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NEW YORK STATE DEPARTMENT OF
DIVISION OF HOMES AND COMMUNITY RENEWAL
WESTCHESTER COUNTY RENT GUIDELINE BOARD

PUBLIC HEARING

DATE: June 21, 2022
TIME: 8:00 PM
LOCATION: Mount Vernon City Hall
City Council Chambers
1 Roosevelt Square
Mount Vernon, NewYork 10550

REPORTER: BARRINGTON MOXIE

1 MR. STECKER: Okay. Good evening. The time is
2 8:00 p.m. we are in the Mount Vernon City Hall Counsel
3 Chambers at City Hall. The third Westchester County Rent
4 Guidelines Board public hearing. I will turn it over to
5 you, Chair Rubin.

6 CHAIR RUBIN: Thank you.

7 Good evening and welcome. We apologize for this
8 delay. We had to adjust to certain things that came up and
9 so I'm going to start the meeting right now. This is the
10 3rd of -- the last public hearing to consider comments and
11 opinions concerning rent adjustments for leases commencing
12 or being renewed between October 1st, 2022 and September
13 30th, 2023.

14 I will now take roll call. Please respond if
15 you're present.

16 Velene Acquah, public member?

17 MS. ACQUAH: Present.

18 CHAIR RUBIN: Lamont Badru, public member?

19 MR. BADRU: Here.

20 CHAIR RUBIN: Eddie Mae Barnes, public member?

21 MR. BARNES: Present.

22 CHAIR RUBIN: Elliot Cherson, owner representative?

23 MR. CHERSON: Here.

24 CHAIR RUBIN: Kenneth Finger, owner representative?

25 MR. FINGER: Here.

1 CHAIR RUBIN: Sylvia Hamer, tenant representative?

2 MS. HAMER: Here.

3 CHAIR RUBIN: Evelyn Santiago, public member?

4 MS. SANTIAGO: Present.

5 CHAIR RUBIN: Tamara Stewart --

6 MS. STEWART: Present.

7 CHAIR RUBIN: -- tenant representative?

8 And I'm Elsa Rubin, public member.

9 Let the record show that we have a quorum. I will
10 now ask our counsel, Mr. Peter Stecker, to see if he has any
11 announcements.

12 MR. STECKER: Just one announcement. There's a
13 meeting tomorrow which will be for the presentation for the
14 owner and tenant representatives. That will be in the New
15 Rochelle City Hall and the City Council Conference room at
16 7:00 p.m.

17 CHAIR RUBIN: Thank you.

18 So before we start this hearing, I would like to go
19 through certain rules and procedures for those testifying
20 before this committee -- for this Board and you have not
21 signed in advance, you can still have the opportunity to do
22 it. We have about 18 -- 15 people who had signed up in
23 advance.

24 Those who are representing themselves as
25 individuals will have three minutes for the presentation and

1 the person representing an entity or organization will have
2 five minutes. And Mr. Stecker will keep track of the time.
3 So I will kindly and respectfully ask you to stick to your
4 time considering that we are starting late and I will also
5 ask the audience to please, please abstain from clapping
6 because that will only delay our procedure here.

7 If you have materials to support your presentation,
8 please give them to Mr. Stecker and he will distribute it to
9 us. And when you finish your presentation at the podium,
10 please stay there in case the members of the Board have a
11 question or comments for you.

12 Your comments should be addressed to the members of
13 the Board only and not to individuals or members of the
14 audience. I will attempt to switch --

15 Can somebody close that door, please? Thank you,
16 Ms. Stewart.

17 I will attempt to alternate between owners and
18 tenants if that is possible. That may not be possible all
19 the time, but I will try. And, lastly, I will ask you to
20 please silence your phones starting with the members of the
21 Board, please, so that we don't have any interruptions. I
22 will now call the first person on the list here. It's
23 Anthony Mariani (phonetic). Is Anthony Mariani here? If
24 not, I'm going to skip to the next person and we can come
25 back to him if he shows up.

1 Matt Persanis.

2 MR. PERSANIS: Good evening.

3 CHAIR RUBIN: Good evening, Mr. Persanis, are you
4 representing yourself or --

5 MR. PERSANIS: I'm representing the Building
6 Resident Institute on behalf of the owners.

7 CHAIR RUBIN: You have five minutes.

8 MR. PERSANIS: Thank you. I have some papers. You
9 don't necessarily need them, but if you'd like.

10 MR. STECKER: Thank you.

11 MR. PERSANIS: My name is Matthew Persanis, I'm an
12 attorney with Elefante and Persanis. I'm the labor
13 attorney. I represent the BRI and their collective
14 bargaining with Local 32BJ, which is the largest union
15 building service employees in the nation.

16 We have a collective bargaining agreement that
17 covers roughly 85 percent of the rental buildings in
18 Westchester County. Therefore, it's often looked at -- the
19 contract -- between the employers and the Union is often
20 looked at as the basis of what is the average and what is
21 the agreement between employers, the owners of the
22 buildings, and the employees -- the service employees.

23 We have a contract that's expiring this year, so we
24 have some historical increases. So over the years, the last
25 contract was a four-year contract, 2018 to 2022 and that

1 averaged between 3 and 3.3 percent per year overall
2 increases. In the last contract -- in the last year of this
3 contract, the wages went up 1.5 percent, which is
4 historically low. Health coverage, which is a large portion
5 of the cost, went up 8 percent. Pension cost went up 2.66
6 percent. We're looking at increases going forward and since
7 the contract does not expire until September of this year,
8 we can only look around to try and project what do we expect
9 to be our increases.

10 Some of the issues, I'm sure you're aware of, that
11 are going to affect our bargaining are affecting people
12 every day. Number one is inflation. Right now it's
13 hovering at 8.5 percent and we have already learned from the
14 union that they are going to be looking to not just stay
15 even in their mind 8.5 percent increases, but they'd like to
16 get ahead. In their mind, the idea of a raise is to get
17 better, not to just stay even. So that's going to be one of
18 our biggest issues with this go around is how do we -- how
19 do we deal with 8.5 percent rate of inflation where the
20 employees are going to want an increase of that amount while
21 trying to keep cost down for the employers. I think it's
22 going to be very tough this year.

23 Health cost. The average health cost is going up
24 17 to 20 percent, depending on which program. That's
25 another cost that's absorbed by the employers. So we need

1 to figure out how to keep those cost low. When we look
2 around, has there been any other contracts with 32BJ in the
3 area that have been negotiated recently? And there has.
4 The RAB, Realty Advisory Board, does the same function as
5 the BRI but in Manhattan. They just completed their
6 contract in April of this year, so they didn't get the full
7 effect of all the inflation that we've been seeing, but they
8 had some of it. So we looked at it and we said, well, what
9 have they done? They did an average of 3.2 percent wage
10 increase. They were able to maintain health coverage at 4
11 percent, which is going to give us some help we hope, but
12 their pension had increased to 3.5 percent in order to keep
13 even.

14 Since April, when they've done their's, our stock
15 market has gone down quite a bit. The year, it's down 20
16 percent. And why does that affect us? It affects us
17 because when we're looking to do a pension, we have to look
18 at it and say, okay, how much does the fund need to be
19 solvent and to continue. And in order to continue, a lot of
20 their money that they collect is invested and that's how
21 they try. So in good years, they need less. In bad years,
22 like this year, they're going to need more. So we're a
23 little worried about that number.

24 One thing they included in the RAB, which has never
25 been included in any contract with 32BJ in this area, was an

1 inflation trigger. And what it said was if inflation is
2 over 6.5 percent, the employers will receive an additional
3 ten cents per hour for every 1 percent over 6.5. I've been
4 involved in this contract and contracts in the area for
5 thirty years and I've never seen that. So that be will be
6 interesting and it will be interesting to see what the
7 argument will be.

8 My feeling in speaking to some of my counterparts
9 who represented the RAB was that was the only way they were
10 going to get out of not giving a 6, 7 percent raise was
11 that -- this inflation trigger. I don't know if that's
12 going to work out for them or not. I guess we'll find out
13 at the end of the year.

14 So I think that's what we're looking at. If I'm
15 asked to guess and that really is all it is right now since
16 we haven't even begun negotiations, I would say we're
17 looking at a minimum of 4 to 4.5 percent increases overall
18 to the labor force. Labor makes up about 22 percent of the
19 cost of buildings an average.

20 Thank you.

21 CHAIR RUBIN: Thank you. Great timing.

22 MR. PERSANIS: All right. I didn't even time
23 myself at home.

24 CHAIR RUBIN: Okay. Any questions for Mr. Persanis?

25 MR. PERSANIS: Thank you for your time.

1 CHAIR RUBIN: Thank you.

2 MR. PERSANIS: I appreciate it.

3 CHAIR RUBIN: The next person I have on my list is
4 Michael Rosenberg.

5 MR. ROSENBERG: Good evening.

6 CHAIR RUBIN: Good evening, Mr. Rosenberg.

7 MR. ROSENBERG: Can you hear me?

8 CHAIR RUBIN: Will you be representing yourself or an
9 entity?

10 MR. ROSENBERG: Yes, I'm representing myself and
11 our entity. I'm the founder of M & R Windows. We're a
12 local leading window and door installation and repair
13 company in the tri-state area.

14 CHAIR RUBIN: You will have five minutes.

15 MR. ROSENBERG: Sure. I first want to thank you
16 for the opportunity to speak this evening. I will be
17 addressing a very important topic to all of those who are
18 involved in multifamily buildings and complexes.

19 The current business climate is one of the worst
20 environments that I have experienced in the last 45 years of
21 running my company and I will explain why. The enactment of
22 the Housing Stability and Tenant Protection Act, which is
23 HSTPA, in June of 2019 has had a series of negative effects
24 on owners and managers, rent stabilized apartment buildings,
25 and complexes in Westchester County and throughout the New

1 York and metropolitan region. Owners and managers of rent
2 stabilized buildings due to the negative economic components
3 of the Housing Stability and Tenant Protection Act are not
4 able on a regular basis to conduct installation and repair
5 projects involving windows and doors and other construction.
6 As a result, the contractors have lost jobs and have lost
7 business which in turns hurts the local economy. And the
8 situation also hurts tenants of multifamily buildings and
9 complexes.

10 Another key point that I would like to mention
11 involves the recent increases in building material costs.
12 It's been outstanding. The National Association of Home
13 Builders recently announced a 19 percent increase in those
14 costs since last year and it's still rising. Their
15 increases provide owners and managers of multifamily
16 buildings and contractors involved in those buildings with a
17 serious series of economic challenges.

18 What do we do next? The New York City Rent
19 Guidelines Board last month released it's price index of
20 operating costs report. The report analyzes expenses facing
21 owners of the multifamily buildings in New York City.
22 Expenses that owners in Westchester County also face.
23 According to the report, maintenance expenses rose 9.2
24 percent this year. 6.1 percentage points higher than last
25 years rise of 3.1. The increases involved in repainting;

1 plumbing; electrical services; boiler repairs; floor
2 maintenance repairs right down the line.

3 In addition, this year's operations and maintenance
4 cost surveys involving Westchester County's rent stabilized
5 properties shows an 11.1 percent increase in repair and
6 maintenance expenses and is not stopping for owners during
7 the 2020 - 2021 term. Each of these points illustrate the
8 need for your Board to issue fair guidelines increases this
9 year so that the owners and managers can receive some help
10 in dealing with the significant increases in expenses that
11 they are facing.

12 I thank you for the opportunity to voice my
13 concerns and if anybody has any questions, I'll be glad to
14 answer it.

15 CHAIR RUBIN: Thank you.

16 Any questions of Mr. Rosenberg?

17 Yes, Mr. Cherson?

18 MR. ROSENBERG: Have a good evening.

19 CHAIR RUBIN: No, he has a questions.

20 MR. ROSENBERG: Oh, okay.

21 MR. CHERSON: What is the percentage increase in
22 your business since 2019?

23 MR. ROSENBERG: Since 2019? About 40 percent.

24 MR. CHERSON: 40 percent?

25 MR. ROSENBERG: Yes.

1 MR. CHERSON: Increase?

2 MR. ROSENBERG: Yes.

3 MR. CHERSON: And what about employees?

4 MR. ROSENBERG: Employees, half the amount of
5 employees.

6 MR. CHERSON: You have half the employees that you
7 had in 2019?

8 MR. ROSENBERG: Yes.

9 MR. CHERSON: Thank you.

10 MR. ROSENBERG: You're welcome. Have a good
11 evening, everybody. Thank you --

12 CHAIR RUBIN: Anybody else?

13 MR. ROSENBERG: -- for your time.

14 CHAIR RUBIN: Thank you.

15 MR. ROSENBERG: You're welcome.

16 CHAIR RUBIN: I will now call -- I'll switch to a
17 tenant representative I will switch to Mr. Dennis Hanratty
18 (phonetic).

19 MR. HANRATTY: Good evening ladies and gentlemen of
20 the Board, HCR staff, and all those in attendance. My name
21 is Dennis Hanratty and I'm the Executive Director the of
22 Mount Vernon United Tenants. I have been providing
23 testimony to the Rent Guidelines Board for over thirty
24 years. During this time, we have seen tenants' rent
25 increase almost astronomically, doubling, tripling, and in

1 some cases quadrupling.

2 Further, we have seen the absolute number of units
3 covered under the ETPA law shrink dramatically. When I
4 started at MVUT there were approximately 80,000 units
5 covered under the law. As of November 2019, the time when
6 Westchester County published the Westchester County Housing
7 Needs Assessment, which I will be referencing in my
8 testimony, the report found that there were 34,221 units
9 covered by ETPA. The numbers produced by the HCR for your
10 deliberations this year lists 25,029 units subject to the
11 ETPA law.

12 These kind of numbers spell nothing but trouble for
13 those tenants still lucky enough to be covered. Genevieve
14 Roche of my office will be providing you with an expert
15 analysis of the numbers this Board will be utilizing in your
16 deliberations. Please pay close attention to that analysis.
17 I will be putting the issues and your responsibilities in a
18 broader context of overall affordability and the crisis
19 facing renters today and, most especially, low to modern
20 income tenants.

21 In here, I'd like to clearly discount the argument
22 that many landlords and their spokespersons make regarding
23 low income tenants and their inability to afford ever
24 -increasing rents. That is, well, they should just get
25 Section 8 or some other subsidy. It's normally impossible

1 to get Section 8 in less than five years and there really
2 isn't any other ongoing reliable subsidy available.

3 I mention the Westchester County Housing Needs
4 Assessment. I'm going to show you that right here. The
5 assessment in the appendices. This was published in
6 November 2019 and was prepared by the Hudson Valley Pattern
7 for Progress. I don't know who, if anyone, among you have
8 seen or read this report and it's appendices, but it
9 contains a wealth of, quote, research, data analysis, and
10 recommendations. This is an incredibly valuable tool in
11 highlighting just how bad the affordability crisis is here
12 in Westchester.

13 I'm going to site a number of the reports findings
14 and I'm attaching a few copies of tables from the report and
15 its appendices. This will hopefully help the Board in
16 contextualising the problems facing tenants and provide you
17 with the ammunition necessary to deny the landlords any
18 guideline increases and hopefully rollback previous
19 increases. I encourage people to get a copy of this if they
20 can through the County -- Westchester County.

21 41.4 percent of the household, both owners and
22 renters, are both paying more than 50 percent of their
23 income for housing. They're considered severely cost
24 burdened. A staggering 66,950 households are paying more
25 than 30 percent of their income for rent. They're rent

1 burden, cost burden. 89,839 people are living in poverty in
2 Westchester, which is 9.4 percent of the population. Almost
3 94 percent of Westchester's homeless families were from the
4 five largest cities: Mount Vernon where -- we're here
5 tonight; New Rochelle, will be tomorrow night; Peekskill;
6 White Plains where we were at; and Yonkers where we were at.
7 Even though those cities represent only 46 percent of the
8 counties population. This is something everybody should be
9 concerned about.

10 The age cohort 30 to 44 shows a decline in
11 population most likely because of the lack of affordable
12 housing options. People are moving out because they can't
13 afford to live here. Affordability challenges for renters
14 on page 75 and 76 and you'll see some dramatic issues there
15 about the Affordability Act. Asset limited, income
16 constrained, employed, ALICE. So three cities: Mount
17 Vernon, Yonkers, and Peekskill all with over 50 percent of
18 the household either in poverty or in an ALICE households,
19 page 85. That ALICE data set is created by United Way to
20 say, you know, how difficult it is even if you're not
21 above -- if you're above poverty but how you just really
22 can't care for your family properly.

23 Out Of Reach. That's a national study that's put
24 out every year. Monthly gap between affordable rents and
25 two bedroom fair market rents on page 107 and 108. The gap

1 between affordable rents and the fair market two-bedroom
2 unit Westchester is \$770. That same gap for affordable
3 rents in Westchester and the market rents is \$1,578. This
4 is what tenants are up against. There's a Westchester
5 County summary about the cost burden and there's a thing
6 about the municipality the severely cost-burdened household.
7 I'll ask you all to look through those things carefully.

8 Please take your time in reviewing this data to get
9 a real handle on how severe our housing crisis is. Most
10 people throw up their hands when confronted with disgrace
11 and say, what can I do about it? This Board can do
12 something about it. You can say no more guideline increases
13 that will only serve to worsen the crisis.

14 CHAIR RUBIN: Thank you.

15 MR. HANRATTY: Just one more paragraph.

16 CHAIR RUBIN: I'm going to let you to continue your
17 train of thoughts --

18 MR. HANRATTY: Okay.

19 CHAIR RUBIN: -- without questions.

20 MR. HANRATTY: Okay.

21 CHAIR RUBIN: I have a question. What is your
22 conclusion?

23 MR. HANRATTY: What's my conclusion?

24 CHAIR RUBIN: Conclusion in your presentation.

25 MR. HANRATTY: I think there should be a rollback

1 in rents. No question about it.

2 MR. BADRU: Are you giving him an opportunity to
3 finish the last paragraph?

4 CHAIR RUBIN: Yes.

5 MR. HANRATTY: Okay. Because of the actions of the
6 Westchester Rent Guidelines Board before any of the present
7 tenant members and public members were on the Board the Rent
8 Guidelines Board passed vacancy guidelines of 100 percent of
9 the highest -- in 11 of 12 years during the '90's and early
10 2000's which raised virtually all vacancies to market levels
11 and largely eviscerated the economic benefits of the ETPA
12 for incoming tenants. We see this confirmed regularly by
13 quote, unquote preferential rents when legal regulated rents
14 have equaled and in some cases have exceeded market rents.
15 It's another reason why it's often tough to get tenants to
16 come out to the public hearings as increasing numbers of
17 tenants covered by ETPA don't see the economic benefit as
18 their legal regular rents are at market level.

19 It's this Board's responsibility to stop -- to work
20 to stop these ever-increasing rents and provide relief to
21 already overextended tenants. No guideline increases, if
22 anything, rollback the rents. Thank you.

23 CHAIR RUBIN: Thank you.

24 Any other questions from the Board? Yes?

25 MS. HAMER: Because of what you do on a regular

1 basis, can you tell me what's been your experience with
2 tenants affordability? And I know everyone has been talking
3 about inflation as well, so how has it impacted tenants?

4 MR. HANRATTY: My office happens to be right across
5 the street. You can see it right from the window here. I
6 can't tell you the horror that some people face on a regular
7 basis. A week doesn't go by that we don't have somebody
8 come in who's threatening suicide or something like that.
9 People are facing eviction on a regular basis. Fortunately,
10 we're able to stop most of those evictions. We had the
11 pandemic and it was a moratorium for a while, but now it's
12 picking up again. More and more people are being brought to
13 court. But it's terrifying when you have a single mother
14 with two children who may get a notice they got to court and
15 they figured they're going to be homeless. We've got to
16 deal with that. They come to our office, they cry, they
17 breakdown. On a regular basis we see that.

18 I mean, the rents are just, like the gentlemen
19 said, too damn high. People can't afford it. People are
20 making, you know, basically minimum wage or a little bit
21 more making \$10 or \$12 an hour. You can't pay a \$1,800 a
22 month rent and that's what the rents are going for now.
23 Even, you know, stabilized rents. It used to be you could
24 get a stabilized rent for, you know, \$1,000, \$1,100, \$1,200.
25 You can't get that anymore. And then what happens is people

1 go to private houses where they really get ripped off and
2 they live in basement apartments, they live in attic
3 apartments, they live in garage apartments. We have fires
4 on a regular basis. It's just desperate. People are
5 desperate and I think this Board -- even though it's not
6 going to cover that many of the overall universe of tenants
7 in Westchester County, only those rent stabilized -- it will
8 be a big benefit for tenants or a good portion of those
9 tenants to have them know that they're not going to have to
10 pay an ever-increasing rent. So we see that. And, I mean,
11 you wouldn't want to see the pain that people experience on
12 a regular basis.

13 MS. HAMER: Thank you.

14 CHAIR RUBIN: Yes, Ms. Stewart?

15 MS. STEWART: Mr. Hanratty, can you please -- I
16 know Mount Vernon on United Tenants was one of the leading
17 organizations that helped people fill out ERAP applications.
18 Can you speak a little bit about that?

19 MR. HANRATTY: Yeah. ERAP -- I mean ERAP is the
20 Emergency Rental Assistance Program, federal dollars that
21 come down to the states and the counties to help people if
22 they had either lost income or had additional expenses as a
23 result of COVID-19. We successfully processed over 300
24 applications and then we helped another 300 plus people, you
25 know, providing documentation and all. But we stopped. Out

1 of those over 300, probably 280 of those were made, you
2 know, stopped their -- stopped people from becoming
3 homeless. And, I mean, that's -- we're still doing that. I
4 mean, still -- and there has still been some confusion about
5 ERAP money that it was over and stuff, it's not. There's
6 still money available and we're encouraging people -- if you
7 know people who did lose money because of COVID-19 or had
8 additional expenses to reach out to our office and we'll
9 help them.

10 MS. STEWART: Thank you.

11 CHAIR RUBIN: Okay. Thank you.

12 Any other questions?

13 MR. HANRATTY: Once again, look for these reports.
14 Contact the County Department of Planning.

15 CHAIR RUBIN: Thank you.

16 MR. HANRATTY: It's valuable tools for everybody.
17 Thank you.

18 CHAIR RUBIN: I'm going now to call Mr. Jason
19 Schiciano.

20 MR. SCHICIANO: Good evening.

21 CHAIR RUBIN: Good evening. Are you representing
22 yourself or an entity?

23 MR. SCHICIANO: Thank you. I have --

24 CHAIR RUBIN: An entity?

25 MR. SCHICIANO: -- copies of my speech. Can I hand

1 that out now?

2 CHAIR RUBIN: Yes, please.

3 MR. SCHICIANO: Good evening, everyone. My name is
4 Jason Schiciano, I'm co-president of Levitt-Fuirst Insurance
5 in Tarrytown New York. We are a licensed insurance broker
6 for over 52 years, one of Westchester's largest brokers for
7 the placement of real estate insurance. We represent many
8 of the largest insurers and we are the insurance advisors to
9 the Building and Realty Institute. And the Apartment
10 Owners' Advisory Counsel have asked me to comment on the
11 insurance market relative to these proceedings.

12 Before I continue, I just have to say, it continues
13 to perplex me why it's always argued that landlords have an
14 obligation to address circumstances that make Westchester
15 County the most expensive place -- one of the most expensive
16 places in the country to operate real estate by holding
17 rents where they are or even rolling them back and it just
18 doesn't make sense to me. 8.7, 6.8 percent, and 9 percent.
19 These are the DHCR reported insurance expense increases over
20 the last three years. A total of 24.5 percent. Cumulative
21 total Westchester Rent Guidelines for the same three-year
22 period, 2.25 percent. Less than one tenth of the
23 accumulative increases in insurance percentage.

24 Insurance premiums are one of the top expenses for
25 Westchester landlords. And while 9 percent insurance

1 increase last year ranks only third in magnitude behind
2 repairs and maintenance as mentioned up 11.1 percent and
3 fuel which was up 15 percent last year, insurance premiums
4 have a backbreaking burden on landlords especially while
5 rents had been more difficult than ever to collect.

6 How large does the gap between major expenses have
7 to be versus allowed rent increases before landlords are
8 provided with tangible relief? Last year I vowed in front
9 of this Board that expense would continue to rise. I was
10 correct and I will make that prediction again this year.
11 Insurance will go up yet again. One solution to this
12 out-of-control insurance premium increases would be reform
13 of New York State Labor Law 240 the Scaffold Law. I'm going
14 to spare you the details of what that law says, but suffice
15 it to say, it's a major driver of high insurance premiums in
16 New York and in Westchester specifically. And as many of
17 you know, that law is not going any time soon.

18 In addition, with recent laws discouraging landlord
19 upgrades and improvements, it's logical to predict that
20 apartment buildings are now getting older faster than ever
21 which is only going to result in more property insurance
22 claims such as pipe breaks; water damage; electrical system
23 malfunctions resulting in fires; et cetera. While major
24 building repairs such as roof replacement and exterior brick
25 pointing are often mandated by insurance companies as a

1 condition of maintaining the renewal of their insurance,
2 this nation's unprecedented inflation will bring
3 unprecedented repair cost. In fact, insurance-related
4 mandated repairs will almost certainly make this years 11.1
5 percent DHCR reported repairs and maintenance expense
6 percentage look like a bargain next year.

7 Most Westchester landlords try to protect their
8 real estate investment. And their tenants by maintaining
9 ample property and liability insurance. But without a
10 reasonable rent increase to begin to offset years of huge
11 insurance expenses, many landlords will eventually cutback
12 on the amounts and types of insurance that they maintain
13 keeping only the bare minimum of coverage. I will not go
14 into the details of the potential ramifications of such
15 cutbacks. But suffice it say, the outcome may not only be
16 devastating for landlords but also for the tenants who call
17 the landlord's buildings their own.

18 Thank you for listening.

19 CHAIR RUBIN: Thank you.

20 Any questions from the Board? Yes, Mr. Cherson?

21 MR. CHERSON: I heard you just saying you don't
22 want to get into ramifications.

23 MR. SCHICIANO: I just didn't have the time, but
24 I'm happy to get into them.

25 MR. CHERSON: But you know the ramifications and

1 maybe Ken and I do as well, but I would like you to present
2 to the Board what exactly the ramifications are.

3 MR. SCHICIANO: Relative to my last comments?

4 MR. CHERSON: Yes.

5 MR. SCHICIANO: Yeah, look, I mean, the -- you only
6 have so much money that you're going to allocate to
7 expenses. You know, I know that it's often debated whether
8 or not a landlord has a right to make money or not but if
9 you cutback on insurance expenses and there is a loss, let's
10 say there's a terrible fire -- and they've been in the news.
11 Buildings collapse, buildings catch fire, people get hurt.
12 The ramifications of not having enough and proper insurance
13 because you're cutting back on insurance and buying the
14 bargain policy, are that if the building is substantially
15 damaged or destroyed, it doesn't get rebuilt. It just
16 doesn't get rebuilt, there's not enough money and, you know,
17 the lot will be repurposed into something else.

18 And, you know, on -- the other ramification is that
19 if there is, let's say, a fire and tenants logically have
20 the right no pursue claims of liability against the landlord
21 if the fire shouldn't have happened, maybe because the
22 landlord was cutting back on repairs because he was trying
23 to save money somewhere or she was trying to save money
24 somewhere, there's often not going to be enough liability
25 insurance to pay the liability claims of the tenants that

1 are harmed or have to move out and have costs et cetera.
2 The landlord just won't have the liability insurance.
3 They'll just, you know, turn over their property and say
4 here's the asset and, you know, that will be the end of it.
5 That has happened with major devastating building fires,
6 building collapses, et cetera, that you all know what I'm
7 talking about, they've been in the news. There's not enough
8 liability insurance to pay those claims.

9 MR. CHERSON: Thank you.

10 CHAIR RUBIN: Yes, Mr. Finger?

11 MR. FINGER: I was going to ask the same question.

12 CHAIR RUBIN: Okay. Anybody else?

13 Thank you very much.

14 MR. SCHICIANO: Okay. Thanks very much.

15 CHAIR RUBIN: Thank you. I will now call Genevieve
16 Roche.

17 Welcome, Ms. Roche. I assume you are representing
18 an entity?

19 MS. ROCHE: Yes, I am. Thank you.

20 CHAIR RUBIN: You have five minutes. Thank you.

21 MR. FINGER: Can I ask what entity? I didn't hear.

22 CHAIR RUBIN: Yes, she will say.

23 MR. CHERSON: She will?

24 CHAIR RUBIN: Yes.

25 MR. FINGER: No, I asked what entity. She didn't

1 give an entity.

2 MS. ROCHE: You said am I speaking on behalf of an
3 entity?

4 CHAIR RUBIN: Yes.

5 MS. ROCHE: I am.

6 CHAIR RUBIN: I assume that you will introduce
7 yourself and --

8 MS. ROCHE: I will.

9 CHAIR RUBIN: -- say your entity.

10 MS. ROCHE: Your assumption is correct.

11 Good evening. My name is Genevieve Roche and I am
12 CFO of Mount Vernon United Tenants and a cooperate attorney
13 who spends a fortune -- spends a portion of my practice
14 representing tenants pro bono.

15 There is no way I could possible get through all
16 the materials, so please take the time next week to go
17 through all the documents and my statement carefully and
18 deliberatively because the research conclusively confirms
19 the following three points.

20 One, landlords continue to thrive. Two, there is a
21 deficit of affordable apartments numbering more than
22 600,000. Three, there's a growing disparity in the levels
23 of poverty, income, and the impact of inflation on
24 Westchester's low-income tenants.

25 I'm only going to be able to have time to address

1 the first point tonight. A rent increase is neither
2 warranted nor justified by the numbers that a rent freeze
3 is. The 2020 numbers are interesting in so far as I thought
4 there would have been a reduction in rental income; however,
5 landlords only lost nine tenths of one percent. Would the
6 tenants have been so lucky? And while rental income was
7 steady, expenses were down a hefty 36 percent, mostly seen
8 in reduction of maintenance no doubt due to COVID resulting
9 in an NOI in 2020 of 40.29 percent, a level not seen in 20
10 years.

11 Let's not forget that as of June 15th, Westchester
12 landlords had received an additional \$43 million in ERAP
13 funds. In addition, the New York State budget just
14 allocated another \$925 million for 2023. Notably, the
15 research analysis group just informed us last Friday that no
16 ERAP funds were reported in the owners survey numbers, nor
17 we were told did the owner income figures disclose the
18 number of forgiven PPP loans received by owners.

19 CHAIR RUBIN: Excuse me. I'm going to ask the
20 owner's representatives to please remain quiet while she's
21 presenting. Thank you.

22 MS. ROCHE: Landlords leave no stone unturned in
23 their quest for increased profits, but only you, the Board,
24 can give slowly recovering regulated tenants a break as they
25 struggle to catch up during the recovery complicated by

1 inflation and an imminent recession.

2 As for 2021, rental income was almost identical to
3 2019 levels, in fact, 1.3 percent higher. Average regulated
4 rent was \$1,561 a month, up 10.63 percent over three years.
5 Expenses were predictably up as COVID eased, but repairs and
6 maintenance equaled 99.5 percent of 2019 expenditures. And
7 despite the increase in oil prices, NOI for 2021 was
8 nevertheless a robust 37.37 percent, just a smidgen below
9 2019's resulting in a three-year average of 38.68 percent.

10 These facts underscore that the rent freeze and
11 effect the first three quarters of 2021 did not hurt
12 landlord profit margins and apparently neither did the
13 pandemic, the impact of HSTPA, or the continued loss of rent
14 stabilized units.

15 Speaking of oil prices, as I explain every year,
16 individual categories of expenses are not relevant in the
17 overall analysis because at the end of the day it is net
18 operating income that is the relevant indicia of what kind
19 of guidelines increase is or isn't needed to keep rents low
20 or seeking a reasonable net profit for landlords.

21 While the overall increase in expenses is largely
22 attributed to heating fuel, overall expenses were back to
23 2019 levels. While fuel prices have recently spiked
24 temporarily based on increased post-pandemic demand and
25 global politics, let's not forget to put this short-term

1 volatility in perspective.

2 Three points. First, the spike in prices in 2008
3 lead to large guideline increases that are baked into base
4 rents ever since. And even though not once in the 14
5 intervening years until this one did heating oil prices ever
6 reach 2008 levels. Notably, rents weren't rolled back each
7 year that prices were less than 2008 levels.

8 I ask you to please focus on handout four which
9 puts -- it's a graph that puts the current spike in prices
10 in the proper context. Two, according to the US EIA
11 projections show that prices will level off this year and
12 into 2023. Finally, my belief was always that guideline
13 increases were based on facts derived from last year's
14 number, not speculation about next year's numbers that would
15 lock increases permanently into base rents whether or not
16 those predictions come to pass. You don't get to argue for
17 increases every year based on half numbers and future
18 projections unless, of course, you're willing to rollback
19 rents for every year when the facts later show that the
20 increases weren't necessary.

21 I just have the one final point to make, okay?

22 CHAIR RUBIN: Yes.

23 MS. ROCHE: Thank you.

24 Finally, I want to put to rest once and for all the
25 necessary distinction between operating profit and return on

1 equity and the fact that the latter is totally misplaced in
2 a discussion on rent guidelines. This is financial apples
3 and oranges. Rent regulation is intended to protect tenants
4 from illegal rent increases and allow owners to maintain
5 their buildings and realize a reasonable profit. That's a
6 direct quote from the DHCR Office of Rent Administration.

7 Speculating in real estate is not an expense
8 appropriate nor intended for a regulated tenant. In fact,
9 it's pretty darn cynical to expect a tenant in regulated
10 housing that is intended by definition, to address the
11 emergency protection of tenants, to expect them to
12 contribute via a permanently increased rent base to the cost
13 of an owner incurring financing in -- the cost that an owner
14 incurs financing its appreciating real estate investment
15 because the owner is unwilling to dip into its consistently
16 healthy net operating profit to cover these costs.

17 CHAIR RUBIN: Okay. Thank you.

18 Any questions? Yes, Ms. Stewart?

19 MS. STEWART: What I would like to really you hear
20 finish that thought, but I also wanted you to talk a little
21 bit more about those additional two points that you said you
22 weren't going to have time to address, please.

23 MS. ROCHE: Yeah, I actually have a summary --
24 summary statement. There is a deficit of affordable
25 apartments, more than half a million. Like climate change,

1 the growing income gap between the rich and the poor in
2 Westchester and the lack of affordable housing for those in
3 the lower tier is beyond dispute and escalating.

4 In a County where the average Westchester's family
5 income is just shy of \$190 thousands. 1 in 5 households
6 earn less than 35,000. And I want -- would ask you to focus
7 on handouts 7 through 11 that address that point.

8 CHAIR RUBIN: Any other questions?

9 MS. SANTIAGO: Yes.

10 CHAIR RUBIN: Yes, Ms. Santiago.

11 MS. SANTIAGO: You mentioned early in your
12 presentation the amount of money that landlords have
13 obtained through ERAP. Could you just elaborate a little
14 bit on that.

15 MS. ROCHE: I can, yes. In fact, there are two
16 handouts that give the details. This is the ERAP report for
17 Westchester --

18 MS. SANTIAGO: Uh-huh.

19 MS. ROCHE: -- dated June 15th --

20 MS. SANTIAGO: Got it.

21 MS. ROCHE: -- 2022.

22 MS. SANTIAGO: Okay.

23 MS. ROCHE: And it shows that Westchester landlords
24 got close to \$43 million. There's been another 925 million
25 allocated for New York State landlords for next year.

1 MR. CHERSON: I have a question.

2 CHAIR RUBIN: Yes, Mr. Cherson?

3 MR. CHERSON: I don't want to get into an argument
4 with you. I really don't.

5 MS. ROCHE: Of course not.

6 MR. CHERSON: But when you say ERAP money, whatever
7 the figure that you just gave, I just want to be clear and I
8 assume you agree, that is not additional money to the
9 landlords. That is just the rent that the tenants were
10 supposed to pay during that time. Do you agree with that?

11 MS. ROCHE: It is compensating landlords. There's
12 ERAP and --

13 MR. CHERSON: Well, is it additional money?

14 MS. ROCHE: Well, let me answer your question.
15 There's ERAP and there's LRAP and that money goes to
16 landlords. And according to the survey numbers, rental
17 income went down nine tenths of one percent.

18 MR. CHERSON: But it just makes up the rent;
19 correct?

20 MS. ROCHE: So, wait. So -- I beg your pardon?

21 MR. CHERSON: It just -- if the landlords gets
22 \$2,500 of ERAP money and the rent's \$500 a month, that just
23 represents five months of rent, does it not?

24 MS. ROCHE: Regardless of what it represents,
25 Eliot, regardless of what it represents --

1 MR. CHERSON: But I think it's important.

2 MS. ROCHE: Yeah, but I'm going to tell you. But
3 regardless of that distinction this is the amount
4 Westchester landlords were funded as of December 31st, 2021.

5 MR. CHERSON: But it's not in addition; is that
6 correct?

7 MS. ROCHE: It doesn't matter. Your net operating
8 income and as your own landlord survey numbers say, the
9 rent -- nine tenths of one percent. So you take that
10 amount, which is based on your numbers, and you add \$43
11 million of ERAP money --

12 MR. CHERSON: It's not additional money to do --

13 CHAIR RUBIN: Excuse me.

14 MR. CHERSON: It's not additional money. So you
15 can't say the landlords --

16 MS. ROCHE: I think that --

17 MR. CHERSON: It's not any extra money. And I know
18 I'm not going to convince you or the tenants, I understand
19 that. But I need the Board to understand that there is not
20 one cent extra to the landlords because of ERAP or LRAP.

21 MS. ROCHE: All I know is what the landlord numbers
22 show, okay? And, in addition to that, there is ERAP funds
23 that aren't reported in the survey. The DHCR statisticians
24 said that --

25 UNIDENTIFIED SPEAKER: That's a lie.

1 CHAIR RUBIN: Excuse me. Excuse me.

2 UNIDENTIFIED SPEAKER: That's false information.

3 CHAIR RUBIN: One minute. The audience is not
4 supposed to be talking about the presentation. And if
5 somebody is talking, I'm going to ask them to leave.

6 Please continue.

7 MS. ROCHE: Thank you. The fact of the matter is
8 there's the money reported by landlords in the surveys,
9 which the DHCR statistician said, they looked at them, we
10 asked them. It did not include under miscellaneous any
11 entries for ERAP or PPP forgiven loans by the way, okay.
12 The fact that whether -- I mean, who knows what they were
13 paid or weren't paid, but we know this ERAP money was
14 distributed in Westchester County. The report just came out
15 on June 15th. I enclosed a copy of it in my handouts.

16 So I will believe what the landlord survey shows
17 even though we can't test it and I will believe what
18 June 15th New York State report just issued says.

19 CHAIR RUBIN: Thank you.

20 MS. ROCHE: What more can I say?

21 CHAIR RUBIN: Thank you.

22 MS. ROCHE: Okay. And is there anything else?

23 CHAIR RUBIN: No, that's it. Thank you.

24 MS. ROCHE: Okay.

25 CHAIR RUBIN: I will now call -- thank you very much

1 for your presentation.

2 MS. ROCHE: You're welcome.

3 CHAIR RUBIN: I will now call Lisa DeRosa.

4 MS. DEROSA: Good evening. Before I start my
5 presentation, my name is Lisa DeRosa, I'm the president of
6 the Building and Realty Institute of Westchester County.
7 I'm also the first female president of the Building and
8 Realty Institute of Westchester County.

9 I'm a landlord. I've been a landlord for over 20
10 years. Fill out those DHCR forms every year, I also
11 collected ERAP money. She is correct, there's no separate
12 line for ERAP money because it went to the rent. So if the
13 tenant owed me \$500 a month for four months, that's \$2,000
14 and when that \$2,000 came in, it went to the tenants rent
15 account so the tenant didn't owe that rent anymore. So, of
16 course, there's not going to be a separate line for ERAP, it
17 goes to rent.

18 Having settled that, I would like to begin my
19 presentation. My name is Lisa DeRosa, I'm the president of
20 the Building and Realty Institute and I've been a landlord
21 in White Plains for most of my life. My journey in the
22 housing industry actually began when I was much younger when
23 I sold my first house at the age of 13 with the help of my
24 father, John DeRosa, who instilled in me the qualities and
25 necessities required in order to manage a building

1 successfully. I know first hand what it really looks like
2 for a small business and family-run businesses to build and
3 operate multifamily apartment buildings in Westchester. And
4 I know what it means to keep them afloat in good times and
5 in bad and how to maintain safe, secure, and affordable
6 homes that working families in Westchester can depend on.

7 As I watched my family business grow I realized how
8 valuable home builders, landlords, and developers are to our
9 communities. We provide sufficient housing for those who
10 cannot afford or choose not to be homeowners and we bear the
11 cost and burdens of the homeownership. We're not faceless
12 corporations or fly-by-night investors or people looking to
13 make a quick buck. We have deep roots in these communities,
14 we have deep connections with many of our tenants and we're
15 dedicated to investing in our buildings to keep them in good
16 conditions and the type of apartments our residents deserve,
17 want, and will hopefully want to live in for a very long
18 time.

19 However, it seems to me that instead of viewing
20 landlords as valuable pillars of our communities, we're
21 often times punished for finding ways to keep our businesses
22 afloat and still manage to provide the same quality of
23 service despite facing one obstacle after another. New York
24 has some of the toughest rent regulations and yet we still
25 try to manage. We used to be able to cross-subsidize jumps

1 and costs like this through vacancy bonuses through fully
2 reimbursed IAI's for reasonable repayments relate to MCI's
3 or from some flexibility from market rate tenants or even
4 commercial tenants helping to subsidize the rent stabilized
5 units.

6 After the ruling of HSTPA we can no longer do that.
7 Then the COVID pandemic hit and we were faced with an
8 eviction moratorium. Other industries that have had their
9 own much shorter moratoriums in payments were resumed as
10 soon as they were lifted. However, with the courts backed
11 up, many of us were left with missing payments, a loss of
12 income, and no one to help us.

13 Many of my fellow landlords who have testified
14 before me can attest to the fact that evicting a tenant is
15 always the very last resort. But what about us? We're
16 talking about our lively hoods here. If a customer
17 repeatedly went to a restaurant and could not afford to pay
18 for their meals every time they ate there, is the restaurant
19 expected to pick up the slack? No, because that's not how
20 business operates. So why isn't the same logic provided to
21 landlords?

22 While ERAP helped ease the burden slightly, the
23 program has been far from helpful. We have tenants who have
24 qualified but still owe additional rent arrears including
25 myself who has one tenant that owes over \$17,000. Inflation

1 is currently over 8 percent and that does not include
2 housing, food, and gas. Businesses everywhere are adjusting
3 their prices to co-inside with the rates in order to stay
4 afloat. Why shouldn't we be able to do the same?

5 Building materials were up over 35 percent since
6 March of '20. The cost of lumber has sky rocketed 60
7 percent since last September, steel has increased 128
8 percent year after year, and labor costs are shooting up.
9 Daniel Singer of Robison Oil testified last week that the
10 cost of oil and gas is now nothing compared to what we'll
11 see in the next few years. How are we supposed to keep our
12 businesses going if we can't make the necessary adjustments
13 that allow us to give the best service possible to our
14 tenants?

15 Without a proper increase in rent renewals, our
16 buildings will suffer tremendously and so will our tenants.
17 Tonight I'm asking you for a fair and reasonable increase,
18 which is 6 to 8 percent for a one year and 10 to 12 for two
19 years. Your group is the only resource we have. We cannot
20 go anywhere else to plead our case. Please listen to our
21 concerns and understand that we are all on the same side at
22 the end of the day. We all want safe and quality housing
23 for all of our communities. I hope you can understand that
24 that takes resources and cost money all of which we need to
25 properly need to run our buildings.

1 Thank you very much for your time.

2 CHAIR RUBIN: Thank you, Ms. DeRosa.

3 MS. DEROSA: How is that?

4 CHAIR RUBIN: Impeccable timing.

5 MS. DEROSA: Perfect. And I didn't plan it either.

6 CHAIR RUBIN: Can you please -- I have a question for
7 you. Can you please repeat the margins that you just spoke
8 about to 6 to --

9 MS. DEROSA: 6 to 8 percent for a one-year lease.

10 CHAIR RUBIN: Uh-huh.

11 MS. DEROSA: And 10 to 12 percent for a two-year
12 lease.

13 CHAIR RUBIN: And, Mr. Finger, do you have a
14 question?

15 MR. FINGER: Yeah, I have a question.

16 CHAIR RUBIN: Yes.

17 MR. FINGER: Have you found that the HSTPA has any
18 impact on your ability to do either basic capital
19 improvements to the building or repair or improvements for
20 individual apartment repairs?

21 MS. DEROSA: HSTPA has pretty much put a wrench the
22 wheel of our repairs. My contractor is M & R Windows, I
23 think he left, but I was working with him and we were doing
24 two floors of windows a year in my building. And I was
25 trying to work my way up to putting in double pane windows.

1 It will keep the apartments warmer, it will make the
2 buildings more green, it will cut down on the fuel costs, so
3 we'll have less heating complaints. And this was the first
4 year the window cost -- and, again, we've been doing
5 business for years, we're over 60 percent. I couldn't --

6 MR. FINGER: 60 percent of what? It went up 60
7 percent?

8 MS. DEROSA: They went up over 60 percent. So if I
9 was spending \$100,000 last year, I was spending \$160,000
10 this year.

11 MR. FINGER: And they aren't even able to continue
12 doing it?

13 MS. DEROSA: No, I stopped.

14 CHAIR RUBIN: Yes, Mr. Cherson?

15 MR. CHERSON: Besides windows, are there other
16 projects that you had planned or were needed that you cannot
17 do because of the lack of funds through HSTPA annual or
18 lower in guidelines?

19 MS. DEROSA: Yes, my buildings are between 50 and
20 60 years old. I have a boiler that's older than me and
21 while I may look young and fresh to everybody, I'm a little
22 bit older than you may think. My appliances -- they don't
23 make appliances today like they did 20 years ago. They last
24 a couple years. A lot of times they have -- you have a
25 one-year warranty, the one-year comes up, the appliance

1 isn't working and you're spending, you know, hundred of
2 dollars on an appliance that you recently just bought, but
3 how do you say to a tenant, I'm sorry, but I can't give you
4 a refrigerator? I'm sorry, I can't fix your refrigerator
5 because it cost too much. We keep extra refrigerators in
6 stock so that when a tenant's refrigerator goes, they don't
7 have to wait for a new one come in which now takes about
8 four months to get a refrigerator. We have been in a panic
9 for the last two years just trying to get appliances in to
10 meet our tenant's needs. We'll order an appliance and we're
11 definitely paying a lot more for them now then we were. And
12 we'll order an appliance November 1st, with a delivery date
13 of maybe November 15th and then we'll get an e-mail saying,
14 oh, sorry, that's not coming in until March or April. What
15 do I do for four months? A refrigerator is not optional. A
16 refrigerator is not a luxurious item and I'm running around
17 scrambling paying top dollar just trying to get my tenant
18 basic needs. Everything is going up.

19 MR. CHERSON: Other than replacements for
20 appliances, and if anybody's been -- you know, they're
21 basically out of stock and it will take months to get.

22 MS. DEROSA: Oh, yeah, months to get it.

23 MR. CHERSON: But I'm talking about --

24 MS. DEROSA: The major stuff.

25 MR. CHERSON: -- repairs, renovations, replacements

1 of old items and systems in the building. Are those
2 things -- have you put them on hold or canceled them?

3 MS. DEROSA: Yes.

4 MR. CHERSON: Have you called within the past two
5 or three years?

6 MS. DEROSA: Yes.

7 MR. CHERSON: And what would they do?

8 MS. DEROSA: I have a building that every time it
9 rained -- it was kind of a wind tunnel -- and the rain would
10 hit the side of the building and the rain would go through
11 the brick and damage the floors, the walls, tenant's belongs
12 that were near there. We should have replaced the brick on
13 the entire building --

14 MR. CHERSON: Is that pointing?

15 MS. DEROSA: It was a little bit more than pointing
16 because --

17 MR. CHERSON: Okay.

18 MS. DEROSA: -- on every floor there's steel and
19 there's a steel ledge that supports the brick. You just
20 can't put brick on top of brick. You need things to support
21 it intermittently. And we would -- we did a partial job as
22 best we could. While we were doing it, we discovered that
23 the four corners of the buildings, the brick had shifted out
24 an inch or two and brick is only about three inches, so now
25 you were talking about a major safety issue. Like one of

1 the safety issues you read about in Manhattan where
2 someone's walking down the street and all of a sudden part
3 of the building falls on people and kills them. So we
4 actually had to borrow money and overextend ourselves to
5 create a safe situation because nobody was dying on my
6 property.

7 MR. CHERSON: Thank you.

8 MS. DEROSA: Yes.

9 MS. SANTIAGO: We've talked about ERAP and how much
10 landlords have received. In your case, do you feel
11 (inaudible.)

12 MS. DEROSA: It helps some tenants with rent, but I
13 found that I had a good chunk of tenants who really took
14 advantage of the moratorium. So tenants that for, I don't
15 know, years, 5, 10 years paid their rent by the 5th, knowing
16 that we couldn't charge a late fee, were paying their rent
17 on the 15th, on the 20th. My mortgage date didn't change.
18 I still had to pay my mortgage on the same date. My
19 electric due date from Con Edison didn't change, that still
20 had to be paid.

21 I'm sorry. Can you tell me your question again?

22 MS. SANTIAGO: Sure. So do you think --

23 CHAIR RUBIN: Ms. Santiago --

24 MS. SANTIAGO: Yes.

25 CHAIR RUBIN: -- can you speak up, please.

1 MS. SANTIAGO: Sure.

2 CHAIR RUBIN: It's hard to hear you.

3 MS. SANTIAGO: Maybe I'll just take off my mask.

4 CHAIR RUBIN: I'm sorry.

5 MS. SANTIAGO: No, it's okay. So my question --
6 what I really want to know, and we already had a discussion
7 about ERAP and I asked how much -- you know how much is
8 received by tenant, by landlords overall in Westchester
9 County. So my question to you is, have you found that that
10 has helped to offset the cost of tenants owing you money due
11 to the order -- the moratorium?

12 MS. DEROSA: Well, it did offset -- it didn't
13 offset cost. It offset the rent that they owed. A lot of
14 tenants -- a lot of tenants struggled with the ERAP system.
15 We wound up helping them. We would get the information from
16 the Builders Institute and send that information to tenants
17 so that they knew when it was opened, what they were needed,
18 they would have current statements of what was due.

19 Again, a lot of people took advantage of it.
20 People would say, you know, I'm sorry. I'm going to leave
21 and I'm not going to pay my last month's rent and there's
22 nothing you could do about it. See ya. And we were like
23 you have a lease, you know, any judge will tell you that
24 you're not supposed to use security for your rent. You're
25 supposed to use security for the apartment. I've had judges

1 say that to me in NY plain city court, but you know
2 people -- tenants knew that we were at a disadvantage and a
3 lot of people took advantage of us during that time and
4 there was nothing we could do about it.

5 And, you know, it's not like we could lower the
6 temperature on the boiler because we still had to maintain
7 68 degrees in the coldest part of the building; we still had
8 to plow the snow; we still had to fix potholes; we still had
9 to have the elevator company come in monthly and do their
10 preventative maintenance. I mean the building still
11 operated.

12 Regardless of what happens in the world, buildings
13 still have to operate. Elevators still have to come down to
14 the lobby floor when you push the button and they have to
15 safely take residents who may not be able to walk upstairs
16 to the 6, 7th, 12th floor. So whether there's an eviction
17 moratorium, whether there's inflation, whether, you know,
18 all costs drop to the floor and we're bathing in money, we
19 still have to run those buildings. And ERAP -- not ERAP --
20 HSTPA really, really, hurt us and then you put low
21 guidelines on top of low guidelines, on top of low
22 guidelines year after year after year. Where's the money
23 supposed to come from? My elevator company expects a check
24 every month to come in and do my elevators. Where am I
25 supposed to --

1 CHAIR RUBIN: Mr. Finger has a question for you. I'm
2 sorry.

3 MS. DEROSA: I'm sorry. I did not answer the
4 question?

5 MR. FINGER: No, I have an additional question.
6 Are you still carrying additions to -- are you still
7 carrying in addition to tenants who got the ERAP assistance
8 arrears from those tenants?

9 MS. DEROSA: Yes, we work with tenants as best we
10 can. The easiest and best solution is to approach a tenant
11 and say, okay, we know you're struggling what can you do?
12 You know, would it help if we took your back balance and
13 spread it out over 24 months, would that help you? Would it
14 help if we -- so we work with tenants as best we can to make
15 payment arrangements and payment plans that, you know, as
16 people went back to work, they were able to now start paying
17 towards their arrears.

18 And a lot of people were very honorable to us.
19 People would call us up and say, look, I know I owe you
20 money but the pandemic stopped and I'm just going back to
21 work and I'll have you paid off by the end of the year and
22 we really want to thank you for -- and appreciate you for
23 working with us. And those were the nice moments that --
24 that came through during a very difficult time for
25 everybody.

1 CHAIR RUBIN: Yes, Mr. Cherson.

2 MS. DEROSA: Don't fight over me.

3 MR. CHERSON: Just to emphasize, the money that you
4 received from the ERAP went as a credit against the rent
5 owed and was reported as rent on the survey; right?

6 MS. DEROSA: Yeah, it has to be.

7 MR. CHERSON: Okay.

8 MS. DEROSA: I mean, whether someone's father pays
9 the rent or a tenant uses their paycheck to pay the rent or
10 they get Section 8 or they get money from ERAP, regardless
11 of where the money comes from, it has to go to their rental
12 account so you can keep track of where they are. You know,
13 if they overpaid, if they under paid, it goes towards their
14 rent. It would be a financial bookkeeping nightmare to have
15 to apply ERAP money to two separate places. Thank God they
16 didn't ask me for a separate line item for ERAP.

17 CHAIR RUBIN: Okay. I have to wrap up because we
18 have a lot of people --

19 MR. CHERSON: Okay.

20 CHAIR RUBIN: -- who are still pending. I'm sorry.
21 Thank you very much for your presentation.

22 MS. DEROSA: Thank you for your time. It was good
23 seeing everybody in person for the first time in many years.

24 CHAIR RUBIN: I'm -- we have two presentations of
25 people who could not make it here. So I'm going to ask

1 Mr. Stecker to read one of them is from Rosagna Rubiano.
2 She's a tenant and --

3 MR. STECKER: Okay. Chair, so you want me to read
4 that written statement that was provided to the Board prior
5 to the meeting?

6 CHAIR RUBIN: Yes.

7 MR. STECKER: Do you want me to set a time for
8 that, Chair?

9 CHAIR RUBIN: Excuse me?

10 MR. STECKER: Do you want me to set a timer for it?

11 CHAIR RUBIN: Yeah, three minutes.

12 MR. STECKER: As an individual. Okay.

13 MR. CHERSON: I have a question. For someone
14 that's not here, don't we just hand out their written
15 statement? We've never read a written statement before of
16 people who aren't here whether they be landlord or tenant.

17 CHAIR RUBIN: We can --

18 MR. CHERSON: In addition to that, we obviously
19 cannot question somebody who's not here. And, I mean, it's
20 time that I've asked for which is why I'm here.

21 As Mr. Finger points out, we've never taken
22 statements. Yes, you can hand out a statement but -- from
23 politicians and various people, various tenants but we've
24 never had them read out loud.

25 CHAIR RUBIN: Well, I will leave it to the rest of

1 the Board to decide if they want to continue doing this or
2 not. We'll just hand the written statements that we have.

3 Mr. Counsel, what do you say?

4 MR. STECKER: I say they --

5 CHAIR RUBIN: You're our counsel, you can tell us
6 what you --

7 MR. STECKER: I think it's appropriate to put it up
8 to a vote of the Board as to whether they want written
9 statements to be read into the record or just kept as
10 statements that were passed to the Board and keep it as is
11 and not spend the time to read them into the record.

12 CHAIR RUBIN: Can you call the roll, please?

13 MR. STECKER: Sure. You should probably see if you
14 can take a motion to that first.

15 CHAIR RUBIN: Yeah. We have a motion to either the
16 statements or just handout the copies.

17 MR. CHERSON: I have a question to Mr. Stecker.
18 How is it proper to have a motion in the middle of a public
19 hearing where we're supposed to be hearing from the public
20 and that's the purpose of this hearing, but --

21 MR. STECKER: Uh-huh.

22 MR. CHERSON: -- to change the tradition that we've
23 had, which is not to read in statements. I don't see how
24 it's proper procedure to, in the middle of our hearing, to
25 have a vote on such a motion.

1 MR. STECKER: Well, I think it's worth pointing out
2 that in the last two years during the pandemic, the Board
3 did take written comments and they were read into the record
4 and there was no requirement that any questions be made to
5 the public.

6 MR. CHERSON: If they want it read into the record
7 and I have no objection to taking --

8 MR. STECKER: Well, they were read into the record.
9 I remember perfectly that they were because I read them into
10 the record during the meeting. So the Chair has asked me
11 for advice on this. Given that there's a conflict, I think
12 it's worthwhile to see if somebody wants to make a motion
13 for it to resolve the issue at this point.

14 MR. CHERSON: Right and the motion should not come
15 from Mr. Stecker. A motion has to come from one of the
16 Board members and not from counsel.

17 CHAIR RUBIN: I just did.

18 MR. STECKER: Exactly.

19 CHAIR RUBIN: I just made the motion to read --

20 MR. CHERSON: But who's the motion and who's
21 seconding it?

22 CHAIR RUBIN: I'm making the motion.

23 MR. CHERSON: Okay. And who's second that?

24 MS. STEWART: Second.

25 MR. STECKER: I think the motion should be

1 clarified, Chair, what exactly the motion is.

2 CHAIR RUBIN: Yeah, the motion is to either read the
3 statements that the people who cannot be here, read it to --
4 read it out loud to the audience and to the Board or just
5 hand out the copies of the paper.

6 MR. CHERSON: If he's just handing it out, but it
7 becomes part of the record.

8 CHAIR RUBIN: Yes, definitely. Yeah. So both --

9 MR. STECKER: So, Chair, you're going to -- I mean,
10 the motion needs to be clarified as to which of those you're
11 making a motion for.

12 CHAIR RUBIN: For reading it.

13 MR. STECKER: But you have to decide which one you
14 want to happen and then make a motion towards that.

15 CHAIR RUBIN: Well, I want to read it.

16 MR. CHERSON: You want it read?

17 CHAIR RUBIN: Yeah.

18 MR. CHERSON: Okay.

19 CHAIR RUBIN: I want it to be read and to be -- at
20 the beginning I asked Mr. Stecker to read one and
21 Ms. Stewart to read the other one for two people who could
22 not be here for health reasons I think.

23 MR. FINGER: Who would read the other one?

24 MR. CHERSON: Ms. Stewart.

25 MS. STEWART: Me.

1 CHAIR RUBIN: Ms. Stewart.

2 UNIDENTIFIED SPEAKER: And you're going to second
3 on that motion?

4 CHAIR RUBIN: Yes.

5 MS. STEWART: I seconded it.

6 UNIDENTIFIED SPEAKER: Okay.

7 MR. STECKER: Okay. So there's a motion by the
8 Chair to have the written comments received prior to the
9 meeting read into the record. Seconded by Ms. Stewart.
10 I'll call the roll.

11 Velene Acquah?

12 MS. ACQUAH: Here.

13 MR. STECKER: Yes?

14 MS. ACQUAH: Yes.

15 MR. STECKER: Lamont Badru?

16 MR. BADRU: No.

17 MR. STECKER: Eddie Mae Barnes?

18 MR. BARNES: Yes.

19 MR. STECKER: Evelyn Santiago?

20 MS. SANTIAGO: Yes.

21 MR. STECKER: Eliot Cherson?

22 MR. CHERSON: No.

23 MR. STECKER: Ken Finger?

24 MR. FINGER: No.

25 MR. STECKER: Tamara Stewart?

1 MS. STEWART: Yes.

2 MR. STECKER: Sylvia Hamer?

3 MS. HAMER: Yes.

4 MR. STECKER: And Chair Rubin?

5 CHAIR RUBIN: Yes.

6 MR. STECKER: So the motion carries by a vote of
7 six to three. So the Board has voted to have the ability to
8 read these into the record.

9 So, Chair, at your direction I can do that. You're
10 just going to have to give me specific directions as --

11 CHAIR RUBIN: Yes.

12 MR. STECKER: -- to which you want me to read into
13 the record and whether you're going to constrain it to the
14 time limits.

15 CHAIR RUBIN: You will have three minutes to read the
16 statement from Rosagna Rubiano.

17 MR. STECKER: Okay.

18 MR. CHERSON: (Inaudible.)

19 CHAIR RUBIN: Rosagna Rubiano.

20 MR. FINGER: Do you have a copy of that?

21 MR. STECKER: The copy was e-mailed prior to --

22 CHAIR RUBIN: He sent an e-mail.

23 MR. FINGER: Okay. So it was not distributed?

24 MS. STEWART: What's the question?

25 MR. STECKER: Okay. Starting three minutes now.

1 Members of the Board. Dear Rent Board, I'm writing
2 to you as a concerned tenant and DHCR complainant who has
3 dealt with multiple unresolved matters since 2016. It was
4 only through the help of my attorney that I was able to
5 navigate this broken system. Not many tenants had the
6 opportunity to retain an attorney or the stamina to persist
7 three years of slow-moving proceeding. And, yet despite our
8 rent overcharge when (inaudible) services ordered followed
9 by two enforcement proceedings, the system has still dragged
10 out these complaints without resolution to this day.

11 While I have incurred additional charges and my
12 family's health continues to be at risk. I'm a nurse
13 practitioner that has worked the front lines during the
14 pandemic and there was no break for us for two full years.
15 We helped everybody, we stood holding their hands while they
16 were dying when their family members could not be there with
17 them. We're still in the midst of recovering from a
18 pandemic which is not over. People are struggling to catch
19 up on bills from the 2020 height of unemployment due to the
20 pandemic. It is people like me, people who are doing
21 everything possible to make ends meet who then have to come
22 home to a deteriorated building with mice running across my
23 apartment floor and mold throughout my apartment. Not to
24 mention the long list of building lack of services as to
25 which nothing has happened since our tenants association

1 filed a complaint last year.

2 This foot dragging is a calculating tactic by slum
3 landlords who take advantage of the slow action by the DHCR
4 to get us to move out so they can renovate and raise the
5 rent. Yet the system fines these landlords a mere \$500 for
6 the first are refusal, \$2,000 for the second refusal to
7 comply with DHCR orders for repairs. This is simply the
8 cost of doing business for landlords. There's absolutely no
9 incentive for them to do the right thing, only for slum
10 landlords to make a profit and essentially put tenants
11 health at risk.

12 During the past six years my family and I have
13 dealt with the following issues which have yet to be
14 resolved. Exposure to mold, which has exacerbated medical
15 conditions for my asthmatic daughter; refusal to make
16 repairs such as water leaks; falling ceiling debris; broken
17 pipes; mice, roach, and water bug infestations that have
18 vermin crawling across our feet in the middle of the day;
19 gas pipe leaks and the gas being shutoff to the building for
20 over six months without means for tenants to cook; nor was
21 any reimbursement offered to the cost of take out, hot
22 plates, toaster ovens so we can feed our families; pet fecal
23 matter left throughout our building that never gets cleaned
24 up and petrifies after being left in the same spot for a
25 month; I've been stuck in the elevator on a hot summer day

1 with several children without a functioning emergency bell
2 for assistance; refusal to renew my lease that took six
3 years to get fixed; threats of eviction despite paying my
4 rent in a timely manner; harassment and threats including a
5 personal visit by the landlord and super to a senior
6 tenant's apartment to intimidate her to get the tenant's
7 association to drop the building-wide complaint.

8 I beg you not to raise rents this year when the
9 DHCR landlord survey numbers released show that landlords in
10 2020 made a 40 percent profit and in 2021 a 37 percent
11 profit after expenses --

12 CHAIR RUBIN: You may finish your sentence.

13 MR. STECKER: They continue to profit while many of
14 us are struggling to recover from pandemic loss of full
15 income, barely able to make ends meet. Facing rising
16 inflation cost and possible recession. Please do the right
17 thing and do not impose unnecessary rent increases on the
18 tenants this year.

19 Rosagna Rubiano, 527 Riverdale Avenue, Yonkers, New
20 York.

21 CHAIR RUBIN: Thank you.

22 I will now call the next person on the list, it is
23 Alana Ciuffetelli.

24 MS. CIUFFETELLI: You got it. Thank you.

25 CHAIR RUBIN: Finally.

1 MS. CIUFFETELLI: Good evening and thank you for
2 your time tonight. Hello. My name is Alana Ciuffetelli and
3 I'm the Chair of the Apartment Owner's Advisory Council of
4 the BRI and I sit on the Board of Directors of the
5 Westchester Owners' Association. Not only have I been a
6 small landlord for basically my entire life, but I'm also a
7 real estate broker and managing agent. Some of you may know
8 me because I've testified numerous times in the past. If
9 you don't, I'm sure you can assume from the organizations
10 that I'm heavily involved in that I'm passionate about what
11 I do.

12 I live and breathe my buildings. Not only are they
13 a piece of my livelihood, but they are also part of my
14 family legacy. My real estate company is called Three C
15 Realty because three generations of Ciuffetelli's have
16 owned, managed, and operated our buildings. With a 4th
17 grade education and little to no understanding of the
18 English language, my grandfather, a first generation
19 immigrant from Italy risked it all on hopes of providing
20 better -- a better future for his family and generations to
21 come. And our buildings have given back to us as much as we
22 have put into them. But for the first time in my life I'm
23 afraid. Afraid of what's going to happen to my buildings,
24 afraid of what's going to happen to my tenants and afraid
25 for my family.

1 Year after year the increases made by the Rent
2 Guidelines Board have not been sustainable. Managing
3 buildings cost money and it comes with a lot of unexpected
4 risks and expenses. Yes, this is with every business, but
5 somehow landlords are hardly viewed as business owners. The
6 argument of a high ROI that was mentioned at previous
7 hearings and tonight as well does not account for additional
8 costs such as interest payments, depreciation, or
9 amortization.

10 Earlier tonight a tenant's advocate mentioned that
11 interest should not be reported in the operating -- as an
12 operating cost. We're also being told that depreciation
13 shouldn't be considered. We are -- tenant advocates are
14 constantly citing incorrect and grossly inflated percentages
15 and here's why that's incorrect. What I handed out tonight.
16 The NYC RGB which has hundred of thousands of more ETPA
17 units than Westchester, Nassau, and Rockland combined gives
18 its board members every year, and definitely this year, the
19 2020 mortgage survey report. If New York City RGB thought
20 that interest should not be an -- if the NYC RGB thought
21 that interest should not be an operating cost, then why was
22 it given out? We had a CPA testify, Angelo Milone, he's
23 licensed and practicing in New York State. He tells us that
24 interest must be considered as an operating expense. Jerry
25 Houlihan, my co-chair, great guy, licensed mortgage sales

1 broker in New York gave us examples in clear detail which
2 show owner's real rate of return on investment is less than
3 5 percent. I repeat, less than 5 percent.

4 Also, if the IRS let's me deduct interest payments,
5 depreciation, amortization why do tenant advocated think we
6 should turn a blind eye to those expenses? Tenant advocates
7 can say that we still made a return on our investments, but
8 this is our bread and butter. We have to make a return.
9 This is how I feed my families.

10 As inflation rate continues upwards of 8.5 percent
11 and the building and repair costs sky rocket, we're finding
12 it more and more difficult to make any sort of return on
13 renovations leading to more vacancies. Our job is to
14 provide quality and safe housing for our tenants. When we
15 suffer, they suffer as well and we understand that. With
16 these deplorable increases, how do we provide the same
17 quality and services that our tenants deserve? We are here
18 tonight because we care. We care about our buildings, we
19 care about our tenants, we want to provide the best for
20 them. Quality services cost resources, time, but most
21 importantly, money.

22 In the past few years IAI's have been curtailed by
23 regulation and MCI's have been completely changed. \$15,000
24 for an apartment renovation can't be done. You can't do
25 anything with that. The math doesn't add up. For ample, in

1 one of my buildings a boiler went in the dead of winter. I
2 wanted to replace the boiler but received quotes ranging
3 from \$88,000 to \$125,000. To put it into perspective, six
4 years ago, the same boiler cost me \$26,000. This is a
5 21-unit building, I don't have that kind of money. And with
6 the changes in HSTPA that they brought on, I can't save
7 towards reserves. It ultimately cost me \$10,000 to make a
8 repair, but trying to get it fixed in the winter was
9 extremely difficult because we had shortage of supply.

10 In another building, we continuously have to patch
11 a roof as it was damaged by hurricane Ida. I want to
12 replace the roof, the cost quoted for this, 40k plus the
13 cost of new plywood. Again, I can't afford to do that.
14 During the last storm, the back gutter went down a building.
15 To replace 38 square foot of gutter cost me \$10,000.
16 \$10,000. It should have cost \$2,500 to \$3,000 but COVID and
17 inflation has driven up pricing for all of us. Landlords as
18 well. We are not inflation proof, we are not COVID proof,
19 we are not pandemic proof, we don't have deep pockets as
20 small landlords.

21 With insufficient increases how do you expect us to
22 continue keeping our buildings safe for our tenants? Sure
23 landlord corporations may afford to eat up such costs, but
24 not us small landlords. And there's a lot of us. A lot of
25 good landlords. A lot of family-owned operated businesses

1 that bought buildings or built buildings in the hope of
2 achieving the ultimate American dream. We took a risk. If
3 these increases continue to trend the way they have in the
4 past few years, you will lose these people. You will -- I
5 only have a paragraph left.

6 CHAIR RUBIN: Go ahead.

7 MS. CIUFFETELLI: Thank you.

8 We are the ones who have worked meticulously to
9 work with our tenants during the pandemic. We are the ones
10 who help those qualify for ERAP apply for the program. We
11 are the ones who take pride in keeping our buildings, the
12 kind of buildings that we want our tenants to live in. Like
13 I said before, I've testified numerous times in the past but
14 for the first time in my life I'm afraid. I'm afraid for my
15 tenants. I'm afraid for my buildings. You are our only
16 means of an increase. We cannot go anywhere else to voice
17 our concerns. Our livelihoods are in your hands and I
18 implore you to consider the struggles that we have faced
19 these past few years and the ongoing struggles we will face
20 going forward if reasonable increases are not made. I thank
21 you for your time.

22 CHAIR RUBIN: Thank you. Any questions from the
23 Board. No?

24 MS. CIUFFETELLI: Thank you.

25 CHAIR RUBIN: Thank you.

1 Is Ms. Antoinette Rose here?

2 MS. ROSE: Yes.

3 CHAIR RUBIN: Yes, please.

4 MR. CHERSON: Say your name.

5 MS. ROSE: Antoinette Rose.

6 CHAIR RUBIN: Antoinette Rose, are you representing
7 yourself or an entity?

8 MS. ROSE: An entity, 1199SEIU.

9 CHAIR RUBIN: Thank you. You have five minutes.

10 MS. ROSE: Can I give you --

11 MR. CHERSON: Can you repeat what you said? I
12 didn't hear you.

13 MS. ROSE: 1199SEIU Healthcare Workers Union East.

14 MR. CHERSON: Okay. Thank you.

15 MS. ROSE: Can I give you --

16 CHAIR RUBIN: You have five minutes.

17 MS. ROSE: Okay. Thank you.

18 Good evening Board members, Westchester County
19 residents, and interested guests. My name is Antoinette
20 Rose, I live at Mount Vernon and I work for Montefiore
21 Medical Center in Tarrytown. I am a proud delegate for
22 1199SEIU, the countries largest healthcare workers Union
23 with over 45,000 members, over 12,000 of whom live in
24 Westchester County. I appeared before this Board last year
25 to tell you about how badly the pandemic was affecting me

1 and my coworkers. Today I am back to speak on behalf of a
2 severely rent burdened tenant and I respectfully request
3 that you freeze rents for Westchester tenants.

4 Like my 1199SEIU coworkers, I go to work everyday
5 to help people. Our members are frontline caregiver's in
6 hospitals; nursing homes; home care; clinics; pharmacies;
7 and all areas of the healthcare industry. We are nurses;
8 nurses aides; physician assistants; techs; lab workers;
9 clerks; housekeepers; dietary workers; transporters;
10 pharmacies; social workers; and many other types of medical
11 professionals.

12 We are the healthcare heroes who continue to fight
13 through the COVID pandemic which is not over. I moved into
14 my rent stabilized one-bedroom apartment in Mount Vernon six
15 years ago and my rent is almost \$2,000. Although I have
16 been with Montefiore for 22 years and many -- employment has
17 been steady, it's a challenge to pay my rent every month.
18 When I moved into my apartment I had a roommate to share
19 expenses with. Unfortunately, my first roommate moved out
20 and things didn't work out with my second roommate.
21 Consequently, I've been paying more than half of my income
22 for rent. You can't work from home, if you have no home.
23 Many of my coworkers and neighbors lived in rent stabilized
24 buildings and are also struggling to pay rent. Due to the
25 high cost of housing in our community, many of us are having

1 a hard time paying rent even before COVID and the pandemic
2 just made things worse. Many of our members household
3 require several people working multiple shifts to pay for
4 rent; food; child-care; transportation; and necessities.
5 Child-care and elder-care responsibilities are still making
6 it difficult for some of our members or their spouses to
7 return to work full-time even though the household needs
8 additional income to pay rent. Many fixed income neighbors
9 are having a difficult time meeting their expenses due to
10 the inflation that's affecting all of us and the food
11 distribution lines that this church across the street from
12 my building are getting longer, not shorter.

13 While I thank God for a life saving vaccines and
14 I'm encouraged that our economic is bouncing back, many
15 individual households like mine, my retired neighbors, and
16 many of my coworkers are still struggling to pay for
17 necessities. And slowly digging out of debt while grieving
18 the loss of more than 1 million of our fellow citizens.

19 If this Board recognize the plight that many
20 tenants find ourselves in because there just isn't enough
21 affordable housing to go around. If you truly appreciate
22 the sacrifices that healthcare workers made you in this
23 worse of the pandemic and if you believe that our seniors
24 deserve to live out their golden years with dignity and some
25 measure of comfort, then please help struggling rent

1 stabilized tenants by freezing rent this year.

2 Thank you.

3 CHAIR RUBIN: Thank you.

4 Any questions for Ms. Rose?

5 Thank you for your presentation.

6 MS. ROSE: Okay.

7 CHAIR RUBIN: I will now call Sandra Borducci.

8 MS. BORDUCCI: Good evening.

9 CHAIR RUBIN: Hello.

10 MS. BORDUCCI: Hi. Good evening Board. My name is
11 Sandra Borducci and I'm testifying on behalf of some
12 landlords in southwest Yonkers and Mount Vernon. I just
13 want to address the point about seniors. We do have a few
14 senior tenants in rent stabilized buildings who do get SCRIE
15 which basically freezes their rent. So I just want to note
16 that. Even though the legal rent goes up, theirs is frozen.

17 I just want to go over some caselaw that I found.
18 Number 1. According to Rose Associates v. DHCR, the
19 Appellate Division of New York indicated that the purpose of
20 the Rent Guidelines Board is to balance the landlords needs
21 against the tenants. There has to be a rational basis for
22 the agency's determination considering substantial evidence
23 on both sides.

24 In the case of Casado v. New York City Rent
25 Guidelines Board (phonetic) in 2011, the Court of Appeals of

1 New York opine that small annually authorized increases do
2 not come close to covering increase costs. 2011, that was
3 way before the 2019 update to the rent guidelines which
4 totally crushed landlord's abilities to increase rents
5 proportionate to economic conditions.

6 Further, in the case of Rent Stabilization
7 Association of New York City, Inc. V. New York City Rent
8 Guidelines Board of 2017, the Supreme Court of New York held
9 that while tenant affordability is a proper factor for the
10 Board to consider in establishing annual rent guidelines,
11 tenant affordability is not the only factor. Other factors
12 include the economic condition of the residential real
13 estate industry in the affected area as explained by a
14 landlord representative and business industry
15 representatives. These factors include real estate taxes;
16 utility rates; operating maintenance cost; insurance rates;
17 governmental fees; cost of fuel; labor.

18 Let's go over real estate taxes. Mount Vernon real
19 estate taxes increased between 12 and 13 percent between
20 2019 and 2022. Where's the cap on Mount Vernon City Hall?
21 Yonkers real estate taxes increased 5 percent since 2019.
22 Utility rates, those are electric and water. Utility rates
23 increased a whopping 28 percent since 2019. Who's covering
24 that? Operating maintenance cost. Let's talk about
25 insurance. Our personal cost increased 10 percent in 2021.

1 10 percent for insurance. We rely so much on insurance. We
2 just had a building fire that -- not in New York, in another
3 location, it totally destroyed the building. Without
4 insurance we can't cover anything. Heating fuel increased
5 for us 8 percent since 2019. Mount Vernon imposed a
6 sustainability fee of \$200 per apartment. Their website
7 says pass this on to the tenants. Who -- under where? How
8 are we going to pass this onto the tenants under the Rent
9 Guidelines under DHCR? I would love if you guys know the
10 answer, please let me know. And how are tenants going to
11 react to paying an extra \$200 a year from now on?

12 And furthermore, every single one of our vendors:
13 Waste -- everything. Every single vendor has hiked up their
14 prices 3 to 8 percent. We got a letter one by one everyday.
15 Sorry. We're increasing our prices 3 to 8 percent,
16 whatever -- depending on the industry. You know, 8 percent
17 inflation on top of that. Our paving guy told us that
18 oil -- the cost of oil has sky rocketed. One parking lot
19 cost us \$120,000. 12 balconies cost us \$350,000. Our NOI,
20 ours, has decreased 26 percent this year. 26 percent. That
21 leaves us a lot less money to pay for capital improvements
22 for our aging buildings. And if I hear about MCI's as a way
23 to compensate for this and recover this, that's a joke. The
24 2019 laws capped MCI's at 2 percent per year. You get to
25 recover the cost over, like, the life of the thing which

1 could be 25 years. And, okay, 25 times 2 percent, that's 50
2 percent of your cost recovered over 25 years.

3 UNIDENTIFIED SPEAKER: And then the rent goes down.

4 MS. BORDUCCI: And then the rent -- it's a real
5 joke. We're at a loss. You are the God's of our faiths.
6 You should change your name to the faiths because you're all
7 we have left at this point. And that's all I have.

8 CHAIR RUBIN: Any questions from the Board?

9 Thank you for your presentation.

10 MS. BORDUCCI: Thank you.

11 CHAIR RUBIN: I will now ask Ms. Stewart to read the
12 presentation that we have, but do we have copies of that
13 presentation, Mr. Stecker?

14 MR. STECKER: I do not have copies of that
15 presentation, Chair.

16 CHAIR RUBIN: I think if we don't have copies we
17 cannot -- we just have to --

18 MS. STEWART: It was e-mailed to everyone.

19 CHAIR RUBIN: It was e-mailed to everybody?

20 MS. STEWART: Yes.

21 MR. STECKER: I mean it has been e-mailed to the
22 Board. I don't have physical copies here, Chair.

23 CHAIR RUBIN: Okay. So we have the copies. Excuse
24 me. This session is still going on.

25 Yeah. Go ahead, Ms. Stewart, you can read it.

1 MS. STEWART: Thank you. This is the testimony of
2 Michael McKee who's the treasurer of Tenants PAC, New York
3 City and he's very sorry that he can't be here in person at
4 this evening's hearing.

5 CHAIR RUBIN: He has five minutes.

6 MS. STEWART: Yes.

7 CHAIR RUBIN: And if the reading is longer than that,
8 I will have to interrupt you.

9 MS. STEWART: Sure.

10 CHAIR RUBIN: Thank you.

11 MS. STEWART: I want to remind you that the very
12 purpose of rent regulation is to give tenants security from
13 arbitrary or a retaliatory evictions and to keep rent
14 affordable over time. Not only for the benefit of current
15 tenants, but for the future families who will need an
16 affordable place to live.

17 In this year of raising inflation you will hear
18 appeal from landlords for large rent increases, but please
19 remember that inflation affects everyone, landlords and
20 tenants in that, landlords are better equipped to withstand
21 it. The data provided to you by the DHCR Office of Rent
22 Administration Staff based on income and expense reported --
23 reports filed by landlords give you all the justification
24 you need for another rent freeze at least for one-year lease
25 renewals.

1 Net operating incomes. Whether looking at table
2 one with data from buildings where landlords provide heat or
3 table one for buildings where landlords do not, rental
4 income for 2021 exceeds rental income from 2019.
5 Expenditures have increased only slightly from 2019 to 2021
6 and net operating income from 2019 to 2021 has essentially
7 held steady over the last 35 years.

8 The bottom line is that the average NOI for rent
9 stabilized properties in Westchester County was 37.37
10 percent in 2021 compared to 34.5 percent in 1987. The
11 first -- excuse me.

12 UNIDENTIFIED SPEAKER: I'm leaving. It's okay.

13 CHAIR RUBIN: Yes, please.

14 MS. STEWART: Please do so quietly.

15 UNIDENTIFIED SPEAKER: All right.

16 MS. STEWART: Thank you.

17 UNIDENTIFIED SPEAKER: I can't listen to the lies.

18 MS. STEWART: Leave quietly, thank you.

19 UNIDENTIFIED SPEAKER: I will. I can't listen to
20 the lies.

21 MS. STEWART: All right. The first year under
22 historical (inaudible) provided by ORA staff. Owners of
23 rent stabilized properties in Westchester County are doing
24 quite well.

25 Inflation. The current inflationary spiral is

1 having a negative impact on the residential rental market
2 everywhere in the United States. Around the world, in fact.
3 Market rents have soared above anyone's expectations and
4 additional pressure on rents comes from more affluent
5 consumers who find themselves unable to afford to buy homes
6 at the moment, but can outbid ordinary renters for a
7 diminishing supply of rental housing.

8 Please remember that inflation affects everyone.
9 Tenants are affected every bit as much as landlords and
10 don't have any of the financial advantages that come from
11 ownership of real property.

12 Impact of rent increases. According to the vacancy
13 reports provided by ORA the median rent for apartments that
14 turned over between 2019 and 2021 in Westchester was a
15 \$1,787 for those who signed one-year vacancy leases. While
16 these figures apply only to apartments that turned over,
17 remember that since 2019 landlords have not been allowed to
18 increase rents for vacant units substantially over what the
19 former tenants were paying.

20 So let's use this median to calculate what your
21 decision this year would mean for ETPA tenants. A 1 percent
22 rent hike would be \$18; a 2 percent increase would be \$35; 3
23 percent, \$54; 4 percent, \$71; 5 percent \$89. These are
24 rounded. These numbers are a fairly exact measure of what
25 tenants move into ETPA apartments in the last few years

1 would have to pay if you adopted such an adjustment. While
2 we don't have rent numbers for occupied apartments, let's
3 just assume for a moment that this median ETPA rent in
4 Westchester County was \$1,500 in 2021.

5 With a monthly rent of \$1,500 here's the impact
6 your potential decision this year would have on tenants. 1
7 percent rent hike, \$15; 2 percent, \$30; 3 percent, \$45; 4
8 percent, \$60; 5 percent, \$75. These are rounded. Think in
9 terms of the dollar amounts not percentages when you are
10 considering your vote on Thursday. These are real numbers
11 that will have a real impact on tenants who are struggling
12 with paying more every time they go to the grocery store or
13 pay their utility bills or fill up at the gas station. Even
14 a modest rent increase will be harmful to most tenants.

15 During the last two years many renters were laid
16 off from their jobs or had their hours substantially
17 reduced. Many have not qualified for unemployment or other
18 benefits and even where tenants have successfully obtained
19 ERAP payments to cover some of their back rent, many still
20 owe some back rent and/or lack the ability to pay future
21 rent. Here's the question you must answer: Who is more
22 able to survive the economic breakdown of the last two
23 years, the people who live in rent stabilized apartments or
24 the people who own those apartments? For many reasons it is
25 clear that landlords are better positioned to come

1 reasonably whole. Thank you.

2 CHAIR RUBIN: Thank you.

3 I will now call Gene Diresta. Mr. Diresta, are you
4 representing yourself or an entity?

5 MR. DIRESTA: I'm a financial model consultant.

6 CHAIR RUBIN: Okay. So you have five minutes.

7 MR. DIRESTA: Thank you.

8 Mr. Stecker, it's really important that when you
9 get these that you look at it carefully because I will be
10 referring to it during this presentation with a larger
11 version of what I have.

12 I'm a mathematician, professor of mathematics and
13 engineering and I currently teach artificial intelligence to
14 professional engineers. So I received some interesting data
15 sets from PRI and asked for my opinion.

16 So I now begin. Good evening Rent Guideline
17 Members, colleagues, and audience. This evening I will
18 summarize a two-part report on financial modeling analysis
19 using only DHCR data and rent increases the Rent Guidelines
20 Board has granted in response to that data and the
21 simulation recommendation for the rent increase the Rent
22 Guideline Board should grant for 2022. Part one presents
23 the findings from a statistical analysis of historical data
24 relating Rent Guideline Board increases for one-year lease
25 versus New York inflation rates for it's period 1974 to

1 2021. And a closer evaluation of how the period 2010 to
2 2021 has affected the actual growth rate metric for the
3 landlords, cash flow not including depreciation per unit,
4 also referred to as the bottom line.

5 Figure 1. This is figure 1. You have it. Please
6 look at it so that you will understand the comments that I
7 am going to make next. Figure one summarizes how the Rent
8 Guideline Board one-year rent increases have tracked with
9 the New York inflation rate from '74 -- 1974 to '21. The
10 data is -- the data set is broken into two parts. The green
11 dots are the rent guideline data during the period 1974 to
12 2010 and the red squares are the rent guideline data during
13 the period 2010 to 2021. Note, this second period will
14 allow us to correlate the rent guideline activities with the
15 actual growth rate analysis that uses available DHCR data.
16 The two data sets were analyzed using linear regression
17 analysis that asks the question, is there correlation
18 between rent guideline rent increases and inflation rate.

19 Now, a little bit about the correlation
20 coefficient. It has -- it's broken into three ranges from
21 0 -- the range goes from 0 to 1. It provides a metric that
22 is used to answer the question. Our squared valued between
23 0 and point .33 suggest the low correlation between
24 variables values between .34 and 66 suggests a moderate
25 correlation and values above .67 suggest strong correlation.

1 The negative values indicate no correlation. From our
2 analysis for the -- for the '74 to 2010 the period -- the R
3 squared is .6821 that indicates strong correlation between
4 rent guideline rent increase and the inflation rate. While
5 for the period 2010 to 2021, the R squared is minus .264
6 that indicates no correlation between the two variables.

7 The slope of the regression line through the
8 correlated '74 to 2010 data suggests that the -- that
9 historically the Rent Guideline Board was 98.2 percent of
10 the inflation rate. Let me repeat that. The rent guideline
11 rent increase was 98.2 percent of the inflation rate.
12 That's the historical data. Your organization, okay?
13 Shown here. This is the green line, okay? And you can see
14 the correlation. On the other hand, the red is buckshot.
15 There is no correlation. So the slope comparison analysis
16 performed that the two data sets confirmed that they are
17 statistically different. Two completely different sets of
18 data.

19 We next consider the effects the rent guideline
20 decision has had on the landlord's bottom line metric. The
21 actual growth rate. And now we refer to picture two. This
22 is picture two. Everybody see it? Picture two. Okay. The
23 actual growth rate for cash flow minus depreciation per unit
24 is evaluated in five, two-year periods. There's a
25 noticeable change following 2017 from a positive rate to a

1 negative rate and that the declining trend has continued for
2 over four years.

3 Further, the trend went negative before HSTPA 219
4 law and the COVID pandemic. So this occurred before COVID,
5 before HSTPA. Let me explain and show you hear, okay? This
6 is the profit, the bottom line is rate of growth, okay? And
7 you can see that in this period it went negative and
8 continues to go negative. The brown line is the inflation
9 rate.

10 CHAIR RUBIN: Thank you. Have you finished or you
11 would like to wrap up?

12 MR. DIRESTA: I will just jump the packet to part
13 two and say that on the basis of the modeling analysis,
14 which does not consider interest, okay? Using the NOI
15 concept, okay? The rent increase that should be granted is
16 8.76 percent for a one-year lease. Let me repeat that.
17 Using the NOI analysis strictly, the rent increase should be
18 8.76 percent. If we follow the historical data then the
19 rent increase should be 4.15 percent.

20 CHAIR RUBIN: Thank you. Any questions?

21 MR. CHERSON: Quick question.

22 CHAIR RUBIN: Yes.

23 MR. CHERSON: Could you please give a little bit of
24 background about your professional life to present this
25 case?

1 MR. DIRESTA: Sure. I was -- I'm a professor, I
2 was a professor. I'm recently retired from NYU. I was the
3 director of the bioengineering group. I was also a medical
4 nuclear physicists at Memorial Sloan-Kettering where I still
5 conduct research on drug delivery. My specialty is
6 mathematics and modeling. When you look at how to determine
7 whether you should give an injection, you use people like me
8 to analyze the data to make a statement as to whether or not
9 the data suggests to move forward. So I'm currently working
10 triple negative breast cancer. Trying to improve drug
11 delivery to those woman who have that disease. But I'm a
12 modeler. Data is what I work with.

13 CHAIR RUBIN: Thank you.

14 Any other questions?

15 Thank you, Mr. Diresta.

16 I will now call Tim Foley. Good evening.

17 MR. FOLEY: Good evening, Madam Chair.

18 CHAIR RUBIN: Are you representing yourself or an
19 entity?

20 MR. FOLEY: An entity, the BRI.

21 CHAIR RUBIN: You have five minutes.

22 MR. FOLEY: Thank you so much.

23 Good evening, everyone. I'm the CEO of the
24 Building and Realty Institute, the BRI. And, as always, we
25 appreciate your thorough review of the data, the overall

1 economic picture and this orderly public (inaudible), so
2 thank you for your service.

3 When I spoke before you last year, the last part of
4 my comment was how in addition to sky rocketing prices for
5 lumber, we were beginning to see price increases in about a
6 dozen distinct building supplies. Well, as we now know,
7 that wound up being just the beginning. Even with the rate
8 of inflation as often mentioned that's higher than anything
9 we've seen since 1989, the cost of building supplies and
10 repairs has increased 40 percent since the start of the
11 pandemic and that is between three and five times the rate
12 of inflation.

13 As you've heard at every public meeting, the
14 combination of this surge in prices, the changes of HSTPA,
15 the rent freeze in 2020, and the mostly frozen increases of
16 2021 has produced an observable effect. These buildings are
17 not seeing the level of repair, upkeep, and improvements
18 that we would expect and that they probably need. And
19 you've heard time and again it's because owners can't figure
20 out how to afford them.

21 In the cost reports provided by HCR, repairs and
22 maintenance is the only main expense category that is lower
23 than it was in 2019. You've heard from multiple local small
24 business vendors about how this loss is directly affecting
25 their business and their employees. Now, as I mentioned,

1 the BRI includes home builders and remodelers and so I can
2 say with certainty that this decrease in repairs and
3 construction is not industry-wide. New housing starts both
4 in the nation and as a whole and in Westchester are back
5 higher than their pre-pandemic levels. And the NAHB West
6 Lake Royal Remodeling Market Index show that the residential
7 modeling industry had already recovered by the end of 2020
8 and the index for the first quarter of 2022 is also higher
9 than that pre-pandemic.

10 Now, building supplies in these parts in the
11 industry are expensive too, yet, there's still a boom in
12 residential construction, repair, and remodeling here in
13 Westchester. We are only seeing a decrease like this in
14 rent stabilized buildings.

15 Now, we've talked a lot about inflation and cost in
16 these meetings, but we haven't talked as much about what's
17 happening elsewhere in the economy. All the focus on
18 inflation overshadows the fact that overall this is actually
19 the strongest job market we've seen for decades. The
20 unemployment rate nationally is under 4 percent and here in
21 Westchester it's 3.7 and that is the lowest mark for our
22 County on record. Not pre-pandemic, ever. Even more
23 impressive is the average wage index. After the great
24 recession we consistently limped along with wage growth. It
25 was basically flat, but not last year. Last year the

1 average wage index was 5.6 percent and that is the highest
2 it's been in over two decades and is twice as high as our
3 average has been since 2008.

4 The wage index for this year is still in progress
5 but it continues to hover around 5 percent, which would
6 again be the strongest we've seen. So the reality is that
7 although costs are going up for everybody, landlords and
8 tenants alike, this is actually the most affordable moment
9 in terms of jobs and wages for a modest increase to invest
10 in the TLC these buildings need and these tenants deserve.

11 Now, of course, that is just an average. Some
12 people are still struggling. Some people will still fall
13 behind on their bills. Some won't see the wage gains that
14 most are seeing and some will face a financial hardship.
15 Our organization strongly believes in and has championed in
16 Albany and elsewhere targeted approaches to help stabilize
17 housing costs for those who are struggling just as we
18 passionately believe in increasing access to affordable
19 housing. When we find the most effective tools for those
20 goals are to be found outside of this process. This process
21 has how often produced a justifiable and, therefore,
22 economically sustainable increase that tenants and owners
23 have usually been able to afford. And if that's the goal,
24 it unusually works. But if the goal instead is to provide a
25 broad based anti-poverty effort, then sorry to say that is

1 not going to be successful. For one thing, as mentioned
2 earlier, the number of housing burdened individuals and
3 families in Westchester is four times the number of total
4 rent stabilized units. It's a drop in the bucket. For
5 another rent stabilization is a confluence of the age of the
6 buildings, the municipality it's in, often how long the
7 tenant has lived there, it is just not a mechanism that's
8 targeted by need.

9 If we want to help those suffering hardships,
10 please by all means outside of this room let's work together
11 and push for better tools and solutions.

12 Last sentence, Chair.

13 But inside this room, let's find a reasonable
14 economically sustainable and justifiable way to make sure
15 these homes continued to provide affordability, safety, and
16 dignity for those who live here.

17 Thank you for your time.

18 CHAIR RUBIN: Thank you.

19 Any questions for Mr. Foley? No?

20 Thank you.

21 MR. FOLEY: Thank you.

22 CHAIR RUBIN: I will now call Suzanne Johnson.

23 Ms. Johnson?

24 MS. JOHNSON: I'm representing an entity.

25 CHAIR RUBIN: Good. You have five minutes.

1 MR. CHERSON: I didn't get her name.

2 MS. JOHNSON: Suzanne Johnson.

3 CHAIR RUBIN: Suzanne Johnson.

4 MS. JOHNSON: I'm a property manager for
5 St. Andrews. We're in southwest Yonkers.

6 Good evening, everyone.

7 CHAIR RUBIN: Good evening.

8 MS. JOHNSON: I just want to make a note before I
9 start that I've been renting apartments at St. Andrews for
10 30 years and I wish our rents quadrupled in that time. But
11 when I started 30 years ago, we rented one-bedrooms for
12 \$1,175 and today we rent them for \$1,500. So that's the
13 increase we got in 30 years for market rate. We usually
14 have to go by the market. We don't get legal rents where we
15 have buildings.

16 Landlords need a lifeline and we have suffered
17 tremendous financial losses since the passing of the 2019
18 rent law. Loss revenue from the pandemic and years of
19 extremely low rent increases. As we watch our taxes;
20 insurance; payroll; supply; maintenance; and utility cost
21 continue to sky rocket, we feel abandon. Many building
22 owners feel it's a waste of time to even come here to speak.

23 Our pleading for fair increases has fallen on deaf
24 ears for years and now landlords are one of the most abused
25 groups in New York State. I want to share one story to

1 demonstrate what New York State policies have done to
2 building owners. Last year we heard from this Board that
3 the ERAP program would save us from financial worries.
4 Here's the reality of what we've been dealing with. We have
5 a tenant who's been in court for nonpayment of rent since
6 2018. This tenant was supposed to be evicted in March of
7 2020 but the courts shut down and the warrant was never
8 served. Fast forward to June 2020 -- 2022, that's this
9 month, and this tenant owes over \$44,000 in rent. ERAP -- I
10 talked to the caseworker last Friday -- and they said, we're
11 going to give this person \$25,000 but they're going to have
12 to come up with \$19,000 on their own otherwise they're not
13 going to give them this ERAP money. So they can only
14 guarantee ERAP if the tenant promises to pay the balance so
15 that they don't get evicted.

16 Unfortunately, I don't think this tenant -- after
17 all the vacations she has taken -- is going to be able to
18 pay \$19,000 to us. You may be thinking this is just one
19 tenant and what are you complaining about, but it actually
20 setoff a cycle of events. Four out of the seven neighbors
21 on this floor decided they were not going to pay rent either
22 because they watched this other tenant for four years get
23 away with not paying rent. So now I had to incur legal
24 charges in the tens of thousands to take three additional
25 tenants to court. This is with them not paying rent for at

1 least two years and these other tenants owe us about
2 \$50,000.

3 I would like to remind everyone that rent is the
4 only means of income for a landlord to maintain a property.
5 In 2022 we are making less than we did in 2019. ETPA
6 increases have been historically behind in keeping up with
7 inflation. As costs are sky rocketing, we have absolutely
8 no recourse to catch up. We're going through our savings
9 right now to keep up with the repairs. Our buildings are
10 getting older. Rents are simply not keeping up with the
11 expenses. A significant increase this year cannot be
12 disputed. Landlords cannot continue to shoulder the
13 financial burden any longer without giving the right to
14 substantially raise rents and collect rents.

15 I thank you and implore you to look at the data and
16 vote to increase rents this year at a minimum of 8.3 percent
17 for one-year leases and 12 percent for two-year leases.
18 Thank you.

19 CHAIR RUBIN: Thank you. Any questions for
20 Ms. Johnson?

21 Thank you, Ms. Johnson.

22 The next person is Liana Wortel. Did I pronounce
23 your name correctly?

24 MS. WORTEL: Liana, yes.

25 CHAIR RUBIN: Are you representing --

1 MS. WORTEL: I'm going to make this short.

2 CHAIR RUBIN: Are you representing yourself?

3 MS. WORTEL: I'm representing an entity. I've been
4 managing properties for 30 years. I'm representing a
5 landlord in Yonkers and Mount Vernon.

6 Good evening, Madam Chair, members of the board,
7 and members of the community. Let's talk about building a
8 healthy system and structure. When the body has no food, it
9 cannot function. It becomes lethargic and eventually
10 develops disease. The same is true about a building housing
11 many families. If there isn't the necessary income to feed
12 the building, life or death choices have to be made. Do we
13 repair a boiler that could possibly breakdown in the middle
14 of a cold winter or replace bathroom tiles that are old and
15 cracked?

16 Why should we have to choose between the two and
17 allow our tenants to wait until the necessary money comes in
18 to do the repairs? What happens to the quality of living
19 when funding to a building is squeezed so hard that it is
20 unsustainable. The operating cost of a building should be
21 met by the necessary income and everyone has to contribute
22 their fair share. Our tenants deserve to live in buildings
23 that are well-maintained. How is it that we are expected to
24 make improvements when our rents are not in line with an 8
25 to 9 percent inflation? Our costs have significantly

1 increased and without allowing for a rent increase to keep
2 up with inflation, we cannot survive.

3 I recently read an article about a landlord, his
4 name is Justin Fung who owns and manages a building in the
5 Bronx. The building has been in his family for a century
6 but he has to work two jobs to pay the bills. With property
7 taxes and utility costs increasing and most of the units in
8 his building rent regulated, the rents's as low as \$500, he
9 said it's getting tough to hold on to his family's building.
10 Increasing rents would be the only solution for him to keep
11 the building running. The landlord said he's worried for
12 the neighborhood too, fearing that developers who have
13 already made offers would tear down the building and make
14 rents -- and raise rents and gentrify the area. Let me
15 repeat that. The landlord, Mr. Fung, said he's worried for
16 the neighborhood fearing developers who have already made
17 offers would tear down the buildings, raise rents, and
18 gentrify the area.

19 We get calls everyday to sell our buildings. It's
20 getting really close to that. Mr. Fung finished by saying,
21 there was a time in the neighborhood's history that there
22 wasn't anywhere else for the Chinese immigrants to go and
23 that I feel like it's a sense of responsibility.

24 Thank you so much.

25 CHAIR RUBIN: Thank you.

1 Any questions for Ms. Wortel?

2 MR. CHERSON: I didn't get her name.

3 CHAIR RUBIN: Liana Wortel.

4 MR. CHERSON: Lilianna Montel?

5 CHAIR RUBIN: L-i-a-n-a.

6 MR. CHERSON: L-i-a what?

7 CHAIR RUBIN: N-a; W-o-r-t-e-l.

8 MR. CHERSON: Thank you.

9 CHAIR RUBIN: Thank you.

10 MS. WORTEL: Thank you.

11 CHAIR RUBIN: The last person on my list is Chris

12 Johnson.

13 Welcome, Mr. Johnson. Are you representing

14 yourself or an entity?

15 MR. JOHNSON: I'm representing my -- an entity.

16 And if everyone could -- I just want to get everyone's

17 attention. Put the phones down, please. It would be nice

18 to have some eye contact.

19 Mr. Finger, I want you to pay attention over there.

20 I'm a maintenance supervisor for multiple

21 properties, all right? I actually have some of my employees

22 with me today, so your decision actually affects them. We

23 take a lot of pride in maintaining a high standard of our

24 buildings. We want to provide our tenants a very good

25 product. We also hired multiple vendors and the example the

1 gentlemen presented from Ross Windows is a perfect example.
2 We have reduced the hiring of vendors and that affects the
3 local job market which circles right back into Mount Vernon.

4 I have news for you, we are in the perfect storm
5 right now. Inflation is 8.6 percent. That's the highest
6 since 1981. Definition of inflation. It cost more money to
7 buy the same product. That's what inflation is. Our
8 operating cost as a maintenance supervisor running these
9 buildings have sky rocketed as everyone has said. Rent
10 increases have not kept up with inflation and I have news
11 for you, again, inflation is going to continue to increase
12 exponentially and these buildings need money to operate.
13 Everyone wants an operating elevator. Everyone wants heat
14 in January. Everyone wants a nonleaking roof. Guess what?
15 That costs money.

16 The only income landlords get is through rents. So
17 we are using our savings, our money that we set aside for
18 capital improvements and emergencies to stay afloat. And to
19 answer your questions from earlier, sir, yes, we have slid
20 projects that we should do. We have 65 year-old boilers
21 that I'm going to pray every night this winter that it
22 doesn't break because we cannot fix it right now because
23 we're doing hundreds of thousands of dollars on other things
24 and we're done. We don't have any room for error here. And
25 everyone wants heat this winter; correct? Well, where's the

1 money going to come from?

2 Everyone knows everything's up. Everyone's bought
3 a jug of milk, everyone's filled their gas up. That applies
4 across every vendor, everything we buy in the maintenance
5 area for a building. So my question to you, how do we
6 maintain our buildings when the rent increase is rapidly
7 intersecting with our operating costs leaving us no reserve
8 tank for capital improvements; emergencies in January; or
9 building improvements that are nice to have. We have --
10 appliance costs are through the roof, appliance wait time is
11 months, we're trying to do our best for our tenants by front
12 loading that. It's a challenge but we need rents, we need
13 fair rents. We always want to be fair on both sides, but it
14 has to be a fair decision.

15 We have to make a big correction here people.
16 We're way behind the power curve. I'm going to recommend 8
17 percent for one-year leases, 12 percent for two-years
18 leases. We have to keep up with inflation. Things cost
19 money.

20 Questions for me?

21 CHAIR RUBIN: Any?

22 MR. JOHNSON: Thank you.

23 CHAIR RUBIN: One minute.

24 MR. JOHNSON: Yeah.

25 CHAIR RUBIN: Any questions for Mr. Johnson? No?

1 Thank you for your presentation.

2 MR. JOHNSON: Yep.

3 CHAIR RUBIN: I believe that brings us to our -- to
4 the end of our --

5 MS. STEWART: Pardon me, Chair. I believe there
6 was somebody who wanted to sign up, but they came late and
7 she didn't have an opportunity.

8 CHAIR RUBIN: Oh. Okay. Can you come to the podium
9 and introduce yourself, please.

10 MS. COX: Good evening.

11 CHAIR RUBIN: Good evening.

12 MS. COX: My name is Ronnie Cox. I'm here
13 representing myself, but I work for Westchester County
14 Department of Senior Programs and Services and I wanted to
15 speak to you tonight on behalf seniors. I wanted to be sure
16 that you are aware that the population is aging all over the
17 United States and they're particularly here in Westchester
18 County and in Mount Vernon.

19 If you look at census -- the 2020 census and you
20 compare it to the 2010 census, you will see that the
21 population in America is gray. The people in the industry
22 refer to it as the gray tsunami or the age wave. And that
23 is exactly what's happening in Westchester County as well.

24 Of the million people here in Westchester County,
25 about a little bit more than 20 percent are over the age of

1 65. Mount Vernon mirrors that same demographic of the
2 70-something thousand people here in Mount Vernon, over 20
3 percent are age 65. And the reason that I bring this data
4 up to you that is so important because this data also
5 reflects the tenants that you have in rent controlled
6 buildings. According to the 2020 comparison to the 2010,
7 the baby boomers, 10,000 baby boomers are turning 65 every
8 single day. 10,000 baby boomers, those that were born after
9 World War II are turning 65.

10 It is estimated by 2030 that there will be 73
11 million baby boomers. And why do I think that this is
12 important for a body like this? First of all, you make all
13 of the decisions that control the rent, but your decisions
14 are very important because there's a lot of homeowners who
15 have aged out of their job, they had little part-time jobs
16 before the pandemic, after the pandemic they're income has
17 not been able to keep pace. So we want you to know that the
18 decisions that are in your hands, the decisions that you
19 make affect many more people than you could ever possibly
20 imagine.

21 One thing I want you to remember, that every person
22 that is alive today will become a senior and you will face
23 that day when you will no longer be able to work. Whatever
24 you're able to get in Social Security, you're going to have
25 to live off of. That -- jobs back in the '80's gave a

1 pension, but the majority of the jobs today don't give a
2 pension. But what you -- decisions that you make today will
3 impact Westchester County for years and decades to come, so
4 that's why I think that it's important that you understand
5 where your population is and also where the county
6 population is in general.

7 I want you to know that typically we would like to
8 have people pay 30 percent of their income towards their
9 housing expenses. Well, I'm here to guarantee you that most
10 people are paying between 50 and 60 percent. One of the
11 things that I do in my department for the Department of
12 Senior Programs and Services, I'm the housing specialists.
13 So I -- from my perch I get a look at all over Westchester
14 County, not just Mount Vernon, Yonkers, the big
15 municipalities. I get a look at all of the towns and
16 villages. All of the seniors that get into trouble and end
17 up in court, either someone is going to call me on their
18 behalf or they're going to call me direct.

19 So from my perch I see County wide, I know that we
20 have a crisis in housing. We have an obligation, the County
21 along with each and everyone one of you folks who agreed to
22 serve on this very important body, we have an obligation to
23 do what we can to save housing. It is important. It is
24 part of our survival to be able to have our housing. I want
25 you to be aware that evictions are sky rocketing. It is

1 people who have lost their spouse or their significant other
2 and now they have one household income. Many of the little
3 part-time jobs, school bus drivers, beauticians or whatever
4 haven't fully returned yet. So you have a lot of people who
5 are under water.

6 One of the things that I have noticed, you know
7 that ERAP or heard a lot talked about ERAP tonight, but with
8 ERAP, yes, you had the 12 months plus the additional 3
9 months for 15 months. But what I have found out is that I'm
10 getting telephone calls because after the 30 to 31,000 has
11 been paid to the landlord, the person still can't maintain
12 their rent because they have not been able to get their
13 income back or get their job back to where they were before
14 the pandemic. So we have a lot of people in landlord tenant
15 court who are after ERAP, after the landlord got \$30,000
16 they are now in court being evicted. So we have to really
17 take a look at our housing stock. We have to protect it, we
18 have to keep it affordable, and most importantly, we have to
19 do everything that we can to advocate for more housing.

20 The other thing I just wanted to say to you is
21 that, again, every single one of us, if we are lucky, we
22 will be a senior and we will be faced with the same thing
23 that people are faced with today. Thank you for your time.

24 CHAIR RUBIN: Thank you, Ms. Cox.

25 Any questions for Ms. Cox?

1 MS. HAMER: I think I missed one of your status'.
2 Did you give us the number for the number of folks in
3 Westchester County that are over the age of 65?

4 MS. COX: 20 to 21 percent according to the 2020
5 census. Again, the entire nation is aging. And as I said,
6 for us preparing in the industry even when we go to
7 conferences, it's the same issue throughout the nation, it
8 is housing and it is affordable housing. Thank goodness
9 Westchester County hasn't been forced to put tents out for
10 people to live in tents. But I understand in California --

11 MS. HAMER: Uh-huh.

12 MS. COX: -- and upper New York State, there are
13 people who are living in tents. And so Westchester County
14 has not had that problem yet. But we're asking for your
15 expertise and your wisdom that in whatever decisions you
16 make that you are fair. Remember the population that you
17 represent. Remember the need, but it is also important to
18 protect the youngins because actually we're all in this
19 together. If they can't survive, we'll have nowhere to live
20 either. So it is a partnership, whether we like it or not.
21 But I wanted to make sure that you were aware of what's
22 happening with our seniors, not just within Westchester or
23 New York State, but nationwide.

24 CHAIR RUBIN: Thank you.

25 MS. COX: Thank you so much.

1 CHAIR RUBIN: Ms. Stewart has a question for you.

2 MS. STEWART: Pardon me, Ms. Cox. Several people
3 have spoken about SCRIE. And I know you're -- I expect that
4 you're familiar with it.

5 MS. COX: Yes.

6 MS. STEWART: My understanding of SCRIE is that
7 each municipality sets whatever the income guideline is that
8 will allow a person to be -- to qualify for SCRIE and that
9 there are only some municipalities in the county that have
10 adopted it and also that the income guidelines varies
11 significantly from one municipality to the next.

12 So the solution that some people say is, well, the
13 seniors can apply for SCRIE and then that will freeze their
14 rent. Can you please speak to that point?

15 MS. COX: Yes, SCRIE and DRIE have been around for
16 many many decades. SCRIE is for senior citizens I believe
17 over the age of 62 or 65 that in certain municipalities they
18 can qualify to freeze future rent increases and it gets
19 offset with whatever the State does and whatever the
20 rebates, taxes or whatever it is that they do. But there's
21 also a sister program called DRIE. And that's for people
22 who are disabled. There is an office of New York State
23 housing, if you contact my office, the Westchester County of
24 Office of Aging my name is Ronnie Cox and I can get you the
25 State fact sheet '20 and '21 that describes the State

1 program. There's an office right here in White Plains,
2 that's where you get the application and you submit your
3 document.

4 What I would hope is that more municipalities will,
5 in fact, participate in the SCRIE and DRIE program. I'm
6 happy to say that I had a housing conference back it was
7 2018 I think, I had it at the County Center and one of the
8 staff members of Mount Vernon came to the conference and
9 found out that Mount Vernon on I don't think was part of the
10 DRIE program, it was part of SCRIE and then they went and
11 they talked with the state and they made Mount Vernon on a
12 SCRIE and DRIE location.

13 So I would recommend anybody that needs
14 information, I'll get you the State fact sheets on that and
15 give you the address in White Plains that you can go and
16 submit your application. But these freezes in future rent
17 are critical because I have people who call me who are
18 preretirement and they're scared to death because they may
19 only have Social Security and not have a pension. So those
20 two programs are terribly underused and they have to be more
21 widely publicized. I find that younger seniors, people who
22 are just retiring now, don't know very much about those
23 programs, but people who are like my age, a senior, and been
24 out here for a while, we're familiar with them.

25 So I think that is all of our responsibility to get

1 the message out on those two programs because they really do
2 work and it will freeze your rent increase as long as you
3 need meet the income guidelines that are established by the
4 municipality.

5 MS. STEWART: Just one other follow-up question.
6 When it comes to SCRIE, it does freeze your rent, but it
7 doesn't necessarily --

8 MS. COX: Well, it freezes future increases.

9 MS. STEWART: Future increases.

10 MS. COX: That's the way that they describe it.

11 MS. STEWART: But it doesn't necessarily keep you
12 from being rent burdened or severally rent burdened;
13 correct?

14 MS. COX: No, that's the whole reason that I'm here
15 about the guidelines board and your decision on whatever the
16 percentage is because a lot of people are house-expense
17 burdened. We find that our surveys that we do within our
18 office, the main complaints we get is that people don't have
19 enough transportation and they don't have enough for
20 medication and that has been consistent now for more than
21 ten years whenever our office does a survey.

22 So it is important -- I felt that it was important
23 enough for me to bring this message to you because, again,
24 your decision, whatever decision that you make, all of us
25 will have to live with it for many, many years to come. So

1 I wanted to just make this appeal to you on behalf seniors
2 and to remind you that if you're lucky, all of us will end
3 up being a senior and one day not being able to work and
4 will have to rely on whatever the fixed income that we have.

5 And are there anymore questions?

6 MS. STEWART: Thank you.

7 CHAIR RUBIN: Thank you.

8 MS. COX: Thank you very much for the opportunity.

9 CHAIR RUBIN: I believe that that's the last person
10 that I have on the list unless there's anybody in the
11 audience that hasn't spoken and wants to speak, I will give
12 them the opportunity.

13 If not, then that concludes the business of this
14 meeting and do I hear a motion to adjourn?

15 MS. STEWART: So moved.

16 MS. BARNES: Second.

17 CHAIR RUBIN: This meeting is adjourned. Thank you
18 very much for everybody who's here present. Thank you for
19 your time.

20 (Whereupon the proceeding concluded until Wednesday, June 22,
21 2022.)

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C E R T I F I C A T E

The prior proceedings were transcribed from audio files and have been transcribed to the best of my ability. I further certify that I am not connected by blood, marriage, or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Marisa D'Antonio

MARISA D'ANTONIO

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