1 <b>either (4)</b> 6:1;30:8;31:2;39:9 <b>electric (1)</b> 14:1 <b>elevator (1)</b> 34:1 <b>elevators (1)</b> 14:1 <b>eligible (4)</b> 29:1,6,7;36:2 <b>elimination (1)</b> 15:3 <b>Eliot (12)</b> 3:1,1,2;11:1;37:9; 38:2,2;45:1,8;47:1,2; 49:2 <b>ELSA (5)</b> 3:5;4:2;27:6;35:1; 36:1 <b>else (11)</b> 11:1,1;25:2;27:2; 31:1;34:1;37:7;42:1; 43:1;51:1;52:3 <b>email (1)</b> 32:1 <b>emailed (1)</b> 32:1 <b>Emergency (2)</b> 2:1;7:2 <b>emulate (1)</b> 23:2 <b>enabling (1)</b> 7:1 <b>end (2)</b> 7:5;31:8 <b>end-all (1)</b> 17:2 <b>endorsing (1)</b> 22:2 <b>ends (1)</b> 5:1 <b>engage (1)</b> 9:2 <b>enhanced (2)</b> 7:1;11:1 <b>enjoying (1)</b> 6:4 <b>enough (3)</b> 31:3,3;34:7 <b>entity (1)</b> 23:1 <b>entrusted (1)</b> 46:1
	<b>D</b>			
	<b>data (7)</b> 16:1;31:1;39:1,1,1,2, 6 <b>date (1)</b> 20:2 <b>dated (3)</b> 16:4,9;28:2 <b>daunting (1)</b> 8:1 <b>Day (1)</b> 28:2 <b>days (1)</b> 38:1 <b>de (2)</b> 17:7;24:1 <b>Deal (6)</b> 17:1,1;31:2;41:1,1,9 <b>dear (1)</b> 47:1 <b>death (2)</b> 7:9;14:1 <b>debate (1)</b> 4:2 <b>debt (5)</b> 30:1;34:1,1,2;36:2 <b>decades (1)</b> 15:1 <b>decent (1)</b> 12:1 <b>deciding (1)</b> 43:1 <b>decision (2)</b> 44:1;50:2 <b>decisions (2)</b> 25:1;31:2 <b>dedication (1)</b> 45:2 <b>deduction (1)</b> 16:2 <b>deeply (1)</b> 12:1 <b>default (2)</b> 21:6,8 <b>deferred (1)</b> 8:1 <b>definitely (2)</b> 31:4;43:1 <b>delays (3)</b> 40:1,1,1 <b>delicate (1)</b> 50:1			
				<b>E</b>
			<b>earlier (1)</b> 5:1 <b>earliest (1)</b> 20:1 <b>earning (1)</b> 16:6 <b>easily (1)</b> 35:2 <b>easy (1)</b> 45:2 <b>echo (1)</b> 51:1 <b>echoing (1)</b> 51:2 <b>economic (3)</b> 5:2;8:2,5 <b>economy (4)</b> 5:1;6:2;10:1;51:3 <b>Eddie (7)</b> 3:1,1;42:1;43:2; 47:2;49:1,3 <b>editorial (2)</b> 16:4,9	



<p><b>epidemic (1)</b> 13:1</p> <p><b>equal (1)</b> 6:1</p> <p><b>equitable (1)</b> 30:3</p> <p><b>especially (1)</b> 43:2</p> <p><b>essential (3)</b> 7:1,4;10:4</p> <p><b>estate (6)</b> 8:1;11:2;12:1;16:7; 25:1;29:1</p> <p><b>et (4)</b> 14:1,2,6;15:4</p> <p><b>ETPA (4)</b> 9:2,2;10:5;18:1</p> <p><b>EVELYN (7)</b> 3:2,2;10:1;37:1,8; 48:4;49:1</p> <p><b>Even (16)</b> 6:2;7:6,9;11:1;14:7; 15:7,9;20:2,9;26:1; 31:2,9;34:3;35:3,6; 42:8</p> <p><b>evening (6)</b> 2:2,3;5:4;1;5:3;11:1, 2</p> <p><b>events (2)</b> 5:2;15:6</p> <p><b>Everybody (8)</b> 3:6;24:6;26:1;31:4; 32:1,2;37:2;52:9</p> <p><b>everyone (3)</b> 4:6;11:1;51:2</p> <p><b>evicted (2)</b> 20:2;31:9</p> <p><b>evictions (2)</b> 7:2;20:7</p> <p><b>evidence (1)</b> 5:1</p> <p><b>exact (2)</b> 15:1;40:2</p> <p><b>example (2)</b> 25:1;34:2</p> <p><b>except (1)</b> 13:2</p> <p><b>exceptions (1)</b> 12:1</p> <p><b>excluding (1)</b> 28:2</p> <p><b>excuse (1)</b> 9:9</p> <p><b>Executive (1)</b> 2:1</p> <p><b>exist (6)</b> 13:1;20:2,5;21:1; 25:3,9</p> <p><b>existed (1)</b> 21:1</p> <p><b>existing (1)</b> 36:2</p> <p><b>exists (4)</b></p>	<p>14:7;16:2;19:1;36:2</p> <p><b>expand (2)</b> 9:1;10:2</p> <p><b>expectation (1)</b> 30:1</p> <p><b>expected (2)</b> 6:1;7:2</p> <p><b>expenses (3)</b> 5:1,9;32:2</p> <p><b>experience (3)</b> 12:3;39:2;40:2</p> <p><b>experiences (1)</b> 11:2</p> <p><b>experiencing (3)</b> 42:1;50:1,1</p> <p><b>expertise (1)</b> 12:3</p> <p><b>expire (1)</b> 7:1</p> <p><b>explain (1)</b> 50:5</p> <p><b>explanatory (4)</b> 21:2;28:1,1;32:1</p> <p><b>exposed (1)</b> 8:2</p> <p><b>extensive (1)</b> 16:1</p> <p><b>extrapolate (1)</b> 18:1</p> <p><b>extremely (1)</b> 9:2</p>	<p><b>far (6)</b> 6:1;8:1,5;13:6;23:2; 25:9</p> <p><b>faster (1)</b> 51:4</p> <p><b>Father's (1)</b> 28:2</p> <p><b>fault (1)</b> 30:1</p> <p><b>favor (2)</b> 8:1;48:1</p> <p><b>Federal (11)</b> 7:1;8:1,1,9;19:1,1,1, 2,9;24:2;37:2</p> <p><b>federally (3)</b> 8:1;10:2;19:1</p> <p><b>feel (1)</b> 43:4</p> <p><b>feeling (1)</b> 44:1</p> <p><b>fees (2)</b> 40:1;41:2</p> <p><b>fellow (2)</b> 5:3;45:2</p> <p><b>few (14)</b> 4:1;11:2;13:1;18:1; 23:6;24:1;29:3;35:2,5; 40:1,2,3;41:1;51:1</p> <p><b>fifth (1)</b> 9:1</p> <p><b>figure (3)</b> 18:1,2;34:1</p> <p><b>figures (1)</b> 22:2</p> <p><b>final (2)</b> 2:4;4:7</p> <p><b>finally (1)</b> 30:1</p> <p><b>financial (7)</b> 12:2;13:1;17:5;25:7; 27:1;50:1,1</p> <p><b>financially (3)</b> 7:1;16:1;30:7</p> <p><b>financing (1)</b> 34:8</p> <p><b>find (7)</b> 12:6;14:1;15:7,8,9; 29:1;39:2</p> <p><b>finding (1)</b> 31:1</p> <p><b>fine (2)</b> 4:2;22:1</p> <p><b>FINGER (35)</b> 3:2,2;12:3,9;16:2; 21:2;27:6,8;30:2;31:1, 1;32:1,2;33:1,1;37:1; 38:1,6;41:1,1;42:6,8; 43:1;45:1,8;46:2;47:1, 1,1,2,5,8;49:1,1,2</p> <p><b>Finger's (1)</b> 22:5</p> <p><b>finish (2)</b> 22:1;44:1</p>	<p><b>finished (1)</b> 44:2</p> <p><b>fire (1)</b> 15:8</p> <p><b>firm (2)</b> 4:1;40:1</p> <p><b>first (15)</b> 4:1,2,2,2;6:5;11:2; 13:6;16:2;20:2;27:2; 28:1,5;37:8;38:2;46:3</p> <p><b>five (4)</b> 4:1;24:1;46:9;50:1</p> <p><b>fixed (1)</b> 6:1</p> <p><b>fixed-income (1)</b> 9:1</p> <p><b>Flexibility (2)</b> 8:1;19:9</p> <p><b>floors (2)</b> 14:2;15:2</p> <p><b>fly-by-night (1)</b> 39:4</p> <p><b>fly-by-nights (1)</b> 41:2</p> <p><b>Folks (2)</b> 24:4;29:1</p> <p><b>following (2)</b> 12:2;14:1</p> <p><b>food (1)</b> 50:1</p> <p><b>footnote (2)</b> 19:3,5</p> <p><b>forbearance (2)</b> 8:1;19:1</p> <p><b>forced (1)</b> 19:2</p> <p><b>forecast (1)</b> 51:4</p> <p><b>foreseeable (3)</b> 21:1,3;51:8</p> <p><b>forever (1)</b> 40:2</p> <p><b>forget (1)</b> 8:1</p> <p><b>forgive (1)</b> 24:8</p> <p><b>forgiven (1)</b> 7:1</p> <p><b>forgiveness (2)</b> 19:8;25:1</p> <p><b>form (2)</b> 31:2,2</p> <p><b>forth (1)</b> 32:7</p> <p><b>found (2)</b> 29:1;35:1</p> <p><b>four (5)</b> 6:1,5;9:2;12:2;32:3</p> <p><b>Francis (1)</b> 45:2</p> <p><b>freeze (8)</b> 6:3;8:1,9;1;16:1,1,1; 24:5,5</p>	<p><b>front (1)</b> 45:1</p> <p><b>frozen (1)</b> 9:1</p> <p><b>fun (1)</b> 13:7</p> <p><b>funded (2)</b> 27:1;37:2</p> <p><b>funds (9)</b> 11:1;12:1,2,2;13:9; 31:7;34:2;36:2;37:1</p> <p><b>future (3)</b> 21:1,3;51:8</p>
	<b>F</b>		<b>G</b>	
	<p><b>FA (1)</b> 29:8</p> <p><b>faced (1)</b> 7:2</p> <p><b>facing (1)</b> 8:1</p> <p><b>fact (7)</b> 28:1;30:2;32:1,5; 33:6;38:1;39:2</p> <p><b>factors (1)</b> 10:1</p> <p><b>facts (6)</b> 5:1;6:2;8:1;44:1,1,1</p> <p><b>fails (3)</b> 21:7,8;48:1</p> <p><b>fair (2)</b> 42:1;44:2</p> <p><b>fake (1)</b> 5:1</p> <p><b>fall (2)</b> 31:5;38:5</p> <p><b>falling (1)</b> 17:5</p> <p><b>families (1)</b> 8:2</p> <p><b>family (3)</b> 12:2;13:9;50:8</p> <p><b>fantasy (2)</b> 20:4,4</p>	<p><b>game (2)</b> 10:2;29:1</p> <p><b>gap (1)</b> 9:7</p> <p><b>gas (1)</b> 14:1</p> <p><b>gave (2)</b> 16:2;36:3</p> <p><b>general (2)</b> 9:3;14:2</p> <p><b>Genevieve (2)</b> 28:1,4</p> <p><b>gentlemen (1)</b> 39:9</p> <p><b>gets (4)</b> 21:9;30:5;40:2;41:1</p> <p><b>given (1)</b> 35:2</p> <p><b>gives (3)</b> 34:2,2,2</p> <p><b>giving (1)</b> 36:3</p> <p><b>goal (1)</b> 20:1</p> <p><b>goes (5)</b> 25:2,2;26:7;27:1,1</p> <p><b>Good (9)</b> 2:2;3:5;5:3;11:1,2; 22:7;29:2;30:2;52:1</p> <p><b>government (8)</b> 7:2;16:5;19:2,9;23:1, 1,1,2</p> <p><b>Governor's (1)</b> 2:8</p> <p><b>Grandma (2)</b> 15:1,2</p> <p><b>grandpa (3)</b> 15:1,2;34:2</p> <p><b>Granted (1)</b> 29:1</p> <p><b>grants (1)</b> 10:1</p> <p><b>Gray-Huertas (1)</b> 45:2</p> <p><b>Great (5)</b> 6:2;14:2,3;32:2;38:1</p> <p><b>greater (1)</b></p>		

35:6 <b>greatest (1)</b> 25:1 <b>Greenberg (1)</b> 28:2 <b>groups (1)</b> 6:1 <b>guarantee (1)</b> 31:8 <b>guess (3)</b> 18:2;20:1,1 <b>guideline (4)</b> 2:1;29:1;42:1;50:2 <b>Guidelines (9)</b> 2:1,4;4:7,9;6:1;16:1; 24:8;28:1;38:5 <b>Gulsker (1)</b> 28:2 <b>Guy (7)</b> 21:2,2;22:2,2,4;23:2; 24:1 <b>guys (1)</b> 36:2	43:1,1;46:2;47:4,7,8 <b>heard (6)</b> 5:5;13:1;19:1;20:1; 22:2;41:2 <b>hearing (4)</b> 2:2;43:1;44:1,1 <b>hearings (5)</b> 2:1,2;9:2;24:1;46:1 <b>heartening (1)</b> 7:2 <b>heating (2)</b> 6:8;14:1 <b>hefty (1)</b> 22:2 <b>heightened (1)</b> 6:9 <b>help (3)</b> 8:7;17:8;51:1 <b>heroes (1)</b> 10:5 <b>hesitancy (1)</b> 38:1 <b>Hey (2)</b> 35:6;36:2 <b>Hi (1)</b> 27:2 <b>high (3)</b> 6:9;7:1;26:2 <b>higher (3)</b> 6:1;7:2,5 <b>highlight (1)</b> 5:1 <b>highly (1)</b> 39:2 <b>high-quality (1)</b> 8:6 <b>hikes (1)</b> 17:2 <b>himself (1)</b> 33:5 <b>hindered (1)</b> 8:2 <b>hit (2)</b> 6:2;16:1 <b>Hold (1)</b> 3:2 <b>home (1)</b> 8:6 <b>homeless (2)</b> 42:1;44:5 <b>homelessness (1)</b> 7:2 <b>honest (1)</b> 31:3 <b>hope (2)</b> 41:1;51:2 <b>hopefully (2)</b> 34:1;37:2 <b>hoping (1)</b> 22:1 <b>housing (15)</b> 2:1;6:1,1;8:2;9:1,1; 10:6;12:1,1;17:1;23:1,	1,2,8,9 <b>How's (1)</b> 27:3 <b>HSTPA (7)</b> 6:6;9:3;12:8;13:1,1; 18:5;30:1 <b>huge (2)</b> 19:2;26:2 <b>hundred (2)</b> 35:5;40:1 <b>hurt (1)</b> 40:1 <b>hurting (3)</b> 16:1;44:1;51:7	21:2;22:2 <b>including (2)</b> 28:1,1 <b>income (18)</b> 5:8;6:1,4;9:1;10:1; 12:2;13:6;16:2;24:2; 25:1,1;27:1;28:4;29:1; 32:3;37:2;38:7;43:2 <b>increase (10)</b> 5:1;6:1,1;9:1;17:2; 24:1,1;29:1;38:2;46:1 <b>increases (5)</b> 6:1;9:1;10:1;15:4; 29:1 <b>incredibly (1)</b> 51:2 <b>indeed (2)</b> 50:7,8 <b>indefinitely (2)</b> 10:3;29:1 <b>independent (1)</b> 5:2 <b>indiscernible (2)</b> 26:2;38:1 <b>industry (1)</b> 11:2 <b>inequalities (1)</b> 8:2 <b>inequality (1)</b> 9:1 <b>inflating (1)</b> 29:1 <b>influence (1)</b> 25:1 <b>information (11)</b> 27:8;28:1,1,2;29:1; 39:5,6;41:1,1,4;46:1; 51:6 <b>inherited (2)</b> 9:1,9 <b>initially (2)</b> 11:1;28:5 <b>injury (1)</b> 7:3 <b>injustices (1)</b> 8:2 <b>instead (1)</b> 44:7 <b>institutions (1)</b> 12:2 <b>Instructions (1)</b> 2:2 <b>insulate (1)</b> 24:2 <b>insult (1)</b> 7:3 <b>insurance (2)</b> 7:8;8:7 <b>intended (1)</b> 19:7 <b>interest (6)</b> 5:9;22:1;25:2;28:1, 2;33:1	<b>interject (1)</b> 33:7 <b>into (7)</b> 9:5;10:1;11:5;12:2; 17:5;20:2;42:1 <b>investment (2)</b> 9:6;16:7 <b>investments (1)</b> 8:7 <b>iota (1)</b> 9:5 <b>Ironically (1)</b> 17:5 <b>issue (1)</b> 31:2 <b>issued (1)</b> 21:2 <b>items (1)</b> 18:1
<b>H</b>		<b>I</b>		<b>J</b>
<b>half (2)</b> 6:9;23:1 <b>hammer (1)</b> 21:1 <b>handouts (1)</b> 18:2 <b>happen (3)</b> 13:1;21:1;23:2 <b>happened (1)</b> 13:1 <b>happens (2)</b> 40:2,2 <b>hard (2)</b> 24:1;42:1 <b>hardest (1)</b> 6:2 <b>harm (1)</b> 17:2 <b>harmful (1)</b> 9:1 <b>havoc (1)</b> 6:2 <b>HCR (2)</b> 29:2;45:2 <b>HCR's (1)</b> 2:2 <b>heading (1)</b> 7:1 <b>health (7)</b> 5:1,2;7:6,8;8:6;13:1; 43:2 <b>healthcare (2)</b> 8:2;10:5 <b>healthy (2)</b> 6:7;9:5 <b>hear (11)</b> 3:7;5:6;26:9;42:2,2;	27:2 <b>high (3)</b> 6:9;7:1;26:2 <b>higher (3)</b> 6:1;7:2,5 <b>highlight (1)</b> 5:1 <b>highly (1)</b> 39:2 <b>high-quality (1)</b> 8:6 <b>hikes (1)</b> 17:2 <b>himself (1)</b> 33:5 <b>hindered (1)</b> 8:2 <b>hit (2)</b> 6:2;16:1 <b>Hold (1)</b> 3:2 <b>home (1)</b> 8:6 <b>homeless (2)</b> 42:1;44:5 <b>homelessness (1)</b> 7:2 <b>honest (1)</b> 31:3 <b>hope (2)</b> 41:1;51:2 <b>hopefully (2)</b> 34:1;37:2 <b>hoping (1)</b> 22:1 <b>housing (15)</b> 2:1;6:1,1;8:2;9:1,1; 10:6;12:1,1;17:1;23:1,	<b>I'm (1)</b> 3:2 <b>IAIs (6)</b> 10:3;15:4;29:1,2,2; 33:1 <b>idea (2)</b> 14:4;38:1 <b>ignore (3)</b> 16:1;21:1,9 <b>illness (1)</b> 7:9 <b>imagine (1)</b> 28:1 <b>immediately (1)</b> 3:8 <b>immigrants (1)</b> 17:8 <b>impact (2)</b> 12:1;18:5 <b>implementation (1)</b> 6:6 <b>Implication (1)</b> 29:1 <b>imply (1)</b> 28:1 <b>implying (1)</b> 33:8 <b>importantly (1)</b> 6:2 <b>impossible (1)</b> 24:2 <b>improvement (1)</b> 34:9 <b>improvements (2)</b> 10:2;14:1 <b>inability (1)</b> 27:1 <b>inaccurate (5)</b> 5:8;27:2;28:2;29:1; 30:1 <b>inadequate (1)</b> 7:8 <b>include (7)</b> 18:1;28:1,7;31:4; 33:1,1,1 <b>included (2)</b>	<b>jack (1)</b> 30:1 <b>Jean (1)</b> 20:1 <b>job (4)</b> 7:2;26:8;30:2;45:1 <b>jobs (3)</b> 5:2;7:5;51:3 <b>Joe (1)</b> 34:2 <b>Jones (1)</b> 41:4 <b>Journal (2)</b> 39:4;41:2 <b>judge (1)</b> 20:1 <b>judges (2)</b> 21:5;24:2 <b>judgment (1)</b> 21:1 <b>judgments (2)</b> 21:6,8 <b>July (4)</b> 7:1;25:2,2,2 <b>June (10)</b> 2:3;16:4,9;17:1,1,1; 19:8;22:4,7;31:2 <b>jurisdiction (1)</b> 2:1	
				<b>K</b>
				<b>Kavanagh (4)</b> 27:1,9;30:2;37:1 <b>keep (4)</b> 2:9;13:4;15:1;16:2 <b>Ken (9)</b> 16:2;18:3;22:4,7; 35:1;37:1;47:1,1;49:1 <b>KENNETH (4)</b> 3:2,2;4:2;37:1

<b>key (2)</b> 5:1;31:1	11:2	2:2	3:1,1;43:2;47:2;49:1, 3	5:1;27:1;45:2
<b>kitchens (2)</b> 14:2;15:2	<b>layoffs (1)</b> 7:1	<b>listening (1)</b> 18:3	<b>main (1)</b> 37:2	<b>meeting (6)</b> 2:4;3:6;4:7;43:2; 51:1;52:9
<b>knocks (1)</b> 40:2	<b>leading (1)</b> 24:1	<b>litigation (1)</b> 12:1	<b>maintenance (1)</b> 9:4	<b>meetings (5)</b> 2:2,2;4:1,1;41:1
<b>knowing (1)</b> 40:1	<b>lease (2)</b> 10:1;48:2	<b>little (5)</b> 9:8;10:8;12:4;31:2,2	<b>major (4)</b> 15:1;17:1;18:7;34:8	<b>member (4)</b> 4:2;22:2;44:1;50:6
<b>known (1)</b> 19:2	<b>leases (5)</b> 2:1;47:1,1;49:8,8	<b>live (2)</b> 6:2;10:5	<b>makes (1)</b> 42:9	<b>members (13)</b> 2:2;5:4,4;11:2;24:1; 32:1;42:1;44:2;45:2,2; 46:9;48:1;50:2
<b>knows (2)</b> 24:7;38:3	<b>least (6)</b> 16:1;25:5;30:2;36:5; 39:1,1	<b>living (6)</b> 6:1;15:1;21:2;35:9, 9;40:1	<b>making (6)</b> 16:1;23:1;31:2;39:1; 43:2;45:2	<b>mention (1)</b> 34:1
<b>L</b>	<b>leave (1)</b> 31:2	<b>loan (5)</b> 8:1;13:1,2;14:1;19:1	<b>manner (1)</b> 18:2	<b>mentioned (2)</b> 35:1;37:1
<b>LAMONT (4)</b> 3:1,1;48:2;49:1	<b>left (3)</b> 16:1;32:1;40:2	<b>loans (13)</b> 7:1;8:1;10:1;11:9; 13:1,1;19:1,1,6;20:3; 25:7;30:2;36:2	<b>many (19)</b> 4:1;7:1,1;9:9;10:5; 13:1;15:1,1,1;17:6; 23:2,2;24:1;38:1;40:2, 2,2;41:1;51:1	<b>might (2)</b> 32:1,2
<b>landlord (11)</b> 14:1;16:1;26:1,4,7; 27:1;39:1;40:1,1;41:1, 2	<b>legal (2)</b> 40:1;41:2	<b>lockdowns (1)</b> 16:1	<b>March (1)</b> 21:1	<b>million (8)</b> 8:1;19:1;20:3;27:1; 35:7,8;37:1;38:3
<b>landlords (57)</b> 5:1,2,5;8:4;10:1,1,2; 11:4,6;12:1;13:2;15:5; 16:1,1;17:2,2,3;18:1; 19:1,7;20:2;22:3;23:1, 2;24:1;25:1,5;26:1,8; 29:1,1,2,4,6;30:1,1,6; 31:1,7;34:1;36:1,1; 39:8;40:1;41:1;42:1,2; 43:1,1,6;44:6;45:4; 46:8,8;50:1,1;51:1	<b>legislature (1)</b> 38:1	<b>long (5)</b> 21:1;29:2;37:1,1; 40:1	<b>market (2)</b> 17:1;30:1	<b>mind (1)</b> 39:2
<b>landlords' (1)</b> 18:1	<b>legislatures (1)</b> 38:2	<b>longer (7)</b> 10:2;12:4;13:1;15:1; 16:2;17:2;30:1	<b>markets (1)</b> 18:2	<b>minimal (1)</b> 9:1
<b>landlord's (2)</b> 16:2;20:1	<b>lend (1)</b> 17:1	<b>longstanding (1)</b> 8:2	<b>Mars (1)</b> 40:1	<b>misquoted (1)</b> 41:2
<b>large (8)</b> 12:1;13:1,1;14:8; 18:2;19:2;26:1;44:7	<b>lenders (1)</b> 17:1	<b>long-term (1)</b> 5:1	<b>marshal (2)</b> 21:2;40:2	<b>mission (1)</b> 45:2
<b>largest (2)</b> 13:7;17:1	<b>lending (1)</b> 35:2	<b>longtime (1)</b> 30:1	<b>Maslow (1)</b> 50:1	<b>mitigate (1)</b> 2:1
<b>last (29)</b> 3:6;4:2;5:2;6:1;10:1; 11:2,2;12:1,6,8;13:1; 14:1;16:2,3,3,8;17:2; 18:1,3;19:4,4;22:7; 25:5;27:1;30:2;33:2; 34:1;35:1;43:2	<b>lengthy (1)</b> 21:1	<b>look (5)</b> 28:2;30:4;31:1;43:8; 50:7	<b>Maslowian (1)</b> 50:1	<b>mitigating (2)</b> 10:1,1
<b>lasts (1)</b> 37:1	<b>less (4)</b> 13:2;18:1,2;25:1	<b>looking (2)</b> 44:1,1	<b>matter (2)</b> 25:9;27:8	<b>modifications (2)</b> 8:1;19:1
<b>lately (1)</b> 20:1	<b>lesser (1)</b> 24:2	<b>loosening (1)</b> 19:8	<b>maximum (1)</b> 33:2	<b>Mom (1)</b> 17:8
<b>later (2)</b> 2:2;32:1	<b>level (1)</b> 6:1	<b>lopsided (1)</b> 9:2	<b>may (12)</b> 16:1;29:1;31:1,2; 33:7;36:1;42:1;50:1,1, 6;51:2,2	<b>momentous (1)</b> 5:2
<b>Latino (3)</b> 6:2;8:2,2	<b>levels (2)</b> 6:8,9	<b>loss (4)</b> 7:2;10:1;50:1,1	<b>maybe (5)</b> 25:1;26:1;32:1;33:9; 38:2	<b>money (19)</b> 12:2;13:8;19:2;20:2; 24:1;25:1;29:9;31:1,3; 34:2,2;32:35:2;36:3; 37:1,2;40:2;41:1;43:3
<b>latitude (1)</b> 29:8	<b>liberty (1)</b> 5:1	<b>lost (4)</b> 5:2;17:1;26:8;32:1	<b>Mayor (3)</b> 17:7;24:1,9	<b>monies (4)</b> 13:2;19:2;29:2;30:8
<b>Law (3)</b> 2:1;14:1;40:1	<b>life (1)</b> 24:2	<b>lot (13)</b> 5:5;12:9;15:2;18:4; 26:1,1;30:6;35:1;41:1; 45:5;51:4,6,7	<b>MCI (7)</b> 10:3;14:1;15:4;29:1, 2,2;33:1	<b>month (4)</b> 5:2;18:1,2;41:5
<b>laws (1)</b> 17:1	<b>lifted (1)</b> 7:2	<b>low (2)</b> 15:1;37:4	<b>MDCI (1)</b> 33:2	<b>months (7)</b> 5:2;6:6;20:2;24:1; 40:6;41:1,6
<b>lawyer (1)</b>	<b>light (1)</b> 18:1	<b>lower (1)</b> 24:2	<b>mean (9)</b> 14:1;19:1,2;22:2; 32:8;33:2,3;35:2;38:8	<b>moral (1)</b> 44:1
	<b>likelihood (3)</b> 15:1,1,2	<b>low-income (1)</b> 6:2	<b>means (6)</b> 9:5,8;17:2,2;31:6; 34:2	<b>moratorium (1)</b> 7:2
	<b>likely (3)</b> 4:8;7:7;8:5	<b>low-rent (1)</b> 15:1	<b>Meanwhile (2)</b> 6:1;39:7	<b>More (27)</b> 6:2;7:7;8:5;9:2;14:1, 2;17:4,4;25:1;26:1,1; 29:8;30:1;32:2;34:1,1, 1;35:2;37:1;38:1,6; 39:1;40:1;43:1;50:1; 51:6;52:2
	<b>limited (2)</b> 8:2;9:8	<b>M</b>	<b>Medication (1)</b> 50:1	<b>morning (1)</b>
	<b>line (2)</b> 6:7;33:9	<b>Madam (2)</b> 3:3;27:1	<b>meet (3)</b>	
	<b>lines (1)</b> 14:1	<b>MAE (6)</b>		
	<b>list (1)</b> 44:1			
	<b>listen (1)</b>			

<p>22:7 <b>mortgage (8)</b> 5:9;8:1;13:2;15:9; 25:1;30:9;34:2;35:4 <b>mortgages (2)</b> 10:2;19:1 <b>most (10)</b> 12:7;13:2;15:5;19:2; 23:2;26:1,6;44:1,1,1 <b>motion (12)</b> 45:1,1,1,4;46:3,6;47:1, 1;48:1;49:2,2,5;52:4 <b>motions (2)</b> 44:2;48:1 <b>Mount (2)</b> 14:6;25:1 <b>mouth (1)</b> 41:2 <b>move (2)</b> 16:2;17:2 <b>moved (1)</b> 52:5 <b>much (10)</b> 5:6;15:2;23:2;24:1; 26:1;39:1;41:3;46:6; 51:1,4 <b>multifamily (1)</b> 17:1 <b>multiply (1)</b> 33:2 <b>municipalities (1)</b> 25:2 <b>must (1)</b> 16:1 <b>muted (2)</b> 22:1;47:5 <b>myself (3)</b> 18:7;22:2;51:2</p>	<p><b>neighboring (1)</b> 9:2 <b>net (5)</b> 5:8;6:4;9:1;16:2; 28:4 <b>New (49)</b> 2:9;5:2;7:1;9:1,2; 11:2,2;12:2;14:1,1,1,1, 2,6;15:1,2,2,2,3,3;16:1, 2,3,4;17:1,1,2;20:1; 23:1,1,1,8;24:1,1,5,5,8; 25:1;30:1,4;33:9,9; 34:1,2;39:3;40:1,3; 41:2,2 <b>news (2)</b> 19:1,2 <b>newsletter (1)</b> 5:2 <b>newspaper (5)</b> 31:1,1;38:1,1;42:2 <b>Next (6)</b> 13:1;20:2;31:1;41:6; 48:1;51:5 <b>night (2)</b> 51:2;52:1 <b>nights (1)</b> 4:1 <b>nine (1)</b> 24:9 <b>Nobody (3)</b> 32:2;35:2;51:1 <b>none (3)</b> 18:9;19:1;41:1 <b>non-GAAP (1)</b> 19:1 <b>non-gap (1)</b> 8:1 <b>nonoperating (1)</b> 20:9 <b>normal (1)</b> 51:2 <b>normalcy (1)</b> 21:1 <b>notice (2)</b> 2:6,7 <b>nowhere (1)</b> 34:3 <b>number (5)</b> 15:1;19:3;28:1;31:1; 40:2 <b>numbers (2)</b> 5:7;16:2 <b>numerous (1)</b> 17:9 <b>NYCHA (1)</b> 23:2</p>	<p><b>occupations (1)</b> 7:2 <b>October (3)</b> 2:1;20:1,2 <b>off (7)</b> 21:2,2;22:1,8;32:1,1; 34:4 <b>offering (1)</b> 19:1 <b>Office (3)</b> 2:2;5:2;40:7 <b>Officers (1)</b> 2:1 <b>oil (1)</b> 6:8 <b>old (2)</b> 14:9;21:1 <b>once (3)</b> 7:1,2;45:1 <b>one (27)</b> 4:7;8:1;9:5;10:1,2; 11:1;12:1;13:1;18:5,8; 19:1;20:3;24:3;26:1; 27:6;28:1,2,4;30:4; 31:2;39:1;42:1;45:1; 46:1,1;49:2;52:2 <b>onerous (1)</b> 13:2 <b>ones (1)</b> 30:2 <b>one-year (3)</b> 47:1;48:1;49:8 <b>only (10)</b> 12:2;18:1,2;23:1; 29:1,5;33:1;35:1;48:1; 50:5 <b>onto (1)</b> 35:5 <b>open (3)</b> 26:1,1,2 <b>operable (1)</b> 17:1 <b>operating (5)</b> 5:1,8;6:4;9:1;28:4 <b>operators (1)</b> 17:8 <b>opportunities (1)</b> 29:3 <b>option (2)</b> 13:1,1 <b>options (1)</b> 29:3 <b>Order (4)</b> 2:1;13:4;20:2;21:4 <b>organizations (1)</b> 24:1 <b>original (1)</b> 35:3 <b>originally (1)</b> 19:7 <b>otherwise (1)</b> 20:1 <b>out (13)</b></p>	<p>9:1;10:2;11:2;16:1; 27:9;30:1,8;31:2;34:1; 35:1,2;36:3;40:1 <b>outcome (1)</b> 51:2 <b>over (14)</b> 3:4;4:1;5:2;6:1;15:6; 25:1,1;27:1;33:1,2; 34:2;37:1;40:5;41:1 <b>overall (1)</b> 13:1 <b>overcharge (1)</b> 10:3 <b>overleveraged (1)</b> 30:7 <b>overrepresentation (2)</b> 7:1;8:2 <b>overwhelmed (1)</b> 10:9 <b>owing (1)</b> 41:1 <b>own (7)</b> 13:1;15:1;16:1;22:9; 39:2;41:1;50:8 <b>owner (4)</b> 4:1;5:1;9:2,2 <b>owners (15)</b> 4:2;6:1,3;7:2,2;8:1,9; 9:1;16:5;17:6;18:2; 44:2;45:4;50:1;51:2 <b>owners' (1)</b> 3:8</p>	<p><b>passing (1)</b> 37:1 <b>passion (1)</b> 45:2 <b>past (17)</b> 5:2;6:1,5;9:2;14:2,2, 2;15:2,6;23:1;24:1; 28:1;29:1;32:3;33:1; 40:6;41:1 <b>patches (1)</b> 14:2 <b>pay (19)</b> 7:1;16:1;21:1;25:2, 2;26:1,2,4,9;27:1;35:7, 8;36:6;38:1;40:1,1,2; 41:2,4 <b>payable (1)</b> 25:1 <b>paycheck (1)</b> 11:9 <b>paying (4)</b> 16:1;27:1;37:1;38:6 <b>payment (1)</b> 7:2 <b>payout (1)</b> 26:1 <b>payroll (1)</b> 29:1 <b>pays (1)</b> 26:2 <b>penalties (1)</b> 25:2 <b>people (22)</b> 13:1;14:1;17:7,8; 21:1;23:2;24:2;26:1; 31:2;35:1,1,1;36:5; 41:1,8;42:1;43:4;45:5; 50:1,8,9;51:7 <b>per (2)</b> 18:1,2 <b>percent (31)</b> 6:5;7:1,2;9:1;10:1; 16:2;18:1;22:3;27:1; 33:2,2,2,2;34:2,4;36:8; 37:2,2;38:1,1,1,1,7; 41:5;46:1;47:1,1;48:1, 1;49:7,8 <b>percentage (3)</b> 29:1;38:4,8 <b>perhaps (1)</b> 38:1 <b>period (1)</b> 37:1 <b>perpetuity (1)</b> 29:2 <b>person (3)</b> 14:7;15:1,1 <b>personal (2)</b> 12:2;13:8 <b>personalizing (1)</b> 41:1 <b>persons (1)</b> 35:1</p>
<b>N</b>			<b>P</b>	
<p><b>name (3)</b> 15:2;18:5,7 <b>Nassau (3)</b> 9:2;23:9;40:3 <b>nation (1)</b> 6:2 <b>near (1)</b> 34:3 <b>necessary (4)</b> 9:4;10:1;13:4;14:2 <b>necessity (1)</b> 9:1 <b>need (9)</b> 6:1;9:2;12:1;25:1,1; 26:1;31:1,5;46:1 <b>needed (3)</b> 15:2,2,2 <b>needs (12)</b> 6:1;16:5;23:1,7,9,9; 50:1,1,1,1,1;51:1 <b>negatively (1)</b> 12:1</p>	<b>O</b>			
	<p><b>obligations (1)</b> 27:1 <b>obviously (4)</b> 12:8;19:2;25:1;42:2</p>		<p><b>page (2)</b> 11:2,7 <b>paid (2)</b> 25:1;37:1 <b>pain (1)</b> 16:1 <b>paint (1)</b> 15:1 <b>pandemic (5)</b> 5:1;6:2;30:3;44:2; 45:1 <b>papers (1)</b> 39:5 <b>paperwork (1)</b> 28:8 <b>participants (1)</b> 45:1 <b>particular (2)</b> 9:3;36:2 <b>parties (2)</b> 32:4,8 <b>pass (3)</b> 10:9;12:1;17:2 <b>passed (6)</b> 6:1;9:1;12:8;25:1; 27:1;31:2 <b>passes (1)</b> 49:2</p>	

<p><b>PETER (10)</b> 2:2;4:4;22:1,1,1; 32:1,1;45:1;46:1;47:1</p> <p><b>petition (1)</b> 21:9</p> <p><b>ph (2)</b> 41:9;45:2</p> <p><b>pick (2)</b> 24:1,1</p> <p><b>piece (1)</b> 11:1</p> <p><b>place (2)</b> 4:8;19:1</p> <p><b>plain (1)</b> 33:6</p> <p><b>Please (8)</b> 3:1;8:1;10:2,8;24:8; 27:2;48:2;49:6</p> <p><b>plethora (1)</b> 42:2</p> <p><b>plummeted (1)</b> 7:1</p> <p><b>plus (2)</b> 8:1;41:1</p> <p><b>point (10)</b> 17:2;20:1;27:9;28:2, 2;32:1;33:2;43:2;44:1; 50:4</p> <p><b>pointed (2)</b> 11:2;31:2</p> <p><b>points (10)</b> 5:1,1;12:9;23:6; 27:2;30:5;31:1;36:1,2; 43:9</p> <p><b>politicians (1)</b> 36:2</p> <p><b>Pop (1)</b> 17:8</p> <p><b>posing (1)</b> 5:1</p> <p><b>position (3)</b> 8:1;22:1;31:1</p> <p><b>possession (1)</b> 21:1</p> <p><b>possibility (1)</b> 7:1</p> <p><b>possible (2)</b> 13:5;45:2</p> <p><b>possibly (4)</b> 5:1;6:1;39:9;44:5</p> <p><b>Post (3)</b> 16:1,1;17:1</p> <p><b>posted (1)</b> 2:2</p> <p><b>PPP (8)</b> 7:1;8:1;10:1;19:2,6, 9;29:8,9</p> <p><b>practical (2)</b> 25:8;26:3</p> <p><b>practicing (1)</b> 11:2</p> <p><b>pray (1)</b> 51:3</p>	<p><b>predicated (1)</b> 37:2</p> <p><b>predicted (1)</b> 6:1</p> <p><b>predicting (1)</b> 7:1</p> <p><b>predictions (2)</b> 18:6,8</p> <p><b>prefer (2)</b> 4:2,2</p> <p><b>premises (1)</b> 26:1</p> <p><b>pre-pandemic (1)</b> 6:1</p> <p><b>Present (10)</b> 3:1,1,1,1,2,2;4:1,2; 21:2;23:1</p> <p><b>presentation (3)</b> 21:1;28:9;42:1</p> <p><b>presentations (1)</b> 51:2</p> <p><b>present-day (1)</b> 34:2</p> <p><b>presented (3)</b> 25:8;28:2;43:2</p> <p><b>presently (1)</b> 20:8</p> <p><b>president (3)</b> 24:2,2;25:1</p> <p><b>pretty (1)</b> 22:2</p> <p><b>prior (1)</b> 2:2</p> <p><b>priorities (2)</b> 44:3,4</p> <p><b>Private (2)</b> 7:1;23:2</p> <p><b>pro (1)</b> 20:1</p> <p><b>probably (5)</b> 15:1,9;18:4;20:2; 26:2</p> <p><b>problem (1)</b> 14:4</p> <p><b>proceed (2)</b> 3:9;11:1</p> <p><b>process (2)</b> 21:1;40:1</p> <p><b>producing (1)</b> 28:1</p> <p><b>productive (1)</b> 42:1</p> <p><b>products (1)</b> 22:8</p> <p><b>profiles (1)</b> 7:6</p> <p><b>profit (6)</b> 9:6;13:7;22:3;44:6, 7;45:6</p> <p><b>program (7)</b> 8:1;11:9;19:2;20:1; 30:4;31:1;36:1</p> <p><b>programs (3)</b></p>	<p>19:1,1;29:4</p> <p><b>projected (1)</b> 5:2</p> <p><b>properties (2)</b> 30:9;50:1</p> <p><b>propose (1)</b> 46:1</p> <p><b>prospect (1)</b> 7:9</p> <p><b>protected (1)</b> 31:9</p> <p><b>Protection (2)</b> 2:1;11:9</p> <p><b>pro-tenant (1)</b> 40:1</p> <p><b>provide (5)</b> 12:1;23:2;29:1;30:2; 39:5</p> <p><b>provided (2)</b> 28:1;39:1</p> <p><b>provides (2)</b> 10:2;31:1</p> <p><b>providing (2)</b> 28:1,1</p> <p><b>public (17)</b> 2:1,1,2,2,7;3:1;4:2; 5:1,5;14:2;22:2;24:1; 45:2;46:1,9;50:2,6</p> <p><b>publications (2)</b> 18:7;19:1</p> <p><b>purchase (1)</b> 14:8</p> <p><b>purchases (1)</b> 17:1</p> <p><b>pure (1)</b> 20:4</p> <p><b>purpose (1)</b> 35:2</p> <p><b>purposes (2)</b> 26:3;33:1</p> <p><b>pursuant (2)</b> 2:1;21:4</p> <p><b>pursue (1)</b> 7:2</p> <p><b>push (1)</b> 30:1</p> <p><b>put (10)</b> 7:5;19:1;22:1;32:7; 34:1,2,8;35:2;43:8; 44:6</p> <p><b>puts (1)</b> 41:2</p>	<p><b>questionable (1)</b> 31:6</p> <p><b>quite (3)</b> 29:3;40:2,3</p> <p><b>quorum (1)</b> 4:3</p> <p><b>quote (11)</b> 5:1;7:4,5;12:1;21:2, 2,2;22:8;42:3,4;51:2</p> <p><b>quoted (3)</b> 41:2,2,2</p> <p><b>quotes (1)</b> 12:5</p> <p><b>quoting (1)</b> 34:1</p>	<p>9:1;27:2;28:8;36:2</p> <p><b>reclaim (1)</b> 5:2</p> <p><b>recognizing (2)</b> 50:2;51:9</p> <p><b>reconvene (1)</b> 51:5</p> <p><b>record (1)</b> 4:3</p> <p><b>RECORDING] (2)</b> 2:1;52:1</p> <p><b>recoup (2)</b> 16:2;29:2</p> <p><b>redlining (2)</b> 8:2;10:6</p> <p><b>reduce (1)</b> 25:1</p> <p><b>reduced (1)</b> 29:1</p> <p><b>refer (1)</b> 29:1</p> <p><b>referred (1)</b> 30:2</p> <p><b>referring (1)</b> 32:5</p> <p><b>refers (2)</b> 32:1,1</p> <p><b>refinance (2)</b> 13:1,2</p> <p><b>refinancing (1)</b> 13:1</p> <p><b>re-fis (1)</b> 17:1</p> <p><b>reflect (1)</b> 10:8</p> <p><b>refusing (1)</b> 10:1</p> <p><b>regard (2)</b> 11:8;26:1</p> <p><b>regardless (1)</b> 6:2</p> <p><b>regulation (1)</b> 9:3</p> <p><b>relevant (1)</b> 12:7</p> <p><b>relief (4)</b> 10:2;11:4;25:1,1</p> <p><b>remains (1)</b> 16:7</p> <p><b>remember (4)</b> 42:2;43:4;45:4,5</p> <p><b>remind (2)</b> 4:6;45:3</p> <p><b>removal (1)</b> 17:2</p> <p><b>renew (1)</b> 37:2</p> <p><b>renewals (2)</b> 10:1;48:2</p> <p><b>renovations (2)</b> 14:2;15:1</p> <p><b>Rent (46)</b> 2:1,1,2,4;3:1;4:7;6:1,</p>
			<b>R</b>	
			<b>Q</b>	
		<p><b>qualified (1)</b> 10:1</p> <p><b>qualms (1)</b> 17:1</p> <p><b>quarter (1)</b> 16:1</p> <p><b>query (1)</b> 22:5</p>		

<p>1,3;7:1;8:1,1;9:1,1,1,3; 15:1;16:1,1,1,1,1;17:2, 2;21:1;24:2,4,5,8;26:2, 2,5;27:1,1;28:1;29:1; 30:1;34:4;37:1,2;38:7; 41:2,5;42:1;43:2;50:2</p> <p><b>rental (5)</b> 8:2;12:2;13:6;30:4; 31:1</p> <p><b>rent-burden (1)</b> 9:1</p> <p><b>rented (1)</b> 15:1</p> <p><b>renters (1)</b> 44:4</p> <p><b>renting (4)</b> 15:1;18:1,2;50:9</p> <p><b>rents (7)</b> 9:1,2;16:1;17:2; 18:2;30:1;37:1</p> <p><b>rent-stabilized (3)</b> 14:5;16:6;17:1</p> <p><b>repairs (4)</b> 9:5;14:2;15:1;17:1</p> <p><b>repayment (3)</b> 8:1;19:1;20:3</p> <p><b>repeated (1)</b> 29:1</p> <p><b>repeating (3)</b> 12:7;24:7;46:1</p> <p><b>repiling (1)</b> 14:1</p> <p><b>represent (2)</b> 46:1,8</p> <p><b>representations (1)</b> 33:6</p> <p><b>representatives (2)</b> 3:8;4:1</p> <p><b>representing (1)</b> 45:3</p> <p><b>represents (2)</b> 40:1;46:9</p> <p><b>reps (1)</b> 7:2</p> <p><b>requested (1)</b> 35:1</p> <p><b>requesting (1)</b> 39:2</p> <p><b>requirements (1)</b> 19:8</p> <p><b>resent (1)</b> 41:2</p> <p><b>Reserve (4)</b> 7:1;8:1;19:1,2</p> <p><b>residence (1)</b> 6:2</p> <p><b>residential (1)</b> 26:5</p> <p><b>resources (3)</b> 6:1;51:1,1</p> <p><b>respond (2)</b> 3:1;42:8</p> <p><b>responded (1)</b></p>	<p>22:4</p> <p><b>response (2)</b> 2:8;33:2</p> <p><b>responsibility (2)</b> 42:1;50:7</p> <p><b>responsive (1)</b> 5:1</p> <p><b>rest (2)</b> 45:2,2</p> <p><b>restate (1)</b> 49:5</p> <p><b>result (1)</b> 14:1</p> <p><b>results (1)</b> 15:9</p> <p><b>return (2)</b> 16:6;19:2</p> <p><b>RGB (2)</b> 17:2;24:1</p> <p><b>right (10)</b> 5:2;11:3;12:5;22:1; 26:1;36:1;43:1,2;48:1; 51:8</p> <p><b>righted (1)</b> 30:1</p> <p><b>rise (1)</b> 7:2</p> <p><b>risk (2)</b> 7:5;35:6</p> <p><b>Roach (2)</b> 28:1;33:4</p> <p><b>Roach's (2)</b> 22:2;28:1</p> <p><b>Roche (4)</b> 18:2,2;28:4;33:9</p> <p><b>Rochelle (1)</b> 14:6</p> <p><b>Roche's (3)</b> 21:2,2;22:1</p> <p><b>Rockland (3)</b> 9:1,2;23:1</p> <p><b>roll (5)</b> 3:4;46:1;47:1;48:2; 49:4</p> <p><b>rollcall (1)</b> 3:1</p> <p><b>roof (2)</b> 34:1,2</p> <p><b>roofs (1)</b> 14:1</p> <p><b>RSA (1)</b> 41:1</p> <p><b>RUBIN (82)</b> 3:1,1,1,2,2,2,5;4:1,2, 2,5;1,3;10:1;11:1,2; 26:2;27:1,2,4,5,7;31:1; 32:2;33:1,7;34:1,1,1; 35:1,1,2;36:1,1,1,1,2,5, 8;37:2,4,7;38:1,1,2,2,2; 39:2;41:1;42:1,2;43:1, 1,1;44:1,2;45:1,1;46:1, 1,2,2,7;47:1,1,1,3;48:1, 2,2,8,9;49:2,2,5;50:2,2;</p>	<p>51:1,1;52:1,2,7,9</p> <p><b>rules (1)</b> 17:2</p> <p><b>run (1)</b> 25:1</p> <p><b>running (1)</b> 9:1</p> <p><b>runs (1)</b> 36:1</p> <p style="text-align: center;"><b>S</b></p> <p><b>safe (4)</b> 2:9;12:1;22:1;23:2</p> <p><b>saint (1)</b> 12:1</p> <p><b>salary (1)</b> 9:1</p> <p><b>sale (1)</b> 15:8</p> <p><b>sales (1)</b> 25:1</p> <p><b>same (10)</b> 5:6;7:3;8:2;15:1; 17:6,6;20:8;29:7;40:9; 44:2</p> <p><b>sanitizing (1)</b> 13:3</p> <p><b>SANTIAGO (17)</b> 3:2,2;10:1,2;11:1,2; 37:9;38:4,8;48:4,5; 49:1,1,1;50:2,2,5;51:1</p> <p><b>savings (1)</b> 8:7</p> <p><b>saw (1)</b> 19:2</p> <p><b>saying (15)</b> 18:4;20:1;22:2;26:1; 30:1,2;33:4,4;36:2; 39:1,1,2;40:9;43:7; 44:8</p> <p><b>SBA (4)</b> 11:9;19:1;36:1,2</p> <p><b>scan (3)</b> 22:1,1,1</p> <p><b>scanner (1)</b> 22:1</p> <p><b>scare (1)</b> 18:5</p> <p><b>schedules (1)</b> 45:1</p> <p><b>Schneider (1)</b> 20:1</p> <p><b>se (1)</b> 20:1</p> <p><b>season (1)</b> 3:7</p> <p><b>second (16)</b> 4:2,2;7:1;20:2;22:6; 46:1,2,2,2,2,2;48:2,2, 52:6,7,8</p> <p><b>seconded (3)</b> 47:1;49:1,3</p>	<p><b>secret (1)</b> 13:8</p> <p><b>section (4)</b> 2:2;11:4;23:1;37:2</p> <p><b>sector (1)</b> 7:1</p> <p><b>secured (1)</b> 34:2</p> <p><b>security (1)</b> 14:1</p> <p><b>seems (1)</b> 28:1</p> <p><b>sell (4)</b> 14:1,1,3;15:6</p> <p><b>seller (1)</b> 14:1</p> <p><b>send (4)</b> 3:3;22:1,1;32:1</p> <p><b>sending (1)</b> 5:1</p> <p><b>seniors (2)</b> 6:1;9:1</p> <p><b>sent (4)</b> 10:2;28:2;30:2;32:2</p> <p><b>separation (1)</b> 24:2</p> <p><b>September (4)</b> 2:1;4:8;20:1,2</p> <p><b>serious (2)</b> 7:1,9</p> <p><b>seriously (1)</b> 16:1</p> <p><b>service (1)</b> 14:1</p> <p><b>services (1)</b> 17:3</p> <p><b>set (2)</b> 2:1;7:1</p> <p><b>Seven (1)</b> 48:1</p> <p><b>several (1)</b> 19:1</p> <p><b>sheet (1)</b> 27:2</p> <p><b>shelter (1)</b> 50:1</p> <p><b>show (3)</b> 4:3;22:6;32:2</p> <p><b>showing (1)</b> 16:2</p> <p><b>shows (2)</b> 18:1;32:3</p> <p><b>shut (1)</b> 26:3</p> <p><b>side (3)</b> 28:1,2;50:1</p> <p><b>sides (3)</b> 44:1;50:8,9</p> <p><b>sign (1)</b> 22:8</p> <p><b>Signature (1)</b> 17:1</p> <p><b>signed (1)</b></p>	<p>21:2</p> <p><b>significant (1)</b> 18:2</p> <p><b>signing (2)</b> 21:2,2</p> <p><b>silent (1)</b> 9:6</p> <p><b>similar (3)</b> 9:2;12:3;37:2</p> <p><b>simple (2)</b> 23:2;33:6</p> <p><b>simply (4)</b> 15:1,1;17:1;33:6</p> <p><b>simultaneously (1)</b> 2:2</p> <p><b>single (2)</b> 20:1;39:1</p> <p><b>situation (3)</b> 9:2;14:1;51:2</p> <p><b>six (3)</b> 6:6;18:1;48:1</p> <p><b>skipped (1)</b> 41:1</p> <p><b>small (4)</b> 12:1;44:6;45:4;50:1</p> <p><b>smile (1)</b> 12:4</p> <p><b>sobering (1)</b> 5:1</p> <p><b>society (2)</b> 44:2,3</p> <p><b>somebody (4)</b> 28:2;34:2,2;46:2</p> <p><b>somehow (1)</b> 42:3</p> <p><b>someone (2)</b> 14:1;47:8</p> <p><b>somewhat (1)</b> 37:2</p> <p><b>soon (1)</b> 22:1</p> <p><b>sorry (6)</b> 14:1;20:1;26:8;32:1; 44:1;47:1</p> <p><b>sort (3)</b> 19:1;24:1;44:1</p> <p><b>source (2)</b> 13:7;25:1</p> <p><b>sources (2)</b> 12:2;39:6</p> <p><b>speak (2)</b> 39:9;41:8</p> <p><b>SPEAKER (4)</b> 11:1;42:2,2;43:2</p> <p><b>speaking (1)</b> 11:8</p> <p><b>special (1)</b> 44:2</p> <p><b>specialty (1)</b> 12:1</p> <p><b>specifically (1)</b> 32:1</p> <p><b>speculation (1)</b></p>
--	---	--	--	---

30:8 <b>speeches (1)</b> 24:1 <b>spend (2)</b> 29:2;31:1 <b>spit (1)</b> 14:2 <b>spoken (2)</b> 13:1;26:6 <b>spread (1)</b> 2:1 <b>squeezing (1)</b> 17:1 <b>staff (3)</b> 22:1;45:2,2 <b>stand (1)</b> 41:2 <b>started (2)</b> 28:1,5 <b>State (5)</b> 15:3;20:9;23:1,1; 37:2 <b>stated (12)</b> 5:2;17:1;18:2,2;21:1, 1,2,5;22:5;23:5,7;46:7 <b>statement (8)</b> 11:2;12:6;21:2;22:2; 23:4;29:1;32:1,1 <b>statements (5)</b> 18:1;23:1;25:6;28:1, 1 <b>States (3)</b> 23:1,1;25:1 <b>statisticians (2)</b> 27:2;28:7 <b>statute (1)</b> 31:1 <b>stay (2)</b> 22:1;29:2 <b>steadily (1)</b> 6:4 <b>STECKER (29)</b> 2:2;4:4,6;5:4;22:1,1; 45:1;47:1,1,2,2;48:1, 1,2,2,4,6,8;49:1,1,1,1, 2,2,2,2,7 <b>stepped (1)</b> 7:2 <b>Stewart (41)</b> 3:2;4:1,2;5:2;10:1,1, 2;11:1,1,3,8;18:1,2; 19:3;20:6;21:1,2;23:3; 24:3;27:2,2;31:1;33:2, 4,8;34:1;39:2;42:1,2; 44:2;46:8;47:2,2;48:1, 1;49:1,3,9;50:2,2;51:1 <b>Stewart's (1)</b> 22:2 <b>still (2)</b> 17:1;29:1 <b>stop (2)</b> 36:1,2 <b>store (1)</b>	26:2 <b>stores (1)</b> 26:2 <b>storm (1)</b> 8:1 <b>Street (2)</b> 39:4;41:2 <b>strike (1)</b> 50:1 <b>strive (1)</b> 12:1 <b>structure (1)</b> 22:9 <b>struggling (1)</b> 16:1 <b>stuck (1)</b> 14:1 <b>subject (3)</b> 2:1;8:2;30:2 <b>submit (1)</b> 32:1 <b>substantially (1)</b> 13:2 <b>substantiate (1)</b> 22:2 <b>substantiation (1)</b> 20:7 <b>suffering (2)</b> 44:1;45:1 <b>sufficient (1)</b> 16:6 <b>suggestion (2)</b> 33:8,9 <b>summarize (1)</b> 27:2 <b>Sunday (3)</b> 10:2;29:1;30:3 <b>supplement (2)</b> 10:2;28:2 <b>support (2)</b> 10:9;31:1 <b>supposed (2)</b> 11:1;31:1 <b>supposedly (1)</b> 35:1 <b>Supreme (1)</b> 24:2 <b>sure (6)</b> 16:5;22:1;24:6;28:2; 34:1;49:7 <b>survey (3)</b> 5:7;32:2;38:1 <b>surveyed (1)</b> 18:1 <b>surveys (1)</b> 18:1 <b>survive (1)</b> 17:4 <b>suspect (1)</b> 31:1 <b>suspension (1)</b> 2:1 <b>suspicious (1)</b>	39:2 <b>system (7)</b> 10:3;20:1;21:1;25:3; 26:3;29:1;40:1 <b>systemic (1)</b> 10:7 <b>systems (2)</b> 14:1,1 <hr/> <b>T</b> <hr/> <b>tactics (1)</b> 18:5 <b>talk (2)</b> 40:8;44:1 <b>talked (4)</b> 15:1;27:1,1;43:2 <b>talking (2)</b> 40:5;43:2 <b>Tamara (12)</b> 3:2;4:1,2;5:1;23:5; 37:8;38:2;39:1;41:2; 47:2;49:3,9 <b>Tamara's (1)</b> 18:1 <b>Tamera (1)</b> 10:1 <b>task (1)</b> 45:2 <b>tax (5)</b> 8:1;19:1;25:1,1;33:1 <b>taxes (6)</b> 8:1;25:1,1,1,1,1 <b>technology (1)</b> 9:7 <b>teleconference (1)</b> 2:1 <b>temporary (1)</b> 8:2 <b>Tenant (19)</b> 2:1;4:1;9:6;15:1; 20:1,1,1,1;21:7,8,9;24:1; 26:6;38:6;40:1,1,2,2; 41:4;50:1 <b>tenants (48)</b> 3:8;5:2;6:1,3;7:1,2; 8:1,1;9:1,1,2,2;10:9; 12:1,1;15:2;16:1,1; 17:1,2;25:2;27:1,1,1; 30:1,1,1,1;31:1,5,9; 37:1,1;38:1,1,4,9;39:1, 8;40:1,1;42:1;43:1; 45:3;46:9;50:1;51:1,1 <b>tenants' (3)</b> 9:2;30:1;37:1 <b>terms (2)</b> 10:1;43:1 <b>terrible (1)</b> 25:3 <b>test (1)</b> 31:6 <b>testify (1)</b> 45:1	<b>thanks (1)</b> 45:1 <b>That'd (1)</b> 32:2 <b>thereby (1)</b> 21:2 <b>third (1)</b> 9:1 <b>thirty (1)</b> 37:1 <b>though (3)</b> 11:1;20:9;26:1 <b>thought (2)</b> 18:4;32:1 <b>thousand (1)</b> 35:5 <b>threatened (1)</b> 9:4 <b>threats (1)</b> 5:1 <b>three (8)</b> 5:2;17:1;20:2;23:1; 31:1;36:8;40:6;50:1 <b>times (11)</b> 4:1;15:1;16:3,4; 33:2;39:3;40:2,2;41:2, 2;42:1 <b>title (1)</b> 29:1 <b>today (3)</b> 5:1,1;19:4 <b>to-do (1)</b> 19:2 <b>Tonight (5)</b> 3:7;4:1;18:1;23:6; 45:2 <b>took (2)</b> 5:1;30:8 <b>tools (1)</b> 17:2 <b>top (2)</b> 30:2;36:6 <b>total (3)</b> 4:1;18:1;38:8 <b>touch (1)</b> 16:1 <b>trade (1)</b> 31:1 <b>train (1)</b> 32:1 <b>transcribed (1)</b> 2:2 <b>transcripts (1)</b> 3:2 <b>tremendous (2)</b> 25:2;45:1 <b>trouble (2)</b> 16:1;30:6 <b>true (2)</b> 12:8;18:8 <b>truly (2)</b> 10:4;51:2 <b>try (1)</b>	43:9 <b>trying (1)</b> 23:1 <b>Tuesday (1)</b> 2:2 <b>turn (4)</b> 4:2;5:1;10:1;15:5 <b>twice (1)</b> 26:2 <b>two (13)</b> 6:1;24:1,1;33:2,2; 34:2;35:7;36:5;39:2; 46:1,1;47:1;48:1 <b>two-year (5)</b> 10:1;47:1;48:1;49:2, 8 <b>type (3)</b> 14:5;25:1;44:1 <hr/> <b>U</b> <hr/> <b>ultimately (1)</b> 17:2 <b>Um-hum (1)</b> 43:2 <b>unadulterated (1)</b> 20:4 <b>uncertainty (1)</b> 6:1 <b>Uncle (1)</b> 34:2 <b>under (9)</b> 2:2;9:1;13:2;17:2; 23:1;38:5;43:2;44:2; 51:2 <b>understands (1)</b> 24:7 <b>unemployment (4)</b> 6:2;7:1,1,1 <b>unequivocally (1)</b> 21:5 <b>unfair (1)</b> 9:1 <b>Unfortunately (1)</b> 31:2 <b>UNIDENTIFIED (4)</b> 11:1;42:2,2;43:2 <b>United (2)</b> 23:1,1 <b>unjustified (1)</b> 9:1 <b>unless (1)</b> 34:2 <b>unlike (1)</b> 24:6 <b>unquote (4)</b> 5:1;21:2;22:1,8 <b>unthinkable (1)</b> 5:1 <b>up (18)</b> 7:2;8:1;17:2;19:1; 20:3;23:4;24:1,2,3; 27:1;28:2;30:1,1;31:2;
--	--	---	--	--

32:2;35:1;38:1;46:1 <b>upon (3)</b> 23:5;33:8;46:1 <b>use (1)</b> 29:9 <b>used (2)</b> 13:2;17:2 <b>using (1)</b> 37:2	1;46:2 <b>warrant (1)</b> 21:2 <b>warranted (2)</b> 6:1,3 <b>Washington (1)</b> 36:2 <b>water (2)</b> 14:1;25:2 <b>wave (1)</b> 7:1 <b>way (8)</b> 7:1;12:2;18:2;29:1, 2;33:2;44:6,7 <b>wealth (1)</b> 9:1 <b>weather (1)</b> 8:1 <b>website (1)</b> 2:2 <b>week (8)</b> 10:1;16:2;18:1;19:4, 4;22:8;27:1;34:1 <b>welcome (1)</b> 3:6 <b>well-creation (1)</b> 8:2 <b>weren't (2)</b> 11:1;30:2 <b>Westchester (16)</b> 2:1,4;6:1,3;8:1;9:2,2; 12:2;16:2;18:1;20:2; 23:7;28:3;39:1;40:1,4 <b>what's (2)</b> 33:1;51:4 <b>whatsoever (2)</b> 18:2;21:8 <b>whenever (1)</b> 31:2 <b>whichever (1)</b> 4:2 <b>white (1)</b> 15:1 <b>whole (3)</b> 23:1,1;44:1 <b>who's (6)</b> 14:7;20:1;41:4;44:1, 1,1 <b>whose (1)</b> 7:5 <b>wife (1)</b> 47:9 <b>willing (8)</b> 13:2;14:1,7;26:1; 39:1;40:1,1;41:4 <b>willingly (1)</b> 13:2 <b>windows (1)</b> 14:1 <b>wish (1)</b> 37:1 <b>withhold (1)</b> 9:4	<b>within (2)</b> 2:1;36:8 <b>without (3)</b> 5:1;7:2;26:1 <b>word (1)</b> 26:1 <b>words (3)</b> 21:7;37:1;41:2 <b>work (5)</b> 8:6;13:4;39:1;40:1,1 <b>workers (5)</b> 6:2;7:1,3,4;10:4 <b>working (2)</b> 39:8;40:7 <b>works (1)</b> 9:7 <b>worried (2)</b> 35:3,4 <b>worsen (1)</b> 16:1 <b>worth (5)</b> 12:7;13:2,2;15:1; 30:1 <b>worthwhile (1)</b> 34:9 <b>wow (2)</b> 22:2,2 <b>written (2)</b> 10:1;30:2 <b>wrong (3)</b> 5:9;10:7;30:1 <b>wrote (2)</b> 31:2,2 <b>wrought (1)</b> 6:2	2:9 <b>York's (1)</b> 15:3 <b>YouTube (1)</b> 4:1	<b>100 (3)</b> 14:8;37:1,1 <b>10th (1)</b> 16:4 <b>13 (2)</b> 19:3,5 <b>14th (1)</b> 17:1 <b>15 (1)</b> 16:2 <b>150- (1)</b> 36:6 <b>16th (1)</b> 16:9 <b>17th (2)</b> 22:4,7 <b>180,000 (1)</b> 36:6 <b>185 (3)</b> 18:1,1,1 <b>18th (1)</b> 17:1 <b>1960s (1)</b> 23:1 <b>1970s (2)</b> 23:1,2 <b>1974 (1)</b> 2:1 <b>1987 (1)</b> 28:3 <b>1st (4)</b> 2:1;25:2,2,2	
<b>V</b>		<b>Y</b>	<b>Z</b>	<b>100 (3)</b> 14:8;37:1,1 <b>10th (1)</b> 16:4 <b>13 (2)</b> 19:3,5 <b>14th (1)</b> 17:1 <b>15 (1)</b> 16:2 <b>150- (1)</b> 36:6 <b>16th (1)</b> 16:9 <b>17th (2)</b> 22:4,7 <b>180,000 (1)</b> 36:6 <b>185 (3)</b> 18:1,1,1 <b>18th (1)</b> 17:1 <b>1960s (1)</b> 23:1 <b>1970s (2)</b> 23:1,2 <b>1974 (1)</b> 2:1 <b>1987 (1)</b> 28:3 <b>1st (4)</b> 2:1;25:2,2,2	
<b>vacancy (2)</b> 15:4;17:2 <b>vacant (3)</b> 15:1,1,2 <b>value (3)</b> 13:2;34:2,8 <b>values (1)</b> 10:8 <b>various (2)</b> 11:5;36:2 <b>VELENE (6)</b> 3:1,1;43:1,1;48:6; 49:1 <b>venue (1)</b> 45:2 <b>verifiable (1)</b> 28:2 <b>verified (1)</b> 28:1 <b>Vernon (2)</b> 14:6;25:1 <b>via (1)</b> 2:1 <b>victim (1)</b> 26:7 <b>view (3)</b> 2:2;3:1;43:9 <b>views (2)</b> 4:1,1 <b>virtual (1)</b> 20:1 <b>voices (1)</b> 9:6 <b>vote (6)</b> 3:9;46:1;47:1,1; 49:2;50:6 <b>vouchers (1)</b> 23:1			<b>0</b>	<b>0 (102)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2; 13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>0.6 (1)</b> 16:2	
		<b>Y</b>	<b>1</b>	<b>2 (103)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2, 2;13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>2.2 (1)</b> 35:8 <b>2.5 (1)</b> 17:1 <b>20 (2)</b> 33:1;38:1 <b>2004 (1)</b> 6:8 <b>2008 (1)</b> 30:9	
<b>W</b>				<b>2</b>	
<b>wait (4)</b> 46:1,1,1,1 <b>wake (1)</b> 8:2 <b>Wall (2)</b> 39:4;41:2 <b>walls (2)</b> 14:2;15:2 <b>wants (6)</b> 17:7;24:2;37:7;40:1,		<b>year (31)</b> 4:8;5:7,7;8:1;9:1; 11:2,2,2;12:1,8;13:1; 14:1,2,2,2;15:6;16:1,3, 3,3,8;17:1,2;18:3;19:1; 20:4;28:7;30:1;33:2; 46:1;51:5 <b>years (20)</b> 6:1,5;7:1;9:2;14:9; 16:2;23:1,2;29:2;31:1; 32:3;33:1,1,2,2,2;34:3, 4;36:8;46:1 <b>years' (1)</b> 29:1 <b>year's (2)</b> 6:1;12:6 <b>Yonkers (2)</b> 14:6;25:1 <b>York (25)</b> 5:2;9:1,2;12:2;15:3; 16:1,2,3,4;17:1;23:1,1, 8;24:1,1,5,5,8;25:1; 30:4;39:3;40:1,3;41:2, 2 <b>Yorkers (1)</b>		<b>1</b>	<b>1 (104)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2, 2;13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2



<p><b>2008's (1)</b> 6:9 <b>2015 (1)</b> 9:1 <b>2016 (1)</b> 9:1 <b>2017 (1)</b> 16:2 <b>2018 (1)</b> 16:2 <b>2019 (5)</b> 16:4;17:1,1,1;28:3 <b>2020 (6)</b> 2:1,3,5;16:9;22:4,7 <b>2020-2021 (1)</b> 50:3 <b>2021 (4)</b> 2:1;6:1,1;20:2 <b>202-1 (1)</b> 2:1 <b>2022 (1)</b> 6:1 <b>2024 (1)</b> 5:2 <b>205 (1)</b> 4:1 <b>20-plus (1)</b> 30:1 <b>23rd (1)</b> 2:3 <b>25 (1)</b> 7:1 <b>27 (1)</b> 33:1 <b>27,000 (1)</b> 18:1</p>	<p><b>30 (13)</b> 27:1;29:2;33:2,2,2; 34:2,3,3,4;36:8;37:2; 38:1,6 <b>30th (1)</b> 2:1 <b>31st (1)</b> 7:1 <b>38 (3)</b> 6:5;9:1;22:3 <b>39 (1)</b> 18:1</p>	<p>38:2</p>	<p>44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1</p>
<p><b>3</b></p>	<p><b>4</b></p>	<p><b>6</b></p>	<p><b>9</b></p>
<p><b>3 (104)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2,7;12:1, 2,2;13:1,2;14:1,2;15:1, 2;16:1,2;17:1,2;18:1,2; 19:1,2;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>3,447 (1)</b> 18:1 <b>3.5 (2)</b> 46:1;47:1 <b>3.7 (1)</b> 16:2</p>	<p><b>4 (103)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2, 2;13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>40 (2)</b> 34:3;38:1 <b>45 (1)</b> 7:2 <b>454 (2)</b> 19:1;29:5 <b>49 (1)</b> 18:1</p>	<p><b>6 (51)</b> 2:1;3:1;4:1;5:1;6:1; 7:1;8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1 <b>60 (4)</b> 14:9;33:2,2;38:1 <b>600-dollar-per-week (1)</b> 7:1 <b>601 (1)</b> 18:1</p>	<p><b>9 (51)</b> 2:1;3:1;4:1;5:1;6:1; 7:1;8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1 <b>97 (1)</b> 18:1</p>
<p><b>5</b></p>	<p><b>5</b></p>	<p><b>7</b></p>	<p><b>8</b></p>
<p><b>5 (103)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2; 13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2,8;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>500 (1)</b></p>	<p><b>5 (103)</b> 2:1,2;3:1,2;4:1,2;5:1, 2;6:1,2;7:1,2;8:1,2;9:1, 2;10:1,2;11:1,2;12:1,2; 13:1,2;14:1,2;15:1,2; 16:1,2;17:1,2;18:1,2; 19:1,2,8;20:1,2;21:1,2; 22:1,2;23:1,2;24:1,2; 25:1,2;26:1,2;27:1,2; 28:1,2;29:1,2;30:1,2; 31:1,2;32:1,2;33:1,2; 34:1,2;35:1,2;36:1,2; 37:1,2;38:1,2;39:1,2; 40:1,2;41:1,2;42:1,2; 43:1,2;44:1,2;45:1,2; 46:1,2;47:1,2;48:1,2; 49:1,2;50:1,2;51:1,2; 52:1,2 <b>500 (1)</b></p>	<p><b>7 (51)</b> 2:1;3:1;4:1;5:1;6:1; 7:1;8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;38:1;39:1; 40:1;41:1;42:1;43:1; 44:1;45:1;46:1;47:1; 48:1;49:1;50:1;51:1; 52:1 <b>7:01 (1)</b> 2:3 <b>70 (1)</b> 14:9 <b>701 (1)</b> 18:1 <b>7th (1)</b> 28:2</p>	<p><b>8 (53)</b> 2:1;3:1;4:1;5:1;6:1; 7:1;8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1,1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1,2;38:1;39:1; 40:1;41:1;42:1;43:1;</p>