NEW YORK STATE HOMES AND COMMUNITY RENEWAL

Nassau County RGB Public Hearing

Held Via Zoom

Tuesday, May 24, 2021

7:34 PM

1   [START RECORDING]

2   MR. MICHAEL MILLER: Ladies and gentleman, welcome

3   to second public hearing for the Nassau County Rent

4   Guidelines Board. Hopefully, everybody's safe.

5   We're going to go ahead and introduce the members of

6   the board, starting with Jeannetta.

7   MS. JEANNETTA ALEXANDER: Good evening. Jeannetta

8   Alexander, public member.

9   MR. ANDY COHEN: Andy Cohen, owner's member.

10   MR. GARRETT GRAY: Garrett Gray, public member.

11   MS. CATHRYN HARRIS-MARCHESI: Cathryn Harris-

12   Marchesi, tenant member.

13   MR. ADAM MAHONEY: Adam Mahoney, public member.

14   MR. MARTY MELKONIAN: Marty Melkonian, public

15   member.

16   MR. ROBERT RYCHLOWSKI: Robert -- sorry.

17   MR. GRAY: We only started, Barry.

18   MR. RYCHLOWSKI: Tenant member.

19   MR. BARRY STEIN: Barry Stein, landlord member.

20   MR. MILLER: My name is Mike. And I'm here as a

21   public member.

22   Is I will go ahead and introduce the members of

23   DHCR, and then there's a statement that has to be read.

24   Go ahead, please.

25   MR. JAMES FERRARA: All right. James Ferrara,

1 associate attorney.

2   MR. MICHAEL GUTTENTAG: Michael Guttentag, senior

3 attorney.

4   Back to you, James.

5   MR. FERRARA: In response to the Governor's

6 directive to take every effort to keep New Yorkers safe

7 and mitigate the spread of COVID-19 and pursuant to

8 Executive Order 202-1 and its updates, which allows for

9 the suspension of the open public meetings law, the

10 Nassau County Rent Guidelines Board will be conducting

11 public hearings to determine the guideline rates of rent

12 adjustments for housing accommodations within its

13 jurisdiction which is subject to the Emergency Tenant

14 Protection of 1974 for leases commencing between October

15 1st, 2021, and September 30th, 2022, via Zoom video

16 teleconf.

17   Please note that all meetings will be livestreamed

18 via YouTube, starting at the designated time of the

19 meeting. Instructions for members of the public to

20 simultaneously listen to the hearings are posted on DHCRs

21 website for the Office of Rent Administration, under the

22 public hearings section, prior to the hearings. The

23 hearings will also later be transcribed, and the public

24 will have the ability to view the transcript. The

25 YouTube livestream can be viewed on the Nassau County

1 Rent Guideline Board YouTube channel. All live meetings

2 will be recorded and will remain on the Nassau County

3 Rent Guideline Board YouTube channel for future viewing.

4   MR. MILLER: Thank you, Mr. Ferrara.

5   Members of board, have you had a chance to review

6 the minutes of last meeting?

7   MS. HARRIS-MARCHESI: Yes.

8   MR. MILLER: Motion for acceptance?

9   MS. HARRIS-MARCHESI: Yes.

10   MR. MILLER: Cathryn seconds.

11   All in favor, aye.

12   IN UNISON: Aye.

13   MR. MILLER: Thank you very much.

14   All right. We're going to go right ahead. Who do

15 we have listed to speak today, Mr. Ferrara?

16   MR. FERRARA: Yes, our first speaker will be Michael

17 Schnier of the Long Beach Tenants Association.

18   MR. MILLER: Mr. Schnier, welcome. Please go ahead,

19 sir.

20   MR. GRAY: He's muted.

21   MR. GUTTENTAG: I unmuted him and asked him to start

22 his video. Here we go.

23   MR. MICHAEL SCHNIER: Hi, here we go.

24   MR. GUTTENTAG: Perfect.

25   MR. SCHNIER: Hi. My name is Michael Shcnier. I'm

1 the president of the Long Beach Tenants Association. I

2 live at 25 Franklin Boulevard in Long Beach, and I've

3 been attending meetings of the Nassau County Rent

4 Guideline Board since the '90s. So pretty familiar with

5 the process here.

6   As I've stated in previous testimonies, one of the

7 biggest factors that has to be considered is the

8 reduction of the number of rent stabilized units that

9 exist in Nassau County. According to numbers that I've

10 been able to obtain from DHCR, in 2001, there were just

11 12,000 ETPA units in Nassau County. By 2017, that number

12 decreases to 7,930, and the latest statistics I have are

13 from 2019, and that number is down to 7,265, which is

14 almost a forty percent reduction in the housing stock of

15 rent stabilized units over an eighteen-year period.

16   The apartments that do continue to be ETPA

17 regulated, largely those -- a majority of those

18 apartments have regulated rents, quote/unquote, regulated

19 rents, that are above what would be considered market

20 value. I'm talking regulated rents of over 2,000 dollars

21 a month. I'm not going to deny that there are apartments

22 that exist also that are below market rate, but the fact

23 is that the majority of them, even though they're

24 considered rent regulated, are well above market rate.

25   To put a rent increase on those apartments, would

1 already be a hardship for people that are already

2 struggling to pay their rent, especially in the current

3 situation that we're all in with people out of work, and

4 the impact that COVID has had in the past year. So I

5 would ask that at minimum, there would be no rent

6 increase for the coming year. I know that a lot of

7 people that are living in rent stabilized apartments are

8 on fixed income, they're living on Social Security, and

9 I've had some of these tenants show me what they're

10 making on social security, and their Social Security

11 check doesn't even cover their monthly rent.

12   In past years, you know, if I go back to the years,

13 the early years of 2000s, when the rent laws favored the

14 landlords, at that point in time, I remember testifying

15 and asking the board -- and it was, you know, it was a

16 different board makeup at that time, but I remember

17 asking the board to take into consideration that the laws

18 were very much against the tenants, and we were told by

19 the people who were on the board at that time, that was a

20 matter to take up with our legislators and not the board.

21 And at that point in time we were hit with rent increases

22 in 2003 of five percent with a one-year lease, and eight

23 percent for a two-year lease. 2004, four-and-a-quarter

24 for a one-year lease and six-and-a-quarter for a two-year

25 lease. 2005, five-and-a-quarter for a one-year lease,

1 | seven and a quarter for a two-year lease.

2 | So I am hoping that considering the current climate,

3 | the reduction in ETPA units, and the fact that tenants

4 | are struggling tremendously, that at the very least this

5 | board not consider any rent increase at this time.

6 | MR. MILLER: Thank you, Mr. Schnier.

7 | MR. COHEN: I have a question.

8 | MR. MILLER: Go ahead.

9 | MR. COHEN: So we just heard about 2003, '04, and

10 | '05 with these increases. I'm sure Mr. Schnier could tell

11 | us how much the expenses went up those years?

12 | MR. SCHNIER: I do not know.

13 | MR. COHEN: Really? Okay. Well, I remember at

14 | least one of those years, the expenses were up over seven

15 | percent. I don't have it in front of me. But I'm pretty

16 | sure about that. And I believe those other years that

17 | the rent expenses were similar to the rent increases.

18 | MR. SCHNIER: It should also be noted at that time,

19 | that the landlords were able to get a twenty percent

20 | vacancy allowance, anytime an apartment became vacant.

21 | MR. COHEN: And that was the law.

22 | MR. SCHNIER: Yes.

23 | MR. COHEN: You know; it always can't be against the

24 | landlords. You want the landlords to subsidize

25 | everything. You go buy gas, three dollars a gallon for

1 regular gas. Where's the outrage? You buy milk. I

2 don't know how much milk costs but you know, it's --

3 sooner or later, it's going to bust because the landlords

4 won't be able to fix their buildings or they won't give

5 the services that the tenants are used to, and that's

6 what we're going to be facing. So you know --

7   MR. STEIN: I just have one other -- I might -- are

8 we really seriously talking about something that occurred

9 fifteen to twenty years ago? Am I missing something?

10 You said, 202 (sic), 203 (sic), 2005.

11   MR. SCHNIER: I was just -- I was just -- I just was

12 considering the fact that there was -- in last year's

13 hearings, there were talks from the landlord that the

14 board should take into account that the rent laws are

15 against the --

16   MR. STEIN: I'm just saying, you might want to say

17 something a little bit more timely, a little more

18 present. Also I agree with my counterpart, Andy, that it

19 almost doesn't make any sense to make any comment on the

20 income increases, if you don't have any correspondence on

21 the expenses. But I think Andy made the point.

22   I just -- was 2005, I mean, without making sort of a

23 sense of humor, I had a lot more hair fifteen years ago.

24 Things change. And they've changed a lot. And not

25 necessarily in the landlord's favor the past few years.

1 So I just want to make that point.

2   MR. SCHNIER: A lot of the laws were in the

3 landlords' favor. The landlords deregulated a lot of

4 apartments, and in most of the buildings that have ETPA

5 apartments, they now have the advantage of having those

6 apartments switched over to free market rents.

7   MR. STEIN: Well, by the way, I just wanted to say

8 one other point. When -- to mention the term "free

9 market", where your income is controlled but your

10 expenses are not is sort of not a balanced approach.

11 Don't you agree?

12   MR. SCHNIER: How do you figure that your income is

13 controlled and your expenses are not, if for example, in

14 my building with 126 apartments, only 37 continue to be

15 ETPA regulated, which means over -- between 60 and 70

16 percent of the apartments in my building don't -- the

17 income is not --

18   MR. STEIN: I just asked the question that it's hard

19 to mention anything of free market, when you control the

20 income. And for example, there's been no increase in

21 income, and yet, the expenses have increased. Taxes have

22 gone up. We heard last week, Long Beach taxes, you live

23 in Long Beach, your water has gone up. Your taxes are

24 going up. Certainly the supplies and the material have

25 gone up and will be going up more.

1   So all we're asking for is a balance to the

2   particular board. That's all.

3   MR. RYCHLOWSKI: In Long Beach, the budget wasn't

4   passed yet. That's a tentative budget, and the school

5   taxes have gone down quite a bit this year, due to extra

6   money coming in from the State.

7   MR. MILLER: All right. Thank you, gentleman.

8   Any other comments?

9   Mr. Schnier, thank you so much.

10   Next speaker please?

11   MR. FERRARA: Yes. Go ahead, Michael.

12   MR. GUTTENTAG: I'm removing the pin. Just give me

13 one second. Thank you again.

14   MR. FERRARA: Do we have Mr. Steven Padyk?

15   MR. STEVEN PADYK: Yes.

16   MR. GUTTENTAG: I'm just promoting him. Give me one

17 second.

18   Mr. Padyk?

19   MR. PADYK: I'm here.

20   MR. GUTTENTAG: Okay. I just want to make we could

21 see you.

22   MR. PADYK: Okay.

23   MR. GUTTENTAG: One second.

24   Is your video on? It is not allowing your video to

25 work.

1   MR. PADYK: Yeah, it said -- I hit the button to

2   allow it to work.

3   MR. GUTTENTAG: Okay.

4   MR. SCHNIER: If I may, I think while you were

5   trying to connect Mr. Padyk, your notices came up on my

6   screen. So --

7   MR. GUTTENTAG: Okay.

8   MR. SCHNIER: -- that might be why you're having

9   trouble.

10   MR. FERRARA: Let me go back to him. Thank you.

11   MR. GUTTENTAG: Mr. Padyk?

12   MR. PADYK: Yeah.

13   MR. GUTTENTAG: Now, let's see what's going on over

14   here. Just give me another second. I'm trying to figure

15   out what's wrong with the video. Do you mind not having

16   the video? Or would you like the video on?

17   MR. PADYK: Whatever will get it done. You know.

18   MR. GUTTENTAG: It seems like the video is not

19   working. We could continue without video if you're okay

20   with that.

21   MR. PADYK: That's fine.

22   MR. MILLER: All right. Good evening, Mr. Padyk.

23   Go ahead please, sir.

24   MR. PADYK: Thank you.

25   Good evening to everyone. I don't know if anybody

1 had the chance this Sunday, if you get Newsday at all but

2 Newsday, front page, and I'll hold it up, if you could

3 see it. It said, rent relief --

4 MR. GUTTENTAG: We can't see it. Let me see if I

5 can try to work on your video.

6 MR. PADYK: Okay.

7 MR. GUTTENTAG: I want you to be able to show that

8 if you're trying to show something.

9 MR. PADYK: It says, stop my video, which I did.

10 MR. GUTTENTAG: Let's try this. Is there something

11 in front of your camera? It looks like your video is on,

12 but there's something --

13 MR. PADYK: No, everything's clear.

14 MR. GUTTENTAG: Okay. Interesting. Hold on one

15 second.

16 MR. FERRARA: What we could do, Mr. Padyk, is if you

17 want to take a picture of it and email it to the Nassau

18 County, I'll put it in the record, whatever you're

19 referring to.

20 MR. PADYK: All right. I could do that, after I'm

21 done.

22 MR. FERRARA: Okay. You can do that --

23 MR. PADYK: Yeah, I don't want to hold -- you know,

24 it's late. I don't want to hold everybody up.

25 MR. GUTTENTAG: Yeah. It doesn't look like we're

1 going to be able to get your video working. So let's

2 just go forward.

3   MR. PADYK: Right. So I'll just verbally talk, if

4 that's okay.

5   MR. GUTTENTAG: And email it to us afterwards, and

6 we'll forward it to everybody.

7   MR. PADYK: That's fine. Thank you.

8   Well, anyway in Sunday's Newsday, the front page of

9 Newsday, it's the whole page, rent relief delay. It says

10 ninety million available for Long Islanders but only one

11 percent has been distributed. And not to go over the

12 whole article but in the article itself where it states,

13 "government officials and housing advocates believe many

14 tenants have not applied for help because they are still

15 protected by the state eviction moratorium that will be

16 in effect until at least the end of August". That's by

17 the governor.

18   Now, that being said too, I mean, the landlord-

19 tenant court, and I'll call it tenant court, prior to

20 this pandemic was a complete disaster. Since it's been

21 closed, and they're only now starting video conferences,

22 just to get a court date, you would be in December now,

23 if not into January of 2022. So the whole system has

24 just fallen apart. So there -- and that supports that

25 government official's comment that there is no incentive

1 for a tenant to pay, simply because they can't be

2 evicted, because he can't get to court and there could be

3 no justice whatsoever.

4   The other item 2, and again, I'll email it to

5 you, is oil that heats the building is up 34.73 percent,

6 ending in April. The last item which we all know about

7 because it's been on every news program is that inflation

8 has just hit 4.2 percent.

9   So all these current factors clearly for pre-war

10 buildings that are old, require a tremendous amount of

11 tender loving care, maintenance at a cost, that the costs

12 are increasing, rents are flat, just isn't doing it. You

13 know, you can't take a DeSoto and keep it running with

14 nothing to work with to keep it going. So I think it's

15 important that when -- if you run a business, if anybody

16 on this board runs their own business, they understand

17 that in order to just have a going concern, you need the

18 proper revenue to make -- to cross your Ts and dot your

19 Is and to have a business that goes.

20   That's all I'm trying to say. Okay. Thank you.

21   MR. MILLER: Thank you, Mr. Padyk. Noted.

22   Any comments?

23   MR. COHEN: I have a nonrelated comment, if I could?

24   MR. MILLER: Go ahead, Andy.

25   MR. COHEN: I know we like to talk about New York

1 City when it seems convenient, but their preliminary

2 increase is zero to two for one year, and one to three

3 for two years. We'll see what happens when they vote,

4 but that's what's out there.

5 MR. MILLER: Well.

6 MR. COHEN: They voted on that, this preliminary

7 number, and then we'll see what happens when they do a

8 final vote. But that's out there.

9 MR. MILLER: Any other comments? No.

10 Okay. Our next meeting, the presentation hearing

11 will be Tuesday, June 22nd, is Tuesday, June 22nd at 7:30

12 sharp. It will be via videoconferencing as Zoom like we

13 had tonight. And hopefully, it will be a -- we will have

14 a very robust discussion.

15 MR. COHEN: When's the vote? When is the vote?

16 What's the date?

17 MR. MILLER: The vote is going to be the Thursday,

18 June 24th.

19 MR. COHEN: That's two days later. Okay.

20 MR. MILLER: Two days later.

21 MR. COHEN: Thank you.

22 MR. MILLER: All right. There'd be no other

23 matters; do we have a motion for adjournment?

24 MR. GRAY: Motion.

25 MR. MILLER: Garrett Gray, seconded by?

1   MR. MAHONEY: Adam.

2   MR. MILLER: Adam?

3   All in favor, raise your hands, please?

4   Thank you all very much for your time, your

5   patience. Public members, those watching, please be

6   safe. The mask mandate is no longer required for most

7   places, but do follow your local guidelines. Be safe.

8   Thank you all very much. And I'll see on -- a month from

9   now, June 22nd. Thank you very much.

10   MR. MAHONEY: Thank you. Good night everyone.

11   [END RECORDING]

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

2   The prior proceedings were transcribed from audio

3   files and have been transcribed to the best of my

4   ability. I further certify that I am not connected by

5   blood, marriage or employment with any of the parties

6   herein nor interested directly or indirectly in the

7   matter transcribed.

8

9   Signature

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         Pessy Kaufman

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13   Date June 1, 2021

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