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NYS Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic
Human Services
Social Services Committee

Good morning. My name is Esteban Girón, and I am a member of the Crown Heights Tenant Union (CHTU) and serve on the Board of Directors of Tenants PAC. Thank you, Chair Rosenthal and Chair Persaud, for giving me this opportunity to testify today.

At last week's budget hearing on housing, we heard several legislators grill the HCR Commissioner over the agency's rollout of the rent relief program, which has been nothing short of an abysmal failure. And while we can all agree that HCR bears some responsibility for the continued failure of the program, what we heard very little of was any acknowledgement that it was the provisions baked into the law by legislators that set up this program for failure. No one lamented that the bill was unceremoniously rushed through the Assembly Rules Committee after it was clear that the Assembly Housing Committee would be following the advice of advocates, experts, and tenants statewide in opposing it. The only thing more frustrating than the countless hours we spent unsuccessfully trying to help people apply for this program is the fact that it all unfolded exactly how we said it would. Several legislators seemed shocked - shocked I tell you! - that an agency 2 years behind on rent overcharge claims could possibly fail to adequately implement this complex, means tested dumpster fire of a law.

Senator Kavanaugh, I appreciated your comments at last week's hearing, and more importantly for taking action in late December to help us stay in our homes. While we didn't get everything we wanted, you chose to draft a bill that would retain some key elements of Senator Myrie's original moratorium bill. Both in the Senate and in the Assembly, most Republicans and far too many Democrats complained that the moratorium would not be means-tested. Why wouldn't the Democratic Conference want to ensure that only those who "really need the help" received it, like they did in California? What about all of those tenants currently using their rent money to buy tv's? Why should they be protected too?

Likewise, several of you spoke last week about your concern that tenants were purposefully refusing to apply for rent relief simply out of spite for our landlords. One after the other asked the HCR Commissioner if she had heard of tenants refusing to cooperate with landlords by not

filling out applications for rent relief, as though it's tenants who are holding up the distribution of that \$100 Million dollars, and not the draconian eligibility requirements that you wrote into the law. I am happy to clear up this question for you: only 15,000 out of the 94,000 tenants who applied for the program received any relief. Those of you suggesting that tenants are the ones standing between landlords and relief money owe exactly 79,000 tenants statewide an apology.

Means testing is the primary reason the rent relief program did not work. For one, you are basing eligibility on definitions and formulas that don't always work in a post-COVID reality. Everyone's household expenses have increased as a result of the pandemic. The skills we've learned to save money and live within our means don't even exist anymore in most cases. In that context, what does "rent burden" even mean? Where's the data proving that 70% of my fixed SSI income should be enough to cover all of my expenses during a pandemic? I contracted Covid-19 in March of last year, and almost a full year later, I am still suffering from Post-Acute Covid syndrome like thousands of my fellow New Yorkers. I can't so much as carry a couple bags of groceries a half block from the supermarket to my apartment because I won't be able to clear the 5 step landing without my legs cramping and my lungs gasping for air. So I have to use my food stamps through either Amazon Fresh or Whole Foods or a handful of other grocery stores that are often 3-4 times more expensive than my local supermarket. I'm lucky if I'm able to make a meal once or twice a week because of the crushing fatigue and brain fog, so I rely on food delivery services to do that for me, which means each meal is also 3-4 times what I used to budget for it. I'm using my rent money for food and transportation and medical care and still having to put hundreds of dollars on a credit card each month for my family and I to survive. Nonetheless, I didn't qualify for the rent relief program because I had not "lost income." Means testing ensures that the most vulnerable fall through the cracks simply to account for hypothetical villains that might benefit from relief that they didn't "deserve."

The bottom line here is that we need our legislators to include us in the process so that this time we get it right together. It was incredibly demoralizing to sit down with tenant after tenant to help them do an application knowing they most likely would not qualify for relief. As my colleague mentioned last week, despite thousands of working-class Black and brown tenants in Crown Heights identifying as CHTU members or living in member buildings, not a single CHTU member qualified for rent relief. This is the predictable end result of crafting programs about us without us; your tenant constituents experiencing these issues day in and day out are uniquely qualified to advise you on what didn't work and what can be changed to improve that. We have a few recommendations we'd like for you to consider as you design a new program through OTDA.

- Unless you are increasing OTDA's funding as part of the budget process, adding a whole new benefit program, especially one that will disburse 1.3 Billion dollars and do so very quickly, could cause other programs to be neglected. I am in desperate need of rent relief. But I'm also disabled, so I already receive SSP, SNAP, HEAP, some of those through my EBT card. I need OTDA to continue administering those programs without disruption or strained staff. The rent relief program through HCR took an entire department that had been working on the Rent Connect portal and diverted them to the

task of implementing this program. It was a disaster, and yet those 94,000 applications represent a tiny portion of what you can expect to see if you make a new rent relief program accessible to everyone who needs it. The only way this will work is if landlords are the ones who have to prove hardship. There are hundreds and likely thousands of CHTU members who need this assistance if they want to survive this pandemic. Out of all of those tenants, there's probably at most 50 landlords, and of those, maybe 10 would fall under the category of "mom and pop" landlords who are actually struggling from not receiving rent for the past year. Why task an agency with processing thousands of requests when a mere 10 applications would get to the real need, save money and resources and stabilize our communities most efficiently?

- The goal of the new program must be to keep as many people as possible in their homes both now *and* after the pandemic. If you distribute the money so that a million people get half of their rent arrears covered, the end result is going to be a million people getting evicted. If you decide instead that you will cover 90% of those rent arrears, you're still looking at a million people getting evicted for that remaining 10% of arrears. If you want the new program to keep folks in their homes, cover the full rent that they owe!
- Means testing has never been about getting help to the most vulnerable. When Republicans tried to introduce an amendment requiring means testing for the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, they lamented that without restrictive eligibility requirements, someone, somewhere in this state might be able to avoid eviction despite not having lost any income during the pandemic. You might be surprised to learn that I share your concern regarding would-be bad actors. It's frustrating to hear that someone who doesn't need help is gaming the system and profiting off of the misery of others. We actually have a great solution to handle those situations: it's called TAXING THE RICH! It's billionaires, not tenants, who have benefited from lax regulation, regressive taxation and other welfare Republicans legislated on their behalf for decades. And now you want to cut costs and balance the budget on the backs of the most vulnerable?

I will close with a shoutout and word of warning. I am now the first CHTU member to have the privilege of giving public testimony to a committee that includes a fellow CHTU member, Assembly Member Phara Souffrant-Forrest. 20 months: that's how long it took for Phara to go from being violently arrested for blocking the entrance of the NYS Assembly chambers to sitting where she is now listening to my testimony. I hope Phara's presence will serve as a constant reminder that no one here is untouchable, because tenants vote. The same tenants who mobilized to win supermajorities in both chambers are now demanding that you use the power that the people have conferred upon you to cancel the rent, house the homeless, end the violence of evictions, and tax the rich. If you can't get that done, it will be entirely because you don't want to, not because you can't. We will keep demanding a seat at the table as you craft the programs and policies that affect us the most. Scoot over a bit and let tenants have a seat! Otherwise we will have no choice but to send another one of our own to take your place.