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NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL
PUBLIC HEARING

November 15, 2022
10:00 a.m. until 3:47 p.m.
U.S. Customs House Auditorium
Alexander Hamilton U.S. Customs House
One Bowling Green
New York, NY 10004

- MODERATORS
WOODY PASCAL, NEW YORK CITY
PETER STECKER, YONKERS
APRIL GRAY-HUERTAS, YONKERS
JAMES FERRERA, NASSAU

REPORTER: LOISANN ABBOTT

1 (The meeting commenced at 10:00 a.m.)

2 MR. PASCAL: Good morning, everyone.

3 IN UNISON: Good morning.

4 MR. PASCAL: All right. My name is Woody
5 Pascal and I'm the deputy commissioner at the Office of
6 Rent Administration, which is an office within New York
7 State Homes and Community Renewals Agency. We at ORA are
8 responsible for rent regulations affecting rent control
9 and rent-stabilized tenants residing in privately owned
10 apartments in New York City, the city of Kingston, and
11 the counties of Nassau, Westchester, and Rockland.

12 This is a public hearing. The hearing is being
13 held here at the U.S. Customs House in New York City.
14 There's a hearing also occurring at the Yonkers
15 Riverfront Library and at the Theodore Roosevelt
16 Executive and Legislative Building in Mineola, Long
17 Island.

18 This hearing is being held to give you an
19 opportunity to express your opinions on HCR's proposed
20 amendments to the New York State Emergency Tenant
21 Protection Regulations and the New York State rent and
22 eviction regulations. The sections of the respective
23 regulations proposed are on the HCR's website at
24 hcr.ny.gov/regulatory-information. Once again,
25 hcr.ny.gov/regulatory-information. We will listen to

1 your testimony; you, as tenants and owners, your
2 representatives, your elected officials, and other
3 interested parties.

4 Now, at this time, I'd like to introduce you to
5 my colleague on my left, Assistant Commissioner Anthony
6 Tampone. I also want to acknowledge the chairperson --
7 the chairs in Yonkers: Peter Stecker, April
8 Gray-Huertas, and the chairperson in Nassau County, which
9 is James Ferrera.

10 Now, before we begin, I'd like to describe the
11 rules which we'll follow in listening to your testimony.
12 As noted before, the subject of this hearing is to take
13 public comment on the proposed amendments, so please,
14 let's try to limit your remarks to today's topics. As
15 the purpose of the hearing, again, is to obtain comments
16 from you, please remember that HCR staff is not here to
17 answer any questions or engage in any discussion about
18 the proposed amendments.

19 We have a full slate of speakers this morning
20 and this afternoon, so I'd like to get going right now in
21 order to give everyone right now a chance to speak. We
22 are at this point limiting speaking time to five minutes
23 per person based upon the number of speakers who we have
24 preregistered and to give everyone who has not
25 preregistered a chance to testify as well.

1 Anyone wishing to testify will be given an
2 opportunity to do so. Anyone who wishes to speak, please
3 see an HCR staff member at the registration desk. If you
4 have already registered, you can have a seat in the
5 audience and you will be called. If you have written
6 testimony, it can be read into the record. Anyone who
7 doesn't want to go to the mic is welcome to submit a copy
8 of their written remarks and it will be accepted.

9 Here in New York City, we will be having this
10 hearing in two sessions. The morning session will run
11 from 10 a.m. to approximately 12:30, and following a
12 lunch break, the afternoon session will from
13 approximately 2 p.m. until 4:30. In Nassau -- excuse
14 me -- in Long Island and in Yonkers, the hearing will
15 continue.

16 Additionally, we invite you to contact one of
17 our local boroughs' rent offices at any time during
18 regular business hours where we have trained counselors
19 who are able to answer any and all questions you may
20 have. In addition, you can feel free to call our rent
21 info line at 833-499-0343. Once again, that number is
22 833-499-0343.

23 There's a microphone to my right. Please come
24 up and use it by delivering your remarks and I urge you
25 all to speak slowly, loudly, and clearly so that the

1 stenographer can ensure that what you're saying is
2 transcribed properly.

3 So let's get started. And based on
4 preregistration, our first person up is Gideon Platt,
5 from GP Properties Management.

6 Good morning.

7 MR. PLATT: Good morning. Thank you.

8 I would like to start off by saying that I can
9 appreciate the idea and desire for rent stabilization.
10 And while I would be happy to discuss the pros and cons
11 of the law as written, my time here is limited and
12 frankly, this is not the forum to discuss the law.

13 That being said, this is the forum to discuss
14 and provide comments on the policy and interpretive
15 changes proposed by the DHCR. Specifically, I'm here to
16 discuss the changes in DCHR approach towards apartment
17 reconfigurations and first rents. The rent stabilization
18 law was enacted and I quote, "for the purpose of
19 protecting the public health, safety, and general
20 welfare".

21 But these policies, in fact, do just the
22 opposite. With the oldest housing stock in the United
23 States, there are a lot of units in New York City that
24 are in substandard condition. And with the current cap
25 of \$15,000, or closer to \$12,000 when adjusted for

1 inflation, on renovating apartments, it forces property
2 owners and managers to choose whether to keep a
3 dilapidated unit vacant or put the health, safety, and
4 comfort of future occupants at risk.

5 Does one abate lead paint or install hardwired
6 smoke detectors? Provide working plumbing fixtures or
7 fix unlevelled floors? On the other hand, keeping the
8 unit vacant helps no one, but I wouldn't dare let someone
9 live in some of the decrepit units I've seen. Frankly,
10 even with the full allowance, I don't think these units
11 would pass a quality-control inspection from HUD, Section
12 8, or HPD.

13 The only practical solution, and I believe the
14 legislative intent of the law, is to provide safe,
15 healthy, and new apartments to the general public. If
16 you take two inadequate apartments and create something
17 that never existed before, the societal benefit exceeds
18 the aggregate of the square footage. One might recall
19 the idiom attributed to Aristotle: "The whole is greater
20 than the sum of its parts."

21 It's not just that the square footage has
22 changed, but rather the entire essence of the apartment.
23 In fact, these new units will better serve the community
24 since they are providing quality units that have rents
25 that are stabilized for the new occupants, which would

1 otherwise have been left vacant until the building was
2 ultimately demolished or removed from stabilization
3 altogether.

4 The true victims are real New Yorkers. The
5 ones working hard, but are over-qualified subsidized
6 housing, but out of reach for luxury high-rises. There
7 is a need for these larger rent-stabilized units located
8 in established neighborhoods, as they are more affordable
9 for young families than the free-market luxury units in
10 glass and steel towers.

11 The proposed policy amendments would create new
12 rents that are an arbitrary number that is disconnected
13 from reality. If the HUD, HPD, and NYC's own guidelines
14 indicated that fair-market rent for a one-bedroom
15 apartment is \$1,945 a month, then how can one
16 arbitrarily, after extensive transformation at today's
17 new higher cost of inputs, say the rent should be some
18 combination of two prior rents.

19 With my time running out, I want to give a very
20 clear example where these proposed interpretive changes
21 would have terrible consequences for the health, safety,
22 and general welfare of the residents in the building.
23 Several years ago, I undertook a project to retrofit an
24 old building built in 1901 and make it handicap
25 accessible. The project required an elevator shaft to be

1 built where a bedroom previously existed. There were
2 five apartments that needed to donate some square footage
3 to the greater good. When completed, these five units,
4 albeit smaller in square footage, were not the same as
5 their predecessors. They were new. And yes, in case you
6 were wondering, all of the residents in those five units
7 remained in the building at the same rent in a newly
8 renovated unit across the hall.

9 Square footage is not the only determining
10 factor in what makes something new or more valuable to
11 society. Handicap accessibility, fire safety, or
12 resident comfort are just a few of the intangibles that
13 are overlooked by a crude calculation on square footage
14 alone.

15 We should be encouraging the industry to think
16 creatively towards adaptive reuse of our aging
17 infrastructure and to provide solutions to our housing
18 needs, not collective punishment of an entire ecosystem
19 because a small minority of bad actors. The DHCR stands
20 for community renewal, not community reversal, but these
21 are the unintended consequences of piecemeal policy
22 analysis. More and more units will sit vacant, only
23 exacerbating the current shortage.

24 In closing, I urge the panel to focus on the
25 intent of the law, as written, which is to promote the

1 health, safety, and general welfare of the public by
2 encouraging community renewal, rehabilitation, and
3 creating something new out of something obsolete.

4 Thank you.

5 MR. PASCAL: Thank you. Our next speaker will
6 be Lucy Block from NHD.

7 (Pause)

8 MS. BLOCK: Hi. Good morning. My name is Lucy
9 Block and I'm a senior research and data associate at the
10 Association for Neighborhood and Housing Development or
11 ANHD. Our mission is to advance equitable flourishing
12 neighborhoods for all New Yorkers. ANHD represents over
13 80 neighborhood-based and city-wide nonprofit
14 organizations with affordable housing as a central
15 component of their mission.

16 There are many important regulations that are
17 going to be discussed today and at ANHD, we want to
18 emphasize our support for the policy platform created by
19 the HCR working group of the Housing Justice for All
20 coalition. The working group has put forth detailed
21 recommendation and responses to HCR's implementation of
22 HSTPA so far and we urge HCR to take that platform and
23 those recommendations seriously and into account as you
24 finalize these rules.

25 In my testimony today, I want to focus on HCR

1 and ORA's responsibility to monitor and investigate cases
2 in which landlords fail to register stabilized units or
3 when they report fewer stabilized units since HSTPA took
4 effect, given that there are remaining legal mechanisms
5 for deregulation.

6 Looking at HCR ORA's own reporting through its
7 annual reports, you can see alarming decreases in total
8 registered stabilized units between 2019 and 2020, which
9 are much larger than the decreases from 2018 to 2019.
10 From 2019 to 2020, there was a 6.6 percent decrease in
11 overall registered stabilized units, which is equivalent
12 to 62,886 units. Compared to 2018 to 2019, when there
13 was only a 2.8 overall decrease -- 2.8 percent overall
14 decrease, equals out to 27,314 units.

15 My question: is why is there have been such
16 large decreases in the stabilized units -- the registered
17 stabilized units across the state since HSTPA went into
18 effect when HSTPA ended many forms of deregulation? This
19 indicates that either landlords aren't registering their
20 units or that they're reporting potentially illegal
21 decreases in registered units since HSTPA. Either way,
22 this is a problem that HCR needs to address.

23 HCR needs a system in place to flag when
24 landlords fail to register their units or if they report
25 fewer units since HSTPA was enacted. HCR should

1 investigate those circumstances. That's the agency's
2 responsibility and not for individual tenants to
3 investigate and prove. That is too much administrative
4 and legal burden to place on tenants and it won't capture
5 system-wide problems.

6 Ultimately, HCR's responsible for ensuring that
7 landlords follow rent regulation laws, but we at ANHD
8 have been disappointed to see that the Agency has not
9 implemented the kind of data transparency that we believe
10 was written into HSTPA, which would help the public and
11 advocates see and investigate instances of failure to
12 correctly report stabilized units.

13 Part L of HSTPA says that HCR must provide the
14 data used to calculate the figures that are required to
15 be included in its annual report on its website in a
16 readable format. However, HCR has only provided minimal
17 data used to calculate those figures. It was provided in
18 the 2019 and 2020 annual reports deep in PDF documents
19 and the 2021 links to the underlying data were broken.
20 Those files do not include the full range of data used to
21 tabulate the figures in the annual reports.

22 Specifically, HCR does not make the numbers of
23 rent-stabilized buildings -- rent-stabilized units per
24 building available. The addresses are redacted and
25 presumably, the Agency believes those addresses are

1 confidential information. We believe that is not true
2 and does not follow the intent and guidance of the law.
3 Providing the number of stabilized units in each
4 building, not each apartment per year, would not put
5 individual privacy at risk and would promote transparency
6 and accountability for both landlords and HCR and
7 agencies, so organizations like ANHD could see cases
8 where landlords are either not registering their units or
9 are reporting suspicious decreases in units.

10 We urge HCR to take it slow in enforcing
11 consistent and accurate reporting seriously and to be
12 transparent with the public. We have not seen a
13 commitment to holding landlords accountable through these
14 relatively simple mechanisms and a failure to do so
15 undermines the intent and laws enacted by HSTPA.

16 Thank you.

17 MR. PASCAL: Thank you. Olga Someras and Kelly
18 Farrell from Rent Stabilization Association.

19 MS. FARRELL: Hi. Good morning. My name's
20 Kelly Farrell and I'm joined by Olga Someras.

21 MS. SOMERAS: Good morning.

22 MS. FARRELL: I'm the policy analyst/general
23 counsel of the Rent Stabilization Association. We want
24 to thank the Department for giving us the opportunity to
25 submit these comments on proposed changes that would

1 bring widescale modifications to the rent stabilization
2 and rent control laws to implement the HSTPA. We have
3 submitted extensive written comments, but would like to
4 address a few major points here.

5 Most significantly, these rules go well beyond
6 the HSTPA. These are changes that are not required by
7 the HSTPA and these are changes to decade-old policies
8 that have been upheld time and again by the New York
9 State courts at a time when property owners are still
10 reeling from the economic, financial, and existential
11 effects of the HSTPA on their buildings and livelihood.
12 We want to direct comments today to new-unit creation and
13 substantial rehabilitation and demolition, both of which
14 provide flexibility to upgrade New York City's decades-
15 old housing stock.

16 Housing needs to evolve. Housing standards
17 change. Housing needs change. Housing preferences
18 change. We have showers in the kitchens of centuries-old
19 tenement buildings. There are railroad flats where entry
20 to one bedroom must be made through another bedroom or
21 fifth-floor walkups where the top floors are not
22 accessible to the disabled or elderly. Housing needs to
23 evolve. It just needs to. While the HSTPA foreclosed
24 many means by which rent-regulated owners were able to
25 reimagine and upgrade their properties, these proposed

1 regulations unnecessarily stymie two legal avenues left
2 to invest in buildings. This will limit an owner's
3 ability to modernize and adapt buildings.

4 These changes are not required by the HSTPA and
5 seek to memorialize an aging builder's building status
6 quo and disincentivize investment to the detriment of all
7 rent-stabilized in rent-regulated buildings and overall
8 housing habitability. It's no secret buildings require
9 constant investment. The proposed amendments ignore the
10 realities that it costs money to keep old buildings
11 habitable and adapt century-old buildings to 21st-century
12 living standards.

13 They also ignore important realities borne of
14 New York State's regulation laws. Regulated owners
15 subsidize their existing rent-stabilized tenant's rents,
16 which are too low for owners to meet their operational
17 costs on these rents alone. Legal first rent setting,
18 following the creation of new units and after substantial
19 rehabilitations, generate the revenue to provide the
20 subsidy as well as capital for unit building
21 modifications that benefit all tenants. This is how
22 building systems upgrades and mandate compliance are
23 funded.

24 By closing all revenue avenues, buildings will
25 suffer, as will tenants. And so we urge the Department

1 to modify the regulations for these reasons.

2 MR. PASCAL: Thank you.

3 Mr. Stecker? Ms. Gray-Huertas? Do you have
4 anyone in Yonkers?

5 Mr. Ferrera, do you have any one in Nassau?

6 Is there anyone who'd like to speak?

7 (Pause)

8 MR. PASCAL: So hold on. Hold on, sir. Before
9 you speak -- just so we lay down some ground rules
10 because I know that you just came in. Five minutes,
11 you're going to talk about proposed amendments, and if
12 you have anything written, feel free to give it to that
13 young lady down there.

14 MR. LEE: Yeah.

15 MR. PASCAL: If you do; if not, just introduce
16 yourself, speak loud, speak clear so the stenographer can
17 get you.

18 MR. LEE: Yes.

19 MR. PASCAL: Jess (phonetic), can you help him
20 with the mic?

21 JESS: Yeah.

22 MR. LEE: Good morning, ladies and gentlemen.
23 I am Mr. Gordon Lee (phonetic) from King's Brooklyn
24 County, New York (sic). I'm with all groups and also, I
25 used to be -- I was born when the country was protesting

1 President Nixon in June of 1973.

2 Now, as you know, we're all here at this
3 hearing out of concern from housing and other basic
4 essentials. Now, we, as you know, we -- you know, we're
5 facing issues with rent increases, potential
6 homelessness, and -- you know, some of our living
7 conditions is not good.

8 Now, as you've been hearing, you know, about
9 corrupt landlords and corruption with housing court, you
10 know, they have been requiring tenants to represent
11 themselves because they want to speed up eviction cases
12 and they're trying to, apparently, overturn our right to
13 counsel. Now, we've been protesting all along.
14 Housing, affordable housing, is a human right and we also
15 have a right to a lawyer when getting evicted.

16 And furthermore, this is veteran's month. Last
17 week, it was veteran's day. Now, we're supposed to be
18 honoring our troops and our veterans who gave their life
19 to save the country and our constitutional rights,
20 including the right to affordable housing and including
21 right to counsel, right to a free lawyer if we're getting
22 evicted to defend our home.

23 And as we keep talking about, the landlords and
24 housing court and politicians, if they don't like us, if
25 they have no respect for us, if they can't think of us,

1 they still have to think of our troops and our veterans
2 who gave their life for our country, for our democracy,
3 for our constitutional rights, including right to
4 affordable housing and right to counsel on housing, the
5 right to a free lawyer if we get evicted. And housing
6 court has to adjourn cases until all tenants can have
7 lawyers or allow tenants to have their lawyers represent
8 them and respect our right to counsel.

9 And if you don't want to do it for us, they
10 still have to do it for our troops and our veterans to
11 honor them because they gave -- they gave their life for
12 just that: the right to counsel and the right to
13 affordable housing. It's a human right here in America
14 and you know, I heard that a lot of homeless people are
15 veterans and once upon a time, they could have a
16 government grant to pay for their expense forever. Now,
17 they can't even have a home or get jobs and access basic
18 essentials and it's a huge disappointment. And so --

19 MR. PASCAL: Gordon, I want to say thank you
20 very much.

21 MR. LEE: You're very welcome.

22 MR. PASCAL: We appreciate it, you taking the
23 time to come in and talk to us.

24 MR. LEE: Yes. Thanks and thanks for
25 organizing.

1 MR. PASCAL: You're welcome and thank you.

2 We're going to stand at recess for a couple of
3 minutes until we get our next scheduled speakers. Thank
4 you.

5 (OFF THE RECORD)

6 (ON THE RECORD)

7 MR. PASCAL: Okay. We're going to go back on
8 the record. I'm going to turn it over to my colleague,
9 Mr. Stecker in Yonkers who has someone ready to speak on
10 the proposed amendments.

11 Peter?

12 MR. STECKER: Thank you, Deputy. We do have
13 Marcie Koback, who's here in Westchester.

14 MS. KOBACK: Good morning. My name is Marcie
15 Koback and I'm from Legal Services of the Hudson Valley.
16 We're a civil legal service provider. We represent
17 tenants and see every day the struggle that New Yorkers
18 face due to the lack of affordable and quality housing in
19 New York State. I've submitted relatively detailed
20 written comments and I'll just briefly highlight a couple
21 of points.

22 So the amended regulation on substantial
23 rehabilitation and the deteriorated -- and the finding of
24 a deteriorated condition, meaning that a landlord's not
25 eligible for that exemption. In the proposed regulation,

1 it requires a finding of harassment. If I were to walk
2 up the hill to Yonkers city court and ask one of the
3 judges to enter a finding of harassment, I would be
4 laughed out of the courtroom. That is a finding that's
5 made in each P-Proceedings, which we currently don't have
6 outside of New York State. So a broader finding, such a
7 code violation, would be more applicable to tenants
8 outside New York City.

9 And I'll just note, and there are two places
10 regarding primary residency addressing survivors of
11 domestic violence, which I appreciate. That's a very
12 important inclusion. And we would recommend making it
13 clear that documentation conforming with the 2019
14 amendment to RPL227C being sufficient to establish
15 domestic violence victim status would be of a benefit.

16 Next on the violence, just a couple of points on
17 municipality to newly adopting ETPA. I go into more
18 detail in the written comments, but more deadlines, more
19 specific deadlines, the more expeditious process between
20 the declaration of an emergency and a Rent Guidelines
21 Board vote would benefit tenants because fear and
22 confusion, and bad acts, and lack of faith in the
23 process, we've been already starting to see, increase the
24 longer that process is delayed.

25 We'd also recommend a fair market rent appeal form,

1 which prompts the tenant to include the information,
2 which is actually prompted in the statute. And
3 particularly as one of the municipalities of ETPA, there
4 may be tenants who have a good-faith basis to file both a
5 fair market rent appeal and a rent overcharge claim. For
6 example, for rents increased during the time when they
7 were to be frozen. It makes it more confusing that
8 there's not a specific fair market rent appeal form.

9 And there -- I -- there was allottable addiction
10 that an actual physical mailing address for service of
11 process can be made. The actual owner of a building to
12 be provided in the initial registration statement, could
13 be duplicated in several other places. Such as,
14 requiring the physical street address in annual
15 statements because properties turn over or LLCs change
16 legal entities so frequently. So duplicating that notice
17 to tenants of who is the actual owner and where could
18 they be physically served with process would be of a
19 benefit.

20 And I'll conclude there. Thank you very much.

21 CHAIR PASCAL: Thank you very much. Now, I'm going
22 to call on Oksana Mironova from Community Service Society
23 of New York.

24 Now, when you speak, can you stay back about 12
25 inches from the mic so there's no feedback. It's not

1 muffled for the stenographer. Thank you.

2 MS. MIRONOVA: Does this sound okay? Cool. Great.
3 Great. Thank you so much. And thank you for the
4 opportunity to offer comments on the Agency's proposed
5 new regulations based on the 2019 HSTPA.

6 I'm speaking on behalf of the Community Service
7 Society of New York. And we're an independent nonprofit
8 that addresses some of the most urgent problems facing
9 low income New Yorkers in their communities.

10 In the years leading up to the passage of HSTPA, we
11 at CCS have demonstrated the need for major reforms to
12 the rent laws. We showed how numerous loopholes within
13 the rent regulation system allowed for rampant fraud and
14 overcharge, as well as perfectly legal means to -- to
15 hike up rents to unconscionable levels.

16 Our data showed how low income tenants -- low income
17 tenants in particular suffered as a consequence of issues
18 with the vacancy bonus, individual apartment
19 improvements, major capital improvements, preferential
20 rents, and vacancy decontrol.

21 These loopholes displace tenants from their homes,
22 made rent stabilized housing stock much less affordable,
23 and ultimately took over 290,000 units out of the
24 regulatory system altogether.

25 We celebrate the 2019 HSTPA law as a landmark

1 legislation which provided a much needed corrective to
2 the most unfair and dysfunctional aspects of rent
3 stabilization. We encourage HCR to enact rules and
4 regulations and are in-line with the legislation's goal
5 to protect and geographically expand rent regulation in
6 the State, as well as shield tenants from unlawful rent
7 increases and preserve New York's low rent housing stock.

8 To this end, we make the following top line
9 recommendations:

10 Whenever HCR's draft recommendations refer to
11 exceptions or waivers for landlords -- for landlords
12 applications that directly impact tenants' rights on
13 regulatory rents or regulatory status, we urge the Agency
14 to, instead, adopt clearer and more universal guidelines.

15 The system works best when its rules are clear to
16 both landlords and tenants alike, and allow for as little
17 confusion or unpredictability as possible.

18 We also urge HCR to proactively track apartment
19 registrations year-to-year. Investigate landlords who
20 fail to register apartments that should not be leaving
21 the system. Landlord penalties for failing to register
22 apartments must be increased and no orders should be
23 given to landlords who fail to register their unit.

24 HCR enforcement -- to -- proactive, not reactive.
25 It appears the tenant protection unit's work,

1 including -- including investigations into attempts by
2 landlords to (indiscernible) to be able to get their
3 units illegally and also focus on auditing the worst
4 actors, such as those named in the Landlord List by New
5 York City and New York State officials.

6 I have a much more detailed list of recommendations
7 that I'm going to submit in writing, but I'm not
8 (indiscernible) and please contact CCS if there is
9 anything you'd like to follow-up on with us. Thank you.

10 CHAIR PASCAL: Thank you. Now, we'll have Christine
11 Himicu from Tenants and Neighbors.

12 MS. HIMICU: Hello. Oh, is this okay? Okay.
13 Great. So my name is Christine and I'm a tenant
14 organizer at Tenants and Neighbors. Tenants and
15 Neighbors is a grassroot organization in New York City,
16 fighting for tenants' rights, and preserving affordable
17 housing for all tenants.

18 I support these amendments because as a tenant
19 organizer, I have witnessed tenants living in unlivable
20 conditions, struggling to afford their rent, and
21 receiving harassment from their landlords because they
22 are rent stabilized tenants living among mostly market
23 rate tenants.

24 These are tenants who have lived here for
25 generations and are at risk for displacement. These

1 amendments will ensure tenants be at lower risk for
2 displacement and from destabilization, and protect
3 tenants' rights against landlords who try to push them
4 out of their homes.

5 The DHCR should support these proposals because they
6 offer support to rent stabilized tenants and preserve
7 harassment from -- and prevent harassment from landlords.
8 I believe these proposals should be enforced because
9 currently tenants are at risk of displacement from --
10 from their homes and deserve safe, affordable, housing.

11 I hope that all of us speaking here today will allow
12 you to understand how important these issues are to all
13 of the tenants of New York City because housing is a
14 human right. Thank you.

15 CHAIR PASCAL: Thank you. Gordon Lee (phonetic)?

16 UNIDENTIFIED SPEAKER: He already testified.

17 CHAIR PASCAL: He did?

18 UNIDENTIFIED SPEAKER: (Indiscernible).

19 CHAIR PASCAL: Well, okay, now -- got you. Got you.
20 Got you. George Sotiroff from 901 Walton.

21 UNIDENTIFIED SPEAKER: Whoo-hoo.

22 MR. SOTIROFF: My name is George Sotiroff from 901
23 Walton Avenue in the Bronx. I am not a lawyer, I'm not a
24 politician, and I'm not a prophet. Okay? I'm not
25 educated, so I have to speak simply from what I see, and

1 perhaps just make some metaphors and address the mountain
2 or the elephant in the room, or whatever.

3 First, I just say that apartments are not
4 commodities. And therefore, the idea that commodities
5 are our -- the ideas that apartments are subject to
6 market rates is a fallacy. I just want to say that.

7 Now, the other thing is that we have a problem with
8 a huge disparity between the -- the haves and the have
9 nots, and we've passed some laws that are protecting the
10 housing stock and the people with lower incomes. And it
11 seems that HCR wants to get around those laws by
12 instituting waivers, and we just don't think that's
13 right.

14 I'm a law and order guy. I know that we want to
15 pass laws and we want to live by those laws, and we -- we
16 want to avoid finagling.

17 Anyway, with that, I'll just read the demands for
18 strengthening HCR proposed regulation.

19 HCR must implement the policy recommendations,
20 including in our platform, released June 17 of 2020. HCR
21 must follow the mandates set by HSTPA, 2019, and preserve
22 regulation that protects tenants from unlawful increases
23 and preserves affordable housing stock in New York City.

24 HCR must not allow exceptions or (indiscernible) to
25 landlord applications that will directly impact tenants

1 rents or regulatory status. HCR purposefully investigate
2 attempts by landlords to deregulate apartment units or
3 entire buildings and focus auditing efforts on known "bad
4 actors", according to New York City and New York State
5 officials. Landlords must not be rewarded for failing to
6 register rent regulated apartments in order to effect
7 tenants rents.

8 And that's it. Thank you for your time.

9 CHAIR PASCAL: Thank you, George.

10 Now, we'll have Kara Rakowski from Belkin Burden and
11 Goldman.

12 MS. RAKOWSKI: Good morning. Thank you for allowing
13 me to speak this morning.

14 In the more than 30 years since its founding in
15 1989, our firm, Belkin Burden Goldman, has established
16 itself as the real estate industry's reliable legal
17 counsel.

18 It is in our client's interest and -- that I offer
19 my comments this morning on the amendments that are
20 proposed by DHCR. The focus really should be on quality
21 housing and our clients have all been focused on
22 providing quality housing. However, the proposed
23 amendments clearly, for several reasons, first of all
24 starting -- despite the claims that they are consistent
25 with the mandate of the HSTPA, when you review the HSTPA

1 there are several areas that were not even mentioned that
2 are proposed changes in DHCR's proposed rule. So I'm
3 going to -- since I'm limited, I'm going to speak to some
4 of those.

5 Unit reconfiguration and first rent rule. This
6 involves taking vacant units, many of whom -- many of
7 which have been vacant -- have been occupied by long-term
8 tenants to decades and clearly need to be upgraded so
9 that people can reside in them under current standards.
10 Years ago, people didn't have so many appliances. Many,
11 many tenants now are using modern appliances. That's
12 what everyday life entails.

13 Owners are now being forced to -- under these
14 proposed rules, to choose between making mandated or
15 essential, what they believe to be essential, upgrades to
16 a unit that has been occupied for decades. And they are
17 limited as to what they can do financially because
18 everything has gone up. The cost of gas, the cost of
19 fuel, the cost of water, taxes. The one thing that
20 hasn't gone up proportionately are rents.

21 So you're taking units that have not been renovated
22 in years and you are limiting what an owner can charge
23 for them after renovation.

24 It creates a problem because in order to subsidize
25 the lower rents in the building that are for long-term

1 occupants, long-term stabilized tenants, you need to have
2 some higher rents in those buildings. If you do not
3 allow owners to take increases on vacancy for these
4 combination units and allow them to upgrade their
5 buildings, you are diminishing the quality housing,
6 you're forcing owners to -- to choose between making what
7 they believe are necessary repairs and upgrades. What is
8 more important? Is it X or is it Y?

9 Tenants deserve to have quality housing. Owners
10 want to provide it. But you're really tying their hands.
11 And the HSTPA doesn't provide, doesn't mention, this type
12 of change. It's not contemplated.

13 So that -- first rents on combination units, that
14 was my first.

15 Second is substantial rehabilitation. The proposed
16 changes to substantial rehabilitation, the way its
17 drafted, really contradicts the alleged intent. Right?

18 So example, when -- substantial rehabilitation is
19 when you take a building that's in substandard condition
20 and you perform, under current law, 75 percent of -- of
21 the installations of the -- or replacements of building
22 wide systems, and the building is exempt.

23 What is very concerning -- one of the things that's
24 very concerning about this provision is that it provides
25 lack of evidence for any reason, including passage of

1 time, does not excuse the applicant's obligation to
2 substantiate the application as required by this section
3 and any related operational bulletins.

4 Subrehab has been part of -- of the Code and the law
5 for decades. Buildings could have been subrehabed in
6 1974 and have under -- has gone through a series of owner
7 transfers. Although under this provision, an owner
8 who -- who is in ownership today, who could have owned
9 for the last 15 years, would now be responsible for --
10 for documenting a subrehab that occurred in 1974.
11 Clearly violates what the Court of Appeal said in Regina,
12 the Regina Case.

13 And so what we're headed for here is, instead of
14 providing an opportunity to clarify and to eliminate
15 administrative and court issues, we're really setting
16 this up here for additional litigation that will go on,
17 surely, for years. Okay?

18 CHAIR PASCAL: All right, Kara?

19 MS. RAKOWSKI: Yes.

20 CHAIR PASCAL: I need you to wrap up because we hit
21 the five-minute mark.

22 MS. RAKOWSKI: Okay.

23 CHAIR PASCAL: Okay. Thank you.

24 MS. RAKOWSKI: Then the -- then I'm -- I'm done
25 because those were the two that I wanted to hit. I had

1 several more, but I can speak for a long time. But thank
2 you.

3 CHAIR PASCAL: I appreciate it. Thank you.

4 Is Jordan Cooper here?

5 MS. COOPER: Yup. Hello. Hey, Woody, nice to see
6 you. It's been a while.

7 I'm Jordan. I'm the Codirector of CASA New
8 Settlement and I'm here to testify today on behalf of the
9 Housing Justice For All coalition.

10 Just one month after the historic victory of HSTPA
11 on June 14, 2019, our Statewide coalition came together
12 to closely analyze the legislation, HSTPA, in its
13 entirety to identify how HCR should implement and enforce
14 the new rent laws, as well as interpret the statute and
15 its new language.

16 In 2020, we released our policy platform which we
17 will submit in full as written testimony, along with our
18 complete comments. And we have urged HCR to swiftly and
19 justly implement the much needed tenant protections
20 included in HSTPA 2019.

21 We'll be testifying today with a summary of our
22 comments for how HCR can strengthen their regulation so
23 can tenants who fought for this law can finally benefit
24 from its protections. And we look forward to continuing
25 to work with HCR in the future to keep more New Yorkers

1 safely housed.

2 So today on behalf of our members of the Housing
3 Justice For All coalition, we submit the following
4 demands to strengthen HCR's proposed regulation for
5 implementing HSTPA 2019.

6 Improve speed and process for resolving all tenant
7 initiated complaints. Improve accessibility,
8 transparency, and accountability by publishing data on
9 annual rent registrations, violations, and MCI and II
10 applications, and their results, in a format compatible
11 with open data practices and systems while protecting
12 individually identifiable information.

13 Require landlords to provide rent regulated tenants
14 with documentation both with their lease and with a copy
15 of annual apartment registrations. Track changes in
16 registration of rent regulated units from year-to-year,
17 and proactively investigate any landlord who stops
18 registering a previously registered rent regulated
19 apartment.

20 As of June 14, 2019, landlords should submit an
21 electronic copy of every vacancy and renewal lease signed
22 by the tenant to HCR for recordkeeping. HCR should
23 recommend the legislation amend rent stabilization law to
24 remove major capital improvements, MCIs, entirely from
25 the statute.

1 In any application for exemption due to sub-
2 rehabilitation, HCR should rigorously investigate the
3 cause of work being done and into any attempts by the
4 landlord to harass tenants prior to or during
5 construction without exception. In vacant apartments,
6 services cannot be modified without permission by HCR,
7 including combining apartments.

8 HCR must establish procedures for barring individual
9 apartment improvements, IAIs, where serious violations
10 are present, including automatically checking relevant
11 local data for such violations.

12 In response to HCR's proposed regulation of MCIs we
13 have the following demands:

14 HCI must remove the waiver for meeting criteria for
15 work eligible for MCI, the waiver for the use for life
16 schedule, the reasonable -- the reasonable cost schedule,
17 and other exceptions allowed in the proposed regulation.

18 Tenants should retain their right to request
19 extensions to respond to an owner's application for MCI
20 and continue to submit evidence until a decision is
21 reached.

22 Landlords applying for an MCI rent increase must
23 submit proper verification that their building is free of
24 any and all open violations and HCR should automatically
25 reject the MCI application for a rent increase if the

1 landlord made any false statements about such violations.

2 HCR must establish strong criteria when performing
3 the 25 percent audits as required by the new law.

4 These audits must target landlords who appear on
5 various public lists, such as the NYC Worst Landlord
6 List, published by the New York City Public Advocate.
7 Landlords who are being investigated by the Attorney
8 General's Office, the local district attorney, or the
9 Agency's TPU. Landlords who have made any false
10 statements on any filings with the Agency and all MCI
11 applications which exceed the average per room cost,
12 which would be higher than \$13 per room.

13 Additionally, landlords should not be rewarded for
14 failing to register apartments. Where apartment
15 registrations are missing, the Agency should refer to the
16 most recent registration to resolve rent overcharge
17 complaints. Even if the most recent registration falls
18 outside the lookback period.

19 HCR must speed up and simplify the overcharge
20 complaint process for tenants and make evidence
21 requirements less burdensome.

22 Tenants should be able to file a simplified
23 complaint form seeking a declaration of legal rent
24 independent of and without having to prove payment
25 history.

1 HCR must create an expedited and separate complaint
2 process for tenants who receive a new lease with a
3 preferential rent illegally withdrawn. HCR must require
4 that serially offending landlords be treated as willful
5 offenders. And information -- educational information
6 should be sent out to all preferential rent tenants in
7 all major New York -- New York State languages.

8 The stakes of the implementation of HSTPA 2019 are
9 high. HCR's inability to serve tenants has broad racial
10 justice implications. 76 percent of rent stabilized
11 tenants are people of color. 42 percent are Latin X, 22
12 percent are black, and 11 percent are Asian. A high
13 percentage of families in rent stabilized and rent
14 controlled apartments are rent burdened and frequently
15 experience rent hikes, harassment, and an inability to
16 secure enforcement of Statewide tenant protections.

17 Black and brown New Yorkers bear the brunt of poor
18 conditions while the State Agency responsible for
19 enforcing tenant protections encourages and condones
20 landlord harassment and displacement through lack of
21 oversight.

22 This, of course, has only worsened during the
23 ongoing COVID-19 pandemic. While New Yorkers still
24 struggle to find work, care for sick family members,
25 while they amass greater and greater debt, housing court

1 case filings have increased by over 300 percent. And
2 over 2,500 tenants have been evicted in New York City
3 since State evictions protections lapsed in January of
4 this year.

5 We are seeing a wealth transfer from the working
6 class to the wealthy. That is the most massive we have
7 lived through in our lifetimes. Now, more than ever, our
8 State has a responsibility to ensure safe and affordable
9 housing for New Yorkers.

10 Currently HCR's system of enforcement puts the
11 burden on tenants to proactively enforce their own rights
12 and recognize landlord abuse and harassment without
13 information from the Agency. Tenants should be supported
14 by the Agency --

15 CHAIR PASCAL: Jordan, you've over.

16 MS. COOPER: I know, I'm almost done. I promise.

17 CHAIR PASCAL: Ah, ah, Jordan, that's it, let's wrap
18 this up.

19 MS. COOPER: Okay.

20 CHAIR PASCAL: I got a whole bunch of other people
21 that need to speak.

22 MS. COOPER: I know, I know.

23 CHAIR PASCAL: Okay?

24 MS. COOPER: So one second. So I just want to close
25 by saying that when New York passed HSTPA in 2019, it's

1 leaders were very clear that they needed -- there needed
2 to be a shift. Tenants fought for HSTPA in response to
3 decades of deterioration and rent regulation protections
4 and the formation of loopholes that incentivize
5 harassment, displacement, and a loss of regulated
6 housing. Now that we've seen this shift enacted into
7 law, we need to see a shift in equal measure from the
8 Agency entrusted with enforcing tenant protections in
9 rent stabilization law. And I again look forward to
10 continuing to work with -- work with you around these
11 issues. We know these protections are so important,
12 that's why we came out today. And we look forward to
13 seeing the finalized regulations. Thank you.

14 CHAIR PASCAL: Thank you, Jordan.

15 Now we'll have Assembly Member Harvey Epstein.

16 MR. EPSTEIN: Good morning, everyone. My name is
17 Harvey Epstein, I'm a State Assembly Member representing
18 the 74th Assembly District which is on the east side of
19 Manhattan. I represent the neighborhoods of the Lower
20 East Side, East Village, Stuyvesant Town, Peter Cooper
21 Village, Murray Hill, Kips Bay, Tudor City, and including
22 United Nations.

23 I want to thank HCR for holding this hearing today
24 and proposing some really important changes and
25 regulations that help preserve affordable housing.

1 As we've just heard and as we all know, my
2 constituents and constituents all over the City and State
3 are facing rising rents and lack of affordability, and we
4 need to do more to make sure that we maintain the
5 affordability of -- of -- for New Yorkers.

6 The current rules around combining apartments,
7 separating apartments, it's a huge loophole that gives
8 owners an incentive to try to keep some units vacant,
9 keeping them off the market, potentially harassing other
10 rent stabilized tenants into leaving so they can combine
11 or subdivide apartments and radically increase those
12 rents.

13 I say that from experience. I say that from my
14 experience as -- prior to my election to office being a
15 legal services lawyer, I say that from my experience
16 talking to residents in my -- in my community, I say that
17 from experience in hearing from tenants in buildings time
18 after time again experiencing these hardships. We need
19 to close these and other loopholes in the rent
20 stabilization law to ensure that it protects existing
21 rents, existing affordability, and existing tenants.

22 This is what we did in 2019 by passing the Housing
23 and Community Tenant Protection Act. The HSTPA was an
24 attempt from all of us to preserve the affordable housing
25 that we have left. We know because of the changes in the

1 rent stabilization law, we lost hundreds of thousands of
2 units to deregulation and to combining -- and to
3 unaffordability.

4 If you just look in my district at Stuy Town, Peter
5 Cooper Village, which was a working/middleclass fully
6 rent stabilized development. And we see now rent
7 stabilized units renting for 7, 8, 9, and \$10,000 a
8 month. Who is that affordable for?

9 These are because the provisions that were put into
10 place over the last 30 years, before we passed the HSTPA,
11 allowed property owners to substantially increase the
12 rents in their developments without the concern for
13 affordability and the future tenants that were residing
14 there.

15 In my community, groups like good old Lorry Side and
16 Cooper Square Committee continued to hear of numerous
17 incidents where landlords are trying to make minor
18 modifications to building footprints like taking one room
19 from one apartment and putting it into another apartment,
20 and listing them both as new apartments with huge rent
21 increases. We've seen them try to combine just an entire
22 floor, taking three apartments on a floor and making five
23 apartments, leaving very little affordability in its
24 wake.

25 Our goal, and continues to be a goal, and I believe

1 the goals of HCR, is to maintain and preserve affordable
2 housing and rent stabilized housing. We did that by
3 abolishing vacancy decontrol in 2019, which used to be an
4 incentive for owners to force tenants out. The new
5 incentive is now holding units off the market or
6 combining rents.

7 Another incentive is just by resetting the entire
8 apartment layout by saying, instead of 1A, 1B, and 1C,
9 they're saying -- changing it to 1, 2, 3, 4, trying to
10 abolish the rent regulatory history so future tenants
11 have no idea what the history was and it can't be tracked
12 through HCR.

13 We need to close these loopholes. We need to ensure
14 that when combining apartments that these aren't allowed
15 for fresh rent. We can't allow two apartments that were
16 totally renting for \$2,000 to have new rents over 9, and
17 \$10,000. And that's what we're seeing in my community.

18 I know this was not the intent of the legislature in
19 passing the HSTPA. We were there. We were fighting to
20 preserve affordable housing. It was our intent to
21 preserve units across the City and State, intent to
22 prevent displacement and to preserve affordability, and
23 to end any kind of vacancy decontrol, and to end high --
24 high rents that we're seeing continue to happen because
25 of these loopholes.

1 Recently, HPD estimated there was 88,000 vacant
2 apartments in rent stabilized buildings in New York City.
3 That's potentially 10 percent of the rent stabilized
4 housing stock. This in the midst of a historic
5 homelessness and housing crisis, which is unacceptable
6 and truly unconscionable.

7 We saw the collation for homeless report in -- in
8 New York City that homelessness have reached the highest
9 level since the Great Depression.

10 In August 2022, 55,000 homeless people, including
11 17,680 children, who are sleeping each night in our city
12 shelters. And the average rent in Manhattan, and in my
13 district, exceed -- well exceed \$5,000. HCR acknowledges
14 that while rent-stabilized apartments in 2021 in
15 Manhattan were right around \$2,000. As we know, rent
16 stabilization is a lifeline to working and middle class
17 New Yorkers who live in our city. We need to do
18 everything possible to safeguard those and take away
19 every incentive that owners have to speculate on these
20 apartments to seek higher rents. That is our goal here.

21 It is unclear why building owners are withholding
22 units from the market in this huge housing crisis. Where
23 one possibility is the opportunity to combine these
24 vacant apartments with an adjacent apartment or a second
25 or third apartment, until (indiscernible) can capitalize

1 in resetting for these new Frankenstein apartments to
2 make them go to market rate. Even if this is only a
3 portion of the dynamic in these high vacancy rates we can
4 see in rent-stabilized property, closing these loopholes
5 and others will help support more affordable housing.

6 While these proposed regulations are a step in the
7 right direction, we have a lot more work to do, and I am
8 committed to go back to Albany working with HCR to ensure
9 that we continue to close as many loopholes as possible
10 to ensure this com -- sub -- this combining or
11 subdividing apartment to create, quote, new apartments,
12 don't happen again, and ensure those rents don't exceed
13 what they currently are.

14 You know, in addition, we could seek an empty -- the
15 NOA (phonetic) could seek and empty out entire
16 buildings -- we've seen these happen -- to allow
17 structural (audio interference) happen to -- you know, to
18 empty out entire buildings and relocate the entire floor
19 or entire building, too, as their goal to take these
20 units out of rent regulation and to make sure those rents
21 are higher than we currently see.

22 We have an opportunity here to go in the right
23 direction. I applaud HCR's willingness to do that, but I
24 look forward to submitting further testimony with
25 specific details of what we really need to see for the

1 future in New York. I want to thank you for letting me
2 have this time before you.

3 MR. PASCAL: Thank you.

4 Now, we'll hear from Assembly Member Deborah Glick.
5 And then after the Assembly member, we're going to go
6 back to Westchester County with Mr. Stecker and Ms.
7 Graydon Terrace (phonetic).

8 MS. GLICK: Good morning. I appreciate the
9 opportunity to speak before you. I'm Assembly Member
10 Deborah Glick. I represent the 66th Assembly District.
11 That includes the Village -- East/West, SoHo, NoHo,
12 Tribeca, and the city hall area, and until January, the
13 northern part of Battery Park City. A full copy of our
14 testimony will be transmitted later by staff so that I
15 could compress my comments today.

16 In 2019, the legislature passed, and the governor
17 signed, the Housing Stability and Tenant Protection Act,
18 the HSTPA, the strongest affordable housing legislation
19 enacted in many years. The law touches on many aspects
20 of the relationship between tenants and landlords in an
21 effort to combat the historic housing crisis. With
22 skyrocketing rents and affordable housing stock
23 dwindling, a change in law was desperately needed to keep
24 New York City housing affordable, keep families in their
25 homes, and keep communities together. The HSTPA has done

1 this by repealing high rent vacancy regulations, vacancy
2 bonuses, reforming major capital improvement and
3 individual apartment improvement increases, strengthening
4 protections against tenant blacklisting and retaliation,
5 limiting the price of security deposits, and many other
6 important reforms that have worked to make New York more
7 affordable and tenant-friendly for the last three years.

8 I'm thankful that HCR has proposed amendments to
9 endeavor to conform regulations to the contours of this
10 law. It is regulation that has kept more units
11 affordable and more people in their homes. A leading
12 reason for the housing crisis is real estate speculation.
13 It is critical that the existing loopholes that have
14 exacerbated the housing crisis be closed.

15 First and foremost, I want to commend the proposed
16 amendments to first rent. A major loophole exists in
17 creating so-called Frankenstein units by reconfiguring
18 and combining units to make larger apartments or more
19 numerous apartments. These newly-created units are not
20 currently protected from deregulation and skyrocketing
21 rent increases. Even when regulated apartments are
22 combined to form a new apartment, the landlord is free to
23 ask for whatever rent they choose, effectively removing
24 two or more regulated units from our affordable housing
25 stock in favor of high-end apartments. That is

1 essentially creating vacancy decontrol in a back door.

2 This practice has led to a spike in vacant
3 apartments being kept off the market. The obvious
4 rationale for mass warehousing of apartments that has
5 been documented is the hope that future adjacent
6 vacancies will arise and provide an opportunity to
7 combine these units and name a higher first rent. It's
8 reported that there are anywhere from 60 to 80,000 vacant
9 rent-regulated units that are being kept off the market.
10 These are affordable apartments that New Yorkers need
11 right now. By clarifying rent-regulated status for
12 newly-created apartments and limiting the first rent that
13 can be charged for these apartments, and in combination
14 with proposed regulation changes to demolitions and
15 substantial rehabilitations, HCR will be removing a
16 substantial financial incentive for landlords to keep
17 regulated units empty and will preserve much needed
18 affordable housing units.

19 Under the strengthened tenant protections enacted by
20 HSTPA, building demolitions remain the one few ways units
21 may be deregulated, in addition to the Frankenstein
22 units. This is problematic because the definition of
23 demolition that is being used does not conform to the
24 everyday understanding of the word. Right now, an
25 interior gut renovation, where exterior walls remain

1 standing, can suffice as a demolition. Regulated units
2 are being deregulated through phony demolitions in which
3 major structural elements of the building remain intact.
4 This is a renovation, not a demolition. The practice of
5 phony demolitions has already led to permanent loss of
6 affordable housing stock. By clarifying that a
7 demolition is the removal of an entire building,
8 including its foundation, will protect against further
9 erosion of regulated housing. And I have a bill to
10 address this, which we hope we can pass in the coming
11 session.

12 Right now -- I'll move quickly. Right now, there's
13 a presumption that a substantial rehabilitation is
14 warranted if at least 80 percent of a building is vacant,
15 yet there are many ways in which an 80 percent vacancy
16 rate should not be presumed to prove -- to prove a
17 necessity for a substantial rehabilitation.

18 I just pointed out that many units may be
19 warehoused, and tenants can be denied basic services or
20 necessary upkeep of their apartments in an effort to
21 pressure them to leave their units. There are many other
22 ways that tenants are harassed in order to get them out
23 of buildings. These practices must not be used as tools
24 to qualify for substantial rehabilitation in order to
25 deregulate apartments. Additionally, landlords should be

1 made to prove that any substantial rehabilitation
2 undertaken was not necessitated by their own neglect to
3 keep their buildings in a good state of repair.

4 Strong succession rights are crucial in keeping
5 long-term residents in their home and protecting
6 intergenerational housing stability and keeping
7 neighborhoods cohesive. I applaud HCR for keeping
8 succession provisions in line with court decisions that
9 will more fairly measure concurrent occupancy.

10 I thank you for your time today. And as I said,
11 additional comments will be submitted by staff later
12 today. Thank you.

13 DEPUTY COMMISSIONER: Thank you, Assembly Member.
14 Going to turn it to Yonkers.

15 MR. PASCAL: Thank you, Deputy Commissioner.

16 The next that's on the list signed up, I think, is
17 Lisa DeRosa.

18 MS. DEROSA: Good morning. Can you hear me?

19 DEPUTY COMMISSIONER: We can hear you.

20 MS. DEROSA: Okay. Good morning. My name is Lisa
21 DeRosa, and I am president of DeRosa Builders, a family-
22 owned business my father founded in 1958. I'm also the
23 first female president of The Building & Realty
24 Institute, the largest nonprofit trade association in
25 Westchester. Currently, my company owns and manages 400

1 apartment units built between 1964 and 1973. At the
2 time, our buildings were hip, modern, and the place to
3 be. After all, if you lived at a DeRosa property, you
4 had harvest gold appliances with matching Formica
5 countertops, onsite laundry facilities, dishwashers, and
6 red/orange or yellow shag carpeting.

7 I do not need to tell you the hammering my industry
8 has taken in the recent past, and there seems to be no
9 light at the end of the tunnel. Beginning with HSTPA and
10 the stranglehold that was placed upon building owners who
11 want to invest in their properties but can either no
12 longer afford to or cannot find the financial sense to
13 make these investments, followed by a pandemic where
14 there was no repercussions for not paying your rent,
15 paying it late, or leaving your apartment. And now you
16 want to place more regulations on us? How much do you
17 want to see our oldest inventory deteriorate before you
18 go as a lifeline?

19 Right now, there is a \$15,000 capital cap on the
20 improvements you can make to an apartment. It does not
21 matter if this is a 3000 square foot studio or sprawling
22 four bedroom. It does not matter that inflation is up
23 over 8 percent and building materials have skyrocketed 40
24 percent. It does not change over time. And we all know
25 that \$1 does not get you nearly as much today as it did

1 only a few years ago.

2 I was recently approached by a relief organization
3 to assist in the placement and housing of Ukrainian
4 refugee families fleeing their war-ravaged country with
5 little more than the clothes on their backs. While I
6 have been able to assist a few, many require larger
7 apartments than I have to accommodate their extended
8 families. Right now, I have the opportunity to merge two
9 adjacent units and provide a three-bedroom apartment for
10 either this family, or at another time, a family from my
11 community. I can assure you that the cost for legally
12 combining these units will far exceed \$15,000.

13 Additionally, even with updated bathrooms, new
14 appliances, and stone counters, at the end of the day, my
15 apartment is still in a 1971 building. We do not have
16 concierges, virtual or otherwise, rooftop gathering
17 areas, conference and -- or package rooms, or smart home
18 technology, and the infrastructure is not there to add
19 these items that the new buildings going up around we
20 have. The market rents that my property will support are
21 far different than the market rents you see in newer
22 communities, however, my market rents are reasonable for
23 a family to support in Westchester.

24 The harsh transformations to the IAI program that
25 make it so financially unworkable are not due to

1 regulations alone, but are required by the passage of
2 HSTPA. I recognize you may not have a lot of flexibility
3 on that, but we need whatever flexibility you can
4 provide. But the curtulement -- curtailment of any
5 financial incentive to combine apartments to meet the
6 demands of the marketplace, renovate them, and set a new
7 rent that can make work financially stable is a wholly
8 new change in these regulations.

9 Combining apartments is not very common, but it is
10 also not a loophole. It is one of the few remaining
11 options you have to renovate your apartment to meet the
12 demands of our community in a way that is financially
13 sustainable. With this new regulation, that wouldn't be
14 workable either. At a time when the Westchester Needs
15 Assessment concluded that we need over 11,000 units today
16 to meet our housing needs, why on earth would you further
17 disincentivize current property owners from investing in
18 their properties and builders from coming here?

19 I have pictures of one of the apartments that I wish
20 to combine. This was the condition that it was left to
21 us in. The existing tenant passed away. We reached out
22 to every family member, and they are not interested in
23 coming and doing anything, so we are left with an entire
24 lifetime worth of stuff to clean out in addition to
25 everything else we need to repair. I don't know if you

1 can get these (indiscernible) or not. I wasn't aware
2 that it was going to be online.

3 MR. PASCAL: Okay. Thank you.

4 UNIDENTIFIED SPEAKER: Thank you.

5 MR. PASCAL: Deputy Commissioner, we also have Alana
6 Ciuffetelli here to speak, who's the next on the list.

7 DEPUTY COMMISSIONER: Okay. Let's do that, and
8 we'll come back to New York City. Thank you.

9 MR. PASCAL: Thank you.

10 MS. CIUFFETELLI: Good morning. I thank you for
11 your time. I'd first like to start by saying, I know,
12 means am I warehousing units, by no means am I letting my
13 buildings run down, because quite simply, I'm a small
14 landlord. I can't afford to do that.

15 With that said, my name is Alana Ciuffetelli, and
16 I'm the chair of the Apartment Owners Advisory Council of
17 the Building and Realty Institute in Westchester County.
18 I also sit on the board of directors of the Westchester
19 Owners' Association. Not only have I been a landlord for
20 basically my entire life, but I am also a real estate
21 broker and a (indiscernible) agent. I'm extremely
22 passionate about what I do and take the responsibility
23 that brings me very seriously.

24 A relationship between a tenant and a landlord is
25 important, not only to the landlord, but also our

1 tenants, who have entrusted myself and my family with a
2 significant asset in their life, their home, their
3 apartment, which is within my building. I live and
4 breathe my buildings. Not only are they a piece of my
5 livelihood, but they're also part of my family legacy.
6 My management company is called THREE C REALTY because
7 three generations of Ciuffetelli's have owned, managed,
8 and operated our buildings.

9 With a 4th grade education heavily rooted in his
10 Italian heritage and little to no understanding of the
11 English language, my grandfather risked it all in hopes
12 of providing a better future for his family and
13 generations to come. And our buildings have given back
14 to us as much as we have given to them, but for the first
15 time in my life, I'm afraid. I'm afraid of what is going
16 to happen to my buildings, afraid of what is going to
17 happen to my tenants and my family because of something
18 that is totally beyond my control. I'm speaking about
19 the changes you referenced today to ETPA and HSTPA in
20 2019, which resulted in the new law, HSTPA.

21 In particular, I would like to address the changes
22 made to IAIs. Let me start by saying I realize this
23 panel cannot change what has been put into law, but my
24 hope is that you take the testimony of myself and my
25 colleagues back to Albany and really listen to what we

1 are saying because circumstances are dire and immediate
2 changes are needed when dealing with HSTPA, especially as
3 it relates to IAIs and MCIs.

4 Under the new law, a landlord is capped at \$15,000,
5 and no more than three IAIs in over 15 years, no matter
6 the size of the apartment. That's nuts. No matter if
7 it's a studio, one bedroom, two bedroom, three bedroom,
8 four bedroom. That's nuts. This is impossible to
9 achieve. Everyone here knows the effect of inflation
10 that has -- that has had on our cost of goods. Building
11 and repair costs have skyrocketed. I can't get any
12 apartment renovated, not even a studio, and forget about
13 a two-bedroom, for \$15,000.

14 I want to provide quality and safe housing for our
15 tenants, but under this formula, I cannot make the
16 desired renovation to apartments and provide my tenants
17 with the items they want, like new kitchens, new
18 bathrooms, new appliances. The quality of service I
19 think my tenants are entitled to cost resources, time,
20 but most importantly, money. The changes made to IAI
21 strips us of the money needed to give my tenants what
22 they deserve.

23 Also, the changes to IAIs and MCIs have had a
24 crushing impact on our local vendors, contractors, and
25 local economies. I've had to explain time and time

1 again, on more than one occasion, to my local hardware
2 that I can't buy what I used to buy, and he's hearing
3 this over and over and over again. This is crushing
4 business.

5 One could argue that a tenant, too, has saw the same
6 effects of inflation. To that I say, you're right. No
7 one is recession proof. No one is inflation proof. But
8 many of my tenants realize, and work with me, that if
9 they want a certain level of service, it unfortunately is
10 going to cost more. That is the reality of the world
11 that we all live in, not just tenants, landlords -- all
12 of us. That's where we are right now.

13 Here, though, in New York State -- and I would ask
14 those that I listened to prior to this call -- you need
15 to step up, increase voucher amounts, build more
16 affordable housing for those that really, truly need it.
17 Look at all the development going on around us, all the
18 luxury buildings. There needs to be a better balance
19 with the state stepping up to provide more housing
20 options to tenants in need. New York State needs to stop
21 constantly strangling the neck of the small landlord of
22 rent-stabilized buildings as we are at our breaking
23 point.

24 As I said at the beginning of my presentation, I'm a
25 good landlord, a small landlord, and there are a lot of

1 us, a lot of us who take our tenants' safety and well-
2 being to heart and very seriously. If changes are not
3 made to the current formulas for IAIs and MCIs, you will
4 lose us. I thank you for your time.

5 MR. PASCAL: Thank you.

6 Now, we'll have Sue Susman.

7 MS. SUSMAN: Hi. My name is Sue Susman. I'm here
8 on behalf of the Coalition to End Apartment Warehousing,
9 and I thank you for the opportunity to present this
10 testimony in support of the proposed first rent Section
11 2521.1(m) (phonetic). These regulations would end high
12 first rents resulting from the combining or
13 Frankensteining units and, the coalition hopes, put a big
14 dent in warehousing.

15 So as a member of Stellar Tenants for Affordable
16 Housing (phonetic), I joined this coalition because I
17 live in a former Mitchell-Lama building, a rental
18 building currently with 12 empty, warehoused, rent-
19 stabilized units by my count. When Stellar bought the
20 building and took it out of Mitchell-Lama and interim
21 stabilization, there were 247 apartments. Since the
22 HSTPA went into effect, there are now 245 because two of
23 four apartments were Frankensteined into two.

24 Warehousing began in my building when the 2015 rent
25 laws came into effect because few of the vacated rent-

1 stabilized apartments were at the deregulation amount of
2 \$2,700. From 20 -- June 2015 on, and even more so since
3 the 2019 rent law went into effect, Stellar has refused
4 to rent out any of the rent-stabilized apartments that
5 have become vacant. So even before there were caps on
6 IAI's, on individual apartment improvements, Stellar was
7 warehousing units, possibly in the hope of
8 Frankensteining them. I'm not sure why. On my floor,
9 where there are ten apartments, three are warehoused, so
10 it's getting a little eerie.

11 Stellar has Frankensteined apartments where
12 (indiscernible), apartment 2W combined a market rate
13 apartment with a rent-stabilized unit above it. That
14 rent-stabilized unit had a rent of about \$650 a month.
15 We've kept it very, very low. And the tenant had been
16 also on (indiscernible) as I recall. The new rent,
17 according to StreetEasy, is \$9,875 a month. There's no
18 indication the tenants are rent-stabilized. And the
19 duplex that Stellar created resulted in a hell of a lot
20 of noise and construction dust that went on for many,
21 many months and drove several tenants away from the
22 building. Two older tenants a couple of floors up with
23 serious health problems actually they had to leave for
24 several months because they just couldn't stand the
25 vibrations.

1 So I've peeked inside some of the empty rent-
2 stabilized units in my building and apartment 10F became
3 a storage area for paints and other building supplies
4 that the landlord wanted to use for other units. It
5 could use a new stove and a refrigerator to be a
6 desirable rental apartment.

7 15R, which is two doors down from me, was kept
8 immaculate by a slate tenant. 15U, next to my apartment,
9 just needs a coat of paint and maybe new kitchen cabinets
10 to be habitable and easily rentable. I'm not talking
11 about granite tops and gold-plated refrigerator handles.
12 So the fact that it doesn't need -- they don't need much
13 to be habitable makes sense, because in my building,
14 unlike in some others, the landlord has done maintenance
15 over the years, including on apartments occupied by the
16 same tenants for decades and decades and decades. 15U
17 and 15R were both occupied by tenants who had been there
18 for over 40 years.

19 Yet the Community Housing Improvement Program claims
20 owners need much more than allowable IAIs to make such
21 units habitable. CHIP even offered to put 20,000 units
22 back on the market if Albany would reinstate vacancy
23 bonuses for that purpose. But the New York City Rent
24 Guidelines Board has reported net average rent operating
25 incomes of 540 per apartment in 2017, 535 in 2018, 556 in

1 2019, 545 in 2020. With basic maintenance already
2 covered by their operating costs, that monthly per
3 apartment profit means landlords have had the wherewithal
4 to perform needed upgrades all along. If they chose not
5 to do it, they can't now cry lack of funds. And had
6 landlords really needed the money, they could have filed
7 hardship applications with HCR and saw government grants
8 available for some repairs and upgrades, like lead
9 abatement.

10 More, despite the claim of community of CHIP, is it
11 conceivable that the residents of most of the 61,000 to
12 88,000 warehoused apart -- stabilized apartments --
13 refused access to landlords for repairs. Most tenants
14 don't cho -- choose to live in squalor. And further, had
15 tenants consistent refused entry, their landlords would
16 have initiated eviction proceedings.

17 Okay. The regulations implement the legislative
18 goals of the HSTPA, one of which was to remove the
19 financial incentives for displacing tenants. And
20 Frankensteining has given landlords a reason to evict
21 long-term tenants, especially those living next door to
22 vacant units, and to pressure even market tenants to
23 move.

24 Further, the HSTPA was meant to strengthen the goals
25 of the 1974 Emergency Tenant Protection Act, including to

1 prevent exaction of unjust, unreasonable, and oppressive
2 rents, and to forestall profiteering, speculation, and
3 other disruptive practices tending to produce threats to
4 the public's health, safety, and general welfare.

5 Hiking rents from \$600 to 6,962, or from 650 to
6 9,875, is just a type of profiteering and disruptive
7 practices these laws are meant to bar. These are homes
8 people need, and so the End Warehousing Co -- End
9 Apartment Warehousing Coalition, in alliance with the
10 Stand for Tenant Safety and Housing Justice for All,
11 supports the new section 2521.1(m) (phonetic), and we
12 commend HCR for implementing the 2019 law by closing this
13 gaping loophole to which owners have been driving a truck
14 of deregulation and absurdly high rents, and depriving
15 some 70,000 households of affordable homes. Thank you.

16 MR. PASCAL: Thank you.

17 Patricia Loftman, president of Park West Village
18 Tenants' Association.

19 MS. LOFTMAN: Good morning. My name is Patricia
20 Loftman. I am a tenant at 788 Columbus Avenue. I have
21 lived in this apartment for 50 years. I am also
22 president of the Park West Village Tenants' Association.
23 My building has been managed by Park West Village
24 Acquisition LLC for 24 years. While Park West Village is
25 comprised of seven buildings, most of the rent-stabilized

1 apartments are concentrated in three buildings located at
2 784, 788, and 792 Columbus Avenue.

3 I would like to thank DHCR for affording the tenant
4 community an opportunity to provide testimony in support
5 of the proposed Section 2521 of the New York Codes, Rules
6 and Regulations.

7 New York is experiencing an affordable housing
8 shortage. Advocates for Children of New York reported
9 that more than 100,000 New York City public school
10 students experienced homelessness during the 2021/2022
11 school year. Of these 104,000 students, more than 29,000
12 spent time living in city shelters. 69,000 were doubled
13 up or temporarily sharing the housing of others due to
14 loss of housing or economic hardship, and nearly 5,000
15 were unsheltered, living in cars, parks, or apartment
16 buildings.

17 The New York City Department of Homeless Services
18 reported that their daily census on November 10th, 2022,
19 reflected 63,318 homeless adults and children were
20 residing in shelters on November the 9th, 2022. Of this
21 number, 42,816 were adults and 20,502 were children. At
22 the same time, homeowners have been keeping more and more
23 habitable apartment vacant through a practice called
24 warehousing.

25 For the past five decades, Park West Village has had

1 rent-stabilized rental apartments that were affordable
2 for working people with modest incomes, like teachers,
3 nurses, librarians, social workers, postal workers.
4 Today, however, only approximately 374, or 45 percent of
5 the original 864 Columbus Avenue apartments, still have
6 affordable rents. This is the result of vacancy
7 decontrol of new apartments and renovation bonuses
8 allowed under the old rent laws prior to HSTPA. While
9 the proposed regulations address Frankensteining of
10 apartments, it's critical to understand the connection
11 between warehoused apartments and Frankensteined
12 apartments.

13 Warehousing is the precursor to Frankensteining.
14 Over the last few -- past few years, there has been
15 marked increase in rent-stabilized warehouse apartments.
16 Park West Village Tenants' Association first noticed
17 warehousing of apartments around 2017. This followed the
18 successful challenge by a group of approximately ten
19 market rate tenants supported by the Tenants' Association
20 for the illegal deregulation of their apartments. Their
21 apartments were returned to rent stabilization.

22 However, in the case of one apartment, a review of
23 the tenant's rent history documented that the last
24 legally-registered rent-stabilized rent was \$1,281
25 dollars, yet the apartment, after renovation, rented for

1 \$5,900. A determination was made that that rent was not
2 supported based upon a review of the evidence. There was
3 also evidence that similar data had been used to justify
4 the rent in another case. As a result, the tenant was
5 offered a substantial buyout, which the tenant accepted.
6 However, after the tenant's departure, that apartment was
7 warehoused in 2018 and has remained empty until this
8 year, 2022. It is currently in the process of being
9 Frankensteined with the adjoining empty apartment. In
10 summary, this illustrates the intersection between
11 illegal deregulation, warehousing, and Frankensteining.

12 Subsequent to the success of the market rate tenants
13 successfully challenging the market rate status, the
14 Tenants' Association speculated that warehousing began as
15 a means for the owner to circumvent the four-year
16 lookback period. The Tenants' Association noted that
17 more and more vacant apartments were not being rented.

18 I have attached a summary for you to review, but you
19 will note that most of the warehoused apartments are
20 empty resulting from tenants passing away or
21 transitioning to a nursing home, which would be
22 consistent with the aging of rent-stabilized tenants.
23 However, you will also note that a significant number of
24 apartments -- 79 -- continue to be warehoused. Of those
25 79 warehoused apartments, 30 are former rent-stabil

1 apartments. Six of those apartment have already been
2 lost to Frankensteining, and 22 are currently in
3 progress.

4 I think that you would agree that these departments
5 represent a significant block of lost, affordable,
6 habitable apartments.

7 After patches of HSTPA, the tenant's association
8 began to see the beginning of Frankensteining of
9 apartments. Chip, the owners, said that
10 approxim - - - that approximately 70,000 vacant
11 apartments had been warehoused since 2019. They also
12 stated that the owners were willing to bargain and
13 negotiate releasing those apartments if Albany would roll
14 back parts of HSTPA. Many owners decided that they would
15 rather keep those apartment (sic) vacant in the hopes the
16 HSTPA would be overturned on legal challenges, possibly
17 to the Supreme Court. If those challenges were
18 successful, they would be able to rent those apartments
19 for much more money.

20 Tenant's heard that the focus of HSTPA was
21 elimination of the 20 percent vaca -- vacancy allowance.

22 Warehousing manipulates the housing market because
23 those apartments are not registered as available. It --
24 warehousing deprives New Yorkers of existing affordable
25 housing, creates affordable housing shortages, and

1 endangers the safety of tenants in buildings with few
2 occupied apartments.

3 With Frankensteined apartments, if one or more of
4 the combined apartments was previously rent stabilized,
5 rent stabilization was lost, and the new unregulated,
6 larger apartment could be rented for a heftier rent.

7 Tenants have commented over the few years about the
8 large number of warehoused apartments. At one time,
9 conservative estimates were that there were over 100
10 warehoused apartments among the three Columbus Avenue
11 buildings. During that same time that apartments were
12 being Frankensteined, the new rent raised from 6,500 to
13 8,500.

14 Recently, two previously rent-stabilized apartments
15 were Frankensteined. While the individual rents of these
16 apartments were unknown, one can reasonably speculate
17 that the rents on each apartment could not have exceeded
18 \$1,500 per month as both had been long-term rent-
19 stabilized tenants.

20 The combined apartment recently rented for \$13,500.
21 If the proposed regulation had been in effect, the
22 apartment could not have rented for more than \$3,200.

23 So to close, to further erode the available housing
24 market housing stock, even market rate tenants are
25 experiencing unintended consequences of Frankensteining.

1 Market rate tenants who reside in an apartment adjacent
2 to an empty previously rent-stabilized apartment are
3 being split with nonrenewal of their lease upon
4 expiration. If the tenant objects to being relocated to
5 another apartment for the purpose of Frankensteining the
6 previously empty apartment -- the previously empty
7 apartment -- sorry -- one can only imagine the
8 displacement and disruption to one's life caused by this
9 new practice.

10 In closing, Park West Village Tenant's Association
11 strongly supports the new section. The loophole will
12 eliminate or decrease an owner's motivation to warehouse
13 affordable apartments, and then Frankenstein apartments,
14 thereby contributing to a solution to the affordable
15 housing crisis. Tenants need habitable apartments, not
16 luxury housing.

17 I am also submitting 89 signed temp -- signed
18 petitions from Park West Village tenants who are also in
19 support of this new proposed section. Thank you very
20 much.

21 MR. PASCAL: Thank you.

22 I'm going to call on Ellen Davidson from the Legal
23 Aid Society.

24 MS. DAVIDSON: I'm here.

25 UNIDENTIFIED SPEAKER: Woo-woo.

1 MS. DAVIDSON: As I get rid of all of my winter
2 clothes. Sad, sad we're now in winter. Thank you so
3 much for the opportunity to testify today.

4 My name is Ellen Davidson. I'm a staff attorney at
5 the Legal Aid Society. And the Legal Aid Society,
6 together with our partners at Legal Services NYC,
7 submitted comments to the proposed regulations a couple
8 weeks ago. It's a 30-page document. I'm not going to
9 read it. But in that document, we expound on the
10 proposals. We support some. Some we have, I think, some
11 pretty significant criticisms, and then there are some
12 areas where we thought that the agency should have
13 proposals where they just simply have not even considered
14 changing the amendments. Late registrations is a
15 prominent one.

16 But today I want to focus on two areas where we
17 commend the agency for its proposals. The first is
18 succession rights, and the second is first rents for
19 combined apartments.

20 As you well know, the rules about succession rights
21 are different for tenants depending on where they live.
22 Because of a split in the appellate divisions, the rules
23 are different for Bronx and Manhattan tenants as compared
24 to tenants in Brooklyn, Queens, and Staten Island. And
25 so we commend the agency for using its power to resolve

1 this split and codify the holdings in your dam.

2 This proposal properly realigns the code with the
3 original remedial goals of protecting affordable housing
4 for families of tenants who would otherwise be at risk of
5 eviction and displacement.

6 We do have a sesh -- a suggestion on how to clarify
7 the regulations. We have a lot of suggestions in the
8 rules on how to clarify regulations. We -- we do believe
9 that regulations that are clear are better for everyone.
10 So I hope you take a look at it and consider it.

11 Additionally, since the passage of the Housing
12 Stability and Tenant Protection Act, we have heard about
13 landlords warehousing apartments with the hopes of being
14 able to combine those apartments, and either set a first
15 rent or deregulate the unit altogether. We've certainly
16 heard from tenants today talking about it, but this has
17 been a conversation that has gone on for the last three
18 years, four years. How long has it been since the HSTPA?
19 Three years.

20 And the reason that the landlords have been doing
21 that is that the agency has a policy which allows them
22 to. That is not a policy that is required by the
23 regulations, nor by the statutes. It's -- it's a policy
24 that was wholly created by the agency.

25 So we commend the agency for reconsidering this

1 policy in light of the Housing Stability and Tenant
2 Protection Act because that Act's focus, as you point out
3 in your regulatory statement, was on preserving units at
4 historically reasonable rents. Closing this loophole is
5 in harmony with the provisions of the Housing Stability
6 and Protection Act and well within the agency's power to
7 interpret and enforce their laws.

8 I've heard some of the testimony that has been given
9 of -- of the critiques of this policy, some of which
10 suggests that every single vacant unit has a tenant that
11 has lived there for 40 or 50 years, which seems, you
12 know, unusual considering the fact that there aren't many
13 tenants left in the stock who've lived in their
14 apartments 40 or 50 years. And the fact that they live
15 next to people who've lived there 40 or 50 years is --
16 also would be unusual.

17 But I will point out that the -- the -- the
18 increases that landlords used to be taken for vacancy --
19 I heard a -- a landlord -- a representative of the
20 landlord's point of view -- that the purpose -- that they
21 used to, during vacancy, be able to make needed repairs
22 on apartments. And I just want to point out that
23 individual apartment improvements were never for repairs.
24 The entire purpose was -- and the -- of -- of -- was for
25 them to make improvements to apartments that hopefully

1 were already in good condition because landlords took
2 care of repairs as needed.

3 But unfortunately, the way the law used to be
4 written, landlords were incentivized to not do repairs in
5 apartments, let them fall into disrepair, because the
6 windfall for IAIs was just so large. That's why the law
7 changed. It was base -- it was changed because of
8 landlord misbehavior.

9 Once the law changed and there was this loophole
10 that was left, once again, we saw landlord misbehavior.
11 So thank you so much to the agency for taking
12 consideration of the facts on the ground and using its
13 powers to change the rules as they needed to be. Thank
14 you.

15 MR. PASCAL: Thank you. We're going to have Stuart
16 Zemsky from the East Fifth Tenant's Association, and then
17 we're going back to Yonkers for one person. Thank you.

18 MR. SEMSKY: Hello. I'm Stuart Zemsky, a long time
19 tenant from East Fifth Street in the East Village, and
20 officer of the East Fifth Street Block Association.

21 In 2019, New York's legislature -- legis --
22 legislature enacted sweeping changes to the rent laws for
23 the purpose of protecting tenants' rights. It soon was
24 clear that there was a loophole to these changes. By
25 Frankensteining the existing apartments, landlords could

1 set a new rate with no restrictions. Obviously, this
2 loophole was unintentional. I ask that it now be fixed
3 and assert that the ones employing it are bad landlords
4 whom we do not want to reward for this behavior.

5 In 2015, Raphael Tolidano, a 23 or -4-year-old
6 speculator bought my long time landlord's 15 building
7 East Village portfolio. He was funded with a high-
8 interest loans from Madison Capital realty, and it was
9 said at the time that Tolidano wouldn't be able to
10 service the loans and that they were, in fact, designed
11 for default, leaving the properties in Madison Capital
12 Realty's hands.

13 Tolidano got busy clearing the buildings of rent-
14 controlled tenants through harassment, and illegal, and
15 predatory tactics, eventually garnering the attention of
16 New York's attorney general, who eventually fined him \$3
17 million and banned him from New York real estate.

18 In 2017, he did go bankrupt, and Madison Capital
19 Realty did, in fact, take control of the properties. And
20 in 2020, the attorney general imposed a \$1 million fine
21 on them to be paid in rent credits to the tenants of the
22 East Village portfolio for colluding with Tolidano by
23 aiding and abetting tenant harassment and other fraud.

24 But as soon as the bankruptcy proceedings were
25 complete, Madison Capital Realty began renovating

1 apartments and creating massive Frankensteined
2 apartments.

3 And on the heels of the \$1 million fine from the
4 attorney general, the first thing Madison Capital realty
5 did was to use a loophole to skirt -- no -- to flout the
6 law.

7 According to their website, Madison Capital is a \$22
8 billion business. As an outsider or tenant, it is
9 difficult to justify their use of loopholes and tenant
10 harassment as a part of their business plan. And yet, to
11 this day, they still do. They continue to actively
12 Frankenstein apartments and continue to operate in an
13 illegal fashion, repeatedly turning the heat on in summer
14 months and not providing a legally-mandated on-call
15 superintendent for off power emergencies.

16 For these bad actors, Frankensteining not only
17 provides a means to bypass rent laws, it provides a means
18 to envoy construction harassment.

19 Do we really want to reward bad landlords for bad
20 behavior? No. The State of New York's rental market
21 speaks for itself. It is nearly always booming. Let's
22 follow through on the original legislation and help
23 protect tenants and renters as was originally intended.
24 Thank you.

25 MR. PASCAL: Thank you.

1 UNIDENTIFIED SPEAKER: Okay. It's you --

2 MR. PASCAL: We're going back to Westchester.

3 UNIDENTIFIED SPEAKER: Thank you, Deputy
4 Commissioner. We have Philip Weiden.

5 MR. WEIDEN: Hi. I'm Philip Weiden from the
6 Building & Realty Institute, the government affairs
7 director. I want to clarify and correct a couple of
8 points. A lot of people are lapping up -- lumping in
9 every landlord together. The vast majority of landlords
10 are hardworking and good people who want to make a living
11 like everybody else. We didn't hear about any tenant
12 stories, of which I have many, where a tenant was not
13 acting in good faith. As we know, the vast majority of
14 tenants are good, law-abiding people, just like the vast
15 majority of landlords. But instead of this, we just here
16 are hearing demagogic rhetoric where we need to do our
17 solutions.

18 Lifting some requirements such as parking
19 requirements on new construction would help bring down
20 the cost of building. Building materials are through the
21 roof. One common theme that's been hit on is that people
22 are facing ever-rising rents. That's true, but you have
23 to look at median versus mean and mode. The average
24 rents are eschewed by a few at the top who are charging a
25 lot higher rents than most landlords. Most landlords

1 could -- who are in buildings that are dozens and
2 hundreds of years old are not charging this type of
3 amount.

4 When I was a tenant and would look for housing, my
5 landlord did not, quote/unquote, jack up my rents
6 hundreds of dollars a month. That actually never
7 happened in any housing I lived in regardless of whether
8 I lived in Brooklyn, or Long Beach, or other areas.

9 I also want to correct a few things. Currently,
10 evictions, according to the New York State Unified Court
11 System, evictions are below 2019 levels. So nobody's
12 being thrown out on the street as claimed. Landlords are
13 not able to just suddenly jack up their prices. This has
14 been another myth. Another one is that we're warehousing
15 apartments. Well, I can't speak for New York City, our
16 vacancy rate is 3.6 percent. We're not -- we're not
17 jacking up apartments here -- jacking up rents. We're
18 not putting rents on the market and warehousing them.
19 And for us to be lumped in with another area is patently
20 unfair, as usually happens with -- when anything happens
21 regarding real estate regardless of who it is.

22 I would also point out individual apartment
23 improvements and even legislators who supported this do
24 agree that individual apartment improvements need
25 adjusting. 15,000 is unrealistic in New York real

1 estate. \$15,000 for anything and putting a price cap is
2 unrealistic. If you ask any mainstream economist whether
3 they're on the right, the left, or the center, including
4 Paul Krugman of The New York Times who said rent control
5 is not a good idea and a good way to keep people in their
6 homes, 15,000 is -- is an artificial cap that will keep
7 this -- keep housing conditions deteriorating further.

8 We want to improve things. So we support the
9 Housing Access Voucher program. This program is a new
10 rent-stabilized voucher that would help both rent-
11 stabilized and unstabilized people afford their rent. It
12 would be independent of Section 8, so it would be funded
13 entirely by New York State.

14 We support higher vouchers for everybody, including
15 building more housing. In fact, we have no problem
16 endorsing more money for public housing to fix those
17 repairs. We think more of this should be funded through
18 the state. That would be great. What we don't favor is
19 a one-size-fit-all, one solution that harms us.

20 The other issue is the two percent MCI, which has
21 been brought up. MCIs are an issue. When MCIs have been
22 capped, they're not going to do big, major improvements
23 on buildings that have MCIs. We've seen in the news
24 massive fires that have happened, massive problems with
25 buildings, and they typically happen because of things

1 like the MCI. When you limit the amount somebody can
2 charge to recoup their investment, they're not going to
3 want to invest in the building.

4 Nobody wants to keep their -- their apartments
5 vacant. It's the financially -- financial choice for
6 some landlords that have to do that. Small landlords,
7 most of all, which have mortgages -- and they're not
8 getting their mortgages capped, they have to pay that.
9 This is economic reality -- but by limiting the number of
10 apartments you can build, you are artificially pushing up
11 rents and material in the housing stock.

12 Finally, my final point as somebody who's studied
13 housing conditions across the world, for -- for about 40
14 years in Tokyo, believe it not, there's an -- the city
15 and the country allows an unlimited number of housing
16 units to be built. What has this done? This has stopped
17 massive increases in rent above inflation because you can
18 build units large, small, or medium sized. There's not
19 a -- there's not the parking requirements that we require
20 here.

21 So I urge you to consider these -- these necessary
22 changes, including potential tax abatements for small
23 landlords, including the Housing Access Voucher program,
24 which both the tenants and the landlords support. So we
25 are doing proactive solutions, but a one-size-fits-all

1 attack on landlords is patently unfair.

2 You've heard from landlords today who have a few
3 hundred apartments or a few dozen apartments, but
4 artificial economic caps don't worry -- don't work. And
5 just because it might feel good, doesn't make it true.

6 We thought the -- the advent decades ago of bringing
7 the MCIs, and bringing HIAs, and allowing looser
8 regulations on this because in the '60s, the '70s, and
9 the '80s, we remember the Bronx burning. We all remember
10 the housing conditions that brought this.

11 So what do we do to fix it? We know what works,
12 higher housing vouchers, less regulation on building.
13 And we often see legislators here speaking who say that
14 they want to lower housing costs but then speak against
15 housing in their own neighborhood, and this is really a
16 shame. So thank you so much.

17 MR. PASCAL: Thank you. Is there anything -- James
18 Ferrair (phonetic) in Nassau? Can go with Georgina
19 Christ.

20 UNIDENTIFIED SPEAKER: Woo-hoo.

21 MS. CHRIST: Good morning to all. While I am
22 pleased to finally have this hearing, I am very
23 disappointed with the agency's slow response to implement
24 HSTPA 2019. Tenants have suffered from horrific
25 construction debacles, and thousands of people have

1 suffered trying to find affordable housing, lost to war
2 housing, and the combining of rent-regulated apartments.

3 In order to keep track of and protect our affordable
4 housing stock, I endorse Housing Justice for All
5 coalition's response to DHCR, a much-needed process that
6 they need to go through.

7 I am a member of the Lower East Side 15 building
8 coalition called Tenant's Taking Control, TTC. Stuart,
9 who spoke earlier about our -- our -- his building on
10 Fifth Street, is one of the 15 buildings in our
11 coalition.

12 We started out with these 15 buildings. In these 15
13 buildings, we started out with 279 mostly rent-regulated
14 apartments. By 2021, 150 apartments had been warehoused.
15 Our landlord, Madison Realty Capital, took advantage of a
16 supposed loophole to combine 82 of the 150 warehoused
17 apartments to create three and four bedroom apartments
18 listed on StreetEasy for up to \$10,000 a month.

19 To add extra footage to most of the apartments, 20-
20 foot long hallways were demolished taking away a real
21 sense of space and air circulation. The new apartment
22 doors butt up against the stairwell landings. One feels
23 like they are in a cave when using the stairwell while
24 being subjected to tenant noise and odors. The original
25 hallways acted as a buffer.

1 Just how many people do you want to stuff into a
2 building, creating a well intent of habitability issue?
3 What about the next pandemic, epidemic, building fire
4 where fire fighters carrying equipment through while
5 tenants are trying to leave. There is no three feet of
6 separation on these stairwell landings, let alone the
7 stairwell. The elimination of hallways should cease.

8 There is no law to allow for the combining of
9 apartments in HSTPA 2019. The intent of HSTPA was to
10 provide affordable housing and not to provide a pathway
11 to increase rents by combining apartments.

12 DHCR rules are a good step, but the rules should be
13 retroactive to date of HSTPA's (audio interference).
14 DHCR created this Frankensteined monster on their own
15 without any law or regulation requiring that they do so.
16 DHCR must correct this mistake that they have made and
17 return the other Frankensteined apartments to
18 affordability.

19 There are approximately 68 apartments left in the
20 warehousing -- that have been warehoused in our 15-
21 building coalition. These are mostly rent-regulated
22 apartments that could be housing people. DHCR is
23 supposed to be the tenants' gatekeeper.

24 The Frankensteining of apartments really needs to
25 stop. We have lost so many rent-regulated apartments to

1 this, so many affordable apartments, and all the while --
2 while -- and -- and the warehousing of apartments to be
3 Frankensteined.

4 We can't wait longer for the rules to go in effect.
5 We need to close this loophole now. Thank you.

6 MR. PASCAL: Thank you.

7 Anne Greenburg?

8 MS. GREENBURG: My name is Anne Greenburg. I'm a
9 rent-stabilized tenant and the vice president of the
10 Stuyvesant Town-Peter Cooper Village Tenants Association.
11 I have met with, I can certainly say, Mr. Pascal there,
12 as part of the Housing Justice for All HCR working group.
13 And I testified before you in September 2020 in response
14 to operational bulletin 2020-1 promulgating the new and
15 seriously flawed reasonable costs schedule. Thank you
16 for taking my testimony today.

17 I wish to acknowledge the effort that went into
18 composing the new regulations and compliment you on
19 making progress in rebalancing the lopsided relationship
20 of tenants and owners. It's long past time for HCR and
21 the elected officials at every level who happily take
22 landlords money to stop coddling landlords.

23 Others have spoken on various topics. I know
24 they've submitted, especially Legal Aid, very detailed
25 reports and -- and comments, so I'm just going to focus

1 on what is a huge pocketbook issue in my community.

2 While there is progress for tenants in the new
3 regulations, the playing field is still not level. Two
4 years on, I am dismayed to have to make the same points
5 about the injustice and the regularities of the
6 reasonable cost schedule. My owner, Blackstone, biggest
7 landlord in the world, can afford anything, spending far
8 more than the \$15,000 they can recoup. And they're happy
9 to make tenants pay, especially in the form of MCIs and
10 IAIS.

11 My community has 11,240 units and about 25,000
12 residents. When HCR or our landlord sneezes, we catch
13 cold or worse. So what's still wrong with the RCS?
14 Waivers and exceptions. These should all be removed.
15 This mammoth loophole operates to the unscrutinized
16 benefit of owners and is a major detriment to tenants.
17 HCR stands ready to approve any item at any cost making a
18 mockery of the RCS and equitable treatments of tenants.

19 Items that aren't appreciable or aren't appreciable
20 to the landlord, such as scaffolding, sidewalk sheds,
21 must be removed from the RCS. The first criterion of an
22 MCI or IAI is still that it be depreciable under the IRS
23 code. Even if items are associated with an eligible MCI
24 or IAI, they should not be able to be depreciated by
25 different entities on their individual tax returns.

1 Fantasy costs that don't reflect the reality of what
2 owners actually pay must be recalculated.

3 Two years ago, we hired a professional estimator
4 with more than 50 years of experience who examined every
5 item on the RCS. Overall, where there was a difference,
6 the codes he -- the costs he found were 79.47 percent of
7 those on the RCS with one as low as 47 percent of your
8 costs. In seven instances, he agreed with you. For 18
9 others, the schedule didn't provide enough detail for him
10 to do an analysis. And yet by enshrining the RCS, you
11 put -- that you put forth in your operating bulletin, you
12 will be ensuring that tenants overpay.

13 Every item on the RCS should be reevaluated, and
14 excessive costs already being paid by tenants should be
15 refunded. Tenants who have vacated but have paid
16 excessive costs should receive a refund.

17 We submitted this report to you in 2020. If you
18 would like us to resubmit it, we'd be very happy to do
19 that.

20 High caps on the costs encourage landlords to submit
21 the highest possible cost regardless of what they
22 actually paid. And I think there's a reasonable
23 understanding that there is a certain amount of
24 dishonesty in what landlords pay -- actually pay and what
25 they submit. And these high caps also encourage upstate

1 landlords to use downstate prices.

2 And I would say this in response to some of the
3 landlords who have testified here, that although MCIs are
4 collectible for 30 years, they are amortized in 12 or 12
5 and half years depending on the size of the building. So
6 that's a comfortable profit margin, and there's no need
7 for HCR to further recompense owners.

8 In terms of response time, both tenants and owners
9 should get 90 days. And we've also noticed that many
10 items on the RCS do not appear on the use-for-life
11 schedule and vice versa. Sometimes the descriptions
12 vary. Anything that doesn't appear on the use-for-life
13 schedule should not be eligible for an MCI because there
14 is no way to know when it can be replaced.

15 I'm here on behalf of a community that is constantly
16 beset by MCIs. You can correct me, perhaps, that at one
17 time we accounted for the bulk of your MCI work, the
18 THCR. And you were, at one point, very happy to finally
19 clear it out. But now is the time for HCR to do the
20 right thing for tenants so we can live comfortably and
21 safely in our homes for many years to come. Thank you.

22 MR. PASCAL: Thank you.

23 I'm going to go to Yonkers. Then after the one
24 person, Yonkers, I'm going to do -- I think it says,
25 Theddy Thomas (phonetic)? Is there a Theddy Thomas?

1 Teddy? Oh, okay. Teddy Thomas (phonetic).

2 So Teddy, you're up next.

3 MR STECKER: Okay. Thank you. We have Ken Wilson.

4 CHAIR PASCAL: Okay, Peter.

5 MR. WILSON: My name is Ken Wilson. I'm a landlord
6 at Yonkers, and have a number of buildings that they
7 basically provide affordable housing at Yonkers. The
8 proposed changes, as a result of the -- these regulations
9 and the HSTP (sic), will have a long-term effective
10 discouraging investment in rent regulated multi-family
11 housing. The result would be the deterioration in the
12 housing, stock, and loss of especially affordable housing
13 units. The purpose of the grant regulations I stated in
14 the HSTPA is to prevent rent gouging.

15 But it's not just to keep rents as low as possible
16 to the detriment of the investment of the building. I
17 want to talk about IAIs, Individual Apartment
18 Investments. The regulation should encourage IAIs
19 through safe and attractive apartments for tenants to
20 rent them reasonable level without rent gouging. The
21 regulations mentioned in the fair market rents, we're not
22 talking up here about \$9,000 apartments that some of the
23 people have mentioned in New York City. We're talking
24 about things that are on the -- that -- that -- are
25 around a Fair Market Rents that's listed by HUD.

1 The formula is in the HSTPA to not allow these low-
2 rent apartments to rise to a reasonable level on banking
3 safe. These rents for long-term tenants are frequently
4 below the out ready costs, and way below the HUD Fair
5 Market Rents. The rents still --

6 The rent law still states that the objective of the
7 law is to allow rents to rise to the market. The basic
8 formula -- formulas for rent adjustments change from
9 1/40, 1/60, to 1/68 and 1/88. A factor of 420 percent
10 for buildings of less than 35 and 313 percent of
11 buildings over 35. Our return, now, is not sufficient to
12 make needed improvements. And these formulas, which are
13 drastic changes, were revised when the inflation rate was
14 1 and 2 percent; now it's 8.5 percent. A little bit of
15 \$15,000 for apartment renovations indicating a lack --
16 indicates a lack of understanding of what is required to
17 properly renovate an apartment. Some apartments -- and I
18 have some ways -- require a new bathroom, sometimes two;
19 new kitchen, including floors, cabinets, appliances; new
20 wiring throughout the apartment to bring it up to
21 covering code.

22 These are apartments that people have been in for 40
23 years. And I have an example of one. New sheetrock on
24 all the walls, new moldings of doors, new front door, new
25 intercom, new windows. You can't do this with \$15,000.

1 And when I told this to some legislators about this in
2 Westchester, they -- I said, where'd you get these
3 numbers? It made no sense. And they said, we got it
4 from the HCR. And I said, gee, what -- what do they know
5 about what it costs to -- to develop to -- to renovate an
6 apartment? You need something in Westchester as opposed
7 to Manhattan South and 96th Street.

8 These kinds of renovations can't be done for
9 \$15,000, even for a one-bedroom apartment. For example,
10 I've got an apartment that's renting now -- or was
11 renting for about \$700. The lady had been there for 40
12 years; she passed away. It needs everything. All of the
13 things I mentioned above, and it just makes no sense to
14 invest that -- that amount, so I don't even know what to
15 do with this apartment.

16 The -- some of the other people talked about --
17 about warehousing; that it needs a warehousing. I don't
18 think that's a -- that's a proper term; I think it's --
19 it's a result of -- of -- of a bad law that discourages
20 the investment in housing. Come up with another name,
21 because I think things need to be changed and some --
22 some legislators recognize that.

23 And a limit of \$15,000 applies to all apartments,
24 whether in a studio or an eight-room apartment. I've got
25 studios and I've got eight-room apartments, and I've got

1 other apartments that are the size of a small house. You
2 can't even get started with \$15,000 on those kind of
3 house -- those kind apartments. The law needs to be
4 changed to reflect apartment size: one-, two-, three- and
5 four-bedroom.

6 The HSTPA also makes this rent adjustment temporary
7 for 30 years. This is an investment. That should be --
8 have a recent return. Landlords have other investment
9 alternatives that must compete with -- with -- with the
10 investment in an apartment.

11 We invest something in a -- in a New York State
12 bond. Keep the bond for 30 years. At the end of 30
13 years, we still own it; we don't have to give it back.

14 This temporary adjustment is another thing that -- a
15 little discouraged. Dishonorable investments -- in --
16 in -- and improvements. The language regarding the
17 licensed contractors is too vague. This is -- it is
18 clear that the electrical and major plumbing work,
19 constructional work, should require licensed contractors
20 and installing (indiscernible) -- and -- and installing
21 appliances should not count. But it's not clear whether
22 most of the work, such as installing sheetrock, molding,
23 kitchen and bathroom cabinets and fixtures, floors,
24 doors, windows, painting and materials purchased
25 directly, requires licensed contractors. If we do

1 these -- if these do require licensed contractors, you
2 are increasing the cost of improvements while placing a
3 \$15,000 cap on the work. If -- unless this is changed,
4 it's just going to result in less improvements to the
5 apartment. I don't think that's what you want.

6 I would suggest the following language: Use of a
7 licensed contractor will require electrical wiring, major
8 plumbing work, constructional work, other work, such as
9 installing sheetrock, moldings, kitchen and bathroom
10 cabinets, fixtures, floors, doors, windows, and painting
11 material purchased directly, does not require a licensed
12 contractor. I'd like to have a stipulation where we know
13 what the rules are so we can follow them, as opposed to
14 leaving a big thing and then finding out five years later
15 that it wasn't correct.

16 It is increasingly difficult for contractors,
17 especially small contractors that are used in the
18 individual apartment improvements in New York State, to
19 obtain insurance, which is required for the license
20 because of the Scaffold Law, which the legislature
21 refuses its changes. Many insurance companies have
22 stopped writing policies in New York State because of the
23 Scaffold Law, which has driven up premiums and made it
24 impossible for some contractors to obtain insurance of
25 law. And I think the legislature needs to deal with this

1 issue that have been ignored for years. Thank you very
2 much.

3 CHAIR PASCAL: Thank you.

4 Teddy Thomas.

5 MR. THOMAS: Thank you very much, Deputy
6 Commissioner.

7 Good afternoon, everyone. I'm a tenant in Brooklyn
8 now. And I'm a member of Housing Justice for All and Met
9 Council on Housing. I'm here to tell you my story. I
10 moved to New York City -- back to New York City in 2017.
11 I was searching for an apartment for close to 18 months
12 before that to try to find an affordable apartment. I
13 thought I finally found one that was decent in a great
14 area of Upper Manhattan around 143 Street and Broadway,
15 close to my job at Columbia University at the time. And
16 come to find out that that apartment was going to be five
17 years of a nightmare.

18 I dealt with water leaks, roaches, rodents. I dealt
19 with harassment from my landlord as we tried to start a
20 tenant's association in the building. I lost my job in
21 2020 due to COVID, and was behind on my rent, and
22 thankfully, the ERAP program saved me. I was -- I was
23 able to get some of my back rent paid by that program.
24 All throughout this process, though, I was living in an
25 apartment that allegedly had an IAI done. I was paying

1 2,334.50 by the time I left this apartment a few months
2 back.

3 The tenant before me -- before this alleged IAI was
4 done -- was paying 1,261 in rent. How do we jump from
5 1,261 to 2,334.50?

6 I filed an overcharged complaint in 2019 with your
7 agency; I heard absolutely nothing back about that
8 overcharge complaint. I had the Freedom of Information
9 Law request the case file from your agency, Deputy
10 Commissioner, and when I did that, I was shocked to find
11 that my landlord was claiming that they had installed USB
12 outlets and LED lighting throughout my apartment. I have
13 pictures that I could show of my apartment. None of
14 these things were installed.

15 There were holes behind the dishwasher that were
16 allowing rodents to come into my apartment. The
17 baseboards were not properly calked. There were gaps in
18 the hardwood floors. And my landlord was going to sit
19 there and claim that this was an apartment improvement.
20 The basic maintenance wasn't even done in my apartment.

21 We heard testimony from numerous landlords today
22 stating that their hands are tied by new regulations and
23 by the HSTPA. That's not true. Landlords have not been
24 keeping up apartments, and have not been performing basic
25 maintenance for years, both Upstate and Downstate.

1 We heard about testimony about the substantial rehab
2 amendments that you were proposing, and that they're
3 being set up for further -- further litigation, one
4 landlord attorney claimed. Maybe that litigation should
5 happen.

6 I -- I moved out of my apartment because I was so
7 sick and tired of having to live with roaches and water
8 leaks and harassment from my landlord when trying to
9 fight for rights that ostensibly I have under the Housing
10 Maintenance Code, and then to the Rent Stabilization
11 Code. I've turned, instead, to litigating in a -- an
12 eviction case and a nonpayment case, that is still
13 pending against me even though I don't live there, to try
14 to fight for my overcharge complaint because your agency
15 has done absolutely nothing to help me. You say that you
16 want -- on your goals, on your -- your mission statement
17 that you want to have -- maintain affordable housing in
18 New York State. And that's why, we heard testimony from
19 Assembly Member Epstein and Assembly Member Glock that
20 you're -- that their constituents are in support of these
21 amendments to the Rent Stabilization Code to support the
22 HSTPA, which was passed in 2019.

23 I applaud the HCR for taking proactive steps to
24 implement regulations such as those around IAIs to make
25 sure that IAIs are capped. That the number of IAIs that

1 happened in an individual apartment are not unreasonable,
2 and that the costs are not unreasonably passed onto
3 tenants for performing things like basic maintenance. In
4 my IAI, my landlord also claimed that they painted and
5 plastered the apartment, something that's required by the
6 Housing Maintenance Code every three years. That is not
7 an Individual Apartment Improvement.

8 And landlords have the gall to come to this hearing
9 and testify that their hands are tied and that -- sorry.
10 They have the gall to come here and say that inflation is
11 hurting them, and that these -- these regulations are an
12 attack and an affront, holding against landlords. But
13 what they don't realize is that there's a power imbalance
14 in the landlord/tenant relationship. Landlords have most
15 of the power, landlords have most of the money.

16 Tenants just want stable, affordable, safe, and
17 decent housing. Tenants don't want to live in squalor.
18 And the majority of tenants do what they're supposed to
19 do. This is why we need the amendments to be strong.
20 This is why we need regulations that are clear, and to
21 prevent landlords from bad behavior with IAIs, MCIs, and
22 Frankensteining apartments.

23 With that, I want to thank you for hearing my
24 testimony and thank you for your consideration.

25 CHAIR PASCAL: Thank you.

1 James Fishman of Fishman Law Group, LLC.

2 After Mr. Fishman we're going to go check on Nassau
3 County and Westchester again. Thank you.

4 MR. FISHMAN: Good afternoon. My name is James
5 Fishman. I am a New York City tenant attorney in private
6 practice. I've been representing tenants in New York
7 City for over 40 years. I'm here today to talk about a
8 specific section of the Rent Stabilization Code, which is
9 2524.5(a)(2), which deals with demolition. This section
10 permits landlords to refuse to renew rent stabilized
11 tenants' leases if they intend to demolish the building.

12 The proposed amendment that DHCR has promulgated
13 would require the landlord to show that it intends to
14 actually raise the building to the ground, which would
15 eliminate the concept of phony demolitions where
16 landlords would simply gut the building, leave the wall
17 standing, and that was not -- that's not a demolition,
18 and that wouldn't be a demolition under the amendments.
19 And I applaud DHCR for this proposal to make that clear.

20 However, the demolition of the amendment that DHCR
21 proposes does not nearly go far enough. Instead, this
22 section must be further amended to require that a
23 landlord show a good faith intent to not only fully
24 demolish the building, but also to build a new one.
25 Because -- and that they have the financial ability to do

1 that.

2 The urgency of this amendment was made apparent just
3 in September when the Appellate Division First
4 Department, the intermediate level appellate court that
5 covers Manhattan and the Bronx, issued a ruling in a case
6 called First New York v. DHCR. And in that case, the
7 appellate division unanimously held that a landlord is
8 not required to show any post-demolition plan. They
9 simply have to say, we have a plan to demolish, here's
10 our approved plan to demolish the building, but they
11 don't have to say anything about what they intend to do
12 after that, or to show any financial ability to build a
13 new building.

14 Now the result of this, is that this is going to
15 eviscerate the repeal of vacancy deregulation, which
16 we -- which we won with the HSTPA. That was a huge
17 victory for tenants, but that victory will be short-lived
18 if this decision is not reversed by the enactment of a --
19 an appropriate amendment to the Rent Stabilization Code,
20 which would require landlords to show that they intend to
21 build a new building and that they have the ability to do
22 so.

23 Tens of thousands of rent-stabilized tenants who are
24 living in the smaller buildings where a landlord could
25 simply file an application with DHCR saying I intend to

1 demolish this building. And we've seen over the years
2 that landlords repeatedly file these applications and get
3 the tenants out, and then flip the building, because they
4 now have a much more valuable building that they've
5 emptied of rent-stabilized tenants based upon a bogus,
6 phony demolition application.

7 So the -- the rules must be significantly tightened
8 to show that the landlords actually have a good-faith
9 intent, not only to fully demolish, but to build
10 something new, so that they can't use this as a backdoor
11 around the repeal of vacancy deregulation, because tens
12 of thousands of rent stabilized tenants in New York are
13 at risk once this catches on. As I said, it only
14 happened last month in the appellate division, and we are
15 going to see this as a wave of demolition applications
16 based upon the flimsiest of documentation.

17 So if this loophole can be closed, we will finally
18 get the benefit of the repeal of vacancy deregulation,
19 because without it, we might as well have vacancy
20 deregulation again. Thank you.

21 CHAIR PASCAL: Thank you.

22 Nassau County?

23 James?

24 All right. We'll go to Westchester.

25 Peter?

1 MR. STECKER: Deputy Commissioner, we have one
2 speaker here, Howey Rabicoff (phonetic). I've been asked
3 to wait until the screen shows up on your end, which
4 we'll do.

5 CHAIR PASCAL: We see you.

6 MR. STECKER: Okay, great.

7 MR. RABICOFF: Good afternoon. My name is Howie
8 Rabicoff, I'm a small landlord in Westchester. Please
9 recognize that. Small landlords are not the large
10 landlords we've been hearing about today. Westchester is
11 unique and distinct from New York City. The HSTPA laws
12 in 2019 are killing the small landlord in Westchester.
13 They're killing the old stock; the rental housing that we
14 all need, that we're all referencing here today.

15 The proposed revisions to these laws that you're
16 considering further accelerate the problem my colleagues
17 have been describing to you this morning; this afternoon,
18 and you've heard about now for months, if not years,
19 since these laws were passed in 2019. I was hoping the
20 revisions you reviewed today would retract some of what
21 was passed in 2019. I was hoping you'd be considering
22 the revisions to the HSTPA laws that would give something
23 back to the struggling landlords, like myself, and the
24 other people in this room.

25 We are desperately trying to keep up, and we are

1 desperately trying to provide the housing to a segment of
2 this population that has few options. We understand the
3 plight of the tenant you are all trying to protect. We
4 are right alongside that tenant. We are not fighting
5 that tenant; we are fighting to maintain those units. I
6 was hoping to see a restoration of the vacancy allowance,
7 not 20 percent -- I'm sure most of you are laughing at me
8 now. We'd like to see something that is tied to the
9 number of years a previous tenant was in that unit.

10 I was hoping to see an increase in the Individual
11 Apartment Improvements, at the very least, a spread for
12 different sized units. The amount of money one needs to
13 spend to renovate a studio is simply not the same amount
14 of money needed to renovate a one-bedroom, two-bedroom,
15 three-bedroom, and so on.

16 Have you consulted with electricians and plumbers
17 and general contractors? Have you consulted with cabinet
18 makers as to what the real price is of a new set of
19 cabinets for a kitchen in a one-bedroom apartment? Or
20 are you solely looking at information that's being
21 provided to you, that you may or may not trust? Or that
22 may or may not be accurate for Westchester versus Nassau
23 or versus New York City?

24 And it may not be the same for a small landlord in
25 Westchester as it is for (indiscernible) in New York

1 City. At the absolute minimum, I was hoping you'd
2 recognize that \$15,000 in 2019 does not have the same
3 value as it does today.

4 Similarly, an apartment renovation in 2019 can't
5 cost nearly the same as it cost today. Inflation isn't
6 the only factor. Please, please use common logic.

7 As you review today's proposed changes to the 2019
8 laws, I'm wondering who you're really consulting with.
9 Have you met with engineers who understand the life of a
10 hardwood floor? Or a Hypalon roof? Or a boiler burning
11 Number 2 oil to produce steam, heat, in a two-pipe
12 system? Do you know what a landlord has to consider when
13 a cast iron tub starts to show rust? Are you speaking
14 with real estate professionals that can appraise the
15 value of property? And the bankers who approve loans
16 based on those appraisals?

17 I think you need a team of professionals you trust.
18 I'd really like you to give some thought to how one-sided
19 this topic has been over too long a period of time. I'd
20 really like you to give some thought as to how
21 narrow-minded these laws are. We all know what happens
22 when any single group of people has power in this country
23 and completely ignores the others.

24 I'm a landlord. I know by that definition most of
25 you don't trust me. I hope you can find professionals

1 with licenses that you can trust. I'll trust them as
2 well. I hope you can consult with them and find a better
3 balance. Because today the HSTPA laws and the revisions
4 that you're considering, are imbalanced and they're
5 destroying our housing, and they're deteriorating the
6 housing stock and quality of life we all want for the
7 segment of rental -- of renters here in Westchester
8 County. Thank you.

9 CHAIR PASCAL: Thank you.

10 Rima Begum.

11 MS. BEGUM: Good afternoon. Can you hear me?

12 CHAIR PASCAL: Yes.

13 MS. BEGUM: Awesome. My name is Rima Begum. I am
14 the associate director of the Housing Stability Program
15 at Chhaya CDC, and a rent-stabilized tenant in StuyTown.
16 We are a nonprofit organization that builds power,
17 housing stability, and economic wellbeing of South Asians
18 and Inter-Caribbean communities in New York City. We
19 work with hundreds of rent-stabilized tenants in Queens.
20 And because of our language capacity, we service many
21 Bangladesh tenants in Queens facing overcharge, repair
22 issues, and landlord harassment.

23 The (indiscernible) alongside our neighbors and
24 allies for the Housing Stability Tenant Protection Act of
25 2019. We know that the passing -- that the -- that

1 passing -- a passage of bills is not enough. We have to
2 ensure that HCR is implementing the law. Major capital
3 improvements is the last standing loophole that landlords
4 continue to utilize in an effort to displace long-
5 standing tenants.

6 Landlords applying for an MCI rent increase must
7 submit proper verification that their buildings are free
8 of any and all open violations. An HCR should
9 automatically reject the MCI application for rent
10 increase if the landlord made any false statements about
11 such violations. Landlords that fail to maintain their
12 buildings up to code and are in violations of city and
13 state laws, should not be rewarded with any rent
14 increases.

15 HCR must include the following into its regulation:
16 HCR should establish procedures to automatically check
17 city and state agencies and all relevant database for
18 hazardous violations at the time the application is
19 received. And verify again before the MCI order is
20 granted. And again at the time of the PAR decision. HCR
21 must confirm the violations have been certified as
22 cleared and there are no outstanding violations to be
23 cleared.

24 In addition to checking for code violations, HCR
25 must take into consideration any complaints filed by

1 tenants, including building wide, or individual apartment
2 rent reductions, as well as tenant harassment complaints
3 filed with the agency. The complaints must be resolved
4 prior to the agency issuing an MCI order.

5 HCR should not accept an affidavit attesting to the
6 removal of a -- of violating conditions in new or actual
7 clients of the violations by the issuing agency. The
8 legislature clearly intended to prohibit MCIs of
9 buildings with any outstanding hazardous or immediately
10 hazardous conditions. Until the violations have been
11 removed by the issuing agency, it remains outstanding.
12 Unclaimed of lead paint violations in preparation for the
13 MCI application cannot be done under the owner's own lead
14 paint abatement license or by a firm with the financial
15 or familiar relationship to the owner. All regulated
16 safety standards must be met.

17 Landlords must also submit a statement of compliance
18 with -- with applicable provisions of the law related to
19 lead paint removal. And such statement will describe
20 with particularity what means and methods were undertaken
21 to meet this compliance.

22 Lastly, you have to create better methods of
23 communicating with municipal agencies. There's a massive
24 gap in communication between the city and state agencies
25 which creates pockets of opportunities for landlords to

1 continue their abusive behaviors.

2 I want to end my testimony today by asking you to
3 listen to the themes of today's hearing. From tenant and
4 advocate, the themes are abuse and harassment from
5 landlords Upstate and Downstates (sic), their lobbyists
6 and themselves. It's about profit, profit, and profit.
7 Thank you.

8 CHAIR PASCAL: Thank you.

9 Moreom Perven.

10 MS. PERVEN: Thank you, DCR, for this opportunity.
11 My name is Moreom Perven. I am (indiscernible), and
12 currently residing at 80th and Fifth 168 District,
13 Jamaica, Queens. I am here to raise issues and gait from
14 DHCR. Housing is a human right and this is the place
15 where it's supposed to live in a peaceful, safe, and
16 healthy way. My building has 187 rent-stabilized, they
17 need out of the too tall 190 unit. In my building,
18 labels fall into different demograph (sic) groups, by
19 gender, race, age, language, education, and most of them
20 belong to the working class.

21 My building has five approved MCIs and a pending
22 rate reduction application. You know, (indiscernible)
23 signature, responses, or other documents from each unit
24 and explain the purpose of the letter from DHCR and
25 meeting tenants for further discussion. It is time

1 consuming, work -- for working class people like me.
2 Normally DHCR gives time to response to each letter all
3 to the 30 days, which is not enough time for both tenants
4 and landlord side.

5 Tenants and landlords should both have 90 days for
6 tenants to response all -- to all MCIs. It is not fair
7 to have tenants worry about work that happen two years
8 ago. This issue (indiscernible) we can make for two
9 years ago justification sees it is missing from the book.
10 Thus I am asking DHCR to change MCIs two-year deadline to
11 apply for MCIs 2522.4(b)(8) rule. Also, my building has
12 (indiscernible) to intercom key issues, what in the case
13 and several open violations, individually and building
14 widely.

15 On the deterioration, my landlord make tenants
16 suffer month after month and year after years, and does
17 unprofessional work who does not fix the issue. There
18 are open form of -- these are open form of harassment,
19 because of the gap between HPD and DHCR. Tenants don't
20 get update on the violation unless the tenant investigate
21 themselves. And if we submit a complaint to DHCR about
22 these things, it takes forever. My landlord
23 (indiscernible) realty is not taking us real on, he's
24 ignoring us for lack of accountability from DHCR.

25 (Indiscernible) realty has been taken to court by

1 the attorney general for charging excessive fees, forcing
2 tenant into signing (indiscernible) leases, raising rent,
3 and denying tenant right. DHCR still -- good thing you
4 are doing your job correctly. We have an active rent
5 reduction application and we are on the rent reduction
6 pause phase. DHCR is no rule, if any building has any
7 rent reduction application from the tenant, then it will
8 deny all MCIs for that building. So how do you help five
9 MCIs from my building at once without taking all facts
10 and the building's issues.

11 I'm humbly requesting DHCR to remove all MCIs from
12 my building. I recommend DHCR to a apologize system
13 upgrade and transparency and most of time for tenant
14 complaints about what charge -- charges you do services,
15 harassment and enforcement of other (indiscernible). And
16 denying all the MCIs in building when are owned by a bad
17 landlord. When there are violations and active rent
18 reduction. Also urging DHCR to change IAI 2522.4, MCI
19 building violations 24 -- 2522.4(b)(13). Then the
20 (indiscernible) is complaints, 2523.7(b), 2526.1, and
21 2526.1.

22 The 2019 more is supposed to be about more
23 protection for tenants, not more opportunity for the
24 landlord to make more money from tenants. Thank you for
25 your time, Mr. Deputy Commissioner.

1 CHAIR PASCAL: Thank you.

2 Nassau?

3 MR. STECKER: Good afternoon, Deputy Commissioner.

4 We have no registered speakers here in Nassau at this
5 time. We're still monitoring.

6 CHAIR PASCAL: Thank you.

7 Westchester?

8 MR. FERRERA: Deputy Commissioner, we have no
9 further speakers at this time.

10 CHAIR PASCAL: Okay. Great.

11 Julius Bennet (phonetic)? Julius Bennet?

12 Judith Douglas?

13 MS. DOUGLAS: Good afternoon. My name is Judith
14 Douglas; I represent 249 and 7th Street in Brooklyn. I
15 am a tenant, and I also had to create two tenant's
16 association; one in my building, and one across the
17 street. And the reason I was forced to do that is
18 because the landlord failed to do his job.

19 The landlord, at some point, purchased the building
20 from the previous owner and basically at some point, he
21 asked MCI to give money to help to fix the building. The
22 building was not fixed. Whatever they did -- they
23 probably used the money to do other stuff. But we did
24 not get even a fifth.

25 But what happen is, we in turn had to pay extra

1 money for each of the rooms that they claim they fix.
2 The problem is, we never knew MCI was giving them money,
3 but we receive a letter from MCI after the work was
4 finished and telling us that we have to pay, like,
5 certain amount for each of the rooms that they claim that
6 they did work on. They did replace some windows. The
7 windows that they replaced was really, really poor,
8 because when the winter comes, you can feel the cold air
9 coming in, and these are brand new windows. Which mean
10 they have different grade of windows and we probably get
11 the worst.

12 And the doors that were not fixed, they're --
13 they're lead on the doors. We have kids in -- in the
14 building who have asthma, and even when we complain, they
15 still didn't fix it. So I'm not sure why they get all
16 this money to do repairs and the work was not done. And
17 we still suffering and we still paying that money, you
18 know, moving forward. We still paying the money in our
19 rent.

20 I think we need to -- when MCI is giving money to --
21 to management to fix the building, they need to have some
22 kind of manager too in place. A manager that will make
23 sure the work is being done, someone to come inside to
24 make sure things are being done accordingly. The --
25 the -- the part of the material that they're using. You

1 know, if there's no -- if there's no -- once the money
2 to -- what the landlord is doing. Anybody can write a
3 letter claiming that they pay this amounts when nobody
4 really come to confirm anything. So it just basically
5 word of mouth.

6 We have been dealing with a lot of coldness in the
7 building. Coldness mean that when -- before he took the
8 building over, we used to have great heat. And since he
9 purchased the building, he changed the system where we
10 get limited heat, so often time we have to call 311. 311
11 sometimes they're good and they're bad, you know.
12 Sometime when they come out, they were informed the
13 landlord, and by time they come, the heat is on. So you
14 really don't -- if -- something have to work with.
15 Something that might come out and we have a little bit of
16 heat. But the ongoing issue is the heat in the building,
17 knowing that you get all this money to fix the -- for fix
18 the heat which didn't need to be fixed.

19 And now we still suffering but we still paying the
20 landlord. So I think that us tenants, we -- I'm here to
21 represent the tenants. And we need to make sure that
22 when they ask the MCI for money to fix the building, MCI
23 need to make sure that the violation in these buildings
24 are being done before they get the money. That's another
25 thing, they only fix some and not all of it.

1 We need to have positive place. We should not be
2 getting a letter after the fact to tell us our rent will
3 be increased for every room that they got. That, like,
4 the living room, the bedroom, and whatever, you know, the
5 kitchen.

6 We should not be getting money -- I mean, a letter,
7 stating that we have to pay this in our rent when we
8 really didn't benefit from the service per se. Because I
9 said to you, the windows was still cold. Even they're
10 brand new windows, but is the quality of windows.

11 And I went to Home Depot to address certain issues;
12 they tell me window quality is different. You have --
13 you -- you get something cheap; you get cold air come in.
14 You get something high quality, you -- you -- you know,
15 at least you'll get some good -- good heat.

16 So I understand that part of it. But we need to
17 make sure that someone is on the premises when these
18 landlords are making adjustment or doing any kind of
19 work. Knowing that they're going to get money for the
20 next 20 years, not paying taxes on, and the tenants still
21 suffer in the end.

22 Lead paint issue is another issue in the building,
23 and that was not addressed. Up to yesterday they were
24 coming there with -- a lady have a one-year-old baby.
25 They were just ripping down her apartment to fix all

1 these issues.

2 These are issues we addressing to the landlord, but
3 they won't listen to us. And I notice you have one
4 (indiscernible) to address about the financial impact it
5 has on him, but we are here as tenants who are dealing
6 with the situation, you know. So we can speak from our
7 own experience. We need better communication between the
8 two agencies, because they're not communicating. The
9 city, the state, they're not -- they're not -- they're
10 not syncing. So we need to work on that also, because
11 the rent reduction application, we -- that has to work a
12 little bit more. We need to have MCI to deny financial
13 assistance to landlord, who -- who are not taking care of
14 the building. Meaning who are not maintaining their
15 building, they just want to pick up the rents every
16 month. So that's my issue right now in terms of my
17 concerns.

18 CHAIR PASCAL: Okay. Thank you.

19 Westchester?

20 Nassau?

21 Start with Westchester.

22 MR. FERRERA: Yeah, there's still nobody here new
23 that's signed up to speak.

24 CHAIR PASCAL: Nassau?

25 MR. STECKER: Yeah, still no one new signed up to

1 speak, Woody.

2 CHAIR PASCAL: All right. So Westchester, Nassau,
3 we're going to recess you, and we will restart you at
4 1:45.

5 New York City will recess, and we'll reconvene at
6 2:15.

7 (OFF THE RECORD)

8 (ON THE RECORD)

9 CHAIR PASCAL: I am Woody Pascal, I'm the Deputy
10 Commissioner for the Office of Rent Administration. We
11 are reconvening the hearings in Westchester and Nassau
12 County.

13 Mr. Stecker, do you have anyone who is going to be
14 testifying?

15 MR. STECKER: Hi, Deputy Commission. We actually do
16 not have anyone else that's going to be testifying.

17 CHAIR PASCAL: Mr. Ferrera, do you have anyone who's
18 going to be testifying?

19 MR. FERRERA: We have no one here in Nassau County
20 to testify.

21 CHAIR PASCAL: Great.

22 Okay. I think we can terminate the proceedings in
23 Westchester and Nassau County. New York City will
24 reconvene at 2:15. Thank you all for everything that
25 you've done today. Appreciate you. Thank you.

1 MR. FERRERA: Thank you.

2 (OFF THE RECORD)

3 (ON THE RECORD)

4 CHAIR PASCAL: All right. Good afternoon. This is
5 the second session of a public hearing to give you an
6 opportunity to express your opinions on HCR's proposed
7 amendments to the New York State Emergency Tenant
8 Protection, regulations, and the New York State rent and
9 evictions regulations. The sections of the respective
10 regulations proposed are on HCR's website at
11 hcr.ny.gov/regulatory-information.

12 So we're going to start this off with Mike McKee.
13 Mic is to the right. Stand just a little bit back so
14 that the transcriber -- excuse me -- so that the
15 stenographer can ensure that we get everything that
16 you're saying clearly. Thanks, Mike.

17 MR. MCKEE: Good afternoon, Deputy Commissioner, and
18 other staff of the agency. My name is Michael McKee. I
19 am the treasurer of the Tenant's Political Action
20 Committee. And I have worn many other hats in the tenant
21 movement in the last five decades.

22 I'm here to comment both on the New York City Rent
23 Stabilization Code, and the Emergency Tenant Protection
24 regulations, so I hope you'll indulge me. I didn't feel
25 like making two trips today; one to here and one to

1 Yonkers. Overall I want to say that you have done an
2 excellent job of -- of these regulations. I'm quite
3 impressed. And in particular the changes to the
4 Frankensteining of apartments, which is a major, major
5 loophole, is a very good move. And incorporating the --
6 codifying the Jordan Succession case is going to save a
7 lot of tenants from losing their homes.

8 I first want to embrace the comments that have been
9 submitted to you by -- jointly by the legal services of
10 New York City and Legal Aid Society about the Rent
11 Stabilization Code amendments. And also I want to
12 embrace the comment submitted by Legal Services of Hudson
13 Valley and their comments on the ETPA regs.

14 And I want to make a few points. I have a written
15 statement here, which I am not going to read, but I will
16 leave it with you and I will email it to Mr. Barrios
17 later today. First, I want to comment on the
18 impermissible -- or indefensible, I should say, insertion
19 of a base date into the regulations for purposes of
20 establishing a legal regulated rent. The strict
21 four-year rule on lookbacks was inserted into the law in
22 1997, and the debacle known as the rent reform -- Rent
23 Regulation Reform Act of 1997.

24 It was the deal that George Pataki (phonetic)
25 offered to Shelly Silver (phonetic) in return for an

1 extra two years on the extender. This was a very bad
2 deal which has basically done an enormous amount of
3 damage. George Pataki knew what he was asking for;
4 Shelly Silver did not know what he was agreeing to. And
5 the Housing Stability and Tenant Protection Act of 2019,
6 quite properly repealed this four-year cap on lookbacks,
7 and the agency has no business trying to revive it in the
8 regulations. So I would urge you to delete that.

9 I think the substantial rehab regulations are very,
10 very good. But I think you should definitely end the
11 unlimited lookback period that landlords have to claim
12 that three or four decades ago, allegedly some kind of
13 substantial rehab took place and that therefore, they
14 should have an exemption from rent stabilization. We're
15 seeing more and more of these cases. And I think if you
16 will follow the advice of legal aid and legal services,
17 to put a strict two-year cap on lookbacks on substantial
18 rehab. It will protect a lot of people and preserve a
19 lot of rent-stabilized housing.

20 Now I want to talk about the new rent guidelines
21 boards and the new municipalities that have -- have opted
22 in in one case, and are under pipeline in the other. As
23 you are aware, one of our biggest victories in 2019 was
24 expanding the applicability of the Emergency Tenant
25 Protection Act to all 62 counties in the state. I have

1 to say that neither we, the state-wide tenant movement,
2 nor the agency was ready for what needed to be done to
3 assist municipalities and tenants in this process. As
4 you are aware, the City of Kingston opted into the ETPA
5 effective August 1st.

6 Last week the rent guidelines board -- the new rent
7 guidelines board adopted guidelines, and in the
8 innovating time an enormous amount of egregious, illegal
9 landlord conduct has taken place in the City of Kingston,
10 which I describe in my written testimony. Tenants have
11 been confused. Tenants have been frightened. And they
12 have basically, except for the efforts of two community
13 organizations, for the many incidents and action of New
14 York, for whom this was also new subject matter, they
15 have been on their own with no one from city government
16 or -- or from the state helping them.

17 So I think the regulations in terms of the ETPA
18 regulations need to be looked at very carefully and I
19 would urge you to look at the -- carefully at the
20 comments submitted by Legal Services of the Hudson
21 Valley. And I think in particular, you need to delete
22 the two-year cap on refunds under -- for Fair Market Rent
23 appeals. As you are aware, the City of Kingston rent
24 guidelines board has adopted a lookback period of three
25 years and seven months, and a two-year cap on refunds is

1 really unfair to tenants who got rent increases before
2 that.

3 Now let me just also talk to you about agency
4 practice. Since Kingston opted in, and actually, since
5 before, I have been serving as a consultant to the
6 tenants in Kingston, and to a degree to the elected
7 officials there. I have spent a lot of time going over
8 your forms and over your facts sheets, and they are
9 grossly -- they're grossly deficient. The instructions
10 on the back of the rent registration -- the initial rent
11 registration form -- are very confusing. The
12 instructions on Fair Market Rent appeals are virtually
13 nonexistent.

14 So -- and the form that you are requiring tenants to
15 use for Fair Market Rent appeals, the RA-89 overcharge
16 form, while it's appropriate for rent overcharge cases,
17 it is not appropriate for Fair Market Rent appeals. And
18 when the share of the rent guidelines board -- Kingston
19 Rent Guidelines Board -- ask the DHCR representatives if
20 they would consider creating a -- a more appropriate form
21 for Fair Market Rent appeals, the answer he got from the
22 DHCR counsel was "the board cannot dictate to the agency
23 what forms we use."

24 Now I just submit to you that is not very friendly
25 or collegial attitude. So I'm urging you to take a look

1 at your forms, to take a look at your facts sheets, and
2 make these changes. So thank you very much.

3 CHAIR PASCAL: Thank you.

4 Alex Yong?

5 MR. YOUNG: I have my printed copies here; I was in
6 a rush to get here. I don't know who gets them but --
7 oh, thank you. Thank you.

8 Thank you for letting me testify. My name is Alex
9 Yong, a tenant activist in several (indiscernible). I'm
10 here to -- to vote support for section 2524.5(a)(21).
11 (Indiscernible) enthusiast for the repeal of 2500.982,
12 the latter allowed buildings to qualify for
13 (indiscernible) base on the presumptive (indiscernible)
14 have deteriorated, which itself was based on a
15 dangerously simplistic 80 percent vacancy rate.

16 (Indiscernible) vacancy rate, most importantly
17 2500.982 allowed apartments in that type of building to
18 be removed from rent stabilization. The simplistic
19 presumption failed to note whether tenants moved after a
20 buyout. A tenant offered a buyout, by definition, is in
21 the unit a landlord wants. Thus the apartment very often
22 is not deteriorated. (Indiscernible) intended, but even
23 warehousing with 2500.982 gave landlords (indiscernible)
24 ways to play the victim, such as fabricating 80 percent
25 vacancy.

1 In the same spirit of the repeal of 2500.982, the
2 proposal of 2524.5(a)(21) is healthy for New York, as it
3 helps to get rid of landlords' chances to deceive by
4 saying exteriors must come down and foundations removed.
5 I'm also voicing enthusiasm for a 2521.1(m). During the
6 past few years, landlords' mode of Frankensteining were
7 clear vis-a-vis the 2019 HSTPA reforms. As most of you
8 know, warehousing is often a convenient precursor to
9 Frankensteining. Giant combined apartments with insane
10 monthly rents, sometimes in the five figures, aren't for
11 common New Yorkers.

12 Thereby the fairness and virtue of 2521.1(m),
13 healthy change can be enforced by DHCR. The amendment
14 would discourage Frankensteining as a method of
15 destabilization. Some forms of tenant harassment that
16 precede Frankensteining would also be reduced. Under my
17 email you see two resources which clearly illustrate how
18 landlords, warehouse can easily withhold transparency to
19 abuse math to inflict false math on tenants by
20 manipulating starting quantities which then affect
21 quorum, clarity, and concern signature gathering and
22 final tallies so that the landlord can fabricate a
23 deceptive (indiscernible) victory (indiscernible) consent
24 victory, or succeed in sabotaging tenants on
25 (indiscernible). Thank you for letting me testify.

1 CHAIR PASCAL: Thank you, Alex.

2 Ann -- Ann Korchak?

3 MS. KORCHAK: Okay. Hi, good afternoon. My name is
4 Ann Korchak, and I'm a small building owner. And I
5 wasn't sure how many owners would maybe be coming forward
6 to speak, so I wanted to take the chance to let you
7 understand how some of these regulatory changes will
8 impact small owners. Back in July of 2021, the woman who
9 had lived with us for 50 years passed away. And she
10 lived in an apartment in a hording condition, where she
11 really allowed very limited access for us to get into to
12 deal with repairs and maintenance other than, you know, a
13 bathroom or a kitchen leak during those years.

14 So the -- the -- the mess that was left behind was
15 very overwhelming for her family and friends, and for my
16 family as well. My son and I helped an elderly friend of
17 hers, you know, go through her belongings, but it was a
18 massive hoard and after a couple of weeks -- and it
19 seemed not very safe, we abandoned our efforts and we
20 then turned to have some professionals help empty out the
21 apartment. You know, it was -- took quite a bit of time;
22 a big expense. And once the apartment was substantially
23 empty, except for some large furniture, which we were
24 eventually able to donate, we hired an architect, and he
25 came in and designed an apartment.

1 And our intention was to attach it to a joining
2 apartment and create a much larger three-bedroom,
3 two-bath, which would allow us to upgrade many of the
4 things that had not been done in a long while. So that
5 process was lengthy, you know, by the time the apartment
6 was empty enough to actually bring a professional in; it
7 was late October. So he began the process, submitted
8 plans to DOB, and they were approved in late March. So
9 that process cost us about \$9,000 between the architect
10 and the expediting fees and -- and all that.

11 So our building is quite old, you know, it's an old
12 brownstone that was originally built as a single-family
13 home. Many decades ago it was converted, you know, to a
14 multi-family arrangement that's there now. But you know,
15 that design is not very efficient, you know, energy wise,
16 or even just layout for the -- you know, the way people
17 are using the apartment. So the architect was able to,
18 you know, maybe correct some of those inefficiencies and
19 we'd be -- but then, would have a nice brand new
20 three-bedroom, two-bath apartment with a laundry room and
21 better electric, you know, for the way people are using,
22 you know, their apartments now, especially since so many
23 people work from home.

24 So -- so after we got all that done, you know, we
25 began the process of, you know, reaching out to our

1 trusted contractors to figure out how much this was going
2 to cost us. The first person we reached out to was our
3 electrician, he said \$13,000; the next person we spoke to
4 was the appliance and cabinet guy, that was about another
5 \$20,000; then we started to reach out to contractors so
6 that we could get estimates for the actual construction
7 cost. The first that came in was \$195,000 and then we
8 panicked, like, boy we don't have that much money, so we
9 kind of cast the net a bit wider.

10 And then we got kind of caught up in that time where
11 we saw, you know, supply change issues and soaring
12 inflation, and quickly the estimates were going up and up
13 and up and we were up to \$295,000 for the construction
14 cost. So you know, our family hasn't had any debt on the
15 building since it was purchased, you know, back in the
16 early '40s. My husband's grandparents purchased the
17 building, they satisfied debt mortgage and we never
18 borrowed again; we kind of just used reserves to deal
19 with capital improvements.

20 But this was an amount that we didn't have so we had
21 to then go out and try to -- so we paused the project,
22 then went to try to raise some capital, which, you know,
23 entail is going to banks, which, like I said, was kind of
24 a reluctant decision for us because we hadn't borrowed
25 before. But then we wound up in, you know, a period of

1 kind of rising interest rates. So we kind of find
2 ourselves, like, now in this perfect storm where we --
3 you know -- we went ahead with, you know, the plans and
4 the DOB, because we hoped, you know, to do this
5 combination.

6 But you know, now we have, you know, rising interest
7 rates, you know, soaring construction costs. And now we
8 also learned, you know, that the regulatory rules are
9 changing. So you know, we can't possibly -- possibly
10 proceed at this time. We just -- I can't afford to take
11 on that debt for such a, you know, small increase on the
12 rent. And I imagine that there are other small owners
13 out there that are in similar positions, you know. They
14 made these plans to go ahead and all of these different
15 forces are now impacting our ability to do this.

16 So I would say my simple ask would be, you know,
17 maybe some flexibility on the effective date, you know,
18 for families like ours that had started down this path
19 and now are unable to do it because of, you know, kind of
20 a economic and debt environment that's just going to make
21 it very difficult. But I think, you know, in the broader
22 picture, I just would love to see this body and you know,
23 our state lawmakers, you know, have regulations and --
24 and policies that would allow for building owners like us
25 to invest in our properties. And so thank you. I

1 appreciate your time today.

2 CHAIR PASCAL: Thank you.

3 Adam Palasciano?

4 MR. PALASCIANO: Good afternoon, Deputy Commissioner
5 and DHCR. Thank you for allowing me the time to speak
6 today. I'm here representing the Tenants Association of
7 4474 21st Street and 1155 45th Avenue in Long Island
8 City.

9 About five months ago, our building was purchased by
10 a new owner with the intention to combine apartments and
11 to get as many tenants out of the building as quickly as
12 possible to execute renovations and to raise the rent sky
13 high and push everybody out. We have faced in-person
14 harassment. We've faced harassment by mail, by phone,
15 and even from aggressors that the new owner has hired to
16 intimidate us in person.

17 Seventeen of the 46 units in our complex are
18 officially rent stabilized, and almost all of those are
19 currently occupied. Meanwhile, the other 29 units are
20 technically deregulated, but many of us are arguing that
21 they all underwent illegal deregulation through the past
22 15 to 20. Nine of us have officially filed rent
23 overcharges and many of us are also engaging legal
24 counsel as well.

25 So it is our ask that you consider a few of the

1 following things. The passage of good cause eviction is
2 so important for the preservation of affordable housing
3 in New York City and the State of New York. Middle and
4 low income tenants in the city cannot afford a 500 or
5 \$1,000 rent increase upon renewal. This is especially in
6 this unstable economy where people are now losing jobs,
7 and the price of everything is -- is simply becoming
8 unaffordable.

9 So there should be some sort of protection and cap
10 even for officially deregulated tenants to protect them
11 from a massive rent increase of 10, 20, 30, and maybe
12 even 50 percent, which I'm sure we've all seen or know of
13 somebody that this has happened to in the past six months
14 to a year.

15 Additionally, the warehousing of apartments, I think
16 something has to change with that. If a landlord has a
17 specific number of rent stabilized units, perhaps maybe
18 they should only be able to warehouse a certain number of
19 them instead of just keeping them vacant. This is
20 diminishing the affordable housing that's available to
21 hardworking, average New Yorkers who make a normal living
22 wage. And from what I see in my fellow tenancy, it's
23 creating an environment where if kicked out officially
24 and evicted, people are going to have to move very far
25 away. And there may not be a place for them to live

1 that's nearby or equivalent for a similar price.

2 Additionally, something that I believe is very
3 important is a tenant should have the right to see the
4 apartment rent history and registrations before a lease
5 signing or at the time of lease signing. There are so
6 many accounts of tenants being lied to or cheated by the
7 landlord and moving into an otherwise rent controlled or
8 stabilized apartment under the guise that it's
9 deregulated. And as we know, the only way to undo that
10 is a long process or DHCR with an overcharge complaint or
11 going to housing court, which for many is inaccessible
12 because of the legal fees.

13 So in closing, I believe it is very important and
14 the responsibility and moral duty of DHCR to take
15 action -- further action to protect tenants in an
16 unstable economy and a rather unstable housing situation
17 in New York City, and just look out for people. I
18 appreciate your time.

19 MR. PASCAL: Thank you.

20 Diana Jarvis from John Maher Law Firm.

21 MS. JARVIS: Thank you. Sorry John couldn't be
22 here. But I'm here from the law office of John Maher,
23 and I would -- I have my prepared notes, but I would also
24 like to recommend that the individual tenants get a
25 chance to see the rent history before they rent. If the

1 issue is that you're afraid this would allow unscrupulous
2 stalking horses to try to find buildings where there is a
3 lot of low rent apartments before so that the owner can
4 underbid an aged owner or something like that, you could
5 have them have a 30-day waiver after they sign a lease,
6 they get the rent history and then they have 30 days to
7 basically, like, repudiate the lease if they think the
8 rent history doesn't qualify for it and they don't want
9 to have to sue the landlord or file a DHCR complaint.
10 Something like that could be done.

11 As for -- I'm here to talk about the
12 Frankensteining. What we have seen in our practice is
13 not people trying to create better apartments. What
14 we've seen in our practice, which is largely focused on
15 illegally deregulated buildings in Inwood, Hudson
16 Heights, and to some extent other boroughs, other than
17 Manhattan, is that class -- especially class 66, class
18 67, class 65 were designed to create public and private
19 spaces in the apartment, and especially the class 66 and
20 class 67s had maid's rooms with a separate bath for the
21 maids and a separate door to the hall.

22 It's incredibly easy for the landlords to split
23 those simply by separating the maid's quarters from the
24 right -- what would have been the family rooms. And they
25 put up one door and then they get to first rent and a

1 deregulated apartment.

2 And that ties into what I want to say about, you
3 know, base state. And also if you can reform the fair
4 market rent appeal. The most egregious situations are,
5 of course, in the most beautiful apartments, such as rent
6 controlled apartments, the aforementioned class 66 and
7 class 67s, where the landlords take them over, cut them
8 up, which, as I said, is very easy to do, and then they
9 have two deregulated apartments.

10 And it's limited by the fair market rent appeal,
11 which prevents the tenants from -- if especially there's
12 been a lot of illegal deregulation in the rest of the
13 building, prevents the tenants from getting an affordable
14 home in a neighborhood that basically is one in which
15 they have a lot of ties. Because, as I said, these
16 things happen mostly in Hudson Heights and Inwood and in
17 Harlem.

18 As for the false vacancies, I do believe there are a
19 lot of false vacancies out there. The landlords should
20 not be allowed to treat 80 percent registered vacancy as
21 a vacancy. I want to give you another feel for what
22 we're seeing as where buildings get registered as vacant.
23 If the landlord -- especially if they engage in late
24 registration, like they don't register for years and then
25 they register like once every three or four years and

1 then they backdate the registrations, they're often doing
2 what we call the 26 -- 20 -- 25, 26 833 fraud.

3 There was a provision, this was repealed in 2014,
4 which allowed a landlord to -- and a tenant to set a new
5 rent if the apartment had been vacant for four years. So
6 what they do, if they register once every four years, is
7 every time the apartment turns over, they basically,
8 register -- register it as vacant and they don't register
9 the prior tenant, and then they claim de-regulated, which
10 is illegal and was a loophole that was repealed in 2014.

11 But it does mean that you will have rent histories
12 for buildings where they're all listed as vacant. And if
13 you get the MCIs, you'll find lots of tenant complaints
14 from the vacant apartments. So to allow -- to -- to not
15 let those registered vacant apartments be presumed to be
16 vacant when the landlords had independent reasons for
17 trying to leave them vacant in order to accomplish a
18 separate form of illegal deregulation is just something I
19 would like to call to the Commission's attention.

20 Finally, there is probably no way for you to prevent
21 this; I just want to tell you, we've been seeing it. If
22 a -- if there's an estate sale, a lot of times, well, the
23 building will be sold. You'll look on ACRIS; the new
24 landlord will immediately mortgage it for twice the sale
25 price, and then they will simply tell the tenants -- do a

1 quick gut, reno, which is mostly surface, and then
2 with -- with no permits or with self-certified permits,
3 and then they'll just tell the tenants it was
4 deregulated, and they'll simply not register at all.
5 They won't register an exit, they won't -- they'll simply
6 fall off the registration.

7 So we've seen that. I don't know what you can do to
8 prevent that. The only way to do that is to compare the
9 rent registration to ACRIS. And nobody is going to do
10 that except the tenants themselves.

11 So if the tenants can look up on ACRIS, they ought
12 to be able to look up their rent history before they buy,
13 the way the owners can look up everything about a
14 building before they buy it. Thank you.

15 MR. PASCAL: Thank you.

16 Have Joseph Condon from CHIP.

17 MR. CONDON: Good afternoon. Thank you for the
18 opportunity to testify today. I'm submitting this
19 testimony on behalf of the Community Housing Improvement
20 Program, also known as CHIP. My name is Joseph Condon.
21 I'm general counsel for the organization. CHIP is a
22 trade association whose members are the owners and
23 operators of rent stabilized housing throughout the five
24 boroughs.

25 Together, CHIP members own and operate more than

1 4,000 buildings, with nearly 400,000 units among them
2 all. Our members are long-term owners and operators and
3 have significant knowledge and expertise in the area of
4 providing affordable housing. They collectively provide
5 better quality, affordable housing to more New York City
6 residents than any city or state agency or program,
7 including Section 8. We urge Homes and Community Renewal
8 and the Division of Housing and Community Renewal to use
9 our members and our organization as a resource in
10 crafting policies that impact the rent stabilized housing
11 stock.

12 As for the proposed regulations, while we agree that
13 many of these amendments are required by the 2019 Housing
14 Stability and Tenant Protection Act, we also believe that
15 DHR is going beyond what the law permits in certain
16 areas, to the detriment of the rent stabilized housing
17 stock. One of those areas is newly configured
18 apartments.

19 DCR believes that the 2019 HSTPA requires a reform
20 to its current policy on setting first rents for newly
21 created units. However, the Regulatory Impact statement
22 can only point to a general statement from the
23 overcharged provisions of HSTPA about being able to
24 consider all available rent history to support this
25 notion. The Regulatory Impact Statement also claims that

1 HSTPA emphasized preserving units at historically
2 reasonable rents.

3 However, the agency's reliance on these general
4 statements reveals that there are no specific statutory
5 amendments under the 2019 HSTPA that required DHCR to
6 amend its current policy on setting first rents for newly
7 configured units. Nor did the 2019 HSTPA change
8 statutory language, setting forth the purpose and intent
9 of the rent stabilization law.

10 While the agency may attempt to place the
11 responsibility elsewhere, any change in policy in this
12 area is solely within DHCR's discretion and up to their
13 decision. If the legislature intended to make a change
14 on setting first rents in newly configured units, it
15 would have amended New York City Administrative Code,
16 Section 26-512, which talks about initial rents. But the
17 legislature left that section alone.

18 26-512 states that the initial regulated rent for
19 housing accommodations subject to this law on the local
20 effective date or which become subject to the law
21 thereafter, shall be the rent reserved in the last
22 effective lease or other rental agreement. Based on this
23 provision, DHCS's current policy is to establish initial
24 legal rents for newly configured units as the first rent
25 agreed to between the owner and the first tenant of the

1 new unit.

2 There are numerous agency administrative decisions
3 and other agency issued guidance to this effect. Under
4 DHCR's current policy and current reasoning, a newly
5 constructed unit is a brand new unit with no rental
6 history to review. And according to 26-512, the lease
7 for the first tenant sets the initial legal rent for the
8 new unit. The prior unit or units ceased to exist, and
9 the rent history of those extinguished units are
10 irrelevant to setting an initial rent for a new unit
11 entering rent stabilization.

12 A newly created rental unit entering rent
13 stabilization for the first time, in 2022, for example,
14 should not have its rent set according to apartments with
15 initial rents that were set four or five decades earlier.
16 But that is what the current proposed amendment would
17 accomplish.

18 We urge the DHCR to reconsider the current
19 amendments regarding apartment reconfigurations. If
20 these amendments are ultimately adopted, DHCR will be
21 embarking on a form of property control that it has never
22 implemented before.

23 Never has the agency set the initial rent for a new
24 unit initially becoming subject to rent stabilization.
25 Nor has it ever adjusted the initial legal rent of a new

1 unit through anything other than a fair market rent
2 comparison. While there was no change in the statutory
3 intent of the RSL by the 2019 HSTPA, DHCR by -- in
4 adopting these -- if these amendments are adopted would
5 be making a significant policy change in this area
6 without having done any investigation into how often
7 apartments are newly configured and whether such
8 reconfigurations are useful to adjust the housing stock
9 to the housing needs of tenants.

10 If the proposed amendments were to be adopted,
11 consideration should be given to existing projects that
12 are not completed but were started under the current
13 policy for setting initial rents in newly configured
14 units. The time needed to complete renovations,
15 including obtaining permits on the front end and sign
16 offs on the back end, is significant.

17 Adding the rental process to the timeline, a newly
18 created unit typically can take six months to complete
19 from renovation to lease start date given the upfront
20 investments to obtain permits, retain fully licensed
21 contractors for fully permitted work, apply for
22 certificate of occupancy amendments when necessary, and
23 also dealing with the typical delay of overwhelmed
24 administrative agencies to get approvals and sign offs,
25 we think it is important and reasonable to include a

1 three month tolling of the effective date of these new
2 provisions if adopted.

3 Otherwise, owners who began work under the current
4 policy and invested significant time and funding will be
5 caught in the policy transition and will have effectively
6 lost any investment. While the practice of creating
7 newly configured units is by no means a widespread
8 business model, the significant investment for an
9 apartment combination project should not be taken from an
10 owner without warning. Again, we urge DHCR to reconsider
11 these particular amendments, and we are also submitting
12 written testimony that has additional commentary.

13 Thank you for letting me go a little over.

14 MR. PASCAL: Jared Cooperman from the Klein Law
15 Group.

16 MR. COOPERMAN: Hi. My name is Rachamim Cooperman.
17 I'm here today representing Herald Realty Management. We
18 are a management firm that has been in existence for over
19 20 years. We manage multiple buildings within the city.

20 The amendments that the DHCR are proposing are not
21 necessary, let alone approved by the HSTPA. Instead, the
22 DHCR is choosing to change decades of policy with the
23 full knowledge that property owners are still being hurt
24 by the negative effects of the HSTPA on their buildings
25 and livelihood. The amendments proposed today ignore

1 important components of New York's rent regulation laws.
2 While rent increases are limited during New York's
3 ongoing housing emergency, owners are allowed to realize
4 an acceptable return, which is necessary for generating
5 revenue in various ways that do not involve increasing
6 rents on existing rent stabilized tenants.

7 This is crucial so that owners can invest in their
8 property while complying with city, state, and federal
9 laws and mandates, including the requirements of Local
10 Law 97, which require buildings in New York City to
11 reduce carbon emissions 80 percent by 2050. Currently,
12 regulated owners subsidize their existing rent stabilized
13 tenants' rents, which are too low for owners to meet
14 their operating costs.

15 Legal first rent setting following the creation of
16 new units generates the revenue needed to provide this
17 subsidy, as well as the capital needed for unit and
18 building modifications that benefit all tenants. This is
19 how building systems upgrade and mandate compliance are
20 funded. By foreclosing all revenue avenues, not only
21 will buildings suffer, but so too will the tenants.

22 The HSTPA has not allowed landlords to increase
23 rents on vacant apartments whatsoever. This has caused
24 many units to remain vacant.

25 Buildings require constant investment. The proposed

1 amendments would impede rent regulated owners from making
2 investments in buildings that are well over 50 years old
3 and ignore the realities that it costs money to keep old
4 buildings livable. While the HSTPA foreclosed, many
5 means by which rent regulated owners were able to
6 generate revenue, these proposed regulations go further
7 than the HSTPA by stymying the few remaining legal
8 avenues severely limiting an owner's ability to modernize
9 and adapt their building. If adopted, these rules would
10 seek to memorialize an aging building's status quo and
11 disincentivize investment to the detriment of all rent
12 stabilized tenants, rent regulated buildings, and overall
13 housing habitability.

14 Under DHCR's proposals, both the TPR and RSC would
15 be amended to radically change DHCR's longstanding policy
16 of establishing a first rent upon the creation of a new
17 unit when it either combined with another unit in the
18 building or created using space from a common area or a
19 previously unutilized area of the building.

20 The old rule was that when the perimeter walls of
21 the apartment have been substantially moved and changed,
22 and where the previous apartment essentially ceases to
23 exist, thereby rendering its rental history meaningless,
24 then a landlord may charge a first or free market rent.
25 This is administratively created policy implemented by

1 DHCR in its capacity as the administrative agency which
2 regulates residential units.

3 The proposed amendments would reverse this decades
4 old policy by establishing a first rent for a newly
5 created or combined unit, which would typically be
6 greater than the combined legal rents for each individual
7 apartment. Under this new scheme, an owner would only be
8 permitted to collect the combined legal regulated rents
9 when combining two apartments and add a limited and
10 temporary IAI allowance for each unit.

11 Or if the outside perimeter of a rent stabilized
12 apartment is either increased or decreased but not
13 combined in whole with another apartment, then the new
14 legal regulated rent would increase or decrease by a
15 percentage that directly corresponds with the increase or
16 decrease in the original unit square footage. Regardless
17 of DHCR's intentions for proposing this change in policy,
18 the ultimate result would be to disincentive owners from
19 combining apartments or otherwise altering apartments to
20 address changing housing needs.

21 These amendments should not be adopted because first
22 and foremost, they would eliminate the one last remaining
23 method for rent regulated landlords to make improvements
24 to the building and realize a return on their investment
25 by doing so. Thank you so much. Have a great day.

1 MR. PASCAL: Thank you.

2 Aaron Weber from Weber Realty Management.

3 MR. WEBER: Hello. Thank you for the opportunity to
4 testify today.

5 The first rent law is the only way to afford
6 renovations and improvements after the 2019's HSTPA.
7 Across ten buildings in the Chelsea neighborhood of
8 Manhattan, my company manages 45 regulated rental units.
9 Rent roll data indicates that these stabilized and
10 controlled units are receiving a 253 percent average
11 discount compared to its market rate neighbors. In the
12 Chelsea buildings some rent controlled units pay less
13 than \$135 per month. There is even a 1,500 square foot
14 three-bedroom unit paying \$256 per month who occupies an
15 entire floor of our building.

16 During the summer of 2021 two stabilize units
17 voluntarily vacated as people were fleeing New York City
18 from COVID-19. One tenant lived in a large three bedroom
19 apartment for over 50 years. Under the HSTPA this unit
20 is forever regulated at \$1,090 per month. In 2021, we
21 needed at least \$1,160 per month to break even on taxes,
22 insurance, repairs, utilities, et cetera. With rising
23 gas prices this year, the break-even point increased to
24 \$1,255 per month. Therefore, it has a 15 percent
25 automatic loss every month, and that is not including

1 extraordinary repairs.

2 It is financially unsustainable to put the apartment
3 on the market since it's guaranteed to lose money every
4 month and adds tremendous liability. Plus, after 50
5 years of tenancy to bring the unit up to code, a
6 renovation will cost at least \$100,000 out of pocket
7 right away. As you can see, the first rent law is the
8 only way to afford renovations and improvements while
9 complying with the HSTPA and rent stabilization code.
10 Thank you very much. Have a good day.

11 MR. PASCAL: Thank you.

12 Edward Klein from the Klein Law Group.

13 MR. KLEIN: Thank you for conducting this hearing
14 today. We appreciate the ability to exercise our rights
15 under this great democracy called the US of A.

16 I want to open -- my -- my name is Edward Klein and
17 I have an eponymous law firm for approximately 42 years
18 and a real estate firm for about 37 years. I want to
19 open up with a segment from the Cushman & Wakefield
20 analysis from last week. And it's a spotlight on
21 multifamily -- a monthly, multifamily report. And the
22 spotlight was in Florida, and I'll quote, in June 2022,
23 the Wall Street Journal shared IRS data looking at the
24 wealth migration during 2020. Florida lapped the field
25 attracting \$4.7 billion in adjusted gross income to the

1 state. That's a lot of tax dollars. This has only
2 accelerated with Ken Griffin and his nearly 30 billion in
3 net worth, and Citadel Securities announcing the location
4 of its \$1 billion headquarters from Chicago to a new
5 Miami tower that is going to be costing 1 billion, closed
6 quote.

7 One more quote from this CNW report. They report
8 that, our team will see an influx of domestic capital.
9 That's from New York and other points to Florida, mostly
10 made up of high net worth investors,, looking to invest
11 in Florida as they seek to move capital and sell assets
12 in states where rent restrictions are becoming
13 burdensome, close quotes. That is an understatement.

14 But mind you, Cushman & Wakefield is the largest
15 property manager in the world. I think they manage
16 between 300 and 800 million square feet of space. So
17 when they speak, people listen, as in the only old
18 advertisement from 40 years ago.

19 Why did I open my remarks with these quotations?
20 It's because I wanted to demonstrate that you're losing
21 the investor class upon which New York relies on for its
22 economy. 50 percent of our taxes to pay for all those
23 great things comes from the real estate sector. If you
24 lose even 10 percent of that, you'll be \$5 billion short.
25 Indeed, you're about \$2 billion short this year because

1 the rents are not high enough and the valuations are
2 significantly lower than even just two and three years
3 ago, and that results in much less taxes.

4 Now, the city has been disingenuous in raising the
5 taxes to cover that, but you can't keep doing that and
6 expect people to stay. So the investor class will leave
7 New York, and has already left New York. You're losing
8 the investor, and with the economic growth that the
9 investor, and not just me, but tens of thousands of
10 people like me, invest in this state. And that's not --
11 that's not what I think you'd really want deep down in
12 your heart of hearts.

13 But when the DHCR recommends these recommendations,
14 these restrictions for the first time, I think since 1994
15 or 2004, then we have problems. When you eliminate all
16 the units subdivisions -- I'm doing some subdivisions
17 now, I'm adding housing to the -- to the marketplace.
18 But I'm not going to do that if I can charge \$500 per
19 apartment. But when you eliminate the subdivisions, for
20 all -- a million-plus regulated rentals, anywhere -- and
21 anywhere else in the state, you're driving whatever
22 little investment is being made in New York out of the
23 state. Is that really what you guys wanted -- you,
24 ladies and gentlemen, want to do? Do you want to drive
25 the last few million dollars of investment that we're

1 making into our apartments out of the state? I don't
2 think so.

3 Eliminating the ability to join two separate units
4 anywhere in the state also drives investment outside of
5 the state. And what does that guy who was here two
6 minutes ago, five minutes ago, supposed to do with two
7 apartments that are rented for 1,000 and the few hundred
8 dollars? Keep it at \$1,200? That's not reasonable.
9 It's not realistic.

10 He's willing to put in a couple of hundred thousand
11 dollars to get some kind of return back. That doesn't
12 hurt any tenants. There's nobody there.

13 And when you make development -- I'm not a
14 developer, thank God -- but when you make development
15 almost impossible in many cases by raising the bar,
16 you're not -- you're not accomplishing anything. The
17 developers are just going to flee. They're just going to
18 go, you know, what few there are left, and there are very
19 few. They're not staying around just to see if things
20 will change.

21 Anyway, let me focus for a few minutes on this
22 specific DHCR strategy of eliminating any subdivisions in
23 large apartments. Please explain to me why does a family
24 of one or two, which is most of the families today that
25 are coming into this housing -- this -- this controlled

1 housing, why do they need 16-, 17-, 1,800 square feet of
2 space? They're perfectly happy paying a \$1,500 rent on a
3 700 foot square space that has a bedroom and a bathroom
4 and a small kitchen.

5 That's what I'm doing with two bedroom, two bath
6 apartments that are almost 2,200 square feet. What --
7 two people don't need 2,200 square feet. It makes sense
8 and I'm adding housing. I'm adding -- you know, out of
9 nothing, we're adding extra units. I added three units
10 two years ago. I'm adding three units now. There's
11 another five I can add because there's another five
12 apartments. And not even too many buildings allow this.
13 I just happen to have a clerk in the zoning that permits
14 me to do that, but there are very few buildings that do
15 that.

16 If I can go just two more minutes, please. It's
17 a -- I would be -- I would appreciate it.

18 I think everyone will admit to you that the passage
19 of the HTSP --

20 I appreciate it.

21 -- in June 2019 significantly reduced investment in
22 the in -- in the -- in this multifamily sector, but this
23 will be like the death knell. You know, you left one or
24 two things open for investors to make a little bit of
25 money. To do that, it's not -- it's not -- it's just not

1 going to -- it's not going to move the needle. We're
2 going to stop developing the extra units and people are
3 going to stop investing.

4 Conclusion, I believe it behooves that DHCR to
5 cooperate with the real estate industry, with CHIP, with
6 RSA to further the housing development concept. And
7 maybe we can come up with some kind of a compromise that
8 will still incentivize owners to invest in their -- in
9 their units, but not drive them out of the state.
10 Respectfully, please do that and provide -- allow us to
11 provide common ground instead of just hashing these and
12 putting these through as they currently are.

13 Thank you very much for listening today. Thank you
14 for conducting this hearing and have a nice day.

15 MR. PASCAL: Thank you.

16 Nathan Taylor available?

17 MR. TAYLOR: Good afternoon and thank you for the
18 opportunity to testify. I'm Nathan Taylor, an attorney
19 and a tenant in a rent stabilized building. I have
20 provided some assistance to my tenant association, but I
21 am here on behalf of myself. This is Percy (phonetic);
22 she is a fellow tenant.

23 And I wanted to come today to, first of all, applaud
24 the agency on several of the changes that are proposed.
25 There's already been a tremendous amount of testimony on

1 the perverse incentives that are created by allowing a
2 first rent for combined apartments, the impact on
3 warehousing. And while there are obviously winners and
4 losers in any regulation, you know, edge cases where the
5 regulation may result in an inefficient result, it's the
6 task of the agency to determine where the greatest need
7 lies. And I applaud the result that the agency has come
8 to.

9 Another issue that's gotten a little less press, but
10 that I want to applaud the agency for, is in clarifying
11 the issue around the base date for overcharge complaints
12 that were filed post HSTPA. There has been some
13 confusion. Of course HSTPA itself said there would be no
14 more base dates; that this sort of four year veil of
15 ignorance that is drawn over all events that happened
16 more than four years ago would no longer occur.

17 When Regina brought back that four year veil of
18 ignorance, there was some uncertainty over whether that
19 veil would be drawn and then freeze in June of 2015 and
20 allow consideration of all events that were reviewable
21 when HSTPA was enacted, or whether it would continue to
22 be drawn and close off review of rental events until the
23 enactment date of HSTPA, so June of 2019.

24 I think the agency has gotten this right. I think
25 that when you look at the holding in Regina and it's

1 holding that HSTPA cannot be applied retroactively -- oh,
2 extending a look back period or a statute of limitations
3 for events that are reviewable at the time that that
4 statute of limitations amendment is passed, doesn't
5 constitute retroactive application of this new amendment.
6 It's prospective application of the amendment. And I
7 applaud DHCR for recognizing that.

8 You know, for those who point to Regina and to the
9 First Department's decision in *Austin v. 25 Grove Street*
10 to say that no, actually, even something that happened in
11 2016 or 2017 has to be subject to the four-year rule.
12 You know, none of those authorities actually dealt with
13 cases that involved post-HSTPA complaints. Regina
14 involves rental events that have happened sometimes
15 decades in the past and *Austin v. 25 Grove Street*
16 involved events that had happened in 2013. So those --
17 the question of 2015 versus 2019 for the base date didn't
18 come up in those cases.

19 The other issue that I want to talk about is an
20 issue where I think that the agency missed an opportunity
21 to clarify an issue that affects potentially about 25,000
22 rent-stabilized apartments. And that is, we've heard
23 about how HSTPA ended high rent vacancy deregulation
24 because high rent vacancy deregulation created this sort
25 of black box where a new tenant would come in, the rent

1 was the rent, and then they might find out years later,
2 possibly after the look back period had passed, that
3 unreasonable expenses for IAIs had been put in. So HSTPA
4 did away with high rent vacancy deregulation.

5 However, the Rent Act of 2015 also took very strong
6 steps to address high rent vacancy deregulation. And
7 that has continued to be sort of a confused area of the
8 law. As acknowledged by a pair of housing court cases,
9 the Rent Act of 2015 made it so that only the rent of the
10 departing tenant could be considered when determining
11 whether the deregulation threshold had been met.

12 Unfortunately, last December those housing court
13 cases were reversed by a fairly poorly reasoned decision
14 of the appellate term, 326 Starr Realty v. Martinez. And
15 the agency's proposed rule actually addresses the Starr
16 decision. It says that it was -- tactfully says that it
17 was not likely the final word from the courts on the Rent
18 Act of 2015. I agree with that.

19 However, the agency proposes to -- you know, said
20 that this is not right for resolution through regulation,
21 and said that instead the agency will reserve judgment
22 and then deal with this through the decisional law.

23 I would urge the agency to reconsider that. I mean,
24 the Rent Act of 2015 passed seven years ago. High rent
25 vacancy deregulation was abolished three years ago. This

1 issue could not be more ripe for determination. And I
2 will follow up with more detail on this issue in my
3 written comments. Thank you, very much.

4 MR. PASCAL: Thank you.

5 Is Julius Bennett around?

6 Okay. I think we will go on recess until we get
7 another speaker. Thank you.

8 (OFF THE RECORD)

9 (ON THE RECORD)

10 MR. PASCAL: Okay. We are ready to reconvene. Our
11 next speaker is Mohammad and Yasmine Sakai (phonetic).

12 MR. SAKAI: All right. Thank you very much, sir.

13 Good afternoon. Thank you for giving me the chance
14 to speak. And me and my wife, Yasmine -- AND my name is
15 Mohammed Sakai. we are living here at 146

16 (indiscernible) Avenue in Flushing. I have been -- I
17 have been living there for the last 18 years. It was a
18 rent stabilized building owned by Zara Realty. Since
19 Zara bought the building in 2018, they were having --
20 they have been creating so many problems for us.

21 The first one. They changed the lock on the main
22 entrance to the building with a key so they cannot be
23 duplicated and then they only gave us one key and they
24 refused to provide us with the three keys for the other
25 person living in the apartment with me. They are trying

1 to charge many of the clients for keys and asking for a
2 lot of personal documents.

3 This is the same tactic that is used in many of
4 their buildings. This is the same tactic for which
5 (indiscernible) took them to the court. This is the same
6 tactic that the Zara tenants have complained about to
7 DHCR and the DHCR has ordered free keys and rent
8 reduction in many of the Zara buildings. But all those
9 tenants in those buildings had to wait more than a year
10 for DHCR to make a decision. In some cases almost two
11 years, and then when Zara does not obey the order,
12 nothing happens.

13 Zara has decreased our maintenance. They don't make
14 repairs. If they do, they take forever and do a really
15 horrible job that doesn't fix the issue. In the winter
16 they don't give us enough heat so we are freezing. We
17 (Indiscernible) if possible. But if we submit a
18 complaint to DHCR about these things, it will take
19 forever. The rest, my wife will speak.

20 MS. SAKAI: Recently, the (indiscernible) an
21 embarrassing letter on our door saying that we were not
22 allowed to have an air conditioner in the window. They
23 are saying that we are violating the law, violating the
24 lease, and so they will take us to court and terminate
25 our lease and even charge US for damages even though we

1 are not causing any damages. But we contacted the city
2 and we know that we are allowed to have an air
3 conditioner in the window like everyone else in New York.
4 So it is -- it's just a lie.

5 And on top of everything, they want to charge
6 tenants for air-conditioning fees even though the
7 previous landlords never charged (indiscernible) many
8 years ago. That is until (indiscernible) submit a
9 complaint about harassment and overcharging to DHCR, it
10 will take forever. At the same time while they're trying
11 to (indiscernible), that would increase our rent by
12 hundreds of dollars.

13 So they say they spent \$3 million on the roof and
14 façade even though we know it's impossible. And even
15 though we have all these violations and decreasing
16 services. like the keys, and even though we didn't
17 mention that to DHCR. because we knew that many times
18 DHCR has to (Indiscernible) in Zara buildings even when
19 they have -- and then they have the exact same issues
20 that we do and even when there are rent reductions
21 ordered from DHCR.

22 And now DHCR wants to create a (indiscernible) to
23 give members the opportunity to get MCIs before the life
24 of the (indiscernible) expires. And in a (indiscernible)
25 for members to get higher amounts than the cost schedule.

1 This is not right. DHCR is proposing to give them -- a
2 new loophole to the landlords that are already exploiting
3 the system. DHCR should focus on doing audits for the
4 MCIs of the landowner, like Zara, that have been taken to
5 court by the attorney general.

6 Instead, DHCR should prioritize system upgrade and
7 transparency and faster times for tenants complaints about
8 overcharges and reduced services and harassment, not
9 enforcement for (indiscernible) and demand MCIs in
10 building owned by a bad landlord where there are
11 violations and issues from 2009 until now. It's supposed
12 to be about more protecting of the tenants not for
13 opportunities for the landlord to make a money from us.
14 Thank you.

15 (Applause)

16 MR. PASCAL: Thank you.

17 Nahida Higun.

18 MS. HIGUN: Good afternoon. Thank you for this
19 opportunity. My name is Nahida Higun. I live on 40 to
20 60 Beach Avenue in Flushing. Zara Realty is my landlord.
21 I got notice from DHCR that my landlord wants to increase
22 my rent based on MCI. I am a cancer survivor. I have
23 limited income. My only income is SSI money.

24 All the time I think if they increase my rent, how
25 would I live in this apartment and where else I will go.

1 In the middle of the night, sometimes no heat. They make
2 all the change, like changing the entrance and the tenant
3 do not get enough key and they try to charge.

4 DHCR cannot give more and more (indiscernible) to
5 landlords like Zara. They are the other ones using the
6 MCI. The MCI rules had to be more modesty, no more easy
7 for the landlord to get MCI. No way that DHCR has to
8 apply the rules and investigate with the audit and denied
9 the MCI that defines violations issue and not enough
10 transparency from the landlord.

11 DHCR also need to follow the law and consider when
12 landlord rights (indiscernible) and the (indiscernible)
13 because the increase is to be. This is what the law
14 says. We need more transparency from DHCR. We need to
15 see the MCI affecting community like mine. Please do the
16 right thing. Housing is a human right. (Indiscernible).
17 Thank you.

18 MR. PASCAL: Thank you. Frederick DeBoer
19 (phonetic).

20 MR. DEBOER: Good afternoon. I'd like to thank DHCR
21 for the opportunity. The Housing and Safety and Tenant
22 Protection Act of 2019 was passed by the state
23 legislature and signed into law by the then governor with
24 a clear understanding that the bill was transformational,
25 transformative. As many remarked at the time and sense,

1 never before had a piece of legislation so strengthened
2 tenant protections, particularly through reforming the
3 system to protect rent regulation and to stop the
4 wholesale deregulation of apartments that had been
5 occurring under previous law.

6 I am grateful that DHCR is here to act as a
7 supervisory agency that's responsible for many of the
8 provisions of HSTPA. And I know that the agency is
9 working while underfunded and understaffed. However, I
10 want to join others in urging DHCR to finish the process
11 of setting regulations without which HSTPA's essential
12 reforms are toothless.

13 I am someone who has worked with and am an endorser
14 of the Housing Justice for All Coalition's rent
15 regulation policy recommendations. I'm not going to go
16 into detail of those recommendations which others have
17 already spoken about today and you are aware of. I
18 simply want to use my time to underline the fact that the
19 need to defend rent regulation and other laws that
20 protect housing affordability could not be more urgent
21 because we are in an absolute housing crisis.

22 We were facing a rent crisis in York in 2019 when
23 the law was passed -- when HSTPA was passed. It's --
24 everything has gotten worse since. After a very brief
25 period when rents fell due to COVID, rent increases have

1 increased dramatically. According to a Douglas Alleman
2 (phonetic) report for example, in August 2022, the
3 average rent in Manhattan was over \$4,000 a month, the
4 average rent in Manhattan. Other boroughs are seeing
5 similar record rent increases.

6 According to the New York City housing and vacancy
7 survey, the vacancy rate for apartments in the city that
8 cost less than \$1,500 a month is 0.9 percent. So less
9 than 1 percent of the remaining apartments that cost less
10 than \$1,500 a month are vacant. The cheap New York
11 apartment simply does not exist anymore.

12 The city government had a 2020 budget year goal of
13 building or preserving 25,000 rent-stabilized apartments,
14 but only 16,000 actually were built or preserved.
15 Multiple news reports in places like The New York Times
16 and Politico have described chaotic frenzies for the
17 search for affordable apartments, including hours long
18 lines simply to view apartments at open houses, with many
19 leases now being the subject of bidding wars in which
20 potential renters must bid up the monthly cost of a
21 rental, a practice which once was unheard of and
22 restricted only to home purchasing.

23 And of course purchasing a home, it should go
24 without saying, is outside of the financial means of most
25 New Yorkers. Again, Manhattan, the average apartment now

1 comes in at something like \$1.2 million. But it's
2 important to say even outside of New York City as
3 context, in November 11, just this past November 11th, a
4 lengthy New York Times report described our current
5 moment as perhaps the most difficult time to buy a first
6 home in our nation's history. So moving to the suburbs
7 to get away from the rising rents is not an option.
8 Okay.

9 All of this is happening as more than 60,000 rent
10 regulated apartments are sitting vacant thanks to
11 landlords who are in effect holding them hostage to drive
12 the cost of rentals up and are often working to find
13 loopholes to deregulate such units. We know that rent
14 regulation is one of the most powerful tools for ensuring
15 that tenants have affordable rents and livable neighbors.
16 This is why the Housing Safety and Tenant Protection Act
17 of 2019 was passed in the first place.

18 HSTPA was a bill endorsed by our legislature and
19 signed into law with the intention of defending
20 regulation and expanding housing affordability. As we
21 knew they would, landlords are coming up with new
22 predatory business models to eliminate -- to undermine
23 that law and to charge tenants more.

24 The key to preventing housing affordability is for
25 DHCR to pass muscular regulations defending HSTPA's

1 affordability goals such as in the enforcement of MCIs,
2 and to enforce all of the regulations more vigorously.

3 I urge everyone to read the Housing Justice for All
4 policy platform and its many recommendations for a
5 regulatory process that would defend affordable housing
6 during a period of absolute crisis. I thank DHCR and all
7 the rest of you for your time and your attention.

8 MR. PASCAL: Thank you.

9 Tiffany Kahn and others.

10 MS. KAHN: Good afternoon, and thank you for giving
11 us the opportunity to present today on the Housing
12 Stability and Tenant Protection Act. I am here with
13 four -- or rather three of my neighbors. I will get into
14 in a minute which building this is.

15 I wanted to focus a little bit on point number four,
16 which is (indiscernible) should vigorously investigate
17 attempts by landlords to deregulate apartment units or
18 entire buildings and focus auditing efforts on the bad
19 actors according to New York City and New York City
20 officials.

21 Brooklyn, Jackson Heights, Queens, Harlem, the
22 Bronx -- I'm not going to give you specific addresses,
23 but all across these boroughs, we're finding what I
24 describe as fire evictions. This is a phenomenon which
25 we're not -- is not new. The Bronx burning in the '70s

1 was not just in the '70s. It continues to happen today.
2 We're seeing buildings that have deferred maintenance,
3 that have been poorly maintained, or just not maintained,
4 more prone to having fires. When these fires take place,
5 landlords are often using them as excuses to file what is
6 called a substantial rehabilitation.

7 In the 1970s we had a crisis, a housing crisis,
8 where parts of those neighborhoods that I just mentioned
9 resembled war-torn countries with buildings that were so
10 severely dilapidated that they were shells of buildings.
11 What's happening today is landlords are using the sub
12 rehab loophole, they're using it as a loophole to
13 deregulate their buildings.

14 The mic is coming -- I'm sorry.

15 MS. KAHN: Okay. Can you hear me?

16 Oh, okay. Is that better?

17 Okay. The substantial rehabilitation clause in
18 the -- what was then the Emergency Tenant Protection Act,
19 and is now codified still in the Housing and Tenant
20 Protection Act, was created to address a housing
21 shortage. It was created so that landlords would build
22 more or renovate their buildings. And it's quite
23 insidious that landlords are actually using it to expel
24 or evict tenants. This is why I describe this as fire
25 evictions.

1 I'm sorry, this -- I don't understand why this mic
2 is still doing this.

3 There are attorneys who have entire bulletins or
4 articles have been published on how to deregulate
5 buildings, encouraging landlords to take advantage of
6 this legislation, to then deregulate their buildings.
7 And this is becoming a matter of life and death for many
8 people. I say this without hyperbole. A 15-year-old
9 girl died, a mother lost her only child in this building
10 located at 512 W. 136th Street in 2014.

11 On May 11th of this year, DHCR ruled -- or
12 determined that this building should be exempt from rent
13 regulation. This was after the tenants -- the fire took
14 place in 2014 because of a power strip. While it is true
15 that that power strip was overcharged, we should ask
16 ourselves a question., why are tenants in the 21st
17 century still relying on methods like these to power
18 their homes? Why are tenants in the 21st century still
19 reliant on things like space heaters to have adequate
20 heat?

21 And let's be perfectly honest. This doesn't happen
22 south of 96th Street. This only happens in certain
23 communities. And this is why I am begging you to, as we
24 have stated in number four, to please investigate
25 attempts by landlords when they are trying to deregulate

1 their buildings.

2 Some of the consequences when these fires -- when
3 these fires happen, is the landlords will drag their feet
4 in the renovation process. What might have started off
5 as a fire that took place on one line suddenly in the
6 landlord's view requires that the entire building now be
7 renovated. This is to meet the 75 percent threshold
8 that's described in fact sheet number 38 and operational
9 bulletin 95-2, which allows a sub rehab or a substantial
10 rehabilitation to pass.

11 I'm sorry. There are four of us and we each have
12 five minutes. So because -- I'm going to actually -- we
13 are speaking as a group, but it won't be much more than
14 five minutes.

15 Following these fires, when landlords drag their
16 feet in the renovation process, we find all sorts of
17 scare tactics that are used, including forcing tenants,
18 like this gentleman here, who had two children attending
19 the school right across the street, are forced to sign
20 surrender agreements. And this divide and conquer
21 strategy is used exploiting people who do not speak
22 English, who don't have the time or the wherewithal to
23 hire attorneys to help them make sense of documents that
24 would have helped them stay in their homes.

25 So when the tenants say the landlord is trying to

1 destabilize the building, not only are they not
2 exaggerating, but it feels like DHCR is aiding and
3 abetting this sort of behavior. And not only is bad
4 behavior rewarded, but we're finding atrocious behavior
5 that has been profited from when these landlords are able
6 to charge two, three, four times the rent after these
7 buildings are deregulated.

8 I don't have to rattle off statistics about how
9 345,000 people -- 345,000 rent regulated units were lost
10 just between 2000 and 2007. And that was before the
11 housing financial -- and financial crisis took place.

12 But I beg you, please, when you are investigating
13 these cases, really don't just look at things like how
14 many receipts, how much did the landlord spend on
15 renovating the building or the 75 percent markers.
16 Actually look at what evidence it is that they are
17 submitting because it is fueling this housing crisis.
18 And at the very least, if the moral arguments don't mean
19 anything, think about how much you spend when you pay
20 taxes and the \$120 per bed per night is what is going to
21 DFS and the Department of Homeless Services when these
22 families are evicted and find themselves beached in
23 homeless shelters for at least three years or more.
24 Thank you.

25 MR. PASCAL: Thank you.

1 Kat Hsu?

2 MS. HSU: Hi everyone. Thank you for the
3 opportunity to speak today. My name is Kat. Sorry I'm a
4 little nervous, because I was not planning on speaking
5 today, but wanted to speak up after hearing everyone talk
6 throughout the day.

7 I'm a rent-stabilized tenant living in Brooklyn.
8 And when I received my rent renewal this year from my
9 landlord and they were looking to increase my rent by the
10 maximum allowed by Eric Adams (phonetic), I decided to
11 look into my rent history. This was not something that I
12 had done before previously because I wasn't really aware
13 exactly of how the process worked. And it was only
14 through the help of friends that I recognized what my
15 rights were.

16 When I looked into the history, it turns out that
17 the previous tenant who had left in 2019 after the HSTPA
18 was passed was paying substantially less than I am today.
19 And it turns out that they increased my rent by 143
20 percent from the previous tenant.

21 Doing a little bit further investigation and looking
22 through all the different agencies and the final request,
23 it turns out that the landlord had done this by abusing a
24 version of the Frankensteining (indiscernible)). So they
25 had actually decreased my apartment by removing one room

1 from one end and giving it to the adjacent apartment next
2 door. This affectively decreased my apartment in size
3 by, like, roughly 33 percent based on the (indiscernible)
4 by filing formal requests with the (indiscernible). And
5 also in doing this -- and by increasing the size of the
6 apartment next door, which had previously been
7 deregulated, the landlord was also able to increase the
8 rent of the apartment next door by \$1,700.

9 So it -- it is clear in this case, but there is
10 nothing on the landlord's side. By doing so there is no
11 interest in providing affordable or safe housing. This
12 is purely to turn a profit.

13 And it's extremely egregious that by taking a two
14 bedroom apartment and converting it into a one-bedroom,
15 the landlord was able to, quote/unquote, claim a new
16 apartment and charge a first rent. This is not in line
17 with what the HSTPA was intended to do in terms of
18 vacancy decontrol and limiting IAIs. And some of the
19 proposed amendments that are being discussed today would
20 be super helpful in terms of making it clear what
21 landlords are and are not able to do when it comes to
22 changing and altering apartments and preventing these
23 loopholes from being abused in the future.

24 Additionally, it has also become really clear to me
25 throughout the investigation that I have been doing that

1 it is extremely difficult also to enforce the regulations
2 that are set forth. I know that there is -- obviously,
3 the agency is very underfunded and understaffed, so I
4 appreciate what is able to be done, but I have been told
5 that attempting to write the issue with my landlord could
6 potentially take years. And in addition to that, even
7 just figuring out what has been going on has been quite
8 difficult and taken a lot of time. And even today, it
9 has been difficult for me to be able to find time off of
10 work to be able to speak.

11 But thank you for the time. And I really appreciate
12 the forum to be able to share this. Thank you.

13 MR. PASCAL: Thank you, everyone. You are our last
14 speaker for the day.

15 We at HCR want to take this opportunity to say thank
16 you to all of you who have participated, whether you are
17 a tenant, an owner, or an interested party. We wanted to
18 give you an opportunity to express your opinions on the
19 proposed amendments to the New York State Emergency
20 Tenant Protection regulations and the New York State Rent
21 and Eviction regulations.

22 Again, please do not hesitate to come visit our
23 website at HCR.NY.gov/regulatory-information for updates.
24 And we look forward to engaging you and to continue to
25 work with you to make sure that our city and our state is

1 a better place.

2 This concludes this hearing. Wish you nothing but
3 the best. Get home safe. Bye-bye now.

4 (END RECORDING)

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

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.

Signature



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