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**NEW YORK STATE  
HOMES AND COMMUNITY RENEWAL  
BOARD MEETING**  
**Rockland County RGB Public Hearing**  
**Held Via Teleconference**  
**Thursday, June 17, 2021**  
**7:07 p.m.**



1 [START RECORDING]

2 MR. PETER STECKER: Okay. Good evening. It's 7:07  
3 on Thursday, June 17th. This is the Rockland County  
4 Public Hearing and vote meeting.

5 Chair, I'll send it over to you.

6 MS. PATRICIA CALDWELL: Okay. Thank you. Good  
7 evening, everyone. Welcome to the Rockland County Rent  
8 Guideline Board meeting. Today is Thursday, June 17th,  
9 2021. We're having a regular meeting as well as a  
10 hearing.

11 The rules and guidelines for the hearing are very  
12 simple. If you are an individual, you have a maximum of  
13 three minutes to speak. If you are representing a  
14 corporation or a landlord, you are allowed (audio  
15 interference) -- please do not exceed those timeframes --

16 MS. KAREN RODRIGUEZ: Hello?

17 MS. CALDWELL: -- we have numerous people wishing to  
18 be speak --

19 MS. RODRIGUEZ: I'm sorry?

20 MS. CALDWELL: -- and we will be starting  
21 momentarily.

22 MS. RODRIGUEZ: Okay. Zoom, just go into meeting  
23 I.D. You want that?

24 MS. CALDWELL: Okay. And just a moment.

25 April, are there any other guidelines or information



1 we need to impart at this time?

2 MS. APRIL GRAY-HUERTAS: No. The only other thing  
3 is that we do have a couple -- at least one comment that  
4 we'll get read into the record. The way it will work is  
5 that the hearing will be open for all the testimony. For  
6 all intents and purposes, at the end of the hearing, the  
7 meeting will be called into order to set the guidelines  
8 for the Rockland County 2021/'22 guideline increases.

9 MS. CALDWELL: Okay.

10 MS. GRAY-HUERTAS: With that, Peter, I guess we can  
11 get started with whoever's first on our list.

12 MS. CALDWELL: Well, first let -- let's have a roll  
13 call so we know --

14 MS. GRAY-HUERTAS: Oh, I'm sorry. My mistake.

15 MS. CALDWELL: -- who's in attendance.

16 MS. GRAY-HUERTAS: All right.

17 MS. CALDWELL: Karen?

18 MS. GRAY-HUERTAS: I'll do that because it appears  
19 Karen's still trying to give directions to somebody.

20 MS. CALDWELL: Okay.

21 MS. GRAY-HUERTAS: Alejandra Silva-Exias?

22 MS. ALEJANDRA SILVA-EXIAS: Present.

23 MS. GRAY-HUERTAS: Millie (phonetic) Guzman?

24 MS. MILAGROS GUZMAN: Here.

25 MS. GRAY-HUERTAS: Kim Foskew?



1 MS. KIM FOSKEW: Here.

2 MS. GRAY-HUERTAS: Who am I missing on the list?

3 Pat Caldwell?

4 MS. CALDWELL: Here.

5 MS. GRAY-HUERTAS: Jarrhett -- his last name I don't

6 know --

7 MS. FOSKEW: Oates.

8 MS. GRAY-HUERTAS: Oates? Oates. Thank you.

9 Sorry.

10 Rabbi Horowitz?

11 And Jain Jacobs?

12 Okay.

13 MS. CALDWELL: Okay. Thank you.

14 And thank you everyone for your patience. We will

15 be starting momentarily.

16 Shall we take testimony from the people who are

17 here, or should we read into the minutes the testimony

18 sent by others who are unable to attend?

19 Which would you prefer to -- in what order, April?

20 MS. GRAY-HUERTAS: It's really up to the board.

21 MS. CALDWELL: Okay.

22 MS. FOSKEW: I would say read in. That would just

23 be my vote. Read in, and then give Mr. Jacob a few more

24 minutes to get here?

25 MS. CALDWELL: Um-hum. That's a very good idea.



1 Okay.

2 April, would you like to do that?

3 MS. GRAY-HUERTAS: Peter, you have that?

4 MR. STECKER: Yeah, I have it up. I can read it.

5 Okay. This is a letter from Barry J. Arena, who's a CPA.

6 Okay. So Mr. Arena says,

7 "Dear Rockland County Rent Guidelines Board,  
8 I am writing to you at the request of my client,  
9 who owns two residential rental projects in  
10 Rockland County, and in accordance with your  
11 procedure to submit written comments addressing  
12 the Board before the June 17th meeting. I, as a  
13 Certified Public Accountant, have direct  
14 knowledge of the operating expenses of the  
15 projects as I prepare the annual surveys for my  
16 clients for both projects.

17 The substance of this email will be short and to  
18 the point. The real estate taxes and insurance  
19 comprised 35.9 percent of the total operating  
20 expenses during the year 2016. Those expenses  
21 now comprise 40.8 percent of the operating  
22 expenses, with the real estate taxes alone  
23 increasing 39.1 percent from 2016 to 2020.  
24 These increased costs are likely being  
25 experienced universally by Rockland County



1 residential rental businesses.

2 As you are aware, the allowable rent increases

3 have been zero percent for one-year leases from

4 10/1/16 to 9/30/2021, a six-year period. The

5 only increase allowable during that same six

6 year period was .5 percent for a two-year lease

7 for the period from 10/1/17 to 9/30/18.

8 Additionally, the previously allowable 20

9 percent increase in legal rent upon a vacancy

10 was eliminated entirely. Prior to that change,

11 upon a vacancy, the rent could at least be moved

12 up to a fair market rent (preferential rent)

13 even if that fair market was below the fully

14 allowable legal rent. Further, the cost

15 individual apartment improvements are now

16 recoverable over 168 months. This newly

17 implemented regulation causes a cash flow burden

18 upon the owner and operators of the smaller

19 apartment owners, as it now requires 14 years to

20 recover the cost of the individual apartment

21 improvements.

22 The increase in the CPI, New York-Newark-Jersey

23 City, for the period from 10/2016 to 5/2021

24 (which is the latest available) was 9.92

25 percent. I have attached the applicable chart



1 for your reference. And, as we are all aware,  
2 energy pricing and general price inflation is  
3 showing up very strongly in recent publications  
4 of price increases. Those increases, in  
5 addition to the increased costs discussed in the  
6 second paragraph, will be incurred by the  
7 Rockland County residential real estate owners.  
8 With these facts stated, and on behalf of my  
9 client, we are naturally hopeful for a  
10 reasonable rent guideline increase for the  
11 coming fiscal year from 10/1/21 to 9/30/22 as a  
12 partial offset to the last six years of cost  
13 increases and the accelerated cost increases  
14 presently.

15 We thank you for your consideration of this  
16 appeal, and should you require anything further  
17 from the property owner or my files, please let  
18 us know.

19 Very truly yours,

20 Barry J. Arena, CPA"

21 And I will note that Mr. Arena's comments were  
22 forwarded to the Board prior to the meeting, as was an  
23 attachment that he sent to the Rockland email address  
24 related to CPI.

25 MS. CALDWELL: Okay. Thank you.



1 MR. STECKER: There was one individual who called  
2 in. I don't know.

3 Karen, did the board member call in?

4 MS. CALDWELL: Karen?

5 MR. STECKER: I guess we can allow them to --

6 MS. GRAY-HUERTAS: Ms. Chairman, it would be Jain  
7 Jacobs (sic). I'm not sure how Mr. -- how he would have  
8 signed in.

9 MR. STECKER: Okay. We can --

10 MS. GRAY-HUERTAS: He may have come in as an  
11 attendee?

12 MR. STECKER: We can allow this person --

13 MS. GRAY-HUERTAS: He should be here.

14 MR. STECKER: We're going to allow this person to  
15 talk and see who it is.

16 MR. JAIN JACOB: Hi. This is Jain Jacob.

17 MR. STECKER: Okay.

18 MR. JACOB: I was muted, that's why I couldn't be --  
19 sorry about that.

20 MR. STECKER: I'm going to promote you to a panelist  
21 now. Actually --

22 MR. JACOB: Okay. Thank you.

23 MR. STECKER: Sure.

24 UNIDENTIFIED SPEAKER: Okay.

25 MR. STECKER: Actually --





1 UNIDENTIFIED SPEAKER: I think I lost my video.

2 MR. STECKER: As a person calling in, I don't  
3 believe that they can be moved to a panelist. But he  
4 allowed --

5 MR. JACOB: Yeah. Yeah.

6 MR. STECKER: -- to talk --

7 MR. JACOB: I will -- I will -- I'm sorry. I just  
8 got home. I will be joining by Zoom in a few minutes, so  
9 I should be able to --

10 MS. GRAY-HUERTAS: Jain, do you need the information  
11 again?

12 MR. JACOB: No, I found it.

13 MS. GRAY-HUERTAS: Okay.

14 MR. JACOB: I will be joining. I just got home.

15 MS. GRAY-HUERTAS: All right. Thank you.

16 MR. JACOB: Okay. Okay. Thank you.

17 MS. FOSKEW: Mr. Stecker, did Mr. Arena say who he  
18 represents? I know he was a owner of two buildings, or?

19 MR. STECKER: No, there was no identification other  
20 than that his client owns two residential rental projects  
21 in Rockland County.

22 MS. FOSKEW: Thank you.

23 MR. STECKER: You're welcome.

24 At the last public hearing, there was also a public  
25 comment read into the record from Aryeh Munk, and the



1 board requested that we get further information as to  
2 where his properties are. I do have that information.  
3 He advises that the property is Sleepy Hollow Gardens,  
4 and is located at 30 Garrison Drive in Spring Valley.  
5 There are 42 stabilized units out of 132 units, so Mr.  
6 Munk asked that I share that with the board.

7 MS. CALDWELL: Okay. Thank you. All right.

8 Has Jain called in yet?

9 MS. GRAY-HUERTAS: He's still not on the phone, so  
10 we can begin having the testimony provided.

11 MS. CALDWELL: Okay.

12 MR. JACOB: I'm still on the phone. I'll be  
13 joining. I'm just signing in to the Zoom meeting.

14 MR. STECKER: Chair, would you like me to promote  
15 the first speaker, or?

16 MS. CALDWELL: Please.

17 MR. STECKER: Okay. Promoting Mr. Levy at this  
18 point.

19 MS. CALDWELL: Mr. Levy?

20 MR. ERIC LEVY: Yes. Can you hear me?

21 MS. CALDWELL: Yes, we can.

22 MR. E. LEVY: Okay. So I'm a property owner of a --  
23 of an apartment building. 66 units. It's called Funston  
24 Properties, and it's at 500 East Funston Avenue, Spring  
25 Valley.



1           So I appreciate you guys giving me time to talk  
2 tonight, and I know I have three minutes, so I'm going to  
3 try and get through my points pretty quickly here.

4           The first thing I want to mention is that the school  
5 tax in Spring Valley is up 13 percent since 2011. The  
6 garbage pick-up is up 38 percent since 2016. The various  
7 garbage haulers refuse to bid against each other.

8           As far as snow removal goes, there's a lot of  
9 litigation that accompanies snow removal. There's people  
10 that slip and fall sometimes on icy walkways. Not our  
11 walkways, but just icy walkways throughout the world.  
12 And what's happened is, landscapers have trouble getting  
13 insurance right now, and so they're paying a lot more  
14 money for premiums, and they're passing that cost onto  
15 us.

16           The other thing I want to mention is the economy is  
17 going to come out of this post-COVID era, it's going to  
18 be coming out roaring. There's going to be a labor  
19 squeeze, and tenants are going to be able to market their  
20 labor services to employers.

21           Even if there isn't inflation in wages, there is  
22 certainly going to be full employment. And I think that  
23 you're going to see -- you're going to see a lot of --  
24 inflation's going to be up all over the place. And I  
25 think -- I think landlords need to be able to have an



1 increase. If everybody else is going to be getting paid  
2 more, we need to be able to get paid more as well.

3 It's amazing to me what landlords are expected to  
4 provide. Garbage pick-up, landscaping, extermination of  
5 pests, replacing appliances, bad debts, insurance,  
6 repairs, plumbing repairs, all this stuff, we're required  
7 to provide, without an increase.

8 So I'll give you an example of something that  
9 happens that we're expected to just cover. A tenant  
10 decides they're going to move out. They take all their  
11 furniture and their mattresses, and they put it next to  
12 the dumpster. And the garbage company shows up, and  
13 hauls it away, and they charge us extra.

14 So you know, that's just one of the things we're  
15 expected to do, is just pay extra for a tenant moving  
16 out. I mean, there's 100 other examples of things that  
17 we have to cover, and it's almost criminal that we  
18 haven't been allowed an increase now in three, or four,  
19 or five years.

20 I'm going to give you another example. The other  
21 day, I was at my property, at 500 East Funston, and I  
22 looked across the street at another landlord's property,  
23 right next to mine, and I looked at his roof, and his  
24 roof looked terrible. And then I saw this squirrel  
25 running along his gutter, and all of a sudden, the



1 squirrel disappeared. He ducked into a hole in the roof,  
2 and he's probably living in the attic somewhere. I said  
3 to myself, "My God, this area's becoming a slum."

4 I mean, if we can't get increases, some of these  
5 landlords are not going to repair things. I mean, we're  
6 going to take care of our building. I can promise you  
7 that. I mean, when we needed to do a new parking lot, we  
8 put a new parking lot in. When we needed a build a --  
9 put a new roof on, we put it on. But I can't guarantee  
10 all the other landlords are going to do the same.

11 You guys have got to be able to get us an increase.  
12 It's been way too long. Way too long.

13 The other thing I want to mention is the plumber.  
14 The plumber -- the plumber is at my place probably every  
15 two or three days, there's a drain that needs -- there's  
16 a new pipe, there's a hole in the ceiling he's got to  
17 make to fix the apartment above. And every year, the  
18 plumber -- you think the plumber keeps his hourly rate  
19 the same for five years in a row? He's raising his rate  
20 every year. I'm paying the plumber more money.

21 So I'm a little desperate for increase. I think you  
22 can tell that from my voice. I think it's time. We got  
23 a lot of expenses, and we need to be able to earn some  
24 money. So that's my spiel.

25 MS. CALDWELL: Thank you, Mr. Levy.



1 MR. LEONARD LEVY: I'm Leonard Levy. I bought the  
2 property back in 1995, and was very proud to have a  
3 wonderful piece of property in Spring Valley. I --

4 MS. CALDWELL: Who's speaking?

5 MR. L. LEVY: -- rent-controlled, but I --

6 MS. CALDWELL: Who is this, Peter?

7 MR. L. LEVY: -- well worth it. It was well worth  
8 it, because (indiscernible) --

9 MR. STECKER: I think there was two individuals on  
10 this line, and one of them started speaking when the  
11 first one --

12 MR. L. LEVY: -- went there --

13 MR. STECKER: -- stopped.

14 MR. L. LEVY: -- it basically meant the rent because  
15 --

16 MS. CALDWELL: They have to identify themselves in  
17 order to --

18 MR. L. LEVY: -- the place is kind of a --

19 MS. CALDWELL: Excuse me, sir. Hello?

20 MR. L. LEVY: Yes.

21 MS. CALDWELL: Sir? You have to be recognized, and  
22 you have to identify yourself prior to speaking.

23 MR. L. LEVY: All right. Let me start again.

24 I am Leonard Levy. My son, Eric, was on the phone  
25 just a minute ago. I was the one that bought the



1 apartment house back in 1995, and I was very proud of it  
2 at that time because it's a beautiful apartment, and I  
3 want to keep it that way. And I have kept it that way.  
4 We have gone through all sorts of expenses to make -- we  
5 put in new furnitures, and we do a good job, and every  
6 body likes the apartment.

7 We -- it's constantly -- they want to rent there.  
8 We have a long list of people who are waiting to move in.  
9 Not that that list is ever really good, but it's very  
10 well loved by everybody. And I -- and I just feel hurt  
11 in the way, for the last three years, that the rent  
12 control says, listen, you guys are making too much money,  
13 or whatever you want to call it. I think it's wrong that  
14 we shouldn't get a rent increase.

15 And if you want my opinion on it, because we didn't  
16 have any for the last two or three years, I think there  
17 should be a 3 percent increase in rent, and then go back  
18 to 1, 1-and-a-half percent for the following years.

19 But there's very much needed -- we have one person  
20 there, because of rent control, that's paying 773 dollars  
21 for a one bedroom in Spring Valley. And it's beautiful  
22 there. And we can't do anything to it.

23 And then we also have a few people that don't pay  
24 their rent because the government says, well, you don't  
25 have to pay rent now. And so we're absorbing those



1 losses, too. So it's not always easy at our end to come  
2 up with a little bit of a profit at the end of the year.

3 Right now, our CPA says we're below 2 percent in  
4 earning and profit, and I could rent money now or borrow  
5 money now or -- at 3.3 percent. So I can't even get  
6 above what it should be in the -- in the -- in the value  
7 of the property.

8 So I just want to thank you for listening to me.  
9 Many times, I wanted to send you an email, and I always  
10 had the wrong address. And I think Eric now, my son, has  
11 the right address, and I'll keep you more informed as we  
12 go on. Thank you very much for listening to me.

13 If you have any questions, I would love to answer  
14 them right now.

15 MS. CALDWELL: Okay. Thank you, Mr. Levy.

16 Peter, who's next?

17 MR. STECKER: Okay. So I'm going to be moving --  
18 the individual was Mr. Loyal, who spoke last week. He's  
19 actually not on the line, so Mr. Joseph Kazarnovsky, I'm  
20 moving him to a panelist now.

21 MR. JOSEPH KAZARNOVSKY: Hello?

22 MS. CALDWELL: Hello, Mr. Kazarnovsky?

23 MR. J. KAZARNOVSKY: Yes. Hi.

24 MS. CALDWELL: Hi. How are you?

25 MR. J. KAZARNOVSKY: This is Joe Kazarnovsky.





1 Good.

2 Thank you for permitting me to speak to the board  
3 this evening. I'm the principle of Sleepy Hollow Gardens  
4 on Old Nyack Turnpike. You heard from my accountant  
5 before, whose letter was read into the record, so I'm not  
6 going to belabor the point about the increases that are  
7 taking place annually that are well in excess of zero  
8 percent. We're getting a high percentage increase on  
9 almost every expense item, so I'm not going to go back  
10 there.

11 But I want to discuss an issue that I think is  
12 fundamental to what's going on here. You know, back in  
13 1974, when the ETPA, when the whole regiment for rent  
14 control was passed, it was basically called a tenant  
15 protection act, and we need to be concerned about who is  
16 to be and who requires protection.

17 When you go across the board and basically do not  
18 permit any increases for anybody, it's one thing if we're  
19 going to protect tenants that need protection, tenants  
20 that are in need, tenants that have demonstrated a need,  
21 but there is no social justice, there's no economic  
22 justice to permit the same zero percent to a -- to a  
23 tenant that is well-funded, has much money in his bank  
24 account, can well afford to pay the increase, has a job,  
25 gets increases in his pay every year.



1           Why can't they pay a reasonable increase in rate to  
2 cover the expenses of the landlord? That's not fair.  
3 It's just simply not justice. It goes against the whole  
4 spirit of the whole legislation to protect people that  
5 need protection, not people who do not need protection.

6           I would respectfully request that the board permit a  
7 reasonable increase in the rent, and if there are tenants  
8 that basically can't afford to pay it, and can make a  
9 demonstrated need, or a hardship, then I think that they  
10 can make that demonstration, and they could be exempt  
11 from that increase.

12           In fact, myself as a landlord, we have voluntarily  
13 met with the (indiscernible) during the COVID period, and  
14 even in the pre-COVID period. If a tenant can  
15 demonstrate, we have -- that they can't afford, they're  
16 on fixed incomes, there are some senior citizens that are  
17 on social security, and the like, make the demonstration  
18 that you can't pay, we'll be more than happy to do the  
19 right thing by those tenants, and maybe not give any  
20 increase to that tenant.

21           But why should somebody who's doing extremely well,  
22 in some cases, even better than the landlord, why should  
23 that person have a windfall of a zero percent increase?  
24 You know, it's basically taking money out of the  
25 landlord's pocket and giving to somebody who doesn't need



1 it. That's just not right. It's not fair. It's just  
2 plain wrong, and I think it's the duty of this board to  
3 do their duty and basically enforce economic justice,  
4 social justice, not take money out of the landlord's  
5 pocket who has continued to pay increased expenses  
6 without compensation, and give it to tenants who do not  
7 need that benefit. Thank you very much.

8 MS. CALDWELL: Thank you, Mr. --

9 Okay. Number 3, Peter?

10 MR. STECKER: Okay. I'm going to be moving Mr.  
11 McKee.

12 MS. CALDWELL: Hello? Are you there?

13 MR. MICHAEL MCKEE: Having some trouble getting  
14 unmuted. Please forgive the background. It's not mine,  
15 it's my husband's. He was using my computer and forgot  
16 to change the background.

17 Good evening, Chair Caldwell, members of the board.  
18 My name is Michael McKee. I'm the treasurer of the  
19 Tenants Political Action Committee, and I've -- my  
20 testimony -- I have given you some background about  
21 Tenants PAC and about myself, which I'm not going to  
22 read. I just sent my testimony in this afternoon, which  
23 I hope you have seen.

24 I want to compliment you for freezing rents for the  
25 last few years. Members of this board have shown that



1 you have understood that it is your job to keep rents  
2 affordable, rather than enhancing landlords' profits. I  
3 urge you to consider a rent freeze again this year.

4 The data provided to you by the DHCR Office of Rent  
5 Administration staff, based on income and expense reports  
6 filed by landlords, give you all the justification you  
7 need for another rent freeze, or even a rent rollback.  
8 Whether looking at table 1 with data from Regency  
9 Village, or table 1 without Regency Village, net  
10 operating income from 2019 to 2020 increased  
11 significantly, by 3.05 percent with Regency Village data,  
12 and by an astonishing 5.23 percent without Regency  
13 Village.

14 While rental income declined somewhat, two  
15 components of operation and maintenance also saw big  
16 decreases. Landlords spent significantly less on  
17 management, and a lot less on repairs and maintenance.

18 The historic cost to income ratios also tell the  
19 story. The first column is invalid methodology, because  
20 it includes interest and depreciation, and therefore  
21 should be disregarded. I would suggest that you instruct  
22 the Office of Rent Administration to eliminate that first  
23 column in future years.

24 The second column properly excludes these two  
25 factors as expenses. In 1987, the average cost to income



1 ratio was 60.3 percent, meaning that net operating  
2 income, the inverse, was 39.7 percent. In 2020, net  
3 operating income was 44 percent -- 44.5 percent without  
4 Regency Village data, and 45.5 percent including Regency  
5 Village.

6 Over the last 34 years, the average landlord of  
7 rent-stabilized properties in Rockland County has  
8 actually done better in terms of their bottom line,  
9 despite the fact that their ability to raise rents is  
10 limited by the ETPA.

11 I want to comment about some methodological things.  
12 I've made these same points to the Westchester County  
13 Rent Guidelines Board many times, as well as to the  
14 Nassau County Rent Guidelines Board. Your table 1  
15 properly puts interest below the line, as that service  
16 interest is a capital expense, not an operating expense.  
17 The Nassau Rent Guidelines Board also maintains this  
18 distinction.

19 But several years ago, the Westchester board  
20 instructed the DHCR ORA staff to include interest as part  
21 of operation and maintenance. I was present the evening  
22 that Art Schulman (phonetic), who was then the head of  
23 research at the Office of Rent Administration, tried to  
24 explain to the Westchester board why interest should not  
25 be treated as O and M, but most of the public members



1 didn't get it, and the motion passed.

2           As for depreciation, it is not an expense at all,  
3 but merely an accounting device. I question whether this  
4 information has any relevance to your function, and think  
5 it would be better if ORA did not include it. Most real  
6 property appreciates in value over time, whereas our tax  
7 code allows real estate investors to pretend that the  
8 opposite occurs.

9           You should remember that there are many benefits to  
10 ownership of rental property quite independent of the  
11 rent role. First and foremost, an apartment building is  
12 an asset that appreciates over time, giving the owner  
13 financial security and the ability to borrow capital for  
14 other investments.

15           But also important is that landlords have a stable  
16 source of income during periods of economic downturn.  
17 During the national recession that began around 2008, the  
18 deepest since the Great Depression, tenants experienced  
19 job losses and loss of income or stagnating income, but  
20 their rents were not reduced.

21           During the current pandemic, owners no doubt lost  
22 some income, but the 2020 INE (phonetic) data clearly  
23 show that they are actually doing quite well, certainly  
24 better than their tenants that have lost their source of  
25 income.



1           So I think you should, at a minimum, maintain the  
2 rent freeze for another year. Many tenants are out of  
3 work, or their hours have been reduced. Many tenants are  
4 not going to be called back to work. And we are hoping  
5 that the State rental assistance -- the Emergency Rental  
6 Assistance program is going to be getting money to  
7 landlords very soon.

8           We hope, by July, that the 2.4 billion dollars that  
9 the State allocated for rental assistance to tenants who  
10 cannot pay their rent will be operational very soon, so  
11 that landlords who have lost income should be made whole  
12 before the end of the summer. Thank you very much.

13           MS. CALDWELL: Thank you, Mr. McKee.

14           MS. SILVA-EXIAS: Pat?

15           MS. CALDWELL: Yes?

16           MS. SILVA-EXIAS: This is Alejandra Silva-Exias. I  
17 just wanted to ask Mr. McKee what organization he  
18 represents?

19           MR. MCKEE: The Tenants Political Action Committee.  
20 Tenants PAC -- I don't know if you saw my -- saw my  
21 written testimony, which I sent this afternoon. I  
22 assumed it would be distributed to the board. But if you  
23 haven't received it, I assume you will.

24           Tenants PAC works to elect pro-tenant candidates to  
25 the State legislature and other legislative bodies. We



1 played a central role in flipping the State senate from  
2 red to blue, which is what made the legislative victory  
3 of two years ago, the Housing Stability and Tenant  
4 Protection Act possible.

5 We also advocate for stronger rent protections with  
6 legislative bodies, and we provide technical assistance  
7 to local groups throughout the state. And I've been  
8 doing this work for 51 years, since 1970.

9 MS. CALDWELL: And you're based from where?

10 MR. MCKEE: I live in Manhattan, and we have board  
11 members from all over the downstate region.

12 MS. CALDWELL: Okay. Alejandra, does that answer  
13 your question, or do you have other questions?

14 MS. SILVA-EXIAS: Yes. Very thoroughly. Thank you.

15 MS. CALDWELL: Yeah. Thank you. Okay.

16 Peter, we can go on to number 4.

17 MR. STECKER: Sure. Just a note, Mr. McKee's  
18 written testimony was forwarded to all the board members  
19 just after 4 o'clock today, so if you haven't had a  
20 chance to look at it, you can look for my email from  
21 around 4 o'clock today.

22 And I will be moving Daniel Kazarnovsky to a  
23 panelist right now.

24 MS. CALDWELL: Hello? Hello? Mr. Kazarnovsky, are  
25 you there?





1 MR. DANIEL KAZARNOVSKY: Hello. I will not be  
2 adding further comment --

3 MR. STECKER: Mr. Kazarnovsky, can you hear us?

4 MR. D. KAZARNOVSKY: Can you hear me? Hello?

5 MR. STECKER: Mr. Kazarnovsky, can you hear us?

6 MR. D. KAZARNOVSKY: I hear you, yes.

7 MR. STECKER: You sound very low. We can hear you,  
8 but it sounds very low.

9 MR. D. KAZARNOVSKY: I'm not -- I just wanted to ask  
10 to speak just in case the board had any questions of me,  
11 because our accountant submitted the letter, Mr. Munk.  
12 But I think all the questions were addressed, so I have  
13 nothing further to add.

14 MS. CALDWELL: So you're a part of Sleepy Hollow as  
15 well?

16 MR. D. KAZARNOVSKY: Yes.

17 MS. CALDWELL: Okay. Thank you. I don't believe we  
18 have any additional questions at this time.

19 Does any board member have any questions they'd like  
20 to ask of Mr. Kazarnovsky? No. Okay.

21 Thank you, sir.

22 MR. STECKER: Okay. I've just moved Alex Bursztein  
23 as the last speaker, and is a panelist.

24 MS. CALDWELL: Have you moved him already?

25 Alex?



1 MR. ALEX BURSZTEIN: Hello. Ms. Caldwell, how are  
2 you?

3 MS. CALDWELL: I'm very well, thank you. How are  
4 you?

5 MR. BURSZTEIN: I'm doing very well. Thank you.

6 As Ms. Caldwell knows, I'm the executive director of  
7 the Legal Aid Society of Rockland County. I've had the  
8 job for 35 years. I've represented tenants for about 40  
9 years on thousands of evictions. And my experience, you  
10 should know, is limited to Rockland County. The Legal  
11 Aid Society of Rockland County only represents people in  
12 Rockland County and whatever experience I have had for  
13 the past 35 years is limited to Rockland County.

14 Now, Rockland County is a difficult place to live  
15 for low and middle income people. The reason for that,  
16 as you well know, is the fact that no real affordable  
17 housing is being built for most people in any event, and  
18 also the fact that there is just no place to go once  
19 you're evicted. It's as simple as that. There is no  
20 place for people to go in Rockland County if you're  
21 evicted. That's why the Legal Aid Society's job is to  
22 preserve shelter for tenants who come to us for  
23 representation.

24 Now, why is Rockland County difficult? It's  
25 difficult because, according to the Comptroller, New York



1 State Comptroller's report in 2019, it is the highest  
2 county in the state of both for affordability threshold,  
3 which is 30 percent of income for rent. 59.4 percent of  
4 tenants in Rockland County are above the threshold.  
5 That's 60 percent.

6 And also, there's at least 17 or 18 percent of  
7 people who are in a severe housing burden category.  
8 That's 50 percent of one's income being used to pay rent.  
9 We see people in those positions all the time.

10 As I always tell whoever wants to listen, if you  
11 have one emergency car repair, and you're not a rich  
12 person, you're a middle or low income person, you will  
13 not be able to pay your rent in any given month, and then  
14 you fall behind to an eviction proceeding and going to  
15 court.

16 Now, I am aware of the fact that some landlords have  
17 not gotten paid during the COVID pandemic. I'll second  
18 what Mr. McKee said, 9.66 million dollars has come in to  
19 Rockland County to pay the rent arrears for tenants who  
20 were affected by COVID. And unlike other forms of  
21 assistance offered to tenants in Rockland County, by the  
22 Department of Social Services, for example, this is  
23 focused on the landlord. Anybody who hasn't gotten paid  
24 because of COVID will and should get paid if they file  
25 the proper forms.



1           We will offer help to landlords' lawyers, to  
2 tenants, anybody who wants to fill out those forms. It's  
3 in everybody's interest to get those landlords paid.

4           Now, ETPA is a very small slice of the rental  
5 picture in Rockland County. There is a reason for the  
6 fact that it was enacted, and the idea is that there  
7 should be limitations on the increases that landlords  
8 get.

9           And very simply, and again, Mr. McKee spoke to this,  
10 if you examine the cost -- I am not an economist. I'm  
11 not going to get into a discussion of whether depreciation  
12 interest should be used, but even if you look at the  
13 numbers of cost to income ratio, even those numbers,  
14 those numbers for 2020 are better than they were for  
15 almost every year on the chart that you have. That  
16 number was 91.4 percent in 1987. It's down to 82  
17 percent. 82 percent in 2020. There is no compelling --  
18 there's no reason to increase the rent if the income  
19 to -- cost to income ratio keeps going down, as it has  
20 done.

21           You can hear anecdotes, which is what you've heard  
22 from the people who testified today about what the  
23 expenses have been and how they have increased, but the  
24 fact of it is that the money that the landlords are  
25 making, at least according to a chart provided by DHCR,



1 is small and it has been in a very long time. And just  
2 for that reason alone, if for no other reason, you should  
3 not grant any rent increases this year.

4 If there is some compelling reason to grant that, I  
5 don't believe that has been presented. Just because your  
6 plumber cost goes up, just because your cost for this  
7 event goes up, if the overall picture is that your income  
8 to cost ratio is going down, you're not being hurt at  
9 this point. You're doing better than you were doing for  
10 many, many years.

11 And for that reason, and because this is the last  
12 bastion in Rockland County for affordable housing for  
13 people who can't afford to live elsewhere, I would urge  
14 you very strongly not to grant any rent increases at this  
15 time. So thank you for letting me testify.

16 MS. CALDWELL: Thank you, Mr. Bursztein.

17 Does anyone have any questions for him? Any panel  
18 or any board members? Okay.

19 Peter? Who do we have next?

20 MR. STECKER: That's all of the people who have  
21 signed up, and there's no one else waiting to speak,  
22 either, Chair. So that's it for the speakers for  
23 tonight.

24 MS. CALDWELL: Okay. Gentleman, I want to thank all  
25 of you for your time, for taking time out of your busy



1 schedules to come before this board tonight. I know it's  
2 difficult doing it on Zoom, because it's much easier and  
3 more effective in person, but we did hear you, and we do  
4 appreciate the fact that you did give us this time.

5 And we thank you for attending, and at this point,  
6 we are going to close the public hearing. And once  
7 again, thank all of the public people for having come and  
8 having spoken.

9 April, what else do we have to do before we go into  
10 the regular meeting?

11 MS. GRAY-HUERTAS: That is all we need to do. You  
12 can go on to a public meeting. I mean -- I'm sorry.  
13 Yeah. Into the public meeting.

14 MS. CALDWELL: Into the public meeting. But the  
15 hearing part is closed.

16 MS. GRAY-HUERTAS: The hearing -- the hearing part  
17 is closed, and while it is a public meeting, it's open to  
18 the public for hearing, it is not open for the public to  
19 participate at this point with the board.

20 MS. CALDWELL: Okay. Then the public hearing part  
21 ends at 7:45, and we will now start the public meeting.

22 Please, again, call the roll so that we know who's  
23 in attendance on the board.

24 April?

25 MS. GRAY-HUERTAS: Oh, I was looking to see if Karen



1 was here. All right.

2 MS. CALDWELL: (Indiscernible).

3 MS. GRAY-HUERTAS: Pat Caldwell?

4 MS. CALDWELL: Here.

5 MS. GRAY-HUERTAS: Jain Jacobs (sic)?

6 MR. JACOB: Here.

7 MS. GRAY-HUERTAS: Millie Guzman?

8 MS. GUZMAN: Here.

9 MS. GRAY-HUERTAS: Alejandra Silva-Exias?

10 MS. SILVA-EXIAS: Here.

11 MS. GRAY-HUERTAS: Kim Foskew?

12 MS. FOSKEW: Here.

13 MS. GRAY-HUERTAS: Jarrhett Oates? Absent.

14 And Rabbi Hersh Horowitz? Also --

15 MS. CALDWELL: Also --

16 MS. GRAY-HUERTAS: The board, there is five members

17 present. There is a quorum, and the board can proceed

18 with determining guideline.

19 MS. CALDWELL: Okay. Thank you very much, April.

20 MS. GRAY-HUERTAS: Thanks, Pat.

21 MS. CALDWELL: Okay. All right. Those of you  
22 present, it's now your opportunity to state your position  
23 on the issue regarding an increase or lack thereof for a  
24 one-year lease. Let's start with that first. Hello?

25 MS. FOSKEW: Okay. I'm sorry. This is Kim. I



1 appreciate listening to all the speakers and the owners,  
2 and I heard them, but I still would like to propose a  
3 zero percent increase. I feel we're still -- we're  
4 barely coming out of this pandemic, and I -- that's being  
5 optimistic.

6 Things are so uncertain, and as Mr. McKee said, and  
7 Alex Bursztein also, there's still a profit being made,  
8 and I still can't erase the memory of -- and I know you  
9 can't fault all the owners for maybe the few that are --  
10 or the many that are not doing their part, but we also  
11 can't dismiss the few that are not doing their part.

12 So I just think there's too much uncertain as far as  
13 people not doing their part, and like I said, with COVID,  
14 and -- they will get their money back from the  
15 government, as Mr. McKee said, and Mr. Bursztein also  
16 said, so I propose a zero percent for one year.

17 MS. CALDWELL: Does anyone else have an opinion?  
18 Agree or disagree?

19 MS. GUZMAN: I agree with Kim. I will second Kim on  
20 a zero percent increase.

21 MS. SILVA-EXIAS: Hi, Pat. This is Alejandra Silva-  
22 Exias. I'm one of the tenant representatives on the  
23 board.

24 Having heard all of the testimony that's been  
25 presented, I also agree that there should be a freeze on





1 rents again. I didn't find that the landlords' reasons  
2 were compelling enough. The data clearly shows that they  
3 are still making profits. I think Mr. McKee's testimony  
4 really highlighted that picture, as well as Mr.  
5 Bursztein.

6 I wanted to focus particularly on the years 2019 and  
7 2020 just as an example. In 2019, the cost to income  
8 ratio was 58.9 percent, and in 2020, it was 55.5 percent,  
9 meaning that the net operating income went from 41.1  
10 percent to 44.5 percent, meaning it increased.

11 And basically, what the net operating income is,  
12 just so everyone understands, it's a formula that's used  
13 to calculate profitability. And here, it clearly shows  
14 that the landlords are still being profitable, whether or  
15 not some of their costs have increased. So overall  
16 picture, as Mr. Bursztein said, is that landlords are  
17 still making profits. And on the contrary, tenants are  
18 struggling.

19 We have to keep in mind that the Tenant Protection  
20 Act was enacted for that very reason, to ensure that  
21 there was affordable housing for tenants, and there is  
22 not much in Spring Valley or in Haverstraw. Some of  
23 these rent-stabilized units are some of the only  
24 affordable housing units in the county. And we need to  
25 really ensure that we preserve that affordable housing in



1 our county. So I am also going to vote for a rent freeze  
2 on one-year leases. Thank you.

3 MS. CALDWELL: Okay. Jain?

4 MR. JACOB: Yes. I am in the minority, but I  
5 disagree, and I propose a 3 percent increase.

6 MS. CALDWELL: Okay. Let me just -- well, it's  
7 evident that the three out of five will -- but I just  
8 want to say this in defense of some of the landlords as  
9 well as some of the tenants. There are funds available  
10 as we were spoken to by Mr. Bursztein and about Mr.  
11 McKee. And the tenant has to apply for these monies.  
12 Landlords cannot apply for them. The funds are for the  
13 tenants.

14 They will be paid directly to the landlord, but you  
15 would be amazed -- and Alex, I'm going to give you  
16 something to think about and to do. Maybe you can reach  
17 out to some of the populace just saying to them, it's not  
18 going to cost them any money. They don't have to pay  
19 this money back. It's free money, but they are not  
20 applying.

21 And I can tell you that there are landlords out here  
22 reaching out, sending letters out, sending notices,  
23 telling the tenants, hey, look, if you need help filling  
24 out these papers, we will help you. If you don't trust  
25 us to help you, there are agencies in the county, in the



1 Village, that can help you. This is free money. But  
2 they're not applying. They are simply not applying at  
3 the -- nowhere near the level that they should be, and  
4 they're behind, and yes, that is a problem for landlords.

5 I also believe that as landlords, we're not  
6 starving, but we do need assistance, and they do need  
7 assistance, but I agree with you on the zero percent for  
8 the one-year, because I think that given the pandemic,  
9 and everything that's occurred, and we're in such a  
10 state, that I agreed that a zero percent increase for  
11 one-year makes more sense and is more effective -- would  
12 be more helpful to the -- for the greater good.

13 So I'm not going to -- but I do think that you need  
14 to know that the tenants are not necessarily carrying  
15 their load. They're not necessarily -- they're far from  
16 doing what they need to do to have -- because it's a --  
17 in the event that none of you know, or maybe some of you  
18 do, this is a two-part application. They have to fill it  
19 out, and then they have to be truthful about it, and then  
20 it has to be -- the landlord has to fill in the balance  
21 of it, telling you exactly what the amounts are and  
22 showing the documentation of how they got they way and  
23 how long they've been that way. But it's the applicant's  
24 responsibility to fill out the initial application.

25 So Alex, if you could make them understand that, and



1 understand that they do not have to pay this money back,  
2 that might get them to move a little faster, or move at  
3 all. Given that, I'm going to get off my soapbox.

4 Since we've heard all the board members' positions  
5 on a one-year lease increase, or decrease, or  
6 nonincrease, is there a motion?

7 MS. FOSKEW: Motion for a zero percent increase for  
8 one year.

9 MS. CALDWELL: Okay. Is there a second?

10 MS. GUZMAN: Second.

11 MS. SILVA-EXIAS: I second that.

12 MS. CALDWELL: Okay. It's properly moved and second  
13 to have a zero percent increase for one year.

14 On a motion to approve zero percent increase for one  
15 year, would the clerk please call the roll? Are you --

16 MS. RODRIGUEZ: Milagros Guzman?

17 MS. GUZMAN: Yes.

18 MS. RODRIGUEZ: Jain Jacob?

19 MR. JACOB: No.

20 MR. BURSZTEIN: Alejandra Silva-Exias?

21 MS. SILVA-EXIAS: Yes.

22 MS. RODRIGUEZ: Kim Foskew?

23 MS. FOSKEW: Yes.

24 MS. RODRIGUEZ: Patricia Caldwell?

25 MS. CALDWELL: Yes. So that's four. The motion



1 carries. Zero percent increase for a one-year, for this  
2 year.

3 MS. GRAY-HUERTAS: The motion does not carry.  
4 Unfortunately, you have to have five voting yes --

5 MS. CALDWELL: Oh.

6 MS. GRAY-HUERTAS: -- at any point in time on any of  
7 these motions. While five is a quorum, the board, by  
8 law, is a nine person board, requiring five people to  
9 vote for everything and anything this board approves.

10 MS. CALDWELL: Okay. So Madam Attorney, where are  
11 we now?

12 MS. GRAY-HUERTAS: You need to look for a new motion  
13 for a one-year guideline.

14 MS. CALDWELL: Okay. And if we -- then we are going  
15 to have to postpone this to another meeting, because  
16 we're not going to reach the quorum that we're going to  
17 need, and we're not going to get the votes that we're  
18 going to need. Right now, the five people present, and I  
19 doubt -- Mr. Jacobs (sic), are you going to change your  
20 vote?

21 MS. GRAY-HUERTAS: Well, why don't you find out if  
22 he has a motion that anybody else is willing to vote for  
23 before you adjourn your meeting?

24 MS. CALDWELL: Okay. All right. You're absolutely  
25 correct. Thank you.



1           Is there another motion on the floor, or a  
2 recommendation for a increase of any type being proposed  
3 by any board member?

4           Mr. Jacobs, would you like to propose an increase at  
5 some reasonable level that --

6           MR. JACOB: As long as it's not one -- as long as  
7 it's not zero, I can agree.

8           MS. CALDWELL: As long as it's not zero, is what  
9 you're saying?

10          MS. GRAY-HUERTAS: Mr. Jacob, do you have a motion  
11 you'd like to make for the floor?

12          MR. JACOB: I can -- I can move my 3 percent to 1  
13 percent.

14          MS. CALDWELL: Okay. Is there a second?

15          Mr. Jacobs (sic), I'll second your motion for a 1  
16 percent.

17          MR. JACOB: Then we have two.

18          MS. CALDWELL: You've heard the motion.

19          Would the clerk please call the roll on a 1 percent  
20 increase?

21          MS. RODRIGUEZ: Milagros Guzman?

22          MS. GUZMAN: No.

23          MS. RODRIGUEZ: Jain Jacob?

24          MR. JACOB: Yes.

25          MS. RODRIGUEZ: Alejandra Silva-Exias?



1 MS. SILVA-EXIAS: No.

2 MS. RODRIGUEZ: Kim Foskew?

3 MS. FOSKEW: No.

4 MS. RODRIGUEZ: Patricia Caldwell?

5 MS. CALDWELL: Yes. Once again, we're at the same  
6 impasse. It's a two to three vote, and we need a five.

7 So not having reached a level, I think at this time,  
8 we may need to table that and move on to the next item.

9 If we're not going to reach -- if 1 percent is not  
10 acceptable, then we're certainly not going to sit here  
11 and go for 2 or 3.

12 April, can we go on now to a two-year lease?

13 MS. GRAY-HUERTAS: You can do that.

14 MS. CALDWELL: Okay.

15 MS. FOSKEW: Can we propose less than a 1 percent?

16 MS. GUZMAN: For the two-year or for the one-year?

17 MS. FOSKEW: For the one-year. Back to the one-  
18 year. Sorry.

19 MS. SILVA-EXIAS: Can we propose a .01 percent  
20 increase?

21 MS. CALDWELL: No. What is a .01 percent?

22 MS. SILVA-EXIAS: He said anything less than 3  
23 percent.

24 MS. CALDWELL: He said 1 percent, and you voted it  
25 down.



1 MS. GUZMAN: Can we compromise on a two-year lease?

2 MS. CALDWELL: Well, we're about to -- we're  
3 starting a two-year lease right now. So the floor is  
4 open for a two-year lease.

5 Does anyone have a motion or anyone have a  
6 recommendation or request for a two-year lease, in a  
7 percentage?

8 MS. FOSKEW: I would still propose a zero percent  
9 for the same reasons.

10 MS. SILVA-EXIAS: I agree.

11 MS. CALDWELL: Okay. That's two.

12 Anyone else? Hearing none.

13 I'm going to make an additional proposal for a two-  
14 year lease. I would like to propose a 2 percent increase  
15 for a two-year lease.

16 MS. GRAY-HUERTAS: Are you moving to amend their  
17 motion?

18 MS. CALDWELL: Well, she said she recommended it.  
19 She didn't make a motion.

20 MS. GRAY-HUERTAS: Oh, okay.

21 MS. CALDWELL: We're still discussing, although I  
22 guess the motion should come before the discussion.  
23 Okay. So we should go back to the zero percent?

24 MS. GRAY-HUERTAS: You should --

25 MS. CALDWELL: Okay.





1 MS. GRAY-HUERTAS: -- make a roll call or make an  
2 amendment -- a motion to amend.

3 MS. CALDWELL: Okay. Then let's do a roll call on a  
4 zero percent.

5 MS. RODRIGUEZ: Milagros Guzman?

6 MS. GUZMAN: Yes.

7 MS. RODRIGUEZ: Jain Jacob?

8 MR. JACOB: No.

9 MS. RODRIGUEZ: Alejandra Silva-Exias?

10 MS. SILVA-EXIAS: This is on a zero percent?

11 MS. CALDWELL: Um-hum.

12 MS. SILVA-EXIAS: Yes.

13 MS. RODRIGUEZ: Kim Foskew?

14 MS. FOSKEW: Yes.

15 MS. RODRIGUEZ: Patricia Caldwell?

16 MS. CALDWELL: No. Okay. We're back at point zero.

17 MS. RODRIGUEZ: Um-hum.

18 MS. CALDWELL: All right.

19 MS. RODRIGUEZ: Three yeas and two nos.

20 MS. CALDWELL: Yes.

21 MS. SILVA-EXIAS: Can I make a proposal?

22 MS. CALDWELL: Yes, you can.

23 MS. SILVA-EXIAS: .5 percent on one-year and two-  
24 year leases.

25 MS. FOSKEW: I would second that, if she made a --



1 MS. SILVA-EXIAS: Unless you want to split them and  
2 make it one-year and then two-year, but that's what I'm  
3 suggesting.

4 MS. CALDWELL: Okay. Let's -- we are presently  
5 working on the two-year lease, so let's finish that off,  
6 and then you can make your additional proposal for a  
7 combination of one and twos.

8 Is that what you want to do? Because I had already  
9 proposed the 2 percent for a two-year lease. I need a  
10 second.

11 MR. JACOB: Yeah, I second.

12 MS. CALDWELL: It's properly moved and second for a  
13 2 percent increase on a two-year lease.

14 Will the clerk please call a roll?

15 MS. RODRIGUEZ: Milagros Guzman?

16 MS. GUZMAN: No.

17 MS. RODRIGUEZ: Jain Jacob?

18 MR. JACOB: Yes.

19 MS. RODRIGUEZ: Alejandra Silva-Exias? Alejandra  
20 Silva-Exias?

21 MS. FOSKEW: I think she's froze for a second.

22 MS. RODRIGUEZ: All right.

23 Kim Foskew?

24 MS. FOSKEW: No.

25 MS. RODRIGUEZ: Patricia Caldwell?



1 MS. CALDWELL: Yes. Alejandra?

2 MS. SILVA-EXIAS: I'm sorry. Did you call me?

3 Because my computer was just frozen.

4 MS. CALDWELL: Yes.

5 MS. RODRIGUEZ: Yes.

6 MS. SILVA-EXIAS: This is on a 2 percent for two-

7 year leases?

8 MS. CALDWELL: Yes.

9 MS. SILVA-EXIAS: No.

10 MS. CALDWELL: Okay. All right. Motion did not

11 carry. We have not -- now the floor is open for any

12 alternate recommendations that you may or may not have.

13 MS. SILVA-EXIAS: Well, I would like to propose a .5

14 (audio interference).

15 MS. CALDWELL: Excuse me?

16 MS. SILVA-EXIAS: (Audio interference) can start

17 with a one-year lease, and then move on to two-year

18 leases, if that's how you'd like to do it, or I can just

19 move it all in one.

20 MS. CALDWELL: I'm hearing bits and pieces of what

21 you're saying.

22 MS. SILVA-EXIAS: Oh, I'm sorry. Do you hear me

23 now?

24 MS. CALDWELL: Yes. Thank you.

25 MS. SILVA-EXIAS: Okay. I'm proposing a .5 percent



1 increase for one-year and two-year leases. If you want,  
2 I can move it all together, or I can split it and do it  
3 for one-year leases and then for two-year leases. I  
4 don't know if others would agree to that.

5 MS. GUZMAN: I will second that.

6 MS. CALDWELL: What exactly are you seconding? She  
7 didn't make a --

8 MS. GUZMAN: The .5. Oh, the -- okay.

9 MS. CALDWELL: I would rather us do it one year by  
10 one year instead of doing it combined.

11 MS. SILVA-EXIAS: Okay. So then I will move to do a  
12 .5 percent increase for one-year leases.

13 MS. CALDWELL: Is there a second?

14 MS. GUZMAN: Second.

15 MS. FOSKEW: Second. Either one.

16 MS. CALDWELL: Okay. Please call the roll on a 0.5  
17 percent increase for a one-year lease.

18 MS. RODRIGUEZ: Milagros Guzman?

19 MS. GUZMAN: Yes.

20 MS. RODRIGUEZ: Jain Jacob?

21 MR. JACOB: Yes.

22 MS. RODRIGUEZ: Alejandra Silva-Exias?

23 MS. SILVA-EXIAS: Yes.

24 MS. RODRIGUEZ: Kim Foskew?

25 MS. FOSKEW: Yes.



1 MS. RODRIGUEZ: Patricia Caldwell?

2 MS. CALDWELL: Yes.

3 MS. RODRIGUEZ: Five yeses.

4 MS. CALDWELL: The motion carries. That's on a one-  
5 year. Approved.

6 MS. SILVA-EXIAS: I'd like to --

7 MS. CALDWELL: .05 (sic) percent. Okay.

8 For a two-year? Is there a motion -- is there  
9 recommendation or a motion for a two-year?

10 MS. SILVA-EXIAS: I would like to bring a motion.

11 MS. CALDWELL: Okay.

12 MS. SILVA-EXIAS: Can you hear me?

13 MS. CALDWELL: Yes.

14 MS. SILVA-EXIAS: Okay. I would like to make a  
15 motion for .5 percent on two-year leases.

16 MS. CALDWELL: Are there any other recommendations?

17 I recommend a 1 percent increase on a two-year lease.

18 MR. JACOB: I second that.

19 MS. CALDWELL: Are there any other recommendations?

20 MS. FOSKEW: Is Alejandra's motion still on the  
21 floor, or no?

22 MS. CALDWELL: Well, she made a recommendation. It  
23 was not second. And I made an alternate recommendation.

24 MS. FOSKEW: Okay.

25 MS. CALDWELL: And it was just second by Jain.



1 MS. FOSKEW: Okay.

2 MS. CALDWELL: Now, if you want -- Alejandra, were  
3 you making a recommendation, or you making a motion?

4 MS. SILVA-EXIAS: A motion.

5 MS. CALDWELL: Okay. You can --

6 MS. FOSKEW: I'll second it.

7 MS. CALDWELL: No, it was not second, but okay,  
8 second now. So that's 0.5 percent for a two-year as  
9 well?

10 MS. SILVA-EXIAS: Two-year leases. Yes.

11 MS. CALDWELL: Okay. All right.  
12 You've heard the motion.

13 Clerk, please call the roll on a 0.5 percent  
14 increase for a two-year lease.

15 MS. RODRIGUEZ: Milagros Guzman?

16 MS. GUZMAN: Yes.

17 MS. RODRIGUEZ: Jain Jacob?

18 MR. JACOB: No.

19 MS. RODRIGUEZ: Alejandra Silva-Exias?

20 MS. SILVA-EXIAS: Yes.

21 MS. RODRIGUEZ: Kim Foskew?

22 MS. FOSKEW: Yes.

23 MS. RODRIGUEZ: Patricia Caldwell?

24 MS. CALDWELL: No.

25 MS. RODRIGUEZ: Motion did not pass.



1 MS. CALDWELL: Okay. I would -- I would like to  
2 move -- I would like to move a 1 percent increase on a  
3 two-year lease.

4 Is there a second?

5 MR. JACOB: I second.

6 MS. CALDWELL: Properly moved and second.

7 Would the clerk please call -- calling you clerk,  
8 I'm sorry.

9 Could you please call roll, April?

10 MS. GRAY-HUERTAS: Karen?

11 MS. RODRIGUEZ: Yes. Milagros Guzman? Milagros  
12 Guzman?

13 MS. GUZMAN: Yes? I'm having trouble hearing. Can  
14 you repeat that, please?

15 MS. RODRIGUEZ: We're taking the roll call for a 1  
16 percent increase on a two-year renewal.

17 MS. GUZMAN: I can't hear. On a two-year? No.

18 MS. RODRIGUEZ: No? Jain Jacob?

19 MR. JACOB: Yes.

20 MS. RODRIGUEZ: Alejandra Silva-Exias?

21 MS. SILVA-EXIAS: No.

22 MS. RODRIGUEZ: Kim Foskew?

23 MS. FOSKEW: No.

24 MS. RODRIGUEZ: Patricia Caldwell?

25 MS. CALDWELL: Yes.



1 MS. RODRIGUEZ: Motion did not pass.

2 MS. SILVA-EXIAS: I would like to make an alternate  
3 proposal, or a motion?

4 MS. CALDWELL: Yes?

5 MS. SILVA-EXIAS: .75 percent on two-year leases.

6 MS. FOSKEW: I'll second that.

7 MS. GRAY-HUERTAS: .75?

8 MS. CALDWELL: Properly moved and second for a .75  
9 percent increase on a two-year lease.

10 Would the -- April, please call the roll.

11 MS. GRAY-HUERTAS: Karen has it.

12 MS. RODRIGUEZ: Yes. Milagros Guzman?

13 MS. GUZMAN: .75? Yes.

14 MS. RODRIGUEZ: Jain (audio interference)?

15 MR. JACOB: Hello? Who's calling me?

16 MS. RODRIGUEZ: Jain?

17 MR. JACOB: Yes.

18 MS. RODRIGUEZ: Jacob?

19 MR. JACOB: Yes.

20 MS. RODRIGUEZ: Yes?

21 MS. CALDWELL: You're voting in favor of .75?

22 MR. JACOB: Yeah. I just want to get something in.

23 MS. RODRIGUEZ: Alejandra Silva-Exias?

24 MS. SILVA-EXIAS: Yes.

25 MS. RODRIGUEZ: Kim Foskew?





1 MS. FOSKEW: Yes.

2 MS. RODRIGUEZ: Patricia Caldwell?

3 MS. CALDWELL: I'm really torn. If we don't make a  
4 determination tonight, we'll have to have another meeting  
5 and insist that all board members attend, or try to get  
6 all -- get a full compliment of the board so we can have  
7 them make a decision? Is that what you're telling us?

8 MS. GRAY-HUERTAS: Only on the -- only on the two-  
9 year lease. You guys have already agreed on a one-year  
10 lease.

11 MS. CALDWELL: Okay. Then let's -- okay.

12 MS. SILVA-EXIAS: By when do we need to pass?

13 MS. GRAY-HUERTAS: By the end of this month.

14 MS. CALDWELL: Okay. Then that's what we will do.

15 MS. SILVA-EXIAS: So your vote is no?

16 MS. CALDWELL: Yes. My vote is no.

17 So April, you're going to have to contact -- do we  
18 need --

19 MS. GRAY-HUERTAS: (Indiscernible) -- we will  
20 contact them again, but I can tell you, we did that  
21 today.

22 MS. CALDWELL: Okay.

23 MS. GRAY-HUERTAS: We reached out individually to  
24 every board member this afternoon.

25 MS. CALDWELL: Okay. And I'm asking you to do that



1 one more time, and if we don't get a result -- if we  
2 don't hear from them, or we can't get a commitment from  
3 them, do they have to participate, or can they just tell  
4 you -- we'll tell them what the choices are --

5 MS. GRAY-HUERTAS: No, they need to be present at  
6 the meeting.

7 MS. CALDWELL: They need to be present to vote?  
8 Okay. All right. Then that's what we'll do.

9 MS. GRAY-HUERTAS: (Indiscernible) --

10 MR. STECKER: There's also going to need to be a set  
11 date for the meeting --

12 MS. CALDWELL: Yes.

13 MR. STECKER: -- so that we can properly notice the  
14 meeting as well.

15 MS. CALDWELL: Okay. What type of --

16 MS. SILVA-EXIAS: Can we have it in one week? Is  
17 that sufficient time for a notice?

18 MR. STECKER: Yeah. One week --

19 MS. GRAY-HUERTAS: If somebody knows that every  
20 board member will show up, but otherwise, I don't know  
21 how you're going to be able to do that in one week.

22 MR. JACOB: Well, we have to vote on the one-year  
23 lease again, or no?

24 MS. RODRIGUEZ: It would just be for a meeting.

25 MS. CALDWELL: To vote on a two-year lease.



1 MR. JACOB: Oh. So one-year lease is done, right?

2 MS. GRAY-HUERTAS: Um-hum.

3 MS. CALDWELL: Yes.

4 MS. SILVA-EXIAS: So Pat, can I ask you, because you  
5 would agree to a zero percent, and now you won't agree to  
6 it --

7 MS. CALDWELL: I would agree --

8 MS. SILVA-EXIAS: -- on a two-year?

9 MS. CALDWELL: I agreed to a zero percent this year.  
10 But a two-year lease, I just believe they're entitled to  
11 at least a 1 percent. And you're going up in increments  
12 from a .5 to a .75.

13 Why not just have a 1 percent increase on a two-year  
14 lease?

15 MS. SILVA-EXIAS: Well, that's a compromise. You  
16 guys proposed -- when you proposed 1, and we proposed .5,  
17 so the -- you split the baby and it's .75. Just don't  
18 want to be in the same situation, in, like, in a week  
19 from now.

20 MS. FOSKEW: Um-hum.

21 MS. CALDWELL: Well, you said "we", like it's  
22 already a foregone conclusion that everyone's going to  
23 stick to the .75 that you proposed? Is that what  
24 you're --

25 MS. SILVA-EXIAS: No. I'm saying, like, if we're



1 the only ones that show up again next week, that I just  
2 don't want to be in the same position again. I don't  
3 know what's going to happen. I mean, I don't know if  
4 other people are going to show up. If we are going to do  
5 this, I wish we would have just tried to do it on the  
6 one-year leases as well, and see what others would have  
7 proposed, but.

8 MR. JACOB: Well, in fairness, if you want -- you  
9 agreed to a half-year -- a half-year -- a half-percent  
10 increase on a one-year, it's fair to be a 1 percent for a  
11 two-year. I just agreed because I just wanted to  
12 (indiscernible). I think (indiscernible).

13 MS. CALDWELL: Well, April, you were pretty sure  
14 that we're going to have a similar kind of thing no  
15 matter when we set the next meeting, and we're still not  
16 going to be in a full quorum? We won't have the ample  
17 people to be able to make this determination?  
18 (Indiscernible) --

19 MS. GRAY-HUERTAS: If I had a crystal --

20 MS. CALDWELL: I'm not asking you to look in your  
21 crystal ball --

22 MS. GRAY-HUERTAS: I wish I had a crystal ball, and  
23 if I did, I could --

24 MS. CALDWELL: Based on the prior board meetings  
25 that we've had, it's safe to assume that we will -- we



1 probably will not have the necessary people?

2 MS. GRAY-HUERTAS: What I will say is that I can't  
3 promise that they will all be here. I can promise that  
4 we will contact everybody.

5 MS. CALDWELL: Okay.

6 MS. SILVA-EXIAS: I think we need to decide this  
7 tonight, because --

8 MS. FOSKEW: I agree with that. And I also feel  
9 that the .75 is fair. We went from the .5 for the one-  
10 year, it's -- we're just in such uncertain times right  
11 now, and it's proven in all the data that the homeowners  
12 are continuing to make money, so it's just, like, a trial  
13 basis to see how things go, and in two years, we can look  
14 at it again.

15 MR. JACOB: I just don't want to argue with the --  
16 all these people talking about the landlords making a ton  
17 of money, but all fairness --

18 UNIDENTIFIED SPEAKER: (Indiscernible) -- meeting.

19 MR. JACOB: I'm sorry?

20 MS. CALDWELL: Excuse me?

21 MR. JACOB: Can you -- can you hear me?

22 UNIDENTIFIED SPEAKER: Um-hum.

23 MR. JACOB: Yes, so basically, I just hear one  
24 gentleman saying that the interest and the depreciation  
25 doesn't count. I mean, I don't know what world he's



1 coming from, but these are expenses, real expenses, and  
2 when you say people are making 40 percent profit, 35  
3 percent profit, I am a CPA -- I am a practicing CPA, I  
4 have never seen any landlords making that kind of money.

5 So just to be fair, there are a lot of expenses, lot  
6 of (indiscernible) expenses, and lot of landlords are  
7 (indiscernible), but at least for fairness, having a half  
8 a percent increase for a one-year and a 1 percent  
9 increase for two-year, maybe we could get it today and  
10 move on. So there is one side that's not being presented  
11 properly here.

12 MS. GRAY-HUERTAS: As a point of clarification for  
13 the board, anybody whose lease comes up between October  
14 1st of this year and September 30th of next year, 2022,  
15 has an option of a one-year or a two-year lease. They're  
16 not locked into either of those. It's the tenant's  
17 choice which lease term they take. I don't know if that  
18 helps with your negotiation, but just as a point of  
19 clarification.

20 MS. CALDWELL: Okay. Thank you.

21 So we're back to the .75. Is that where we are?

22 MS. SILVA-EXIAS: Yes.

23 MS. GRAY-HUERTAS: Is there a new motion on the  
24 floor, since that motion failed?

25 MS. CALDWELL: No. We're having a discussion before



1 we --

2 MS. GRAY-HUERTAS: Oh.

3 MS. CALDWELL: -- put a motion. We're just  
4 asking --

5 MS. GRAY-HUERTAS: I apologize. I apologize.

6 MS. SILVA-EXIAS: I mean last year, we were  
7 advocating for a decrease. A rollback. And here we are,  
8 like, still in the middle of a pandemic, where granted,  
9 we are coming out of this, but there's a lot of people  
10 struggling still. People who have had tremendous loss of  
11 income, and wages are not necessarily going up.

12 Now, that may be the case that the economy will  
13 eventually surge, but right at this moment, in this  
14 snapshot, this time frame, that's all I can see right  
15 now, and I just don't see how we can pass these  
16 increases, given this current situation, especially when  
17 the data shows the overall picture is not one of, like,  
18 landlords really struggling here.

19 On the contrary, there is plenty of data to show  
20 that tenants have really been hit hard, especially in low  
21 income communities, like the ones that these rent-  
22 stabilized properties are in. So that's why I proposed  
23 the .75 --

24 MS. CALDWELL: There's quite a bit of money that's  
25 now available to these tenants who have been affected by



1 this, and I'm saying to you that most of them are not  
2 availing themselves of this free money to take care of  
3 their past indebtedness.

4 MS. SILVA-EXIAS: Right, but those are two separate  
5 issues, right? Like, one is about arrears and making the  
6 landlord whole. We're talking about --

7 MS. CALDWELL: Arrears are difficult, but what I'm  
8 talking about is --

9 MS. SILVA-EXIAS: -- tenants who very well may be  
10 paying their rent --

11 MS. CALDWELL: (Indiscernible). We have -- there  
12 are tenants who have a year plus behind in their rent  
13 because when it first came out, and they were told, well,  
14 you don't necessarily have to pay your rent if you can't  
15 afford it, they interpreted that as to mean we don't have  
16 to pay our rent. And there are lots of tenants who  
17 absolutely did not pay one dime in over a year. So  
18 landlords are bearing the burden of that. They really  
19 are.

20 I mean, you may get it on the outside, but during  
21 this time, you have -- the landlord's responsible for the  
22 day to day maintenance and upkeep on a promise that maybe  
23 down the road, you'll get some of it back. But it's over  
24 a year for -- if we were talking a couple of months, I  
25 wouldn't have this argument, but we're talking over a





1 year of indebted.

2 MS. FOSKEW: I mean, I understand what you're  
3 saying, but I think it's just like, that's not the vast  
4 majority of tenants that we're speaking of. I think that  
5 they are struggling, and in everything that's happening,  
6 and everything's so uncertain right now, and I think a  
7 .75 is a fair compromise.

8 MS. CALDWELL: Okay. Well, if the .75 is the fair  
9 compromise you're proposing, put in your motion. Put it  
10 into a form of a motion, please.

11 MS. SILVA-EXIAS: Go ahead, Kim.

12 MS. FOSKEW: I'll propose a .75 increase for two-  
13 year leases.

14 MS. CALDWELL: Is there a second?

15 MS. GUZMAN: Second.

16 MS. CALDWELL: Properly moved and second.

17 April, please call the roll on a .75.

18 MS. GRAY-HUERTAS: Karen, you got it?

19 MS. RODRIGUEZ: I do.

20 Milagros Guzman?

21 MS. GUZMAN: Yes.

22 MS. RODRIGUEZ: Jain Jacob?

23 MR. JACOB: Yes.

24 MS. RODRIGUEZ: Alejandra Silva-Exias?

25 MS. SILVA-EXIAS: Yes.



1 MS. RODRIGUEZ: Kim Foskew?

2 MS. FOSKEW: Yes.

3 MS. RODRIGUEZ: Patricia Caldwell?

4 MS. CALDWELL: Yes.

5 MS. RODRIGUEZ: Motion has passed.

6 MS. CALDWELL: Motion carries. Okay. Thank you  
7 very much.

8 Just to make sure we're all on the same page, on a  
9 one-year, we have proposed a zero percent increase, and  
10 we finally signed off on and agreed to a .5 percent.

11 MS. FOSKEW: .75.

12 MS. CALDWELL: No, that was for a one-year.

13 MS. GRAY-HUERTAS: Correct. The guideline for --  
14 the guideline set by the board this evening is .5 for a  
15 one-year, and a .75 for a two-year lease.

16 MS. CALDWELL: Exactly.

17 UNIDENTIFIED SPEAKER: Yes, that's correct.

18 MS. CALDWELL: So I think we're all on the same  
19 page.

20 MR. JACOB: Yes.

21 UNIDENTIFIED SPEAKER: Yes.

22 MS. SILVA-EXIAS: I know that the public cannot  
23 participate during this portion, but I did want to convey  
24 a message from Mr. Bursztein that he -- that Legal Aid  
25 will do everything possible to have the landlords paid,



1 and he believes that for once, the landlord and the  
2 tenants' interests are united. So he is a resource and  
3 Legal -- he is proposing that Legal Aid will help in this  
4 endeavor.

5 MS. CALDWELL: Thank you. I'm only -- I'm ever  
6 hopeful that that is true. I know Alex will put his  
7 energy into it. I'm just hoping that the tenants will  
8 agree with him, and I think once he convinces them that  
9 it is not a loan, it is a grant for them, and they will  
10 not have to pay it back, that might be helpful in  
11 getting -- in motivating them into filling out the  
12 paperwork.

13 And it's not based on your ethnicity, or your  
14 citizenship, or anything. It's just based on the fact  
15 that you can prove that you lost income during the  
16 pandemic. That's the only requirement. And I think once  
17 they understand that, maybe he's right. Maybe he can get  
18 them all on board, or get a substantial portion of them  
19 on board.

20 But I'd like to thank everybody for attending  
21 tonight.

22 MS. GRAY-HUERTAS: The certification meeting will be  
23 held in September. We'll reach out to the board members  
24 to set a date, unless somebody has a date they'd like to  
25 propose right now.



1 MS. CALDWELL: No.

2 MS. SILVA-EXIAS: Not at the moment.

3 MS. CALDWELL: (Indiscernible) and we'll choose  
4 together.

5 MR. JACOB: Okay.

6 MS. GRAY-HUERTAS: Okay.

7 MS. CALDWELL: Okay? Thank you, everyone.

8 MR. JACOB: Thank you.

9 MS. FOSKEW: Thank you.

10 MS. GUZMAN: Thank you everyone. Have a great day.

11 See ya.

12 MS. CALDWELL: Be safe.

13 UNIDENTIFIED SPEAKER: Meeting to adjourn?

14 MS. CALDWELL: Okay. Good night, everybody.

15 MR. JACOB: Good night.

16 UNIDENTIFIED SPEAKER: Good night.

17 [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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12 Date June 24, 2021

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