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CITY OF NEW YORK
DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT

PUBLIC HEARING ON PROPOSED RULES

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November 8, 2023

10:00 a.m.

100 Gold Street
New York, New York

Minutes of the meeting
Taken by:

STACEY L. PHELPS, RPR, CRC
Certified Court Reporter

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A P P E A R A N C E S :

NEW YORK CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT

100 Gold Street

New York, New York 10038

BY: VALERIE LEON, ESQ.

ALSO PRESENT:

WARREN HARDING

MARY DeSUZE

PAMELA LOCKLEY

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MS. LEON: We will get started in five minutes to allow individuals to log in. This is the part of the hearing to comment on vote changes.

We will get started in approximately five minutes to allow individuals to log into their computers.

Thank you very much.

Good morning, everyone.

Thank you for your punctuality.

This is the public hearing to comment on the proposed rule change. We will get started in approximately four minutes to allow individuals to log in.

Thank you for joining us on your phone and on your computer.

Good morning, everyone.

Thank you for joining us today for the public hearing to comment on the Mitchell Lama

1
2 proposed rule change.

3 We will get started in two
4 minutes to allow individuals to log
5 in.

6 Thank you, everyone, for
7 your patience.

8 Thank you for joining us
9 today. We are going to get
10 started. This hearing is being
11 recorded. I am pressing the record
12 button now.

13 My name is Valerie Leon, and
14 I'm the hearing officer for today's
15 public hearing regarding the
16 proposed rule changes for Mitchell
17 Lama Developments.

18 Thank you for attending this
19 hearing via WebEx in a webinar
20 format. The hearing is being
21 recorded.

22 This public hearing is being
23 conducted by the New York City
24 Department of Housing Preservation
25 and Developments, HPD, for the City

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of New York, in the matter of the proposed amendments to Chapter 3 of Title 28 of the Rules of the City of New York, which governs the City-aided limited-profit housing company developments, also known as Mitchell Lama Developments.

The purpose of this hearing is to allow any interested party to comment on the proposed amendments to Chapter 3 of Title 28 of the Rules of the City of New York.

This is an opportunity for you to have your voice heard. There will be no back and forth or question and answer section. This hearing has live simultaneous captioning for your convenience.

Please listen carefully to the instructions on how to testify today. If you want to testify today and be heard regarding the proposed amendments, you will need to press the raise hand icon on

1
2 this WebEx platform.

3 If you are dialing in, you
4 can press *3 if you wish to raise
5 your hand to speak. You will have
6 one turn and up to three minutes to
7 testify in order to give everyone
8 who wishes to testify an
9 opportunity to do so.

10 If you cannot find the raise
11 hand icon, you can also write in
12 the chat to everyone.

13 I will call out your name
14 and then unmute you to speak. You
15 will not be on camera. The only
16 person on camera today will be
17 myself.

18 Once I unmute you, WebEx
19 will prompt you to consent to be
20 unmuted. This can cause a couple
21 of seconds delay.

22 If you are dialing in on
23 your phone and you have been
24 unmuted, you will need to press *6
25 to consent to be unmuted on your

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phone. It can also cause a couple of seconds delay. Please remember to state your name for the record when I unmute you.

Please remember that also I will not be able to answer any questions. Now is your opportunity to raise your hand to have your voice heard regarding the proposed rule change. If you are dialing in, you can press *3 or you can raise your hand.

I'm going to call on Caller 718-235. Sorry. Wrong caller.

212-731. 212-731, I am unmuting you now.

Please continue to speak by pressing *6.

212-731. 212-731, I have unmuted you.

To consent to be unmuted, will you have to press *6. If not, then I will move on to the next person.

The next person I'm going to

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call on is Warren Harding. Warren Harding, you have been unmuted.

MR. HARDING: Yes, good morning.

Can you hear me?

MS. LEON: We hear you loud and clear.

Thank you.

MR. HARDING: My name is Warren Harding, and I'm here to comment on the proposed amendments to Chapter 3 of Title 28 of the Rules of the city of New York.

I chair the steering committee of Mitchell Lama United, which is a legislative advocacy coalition of three Mitchell Lama organizations: The Brooklyn Mitchell Lama Task Force, Cooperators United for Mitchell Lama, and the Mitchell Lama Residents Coalition.

Our members comprise of residents living in both Mitchell

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Lama cooperatives and rentals that are supervised by HPD.

As residents of these developments, we are directly impacted by any changes to the rules that govern the operations of our buildings.

Furthermore, as taxpayers, any amendments to these rules can affect how public monies are expended with our tax dollars, and they must be carefully evaluated.

With respect to the proposed amendments, we as Mitchell Lama United appreciate the efforts to streamline the process for rent increases in units occupied by residents whose rent payments are subsidized while preventing greater cost to those residents receiving this assistance.

However, we urge that the proposed amendments have systems in place that insure accountability by

1
2 HPD for protecting tenants from
3 adverse effects, such as managing
4 agents or landlords imposing rent
5 or carrying charge increases that
6 are not based on verifiable
7 financial data.

8 This is particularly crucial
9 since hearings and tenant
10 notifications would not be done
11 under the proposed amendments.

12 Any discrepancies in the
13 data must be thoroughly
14 investigated and resolved before
15 proceeding with any changes.

16 Also, the following
17 practices should be in place to
18 further insure accountability by
19 HPD to its residents and
20 cooperators, conduct financial
21 audits of developments before
22 deciding on a rent carrying -- rent
23 or carrying charge increase to
24 determine whether a housing
25 company's spending practices were

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appropriate, and to provide an accounting of how a development's money was spent based on the audits, notify the public that this information will be published as a public record so that taxpayers can access and review the information and can provide feedback.

If these checks and balances are in place, we are hopeful that the proposed amendments will serve their intended purpose, and this is respectfully submitted by Mitchell Lama United on behalf of its sister organizations: The Brooklyn Mitchell Lama Task Force, Cooperators United for Mitchell Lama, and the Mitchell Lama Residents Coalition.

Please note I have also submitted this testimony in writing so that it will be part of this hearing's official record.

Thank you.

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MS. LEON: Thank you very much.

I will be muting you now.

The next person I'm going to call on is 718-235. If you wish to speak, 718-235, you can press *6 to consent to being unmuted; otherwise, I will move on to the next caller.

I have unmuted you. If you wish to consent, you can press *6.

I will move on to the next caller. 212-731, I am unmuting you now. 718-235, you have been unmuted.

MS. DeSUZE: Yes, good morning.

This is Mary DeSuze. I was just listening in to the testimony.

Our official response is being delivered by Pam Lockley, who is the president of Linden Plaza's Tenant Association Council.

For some reason, I don't

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think she was able to get on, but officially I will be submitting my testimony in writing later today, but my concern at this particular point is the rent increase order, which was listed on the change.

Because we're not able to see exactly what that rent increase order details, we have a little concern that as administrations change and perhaps there's difference with administrations and maybe budgets change, that there will be a problem later on, and this is our concern about not being able to see that particular rent order.

As I said, we'll be submitting that as part of the testimony today, and I will submit that in writing.

My name is Mary DeSuze. I'm the Vice President of Linden Plaza Tenant Association.

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Thank you for allowing me to speak.

Have a good day.

MS. LEON: Thank you very much.

I will be muting you now.

If anyone wishes to speak and they're dialing in, you can press *3 so that I know to unmute you, especially for callers. You can press *3 if you wish to speak.

I am going to unmute caller 718-388. If you wish to speak, you can consent by pressing *6. Caller 718-388, I have unmuted you. If you wish to speak, you can press *6 to consent to be unmuted.

I am going to call on caller 646-382. 646-382, you have been unmuted. If you wish to speak, you can consent to speak by pressing *6.

I have called on all the callers. If you wish to speak and

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have your voices heard, if you are dialling in today, you can press *3 to raise your hand.

Also, if you are using a device, you can raise your hand using the raise hand icon, or you can write in the chat that you wish to speak.

HPD has received a written request from Pamela Lockley to testify, but I do not see her name.

I will unmute folks one by one, again, just in case if they're dialing in.

I'm going to unmute caller 212-731 in case you wish to speak. You can press *6 to consent. 212-731.

I'm going to call on caller 718-388. If you are interested in speaking today, caller 718-388, you can unmute yourself by consenting.

You can press *3 to consent to unmute yourself. I'm calling on

1
2 caller 646-382. If you wish to
3 speak, I am unmuting you. You can
4 consent by pressing *6.

5 We take that request from
6 Ms. Pam Lockley. I do not see her
7 on the line. If she's having
8 trouble getting on WebEx, she can
9 submit her written testimony for
10 the record.

11 At this time, I do not have
12 any other raised hands. This is
13 your opportunity to be heard. You
14 can raise your hand by using the
15 raise hand icon or writing in the
16 chat, which I am checking, or you
17 can press *3.

18 If I unmute you and it's
19 still not being unmuted, can you
20 please check your phone to make
21 sure that you have not muted
22 yourself on your telephone.

23 So when I unmute you and you
24 consent to be unmuted, you can also
25 check your phone and make sure that

1
2 you haven't physically muted
3 yourself as well.

4 I will be unmuting 212-731.

5 Can you please check that
6 you haven't muted, 212-731?

7 MS. LOCKLEY: Hello. I've
8 been trying to get in for over
9 twenty minutes.

10 MS. LEON: Okay.

11 Please state your name for
12 the record just so we know who is
13 on the call.

14 MS. LOCKLEY: Pamela
15 Lockley.

16 MS. LEON: You have the
17 floor.

18 MS. LOCKLEY: My
19 on-the-record testimony will be
20 e-mailed to Assistant Commissioner
21 Julie Walker November 8th, 2023.

22 All five questions listed
23 below was submitted by e-mail on
24 November 1st to HPD's Division of
25 Housing Supervision. HPD Section 8

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2 Department was cc'd. E-mail
3 requested answers by November 6th.
4 An e-mail from Housing Supervision
5 on November 6th acknowledged the
6 question, but none of the questions
7 were answered.

8 Those questions are, one,
9 waiting list integrity.

10 The question was: How had
11 HPD protected non-Section 8 waiting
12 list applicants from being passed
13 over in favor of Section 8 holders
14 on the waiting list?

15 Number two, tenant public
16 notice of increase and no public
17 hearing.

18 Question: What factors
19 supported HPD's decision to bypass
20 the tenant/public notice and public
21 hearing requirements?

22 Three, rent share, rent cap.

23 Question: Will a rent share
24 cap be in place to protect the
25 tenant share from exceeding the

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Mitchell Lama legal rent?

For example, current rent Section 8 contract rent is \$1,200. Household current rent share is \$1,000. \$200 paid by Section 8.

If the new Section 8 contract rent is increased by \$2,000, the household income also increases and the new calculations to determine the household will pay \$1,500.

Will the household new rent share increase to \$1,500, or will the household be protected by the \$1,200 Mitchell Lama rent maximum?

Number four, budget confirmation.

Question: Considering the legal rent will remain the same, will the extra Section 8 income be reflected as a separate line item on the budget or included in the gross rent calculation?

Final question, number five.

1
2 Commissioner's role.

3 Question: What factors
4 supported HPD's decision to bypass
5 the Commissioner's approval of the
6 Section 8 increases.

7 Respectfully submitted
8 Pamela Lockley on behalf of council
9 members and the tenants of Linden
10 Plaza.

11 Thank you very much.

12 MS. LEON: Thank you,
13 Ms. Lockley.

14 I will be muting you now.

15 At this time, I do not have
16 any other raised hands. I will
17 give it one more minute in case
18 anybody wishes to testify.

19 Otherwise, we will be
20 closing this hearing.

21 For individuals that are
22 calling in, you can press *3 to
23 testify, or for individuals on a
24 computer or mobile device, you can
25 write in the chat or you can use

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the raise hand icon.

Thank you.

Thank you, everyone, for
joining us today.

This hearing is now
adjourned.

Thank you for attending
today.

Have a great day.

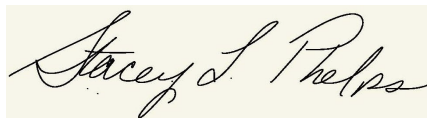
(TIME NOTED: 10:27 A.M.)

C E R T I F I C A T E

I, STACEY L. PHELPS, a Reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script, reading "Stacey L. Phelps", is centered on a light yellow rectangular background.

STACEY L. PHELPS

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