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2   THE CITY OF NEW YORK

3   RENT GUIDELINES BOARD

4   --x

5   **VIRTUAL ZOOM**

6   **PUBLIC MEETING**

7   **OF**

8   **THE DIRECTORS**

9   --x

10   May 27, 2020

11   9:30 a.m.

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14   B e f o r e :

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16   DAVID REISS,

17   CHAIR

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

3 **Board of Directors:**

4   David Reiss

5   Cecilia Joza

6   Alex Schwartz

7   Christian Gonzalez-Rivera

8   Christina DeRose

9   Patti Stone

10   Leah Goodridge

11

12 **S T A F F:**

13   Andrew McLaughlin

14   Executive Director

15   Brian Hoberman

16   Research Director

17   Danielle Burger

18   Deputy Research Director

19   Charmaine Superville

20   Office Manager

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22

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2   **P R O C E E D I N G S**

3   CHAIRMAN REISS: Good morning.

4   I'm David Reiss, Chair of the New

5   York City Rent Guidelines Board.

6   And I'd like to welcome you to

7   this virtual meeting of the board.

8   This is the fifth meeting in a

9   series of public meetings and hearings to determine

10   the renewal lease adjustments for rent stabilized

11   housing units in New York City with leases

12   commencing or being renewed on or after October

13   1st, 2020 and on or before September 30th, 2021.

14   I will now take roll call. Please

15   respond if present.

16   Christina DeRose.

17   MS. DE ROSE: Present.

18   CHAIRMAN REISS: Sheila Garcia.

19   (No response.)

20   CHAIRMAN REISS: Not present.

21   Christian Gonzalez-Rivera.

22   MR. GONZALEZ-RIVERA: Present.

23   CHAIRMAN REISS: Leah Goodridge.

24   MS. GOODRIDGE: Present.

25   CHAIRMAN REISS: Cecilia Joza.

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2   MS. JOZA: Present.

3   CHAIRMAN REISS: Alex Schwartz.

4   MR. SCHWARTZ: Present.

5   CHAIRMAN REISS: Patti Stone.

6   MS. STONE: Present.

7   CHAIRMAN REISS: Scott Walsh.

8   MR. WALSH: Present.

9   CHAIRMAN REISS: David Reiss,

10   present.

11   The next meeting of the board will

12   be a public hearings. Two virtual public hearings

13   to comment on the proposed guidelines will be held

14   on the following dates and times:

15   Wednesday, June 10th, 2020, there

16   will be a virtual Zoom public hearing from 4:00

17   p.m. to 7:00 p.m., which the public can view the

18   meeting via YouTube feed and listen via telephone;

19   On Thursday, June 11th, 2020,

20   there will be another virtual Zoom public hearing

21   from 6:00 p.m. to 9:00 p.m.   The public can view

22   this meeting via YouTube feed and can listen via

23   telephone.

24   If you want to comment on the

25   proposed role at our virtual public hearings, you

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2   can sign up to speak.

3   Please note that we have a limited

4   number of slots for registration. If there's time

5   at the end of each hearing after all those who

6   registered have been heard, we will hear from other

7   attendees at each virtual hearing.

8   Registration to speak will begin

9   June 1st, 2020. You can register online through

10   our website, nyc.gov/rgb, by e-mail at csuperville,

11   that's c-s-u-p-e-r-v-i-l-l-e@nycrgb.org or by

12   calling 212-669-7480 from 9:00 a.m. to 5:00 p.m.,

13   Monday through Friday.

14   In addition, you can now submit

15   written audio and video comments prior to the

16   hearings for the board members' review.

17   Instructions to submit these comments are available

18   on the board's website at nyc.gov/rgb, by e-mail at

19   ask@nycgrb.org or by calling the RGB at

20   212-669-7480.

21   The final vote will take place on

22   June 17th starting at 7:00 p.m.

23   Today, staff will present 2020

24   Housing Supplier Report and changes to the rent

25   stabilized housing stock in NYC in 2019. Both of

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2   these reports have been posted on our website and

3   are available to the public, as well as the slides

4   from the staff presentations. Just click research,

5   on our home page to download these documents.

6   After the presentation of the RGB

7   reports, HPD Assistant Commissioner, Lucy Joffe,

8   will be making a presentation to the board members.

9   I will now introduce Danielle, who

10   will be presenting the 2020 Housing Supply Report.

11   MS. BURGER: Good morning.

12   CHAIRMAN REISS: Good morning.

13   MS. BURGER: Can you give me one

14   second to share my screen.

15   Everyone can see the screen;

16   right?

17   VOICES: Yes.

18   MS. BURGER: The Rent

19   Stabilization Law requires the Rent Guidelines

20   Board to consider the overall supply of housing

21   accommodations and overall vacancy rates.

22   Therefore, our research staff

23   produces an annual Housing Supply Report, which

24   highlights year-to-year changes in trends in the

25   supply of residential housing New York City with a

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2   focus on:

3   Findings from the 2017 Housing

4   Vacancy Survey;

5   New construction and demolition

6   data;

7   Conversions and subdivisions;

8   Cooperative and condominium

9   activity;

10   Housing rehabilitation; and,

11   Government housing programs and

12   funding.

13   I would like to start with a

14   special note. While published in May 2020, due to

15   constraints in gathering current data, this report

16   focuses almost exclusively on data from 2019.

17   Future editions of this report will be reflect the

18   impact of the COVID-19 pandemic on housing supply.

19   The major findings of this year's

20   Housing Supply Report are:

21   26,547 building permits were

22   issued in 2019 for housing units, an increase of 27

23   percent;

24   In the first quarter of 2020,

25   permits filed by 10.8 percent; and,

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2   The most recently available data

3   from April of 2020, shows that permits fell by 75.6

4   percent, as compared with the same month of the

5   prior year.

6   The number of new housing units

7   completed in 2019, fell to 26,599, a 6.9 percent

8   decrease over the prior year.

9   City sponsored efforts during 2019

10 were at or preserved 25,889 housing units to the

11 residential stock; 61 percent of which are

12 preservation projects. This is a decrease in total

13 units of 24.3 percent over the prior year.

14   Demolitions increased 0.3 percent

15 to 1,894 in 2019.

16   And there was a 22.6 percent

17 increase in the number of residential units in

18 co-op or condo plans approved in 2019, to 6,583

19 units, while the number of approved plans fell by

20 2.1 percent.

21   The number of units constructed

22 with 421A certificates decreased by 19.6 percent,

23 to 22,754.

24   The number of units newly

25 receiving J51 abatements or exemptions decreased to

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2   54.8 percent to 13,487.

3   Certificates of No Harassment

4   issued to permit SRO housing to convert to other

5   uses, rose 8.4 percent in 2019, to 90 certificates.

6   Illegal hotel violations rose 3.1

7   percent between April of 2019 and March of 2020, as

8   compared to the same period of the prior year with

9   a total of 3,335 violations.

10   In addition, 11.5 percent of all

11   rental housing is considered overcrowded; and,

12   The citywide vacancy rate was 3.3

13   percent in 2017.

14   As this pie chart illustrates,

15   about two-thirds of New York City's occupied

16   housing stock is renter occupied.

17   The largest share is private,

18   non-regulated rentals at 43 percent;

19   Followed by pre-war stabilized at

20   32 percent;

21   Post-war stabilized, 13 percent;

22   Other regulated units at 12

23   percent; and,

24   Rent controlled units, 1 percent.

25   Examining the number of building

permits issued annually helps to determine the
number of new housing planned each year.

Permit approvals for new housing
units in 2019, increased by 27.0 percent to 26,547,
following a 5.5 percent decrease in the prior year.

In 2019, permits rose in every
borough, rising by the most in Manhattan, which
rose by 53.8 percent to 5,512 units;

The Bronx saw -- also saw an
increase in permits, up 49.8 percent to 5,541
units;

While permits in Brooklyn rose
14.8 percent to 9,696 permits;

Permits in Queens rose by 12.2
percent to 5,137 units; and,

Permits rose in Staten Island by
9.1 percent to 661 units.

The first quarter of 2020 permits
decreased by 10.8 percent in comparison to the
number of permits issued during the first quarter
of 2019, including decreases in all but one
borough, including:

Staten Island down 70.3 percent;

Manhattan down 46.0 percent;

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2   Brooklyn down 24.2 percent; and,

3   The Bronx down 7.9 percent;

4   But permits issued did increase in

5   Queens during the first quarter of 2020, up 21.3

6   percent.

7   Looking at the individual months

8   of the first quarter of 2020, just over two-thirds

9   of permits were issued during January, while just

10   11 percent were issued during March.

11   Recently released data from April

12   of 2020 shows a 75.6 percent decrease in permits,

13   as compared to the same month of the prior year.

14   You can see from this graph that

15   residential building permits increased 27.0 percent

16   in 2019, following a decrease in 2018.

17   While the City overall had a 27.0

18   percent increase in permits, to 26,547 citywide,

19   this map shows the number of permits by borough in

20   2019 and the change from 2018. As already noted,

21   permits rose in every borough during 2019.

22   Permit data can also be analyzed

23   more deeply by looking at the reported size of the

24   buildings receiving permits.

25   In 2019, a total of 1,394

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2   buildings received permits.

3   Citywide 37.3 percent of these

4   buildings were single-family;

5   34.2 percent were two-family;

6   8.8 percent were three or

7   four-family structures; and,

8   19.8 percent were buildings with

9   five or more units.

10   In 2019, 94.3 percent of all

11   permits issued citywide were for units in five

12   family or greater buildings, a total of 25,033

13   units, with the average five-family or greater

14   building containing 46 units through the City as a

15   whole and 92 units in Manhattan, both increases

16   from the prior year.

17   As the graph on this page

18   illustrates, almost all building permits in

19   Manhattan were for the largest buildings, while

20   Staten Island virtually all permits were for either

21   one or two-family buildings.

22   Building size was more evenly

23   distributed in Queens.

24   Another way of measuring the level

25   of housing creation is to look at the number of

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2   housing units actually completed in a given year,

3   which in 2019 decreased for the first time in seven

4   years.

5   In 2019 there were 26,599 new

6   housing completions citywide, a 6.9 percent

7   decrease over the prior year.

8   The only borough to see an

9   increase in completions was Brooklyn, that rose by

10   8.3 percent, while the other boroughs fell between

11   7.3 percent and 25.3 percent.

12   As you can see in this graph, the

13   number of apartment units newly receiving final

14   certification of 421A benefits in 2019 decreased,

15   following two years increase. Three-quarters of

16   these units are in Brooklyn and Queens, with units

17   decreasing in every borough but Queens, which rose

18   34 percent. The other boroughs saw the number of

19   units fall between 14 percent and 100 percent.

20   More than 40 percent of New York

21   City's owner-occupied housing is in the form of

22   co-ops and condos. Construction of new co-ops and

23   condos, which increased the supply of owner

24   occupied housing and the conversion of rental

25   housing to co-op or condo status, which reduces the

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2   supply of rental housing, have to be accepted by

3   the Attorney General's office.

4   The number of co-op and condo

5   plans filed in 2019 with the Attorney General,

6   decreased 2.1 percent with a total of 281 plans

7   containing 6,583 residential units, a 22.6 percent

8   decrease in units.

9   The green bars in the graph

10   represent the proportion of suspected units that

11   are condos and the bronze bars are expected co-op

12   units.

13   In 2019, almost all accepted units

14   were condos.

15   In 2019, more than 81 percent of

16   the residential units were new construction, with

17   the greatest number of units, 43 percent in

18   Brooklyn.

19   This chart shows the fluctuation

20   in the number of housing units newly receiving J51

21   benefits since 1997. As you can see, levels

22   decreased 58.8 percent in 2019. Not shown here,

23   the decrease in the number of rental units, 27.3

24   percent was less than that of owner units. 68.2

25   percent.

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2   So in conclusion, the number of

3   building permits:

4   Increased by 27.0 percent in 2019

5   to 26,547 units;

6   But decreased by 10.8 percent in

7   the first quarter of 2020; and,

8   By 75.6 percent of April of 2020,

9   the most recently available data;

10   While housing units completed

11   decreased by 6.9 percent to 26,599 units.

12   In addition, 22.6 percent fewer

13   residential units were approved for co-ops and

14   condos.

15   19.6 percent fewer units were

16   certified with 421A tax incentives;

17   While 54.8 percent fewer units

18   were rehabilitated with J51 tax incentives.

19   There was also -- there was also

20   an increase in both Certificates of No Harassment

21   of 10.8 percent; and,

22   Illegal hotel violations of 3.1

23   percent; and,

24   Demolitions increased just

25   slightly, rising by 0.3 percent; and,

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2   The vacancy rate was 3.63 percent,

3   less than the 5 percent legal threshold required

4   for the continuation of rent stabilization.

5   Thank you.

6   And if you have any questions,

7   I'll take them now.

8   CHAIRMAN REISS: I had just one

9   question. I didn't pick up on this earlier, but

10   when we look at the decreases in new housing

11   permits, it's down overall by 10.8 percent but it's

12   down so dramatically in Manhattan and Brooklyn, 36

13   percent and 24 percent, was the 21 percent increase

14   in Queens really so massive in terms of absolute

15   numbers that it just -- it just overwhelmed those

16   two decreases?

17   MS. BURGER: I can give you the

18   actual numbers if you want. You're talking about

19   this first quarter?

20   CHAIRMAN REISS: Yeah.

21   MS. BURGER: Sure. Hang on one

22   second.

23   So in the first quarter, Queens

24   went from 210 permits to 2,439 units.

25   For instance, in Manhattan, which

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2   went down 36 percent, it went from 1,037 units to

3   664 units.

4   CHAIRMAN REISS: Okay.

5   MS. BURGER: And Staten Island had

6   the biggest decrease but it was not much in terms

7   of the actual units.

8   CHAIRMAN REISS: Okay.

9   MS. BURGER: There was just fewer

10   there to start with.

11   CHAIRMAN REISS: Thank you.

12   MS. BURGER: Any other questions?

13   (No response.)

14   MS. BURGER: Okay.

15   Thank you very much.

16   MS. GONZALEZ: Yeah. I have a

17   quick questions. Is there any explanation as to

18   why there's been a decrease in new units certified

19   for the tax abatements?

20   MS. BURGER: Well, for 421A, the

21   basic issue is that a lot of the increase that we

22   saw in the past couple of years was mostly due to

23   an issue where buildings were getting their final

24   certifications and they were not registering as

25   rent stabilized with DHCR for the units that were

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2   rentals.

3   That's a requirement of the 421A

4   program. So there was a program put in place where

5   they would lose their certification and their tax

6   benefits if they did not register with DHCR. So

7   that process in the past few years has been the

8   main increase in why the rental units have gone up.

9   And what you're seeing now is not necessarily a

10   decrease in actual new units being certified. I

11   don't have the exact numbers but there very well

12   could have been an increase in the actual new units

13   being certified.

14   But the -- the decrease is because

15   more units are catching up with DHCR.

16   MR. GONZALEZ-RIVERA: All right.

17   Thank you, Donna.

18   MS. BURGER: Any other questions?

19   MR. SCHWARTZ: A quick question.

20   So the decrease in completions in 2019, does that

21   just reflect the decrease in permits the previous

22   year?

23   MS. BURGER: It's more like a few

24   years. There's a lag time of at least a few years

25   between that and the process of coming up with the

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2   number of completions, which is done by City

3   Planning, it's not an exact science. They go

4   through Certificates of Occupancy and not every

5   building has every unit that comes on line in the

6   same year.

7   So sometimes you might have a

8   building that has a lot of units but they're not

9   all ready for occupancy and it doesn't match up

10   exactly with the permits for many reasons. But it

11   would usually be at least three years between the

12   permit and the completion, depending on the size of

13   the building.

14   MR. SCHWARTZ: Thank you.

15   MS. BURGER: Any other questions?

16   (No response.)

17   MS. BURGER: Thank you very much.

18   CHAIRMAN REISS: Oh, so, Andrew,

19   should we move on to the next report?

20   MR. MC LAUGHLIN: Yeah, I believe

21   so. I mean, if there aren't any more questions

22   about housing supply, certainly.

23   MR. HOBERMAN: Okay. I guess I'm

24   up next. I'm going to do the presentation. I'll

25   bring it up -- for the screen to share.

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2   Can everyone see that presentation

3   slide?

4   CHAIRMAN REISS: Yes.

5   MR. HOBERMAN: Okay.   Great.

6   Good morning.

7   I'll present the changes to the

8   rent stabilized housing stock in New York City in

9   2019 report.

10   Rent regulation has been a fixture

11   in New York City's housing market for over 75

12   years, although laws that govern rent regulated

13   housing has been substantially changed and modified

14   over time, including most recently with passage of

15   the Housing Stability and Rent Tenant Protection

16   Act in 2019, which went into effect last June.

17   It eliminated some of the ways

18   that apartments could be deregulated, among other

19   changes.

20   In addition to legislative

21   changes, the existing laws allow for dynamic

22   changes in the regulatory status of the unit or the

23   significant portion of the rent regulated housing

24   stock in any given year units enter, exit or change

25   status within the regulatory system.

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2   This report is our annual update

3   of changes to the rent stabilized housing stock in

4   New York City. These totals do not represent every

5   unit that has been added or subtracted from the

6   stabilized stock but rather those that have been

7   recorded or registered by various City and State

8   agencies. Therefore, they represent a floor, or

9   minimum cap of the actual number of newly regulated

10   and deregulated units in each years.

11   Since newly constructed or

12   substantially rehabilitated units are exempt from

13   rent regulation, increases to the regulated housing

14   stock are often the results of others places these

15   new units under stabilization in an exchange for

16   tax benefits.

17   Events that lead to the addition

18   of stabilized units include the following:

19   Section 421A, tax exemption

20   program;

21   The J51 property tax exemption and

22   abatement program;

23   Articles 11, 14 and 15 of the

24   Private Housing Finance Law, PHFL programs;

25   Mitchell Lama buyouts;

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2   Lofts converted to stabilized

3   units;

4   Rent controlled apartments

5   converted to rent stabilization, as well as other

6   forms of additions.

7   Tax exemption and abatement

8   programs have a significant impact on the inventory

9   of rent stabilized housing, apartments newly

10   created with the aid of these programs plus

11   typically remain rent stabilized for the duration

12   of their benefits.

13   In 2019, an estimated total of

14   5,723 units were added to the rent stabilized stock

15   through the 42A program. That was 39 percent fewer

16   than in the prior year. The largest number of

17   these units were in:

18   Brooklyn, at 64 percent;

19   Followed by Manhattan with 22

20   percent;

21   Queens with 10 percent;

22   The Bronx 5 percent; and,

23   Staten Island had fewer than one

24   percent.

25   According to HCR, the median legal

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2   rent of all currently registered rent stabilized

3   apartments receiving 421A tax abatements in 2019

4   was $3,411, a 2 percent increase over the prior

5   year.

6   In 2019, 196 units were added to

7   the stabilized stock through the J51 program. That

8   was a 37 percent decline from the prior year.

9   Other additions to the stabilized

10 stock in 2019 include:

11   353 Mitchell Lama rental units,

12 which became rent stabilized, compared to none in

13 2018;

14   Lofts converted to stabilized

15 status, added 22 units, down from 43 the prior

16 year;

17   361 units were decontrolled and

18 became rent stabilized, including 19, up from 141

19 in the prior year; and,

20   Additions to the stabilized stock

21 for tax exempt programs under Articles 11, 14 and

22 15 of the Private Finance Housing Law, added a

23 total of 2,164 units, 14 percent more than the

24 prior year.

25   Among these tax incentive

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2   programs, the largest number of units were in:

3   Manhattan with a full half of

4   them, 50 percent;

5   Followed by the Bronx with 47

6   percent; and,

7   Brooklyn with 4 percent.

8   So there were none in Queens or

9   Staten Island.

10   So summing up all the additions,

11   there were 8,819 units added to the stabilized

12   housing stock in 2019. That was 26 percent fewer

13   than in the prior year. Of these initially

14   registered rent stabilized apartments, the median

15   legal registered rent was $4,798. That was 60

16   percent higher than in the prior year.

17   CHAIRMAN REISS: Can I ask you a

18   question about that last slide?

19   MR. HOBERMAN: Sure.

20   CHAIRMAN REISS: So if the median

21   is at $4,800, how many would we put into like the

22   affordable category, at about less than $1,500?

23   Like do we know how many were -- what percentage

24   were kind of in that $1,500 to $2,000 rent?

25   MR. HOBERMAN: We don't have that.

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2   We just have the median figure. We get this from

3   DHCR. They just give that. I'm not sure if they

4   can analyze it that much. I mean, typically they

5   can't from similar requests in the past -- so.

6   CHAIRMAN REISS: Okay.

7   Thank you.

8   MR. MC LAUGHLIN: David, remember

9   these are 421A units.

10   CHAIRMAN REISS: Yes.

11   MR. MC LAUGHLIN: And they tend

12   to be close to market anyway.

13   CHAIRMAN REISS: So we did kind

14   of assume then that almost all these units are --

15   are market.

16   MR. MC LAUGHLIN: Yeah. The 421A.

17   The other ones that come on line would have -- no,

18   actually these 421A, Brian, or all units?

19   MR. HOBERMAN: These are all

20   units in --

21   MR. MC LAUGHLIN: I'm sorry.

22   Yeah. I'm sorry. I misspoke.

23   MR. SCHWARTZ: 421A would have set

24   asides, you know, for at least some of their

25   buildings.

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2   MR. MC LAUGHLIN: Yeah, kind of.

3   MS. STONE: I was just going to

4   say that in the 421A, almost all the new one cap do

5   have a certain percentage of, you know, below

6   market affordable units.

7   MS. BURGER: It should be about 20

8   percent of the 421A.

9   CHAIRMAN REISS: Danielle, you're

10   saying that that's 20 percent of the below market?

11   MS. BURGER: It should be about 20

12   percent below market.   But I guess it depends, you

13   know, sometimes they market it to different people.

14   There's different affordable ranges.   Some of them

15   that are "affordable" they might be marketed to

16   people making 130 percent of the median area

17   income.

18   So there's a range.   There's some

19   that are probably $800 a month and some that are

20   affordable that are $2,000 a month and then the

21   rest of them you're getting the, you know, the

22   market rate.

23   CHAIRMAN REISS: Okay.

24   Thank you.

25   MR. HOBERMAN: Okay.   I'll

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2 continue then. If there are any more questions,

3 we'll have time at the end as well.

4   I'll move on to subtractions now

5 for rent stabilization.

6   The regulation of stabilized units

7 occur because of statutory requirements or because

8 of physical changes to the residential dwellings.

9   Events that have led to the

10 removal of stabilized units include:

11   High rent, high income

12 deregulation;

13   High rate vacancy deregulation;

14   Co-op and condo conversions;

15   Expiration of 421A and J51

16 benefits;

17   Substantial rehabilitation;

18   Conversion to commercial or

19 professional status;

20   As well as other losses to the

21 housing stock such as:

22   Demolitions;

23   Condemnations; and,

24   Apartment mergers.

25   The passage of the Housing

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2   Stability and Tenant Protection Act of 2019, which

3   went into effect last June, occupied apartments may

4   no longer be deregulated. However, prior to that

5   date, one type of deregulation that was allowed was

6   high rent, high income deregulation.

7   Last year, it resulted in 160

8   apartments removed from rent regulation, 47 percent

9   more than in the prior year.

10   Of these units, almost half, 49

11   percent were in Manhattan;

12   39 percent were in Brooklyn;

13   10 percent in Queens;

14   2 percent in the Bronx; and,

15   There were none on Staten Island.

16   This graph shows the number of

17   units each year that left the stabilized housing

18   stock due high rent, high income deregulation since

19   1994 when it was first permitted.

20   Over this period at least 6,650

21   units have been removed due to this type of

22   deregulation.

23   The largest number of subtractions

24   from the stabilized housing stock were due to high

25   rent vacancy deregulation, which was also abolished

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2   with passage of the new rent laws last June.

3   7,878 units were deregulated in

4   2019 due to high rent vacancy deregulation, which

5   was a 70 percent increase from the prior year. Of

6   these units:

7   61 percent were in Manhattan;

8   21 percent in Brooklyn;

9   14 percent in Queens;

10   4 percent in the Bronx; and,

11   1 percent on Staten Island.

12   Now this graph shows the minimum

13   number of units that have left the stabilized stock

14   over the past 26 years since State law first

15   permitted deregulation of vacant units with high

16   rents in 1994. It illustrates the increase that

17   occurred in most years through 2009, the year the

18   largest number of units left stabilization due to

19   high rent vacancy deregulation.

20   Since that peak, the number of

21   deregulations have fluctuated a good deal.

22   Collectively, at least 168,170 units were

23   registered with DHCR as being deregulated due to

24   high rent vacancy deregulation since 1994.

25   Apartments left stabilization for

1

2   other reasons.

3   Co-op condo status conversions,

4   which include both newly converted units, as well a

5   stabilized tenants vacating apartments in

6   previously converted buildings, total 600 units, 24

7   percent fewer than the prior year.

8   Expiration of 421A benefits

9   resulted in a total of 892 units removed since

10   stabilization, 12 percent fewer than the prior

11   year.

12   The expiration of J51 benefits

13   resulted in a total of 423 units removed, 13

14   percent more than the prior year.

15   260 units were removed from

16   stabilized through substantial rehabilitation, 24

17   percent more than the prior year.

18   12 units were converted to

19   non-residential use, compared to 7 the prior year;

20   and,

21   In the largest category on this

22   page, other losses to the stabilized housing stock,

23   such as merger, preexisting units or demolition

24   resulted in 1,083 additional units leaving the

25   stabilized housing stock, 212 percent more than in

1

2   the prior year.

3   So summing up all the

4   subtractions, at least 11,263 units left

5   stabilization in 2019, 51 percent more than in the

6   prior year. By borough:

7   62 percent of all units leaving

8   stabilization were in Manhattan;

9   Next was Brooklyn with 21 percent;

10   Followed by Queens at 12 percent;

11   Bronx 4 percent; and,

12   Staten Island representing fewer

13   than one percent of the units removed from

14   stabilization last year.

15   This table shows the total number

16   of additions and subtractions from all the programs

17   in 2019. It includes the:

18   8,819 additions to the stabilized

19   stock; and,

20   The 11,263 units removed from

21   stabilization.

22   The difference between the two

23   results in an estimated net decrease of stabilized

24   housing stock of 22,444 units last year.

25   And like I said, there were at

1

2   least 2,444 units removed and some way you should

3   factor in the additions last year. Most additions

4   to the stabilized stock were the result of the 421A

5   tax exempt program, representing almost two-third,

6   65 percent of the additions.

7   Meanwhile, high rent vacancy

8   deregulation was the largest source of measured

9   subtractions from the stabilized housing stock

10   accounting for 70 percent of the total number of

11   subtractions.

12   This graph shows the estimated

13   annual change in the total number of stabilized

14   units since 2003 when the RGB first examined this

15   data in an annual report.

16   Since 2003, except for two years,

17   net losses have occurred each year with as many as

18   15,465 units lost in 2009.

19   So summing up the changes since

20   1994, the RGB has counted 164,377 additions to the

21   statewide stock and at least 309,689 apartments

22   removed from the statewide stock, resulting in New

23   York City experiencing a cumulative net loss of at

24   least 145,312 stabilized housing units over the

25   last 26 years.

1

2   And thank you.

3   And I'll take any additional

4   questions you may have.

5   MR. MC LAUGHLIN: Yeah. I just

6   wanted to chime in a little bit. You know,

7   sometimes I get questions about how many units we

8   impact with our special guideline that we do every

9   year by the units that are going from rent control

10 to rent stabilization. So this report helps us to

11 track those.

12   So just to put them in

13 perspective, about 361 units went from rent control

14 to rent stabilization last year. So that is the

15 total number of units that -- that guideline

16 would -- would impact. So I do get that question

17 on occasion. So we update that number.

18   So deregulation is not possible

19 any more for rent control units, I would imagine

20 that number would start to tick up but there is

21 only about 20,000 rent controlled units left in the

22 City -- so.

23   MS. JOZA: Andrew, can you explain

24 a little bit more on the what -- what causes the

25 unit that's rent controlled to be deregulated and

1

2   to become rent stabilized? Is it various issues,

3   higher rates on vacancies and all of that? How

4   does that work? Can you explain a little bit more

5   about that?

6   MR. MC LAUGHLIN: Yes. It's

7   pretty simple. The -- when a unit that's rent

8   controlled becomes vacant and it goes into rent

9   stabilization, back when rent stabilization first

10   started in 1969, most units were rent controlled.

11   I think there was about a million rent controlled

12   units or so. And when those rent control units

13   became vacant, they would go under rent

14   stabilization.

15   So there was a lot of turnover in

16   1980, in part, a majority of rent control units had

17   become rent stabilized. So there was still --

18   there was still part of the law that allows for

19   that. So when a unit becomes rent -- when rent

20   controlled becomes -- the unit becomes vacant, it

21   goes into rent stabilization. A part of that is

22   the special guideline that there's -- we're

23   required to do. But there are other ways owners

24   can establish that initial rent.

25   I know particularly in one way is

1

2   they can look at comparable rents in the unit that

3   are in the same line. So you may have a unit

4   that's, you know, 2A, 3A, 4A, so each floor they

5   would have the same type of unit and they could

6   take an average of those rents and that could be

7   the initial rent.

8   So there are other ways that

9   the -- the new rent could be calculated beyond our

10   special guideline -- so.

11   MS. JOZA: Thank you.

12   MS. GOODRIDGE: I have a question

13   that's been submitted to me by a tenant who's

14   watching. They would like clarification of the

15   number of units the DHCR reports as lost but this

16   includes only those units that landlords

17   voluntarily report as deregulated. You know, it

18   just ended in June 2019 but they wanted that to be

19   clarified.

20   And -- and to make a point that no

21   one knows how many units were actually illegally

22   deregulated and not registered with ORA but we know

23   that it was allowed.

24   MS. STONE: I object to that, you

25   know, that a lot of apartments were illegally

1

2   deregulated. That's -- that's an outrageous

3   statement. I'm sorry. There's no fact behind

4   that.

5   MS. GOODRIDGE: Part of the

6   purpose of the rent laws was to provide protection

7   because there have been rampant abuses for decades.

8   And that was the entire purpose of the new rent

9   reform laws. And if there weren't rent abuses,

10   then we would likely have not have had that.

11   The other thing is that, you know,

12   we often have had these conversations about, you

13   know, sort of like quid pro quo. We, you know,

14   only because we have the new rent reform laws and

15   that's why we need X, Y and Z to protect

16   homeowners, small landlords. But I think that some

17   of the data that we just saw is -- is even more

18   reason why we shouldn't use that analysis.

19   You know, like we just heard,

20   since the 1990s that over 300,000 stabilized units

21   have been removed. We can't get those back. So

22   that's something that I really want to underscore.

23   And secondly, this is, you know,

24   we're talking about two different things. It's the

25   physical availability of housing. So whether it's

1

2   actually physically available because we can't get

3   those units back.

4   And then, secondly, even if some

5   housing is available, is it affordable? So there's

6   so many different angles here.

7   So to respond, and I don't want to

8   get into a back -- well, it's fine if we get into a

9   back and forth but the point is, yes, there have

10   been rampant abuses, which I will state again, and

11   that has been the purpose of the rent reform laws

12   to curtail a lot of those abuses.

13   And the self reporting is, again,

14   only something -- we can only have the numbers

15   because of the people who report. We don't know

16   how many units were deregulated that were not

17   reported. And me as a tenant attorney, we see

18   things all of the time in court where we have to

19   represent tenants that we see these things going

20   on.

21   So it does happen behind the

22   scenes. It has been rampant. I can't speak on it

23   because we represent these people. And I can't

24   speak on it because that was the purpose of the

25   rent reform law.

1

2   CHAIRMAN REISS: Andrew, can I

3 just ask a clarifying question about this debate?

4 Do we -- what is sort of our baseline year of rent

5 stabilization and do we see any drop off in the

6 number of registered units that are not explained

7 by the data that Brian just went over?

8   MR. MC LAUGHLIN: Well, let me go

9 back to the first part from the original question.

10   I think the point that was made is

11 that -- or the intent of the question was, does

12 this report capture every unit that's been

13 destabilized? And it doesn't. There was a time

14 that owners were not required to register that

15 unit, even if it had become deregulated.

16   So that's why we use -- we always

17 call it a floor of units that have been

18 deregulated. So there was a time that they didn't

19 have to do that. And I believe the change finally

20 was -- was it 2000 or 2003 when they -- maybe it

21 was even later than that.

22   MR. HOBERMAN: It was 2000 -- I'll

23 recheck. I forgot.

24   MR. MC LAUGHLIN: Yeah. So

25 Brian's checking that.

 1

 2   So I think what it's referring, it

 3 doesn't mean that the unit was necessarily

 4 deregulated illegally. It was simply not

 5 registered. There could be some units that are

 6 deregulated illegally as well, but we're not going

 7 to capture those either way.

 8   (Overlapping conversation.)

 9   MS. GOODRIDGE: Do you know how

10 many --

11   CHAIRMAN REISS: Andrew,

12   MS. GOODRIDGE: -- people are

13 doing -- how many tenants file a fair market rent

14 appeal every year? Or maybe that's something we

15 can ask DHCR later.

16   MR. MC LAUGHLIN: I believe it's

17 something that we asked them in their questions. I

18 think they can provide that information. But I'm

19 not sure to fair market rent appeal. I'd have to

20 go back to the questions.

21   MS. GOODRIDGE: But, yeah, that's

22 also --

23   MR. MC LAUGHLIN: I know they do

24 overcharges in rent, which is different than a fair

25 market rent appeal.

41

 1

 2   MS. GOODRIDGE: Right. If we're

 3   talking about, you know, deregulation whether it's

 4   legal or illegal, that comes into play and very few

 5   tenants even know about filing that.

 6   So, again, you know, the numbers

 7   that we have are what has -- so the reports are

 8   based on what is self reported to these City

 9   agencies. But the point that I'm making is that

10   if it is based on self reporting, we don't know

11   what -- what the actual numbers may be. Right.

12   And that's not the fault of the

13   City agencies. That's not the fault of the people

14   who are preparing the reports. The point being

15   made is that they can only go off of the

16   information provided to them. But if the

17   information provided to them is just based off the

18   self reporting and, number one, not everyone may

19   report and number two, not all tenants will file a

20   fair market rent appeal. So we don't -- we can't

21   capture everything.

22   CHAIRMAN REISS: Andrew, along

23   those lines, so let me try to ask the question.

24   I'm not sure if this is clear. But like if we knew

25   that there was like 1.5 million units of rent

1

2   stabilized units in 1974. I just made up that

3   number.

4   And then Brian's analysis reveals

5   that, you know, whatever, 400,000 were removed from

6   the rent regulated stock, is there like an unknown,

7   an unknown tranche of rent stabilized apartments

8   that have just disappeared that we don't know about

9   or we don't even have that original number that we

10   could use as a baseline?

11   MR. MC LAUGHLIN: Well, it's tough

12   because it's self reported. It's owner reported.

13   So if the owner -- there's a percentage of units

14   that are not -- and I don't know what this number

15   is, that owners should be registering their units

16   but they're not for whatever reason. So it's hard

17   to get to that number.

18   So say the HBS says there's a

19   million, there's 960,000 units registered that are

20   stabilized. They count that.

21   DHCR has a number of 870,000 or

22   890,000 units that are registered each year. Which

23   portion of those either have been lost or are just

24   not reported. And part of -- the number of units

25   have been going up recently because 421A that

1

2   was -- 421A units were not being registered when

3   they should have been registered. So there's been

4   a close in that gap between what -- what the

5   official count through the HBS versus what's

6   actually registered.

7   So it's hard to say. But there's

8   probably a certain number of those units that have

9   probably been lost but I can't quantify that --

10   that number. But there's always been a difference

11   between the number of units registered versus the

12   HBS number.

13   CHAIRMAN REISS: But why do we

14   trust the HBS number? What is that the reliable

15   number?

16   MR. MC LAUGHLIN: Well, I think

17   they do a lot. It's not simply when they do the

18   HBS methodology for counting units, they try to

19   count every unit, not simply by asking on the

20   survey but they actually go out and they try to

21   figure out what those units are. They do a count,

22   a pretty thorough count of what those units are.

23   But they just don't use owner

24   registration, they use all different types of data

25   to try to get to those -- to that number.

1

2   So there's a difference. And

3   that's not replying, you know, relying on owner

4   reported registration.

5   CHAIRMAN REISS: Patti, can I just

6   ask you, do you have any sense of that difference

7   in the two numbers between the HBS and the HCR

8   data? Or is that something you've ever looked at?

9   MS. STONE: It's not something

10   I've ever looked at. I just think that there's

11   many small owners that probably never understood

12   what they were supposed to do or whatever and they

13   still treat their tenants as stabilized and they

14   still probably give them increases but they may not

15   understand what they're required to do.

16   So they believe --

17   MS. GOODRIDGE: So it's not an

18   outrageous statement overall.

19   MS. STONE: It is an outrageous

20   statement that apartments are illegally

21   deregulated. And I'm not saying that there aren't

22   some but --

23   MS. GOODRIDGE: But you just said

24   that some landlords do it and they didn't -- but

25   they don't mean to.

1

2   MS. STONE: Okay. I don't use the

3   characterization that you're using saying that

4   there's, you know, a tremendous amount of illegal

5   deregulated apartments because for the most part,

6   just as you represent the tenants, I represent

7   owners and my clients all deregulate apartments

8   properly. They do the renovations. They have all

9   the documents and they do it properly.

10   So I don't know what buildings you

11   are referring to but those are not certainly

12   buildings that I've been associated with.

13   MR. MC LAUGHLIN: So just to -- I

14   mean, HCR provides the most current numbers for

15   2018 was 885,000 registrations filed by owners.

16   And, again, I believe the HBS is about 960,000

17   units. So --

18   MR. WALSH: Andrew, Andrew, I

19   have a quick question.

20   Haven't we talked about in

21   previous years that -- that when properties sell,

22   some times there a delay and someone doing the

23   registration and that was thought to be one of the

24   reasons in the gap?

25   MR. MC LAUGHLIN: It could be. I

1

2   think some, you know, I don't want to speculate. I

3   mean, there are different factors that go into why

4   an owner wouldn't register or it wouldn't come up.

5   But they can go back and register those units.

6   HCR will tell us the number every

7   year and then it's updated the next year. Because

8   they -- you can continue to file with the units.

9   There was a big lag in the 421

10   registrations, 421A registrations. So that's

11   closed the gap.

12   So -- but there is a difference

13   between the two numbers. I think it's a little bit

14   of everything we're talking about why there is a

15   difference.

16   MR. WALSH: But do they continue

17   to update for many, many years?

18   MR. MC LAUGHLIN: You can go back

19   as far as I know.

20   MR. WALSH: Can you -- five years

21   later?

22   MR. MC LAUGHLIN: But I think you

23   can go back and register those units for that

24   particular year. I don't know if there's a

25   restriction in time to do that. Do you, Brian?

1

2   MR. HOBERMAN: Yeah, you

3   certainly can. I mean, you know, there have been

4   reports in the past of people doing that.

5   Also, your request earlier about

6   when it was -- Andrew, you were wondering about

7   when owners were required to file high rent vacancy

8   deregulations. It wasn't until 2014.

9   MR. MC LAUGHLIN: '14.

10   MR. HOBERMAN: Until then all the

11   numbers represent, you know, it wasn't required --

12   so.

13   CHAIRMAN REISS: Do we know what

14   the high point, the most reliable number is for the

15   high point in the number of rent stabilized units

16   in the City? Like what year and what number of

17   units it was?   Do we know that information?

18   MR. MC LAUGHLIN: We'd have to go

19   back and find that.

20   CHAIRMAN REISS: Okay. It's not

21   that important.

22   MR. MC LAUGHLIN: Yeah. I don't

23   know. Maybe it was -- yeah, I don't even want to

24   speculate. It was certainly over a million. Maybe

25   it was 1.2 million or 1.3 million at some point.

 1

 2   MR. HOBERMAN: But those are going

 3   to shift. I mean when rent rolls -- when rent

 4   stabilization started there were more rent control

 5   units, a lot were rent control units -- so.

 6   MR. MS LAUGHLIN: Right. And

 7   they switched to stabilization. But the first, we

 8   have to go back into HBS' -- and for some reason,

 9   1.2 sticks out in my mind but please don't take

10   that as fact. I want to go back and see if I

11   can -- if I can find that number.

12   CHAIRMAN REISS: It would be

13   interesting to know what the -- the most reliable

14   high point number of rent stabilized throughout.

15   But Brian makes a good point.

16   It's like, I guess you want to know rent

17   stabilized, I guess you want to know rent regulated

18   and then rent stabilized as a subset of that. If

19   that's not too hard to figure out.

20   MS. BURGER: But we can't really

21   do this until we back in the office because --

22   CHAIRMAN REISS: No, no. This is

23   not urgent.

24   MR. MC LAUGHLIN: Yeah, it would

25   be --

1

2   CHAIRMAN REISS: Yeah, it would

3   be -- yeah, this is not urgent at all.   I think

4   it's for a longer term conversation.

5   MS. GOODRIDGE: Yeah, and I

6   think, you know, it is -- thank you all for like

7   the reports and for all the information.

8   It's definitely important as an

9   overall picture because, again, when we're talking

10   about, you know, this board, as a member of rent

11   regulated units that we're covering, it is

12   important to understand that we are dealing with a

13   lot less units, right.   And so we're not, you know,

14   the same units that were available in the 1990s are

15   much less than are available today.

16   And so, you know, granted the new

17   rent reforms do curtail like high income and high

18   vacancy decontrol.   But the point is, a lot of

19   people -- if we're dealing with hundreds of

20   thousands of less units, we also need to make sure

21   that those units are still affordable and within

22   the grasp of people to afford them.

23   Because there's, you know -- it's

24   not like these units are going to stay in the

25   system forever as we saw.

1

2   So that's the point, you know, I

3 was trying to make earlier that I think if, you

4 know, merits some reflection here if we're making

5 decisions.

6   CHAIRMAN REISS: Any other

7 comments -- on this report, on the changes report?

8   MS. STONE: I just have one

9 comment.

10   I think it's important to note

11 that 421A buildings are built with the intention of

12 tenants being stabilized only for a specific period

13 time during the time period that they're receiving

14 tax benefits.

15   So putting aside the affordable

16 units which remain rent stabilized after the

17 building, you know, after the building tax benefits

18 expire, when people hear of all these numbers of

19 units leaving rent stabilization, many of those are

20 now in buildings that were 421As that were always

21 meant to leave rent stabilization when the benefit

22 expired.

23   So I just want to clear that up

24 for the newer people on the board so that they have

25 some understanding.

1

2   CHAIRMAN REISS: So, Patti, I'm

3   just looking at -- Brian, I am looking at your

4   slide, the summary table of additions and

5   subtractions. So I just want to make sure I

6   understand. So Patti's effectively talking about

7   421 expiration of a loss of 892 units and J51

8   expiration, a loss of 423 units.

9   Patti, right, that's the one

10   you're saying kind of are expected to leave the

11   supply.

12   MS. STONE: Absolutely. And

13   that's -- that's the way the system was built for

14   those particular units.

15   CHAIRMAN REISS: Yeah.

16   MS. DE ROSE: I just want to

17   clarify, I think we have --

18   MS. GOODRIDGE: I'm sorry. I'll

19   go after Christina.

20   MS. DE ROSE: Yeah, I have just a

21   question with the 421A rent stabilized apartments,

22   are those -- do they come with -- are those the

23   same apartments that come with -- are those the

24   same apartments that have like the, you know, the

25   kind of types of income with the AMIs or is that

1

2   different?

3   MS. STONE: No, they're not.

4   That's different. There's affordable units that

5   are rent stabilized but then there's rent

6   stabilized units that are simply rent stabilized

7   because of their accepting tax benefits. And those

8   units stay rent stabilized during the tax benefit

9   period and when the benefit ends, those buildings

10   come out of rent stabilization.

11   That's old 421. Then there's a

12   new 421A program that's a little different.

13   MS. DE ROSE: Those stabilized

14   apartments that have that median rent of $4,000.

15   MS. STONE: Yes, yes. Those are

16   the apartments that come out so those wouldn't help

17   the lower income people anyway.

18   MS. DE ROSE: Right.

19   MS. STONE: Those are, you know a

20   different set but that's units that are coming off

21   the stabilization, you know, tally.

22   MS. DE ROSE: But they're still

23   stabilized. They just have the higher rent.

24   MS. STONE: Yes, yes.

25   MS. DE ROSE: That was my

1

2   question.

3   Thank you.

4   Go ahead, Leah.

5   MS. GOODRIDGE: So I have two

6   points.   The first is that overall whether it's

7   421A or -- which are shorter term or longer term,

8   the point is still the same, which is that we are,

9   and have effectively, lost more and more affordable

10   housing in the City.

11   And then the second is that the

12   majority of the deregulated units are not under

13   421A.   I think it was about 150,000 that was quoted

14   by the *New York Times* that were both income and

15   vacancy deregulated.   And so, you know, I think,

16   you know, we don't want to go down a rabbit hole

17   here, but the larger point being made is that we

18   are dealing with much less affordable housing that

19   is available in 2020 than was available in 1990.

20   And so we need to make sure, or at

21   the very least, it's important to understand that

22   the minor or moderate or high increases being made

23   do ultimately have an effect on, over time, how

24   many people will be able to access that amount of

25   housing that's available that's much less than was

1

2 available, you know, decades ago.

3   CHAIRMAN REISS: Any other

4 comments on the changes report?

5   (No response.)

6   CHAIRMAN REISS: Andrew, should

7 we move on to the HPD.

8   MR. MC LAUGHLIN: Yeah, she's

9 here. So we can -- we can move on.

10   CHAIRMAN REISS: So I'd like to

11 welcome HPD's Assistant Commissioner Joffe.

12   And thank you so much for coming

13 and speaking with us today.

14   MS. JOFFE: Thank you for having

15 me.

16   Okay if I jump right in?

17   CHAIRMAN REISS: Great.

18   MS. JOFFE: Okay. So good

19 morning, Chairman Reiss and members of the Rent

20 Guidelines Board.

21   I'm Lucy Joffe, Assistant

22 Commissioner of Housing Policy for the New York

23 City Department of Housing Preservation and

24 Development.

25   In this capacity, I oversee HPD's

1

2   research and evaluation team, which conducts the

3   New York City Housing and Vacancy Survey, NYCHBS.

4   While I'm pleased to join you

5   again to discuss some of HPD's work over the past

6   year, I have to begin by acknowledging the

7   unprecedented circumstances created by the COVID-19

8   emergency. This is an incomprehensible tragedy

9   that has touched so many New Yorkers, including

10   many people attending this hearing today and many

11   of us.

12   New York City has been at the

13   epicenter of the pandemic. But we are also going to

14   be at the forefront of the recovery. The health

15   and safety of all New Yorkers is HPD's top priority

16   and secure housing is central to this mission.

17   We are in uncharted territory and

18   facing unforeseen challenges but we remain focused

19   on the many tenants, homeowners -- I'm sorry, I'm

20   having some technical difficulties.

21   MR. MC LAUGHLIN: While she's

22   looking up, I just wanted to remind the board

23   members that we sent her testimony. So if you want

24   to follow along, you're welcome to do so.

25   MS. JOFFE: Sorry about that. I'm

1

2   back.

3   MR. MC LAUGHLIN: Very good.

4   MS. JOFFE: But really the focus

5   on providing relief to the many tenants, homeowners

6   and small building owners who are suffering as a

7   result of this crisis.

8   As we begin to get a better sense

9   of the full impact of the pandemic and the

10   corresponding financial and housing challenges,

11   we'll also work to ensure the City recovers fairly

12   and equitably.

13   Creating and preserving

14   affordable housing, supporting owners and

15   maintaining safe, high quality housing and

16   strengthening financial protections and keeping

17   tenants in their homes remain top priorities for

18   HPD.

19   As requested by the board, I'll

20   now discuss HPD's work over the past year regarding

21   these crucial issues.

22   Creating and preserving affordable

23   housing. HPD, working in tandem with the New York

24   City Housing Development Corporation, HPC, financed

25   the preservation of 16,180 on the new construction

1

2   of 9,122 affordable homes in fiscal year 2019.

3   We are working in all five

4   boroughs with about:

5   6,000 units in the Bronx;

6   7,000 units in Brooklyn;

7   10,000 units in Manhattan;

8   2,000 units in Queens; and,

9   50 units in Staten Island.

10   And the majority of these, more

11   than 50 percent, saw very low income households or

12   households earning less than 50 percent of HUD

13   income limits, which for a family of three is

14   equivalent to abut $51,000 per year.

15   Since the City has been ahead of

16   schedule with over 160,000 homes financed to date,

17   we remain confident we can meet our goal of

18   creating or preserving 300,000 affordable homes by

19   2026.

20   It is more important than ever

21   that New Yorkers gain access to affordable housing

22   as quickly as possible.

23   In 2019, the City marketed nearly

24   6,100 units across more than 250 projects on

25   Housing Connect, our online affordable housing

1

2   lottery portal. In order to make affordable

3   housing lotteries more accessible to more people,

4   HPD further expanded the Housing Ambassadors

5   Program.

6   There are now 48 Housing

7   Ambassadors, nonprofit partners who assist New

8   Yorkers with the application process. Assistance

9   from Ambassadors is available in 20 languages and

10   there are three organizations that specialize in

11   serving applicants with disabilities.

12   Some Ambassadors also have access

13   to separate interpretation services, which allow

14   them to serve people in over 200 languages.

15   Finally, Housing Connect 2.0,

16   which will be an entirely revamped system for the

17   affordable housing lottery and will create far

18   greater transparency, efficiency and accessibility

19   to the process, will launch this summer.

20   HPD and HDC have been working to

21   speed the process wherever possible and to make

22   additional apartments available to homeless New

23   Yorkers in City financed affordable housing

24   projects that are, or will soon be, in the

25   marketing process in response to the pandemic.

1

2   Supporting owners and maintain

3   safe, high quality housing. Another top priority

4   is to ensure owners maintain housing that is safe

5   and high quality for all tenants. Through our

6   preservation and tax incentives work, HPD assists

7   building owners in making quality, safety and

8   environmental efficiency improvements.

9   The City recently launched the

10   Home Fix Program, which provides funding, technical

11   assistance and counseling to owners of one to

12   four-family homes struggling to make needed repairs

13   and otherwise maintain their homes.

14   And as part of Lead Free NYC, the

15   City launched an ad campaign in November to inform

16   property owners of the grant and resources HPD

17   offers to support lead remediation.

18   Sometimes HPD must take

19   enforcement action against owners who have not

20   complied with their obligations. Every day

21   hundreds of HPD inspectors visit homes across the

22   City and issue violations to building owners not in

23   compliance.

24   In fiscal year 2019, HPD closed

25   121,757 emergency heat and hot water complaints and

1

2   issued 11,481 emergency heat and hot water

3   violations.

4   HPD also issued 13,156 violations

5   for mold and 13,771 violations for either positive

6   or presumed lead-based paint condition.

7   When necessary, HPD can charge

8   owners for repairs, utilities and fuel through

9   their emergency repair program, ERP. In fiscal

10   year 2019, ERP charged owners in more than 6,000

11   buildings.

12   The 250 most distressed multiple

13   dwellings are designated for participation in the

14   Alternative Enforcement Program each year based on

15   the seriousness of the housing maintenance code

16   violation and the amount of emergency repair

17   charges incurred as a result of the work HPD

18   performs.

19   Round 13, buildings were selected

20   on January 31st, 2020. These 250 buildings have

21   more than 41,000 violations and owe more than $3

22   million in municipal arrears.

23   HPD's Housing Litigation Division

24   also brings cases in Housing Court against owners

25   who do not fix outstanding violations and, when

1

2   necessary, seeks findings of contempt and

3   incarceration of recalcitrant owners.

4   The City's also committed to

5   eliminating tenant harassment. HPD's

6   Anti-Harassment Unit brings claims against owners

7   in Housing Court for maintenance related

8   harassment.

9   As of December 21st, 2019, 819

10   building inspections were completed in 492

11   buildings. Of these, the Anti Harassment Unit, has

12   referred 45 buildings for litigation and filed

13   petitions in Housing Court based on harassment

14   claims from tenants.

15   The City's Tenant Harassment

16   Taskforce, a joint effort at HPD, the Department

17   Buildings, the Department of Health and Mental

18   Hygiene, the Fire Department and New York State

19   Homes and Community Renewal have attempted to

20   inspect over 748 buildings, 13,364 units as of

21   December 31st, 2019.

22   Through 2019, HPD issued over

23   38,000 violations to these buildings and 118 of

24   them have ongoing cases in Housing Court.

25   The City is also using data to

1

2   identify buildings at risk for harassment, such as

3   through the Certification of No Harassment pilot

4   program launched in December of 2018.

5   HPD also works with the newly

6   created Mayor's Office to Protect Tenants, to be as

7   comprehensive as possible in our efforts to

8   protects tenants.

9   The City has joined with the other

10   member cities of the High Cost Cities of Housing

11   Reform, to advocate for federal resources to

12   support tenants, homeowners and building owners

13   across the five boroughs and the country.

14   We need financial assistance from

15   low and moderate income renters and homeowners to

16   provide evictions from foreclosure and we need

17   support for building owners who have lost

18   significant rental revenues so they can keep their

19   employees and maintain their buildings to the

20   City's highest standards.

21   Strengthening renter protections

22   and keeping tenants in their homes. Housing data

23   in New York City has shown a net rental vacancy

24   rate of up to 5 percent, which constitutes a state

25   of housing emergency, as defined by State law.

1

2   since the NYCHBS was first conducted in 1965.

3   In 2017 the vacancy rate was 3.63

4   percent. The housing shortage is most acute among

5   lower cost units where we see even lower vacancy

6   rates. Units renting from $1,000 to $1,500 per

7   month had a vacancy rate of only 2.5 percent in

8   2017.

9   In 2017, a typical renter paid 34

10   percent of their income for housing, a rate that

11   has been increasing with the time. More than half

12   of renter occupied households were considered rent

13   burdened because they paid more than a third of

14   their income toward rental costs. And one-third of

15   renter occupied households is severely burdened,

16   meaning they paid more than half of their income

17   for housing.

18   High rent burdens is most acute

19   for low income households earning up to 80 percent

20   of HUD income limits, which was $68,700 for a

21   family of three in 2017.

22   The rent stabilized stock

23   overwhelmingly serves the low and moderate income

24   New Yorkers. Eighty-six percent of those in rent

25   stabilized units in New York City, more than

1

2   830,000 households fall within the income served by

3   HPD and our affordable housing programs.

4   Looking toward the recovery.

5   Finally, as you all know, HPD conducts NYCHBS every

6   three years, as we referenced most recently in

7   2017. The NYCHBS provides invaluable information

8   on the City's housing stock and its residents,

9   specifically with regard to rent stabilized units.

10   Data from NYCHBS are public and

11 used by researchers, policy makers and housing

12 stakeholders to inform the conversation around

13 housing issues in the City. The next NYCHBS will

14 provide valuable insight on the City's housing

15 stocks and residents and serve as a critical tool

16 for understanding the impacts of the pandemic and

17 planning for a fair and equitable recovery.

18   Thank you for this opportunity to

19 update you on HPD's programming and the City's

20 response to the COVID-19 pandemic impact on housing

21 affordability and stability.

22   We look forward to further

23 collaboration with this board and are available to

24 answer any questions you may have.

25   CHAIRMAN REISS: Thank you so

1

2   much.

3   I did have a question. In your

4   testimony, you said we need to support -- we need

5   support -- we need support for building owners who

6   have lost significant rental revenue so they can

7   keep their employees and maintain their buildings

8   to the City's high standards. What can you say

9   further about that? What do you have in mind?

10   Are there programs in the works to do this?

11   MS. JOFFE: So the City has a

12   range of tools at its disposal to support owners

13   through our tax incentive programs or preservation

14   programs who are struggling to make ends meet for

15   any reasons.

16   We've also joined with other

17   member cities of the High Cost Cities Housing

18   Forum, which I referenced in my testimony, to

19   advocate for federal resources, specifically for

20   emergency building stabilization funds to target

21   multi-family buildings who have lost significant

22   revenue during this time.

23   CHAIRMAN REISS: Thank you.

24   Other questions for Assistant

25   Commissioner Joffe?

1

2   MR. SCHWARTZ: Yeah, I have a

3   question.

4   Could you say a little more about

5   how the City's affordable housing plan is affected

6   by COVID? I know that the capital budget, for

7   example, is seeing cutbacks substantially and what

8   that -- how is that going to translate in terms of

9   units.

10   And, also, is there going to be a

11   shift, which there was after the last financial

12   crisis? So ten years ago when there was a shift

13   under Bloomberg to more preservation units versus

14   new construction units?

15   MS. JOFFE: So thank you for that

16   important question.

17   Protecting tenants and keeping

18   people housed remains a top priority for the City

19   right now. And as we all continue to navigate the

20   unique challenges that the COVID-19 emergency has

21   presented, the safety and health of all New Yorkers

22   continues to be our top priority.

23   So we're focused on the continuity

24   of our housing work, while obviously protecting

25   staff and our partners and all of the New Yorkers

1

2   we preserve through our many programs.

3   Since the housing plan has been on

4   time and ahead of schedule with over 160,000 homes

5   financed to date, we do remain confident that we

6   will still meet our goal of 300,000 units by 2026.

7   MR. SCHWARTZ: And the

8   composition, in terms of preservation versus new

9   construction, do you see that as staying the same?

10   MS. JOFFE: We do remain confident

11   about our ability to meet the goals as we've laid

12   them out.   But, you know, we're continuously

13   evaluating the needs of the City and as we navigate

14   the pandemic.   But we do remain confident in our

15   ability to creatively work with our partners to

16   meet what the needs of all New Yorkers.

17   MR. SCHWARTZ: Thank you.

18   CHAIRMAN REISS: Any more

19   questions or comments?

20   MR. MC LAUGHLIN: Yeah, I had just

21   one more question.

22   Sorry, David.

23   So the HBS, it's the 2020 year,

24   has the pandemic impacted that particular study?

25   Because we are, as a board we rely heavily on that

---

as a lot of different folks in the City do. Can you give us an update the timing of the HBS?

MS. JOFFE: Yeah, we are working full steam ahead with our partners at the Census Bureau on the current survey. Obviously, we are in unprecedented times. So as we do, we are working on all potential contingency plans so that we can be ready for any -- anything that comes our way. But we are focusing ahead.

MR. MC LAUGHLIN: Great.

MS. JOFFE: And I do appreciate the -- the shoutout to the HBS because we also think it's important and critical during this time.

MR. MC LAUGHLIN: Wohoo.

CHAIRMAN REISS: Any other questions or comments?

(No response.)

CHAIRMAN REISS: Thank you so much for taking the time to speak with us.

MS. JOFFE: Thank you for having me.

And thank you for all your important work.

CHAIRMAN REISS: Thank you.

1

2   So I -- any new business from

3   board members?

4   Any other topics that people would

5   like to discuss?

6   (No response.)

7   CHAIRMAN REISS: All right.

8   So we will reconvene for our

9   public hearings in middle -- middleish June.

10   I look forward to seeing you all

11   there.

12   And I -- I will ask for a motion

13   to adjourn.

14   MS. SCHWARTZ: Motion.

15   CHAIRMAN REISS: And a second?

16   MS. DE ROSE: Second.

17   CHAIRMAN REISS: Great.

18   We are adjourned.

19   Thank you so much.

20   And see you soon.

21   (Whereupon, the proceedings were

22   concluded.)

23

24

25

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2   STATE OF NEW YORK)

3   SS.

4   COUNTY OF NEW YORK)

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6

7   I, MARC RUSSO, a Shorthand

8   (Stenotype) Reporter and Notary Public within and

9   for the State of New York, do hereby certify that

10   the foregoing pages 1 through 70, taken at the time

11   and place aforesaid, is a true and correct

12   transcription of the Zoom videoconference.

13   IN WITNESS WHEREOF, I have

14   hereunto set my name this 30th day of June 2020.

15   ----------------

16   MARC RUSSO

17

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