



The City of New York

COMMUNITY BOARD 17

4112 Farragut Road, Brooklyn, NY 11210

Tel: (718) 434-3072 Fax: (718) 434-3801

Sherif Fraser

District Manager

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March 7, 2019

Dear Elected Officials:

For almost two years, Brooklyn Community Board 17's Land Use Committee has encountered and supported many residents in the community struggling to defend their properties and their families against the continuing changes in the community resulting from over-development/gentrification. We have organized residents in specific areas, held educational forums regarding land use and contextual zoning in targeted areas within the District, and sent letters in support of adding our community in Brooklyn back onto the Cease and Desist List. We have referred homeowners to trusted legal professionals to provide leverage against developers who have chosen to threaten rather than respect neighbors. We have even become our own "community lobbyists," sending a list of proposed legislation ideas to our elected officials.

It is in this vein of vigilant self-advocacy and proactive effort that CB17's Land Use Committee hereby expresses its concern regarding New York's Third Party Transfer Program ("TPT"). We note that the intention of the law has been to curb the problem of slum lords and the dehumanizing living conditions under which they profit on the backs of the poor. However, TPT's current application has the insidious effect of unfairly and some would argue, unlawfully, ripping people of color out of their homes without their knowledge or appropriate due process, and without compensation for the conversion of their property. In addition, TPT eradicates the inheritance rights of people of color's heirs as the City gifts their hard-earned and fought for homes to business interests (some of which have probably backed the electoral campaigns of the proponents of TPT). What results can only be described as either a perverse form of eminent domain or a new millennium form of sharecropping. The City is essentially stripping homeownership rights from primarily seniors of color who have for years paid taxes and insurance as well as satisfied mortgages on a property they thought was theirs. After collecting those funds for years from the homeowner, the City unilaterally misappropriates those ownership rights in favor of monied developer interests who use those properties to further engorge their own portfolios. The homeowner then finds that in reality, they have only been a mere sharecropper, renting the property all these years from the City until the City found some corporate interest that it deemed more suitable as a replacement. It is no surprise

that there is an obvious overlapping correlation between the taken properties and the path of developer-driven gentrification in our Brooklyn.

Ultimately, we are concerned that not only does the homeowner have to fend off developers on the daily basis who harass them out of house and home, the homeowner must now band against the City itself to keep a roof over their head. The City is essentially complicit in a mass taking without notice, representation or compensation with the collective victim being the middle class of color. This must not stand. We are also concerned that no one can point to a formalized set of clear regulations that the public can view in order to know what standards or circumstances land a homeowner on the list. As a result, there is no clear means of how one gets off the list once you are targeted. In fact, it was only through the staff of New York State Senator Velmonette Montgomery, despite the fact that she is not our direct representative, that CB17 was even informed of the homes within our district that are on the TPT list.

In light of this homeownership crisis, CB17's Land Use Committee proposes the following solutions for consideration by our collective elected officials:

1. Require HPD and Neighborhood Restore Housing Development Fund Corp to be more transparent with New Yorkers about the TPT regulations (A "layperson's summary")
2. Devise a more immediate and timely outreach strategy to the residents/homeowners that are on the list of potential Third Party Transfers so that they are informed and appropriate and reasonable amounts of time to address any issues.
3. Galvanize and fund community support efforts by developing the following networks to assist in aiding the specific homeowners as well as establishing a support system for future targets:
 - a. Construction: Organize local residents with various construction trade skills to assist in repair, as necessary, as well as organize donations of materials for construction.
 - i. With funding, this network could provide the dual benefit of both assisting homeowners targeted by the Third Party Transfer Program as well as being the basis for providing a pathway to OSHA certification and other licensing for construction volunteers who opt to join the network for at least six (6) months.
 - b. Community Organizations: Work with existing community groups such as NHS Brooklyn and Habitat for Humanity to provide homeowners with knowledge and increased access to foreclosure programs, renovation grants/low-cost loans, etc. to eliminate the rationale for inclusion on these lists. This would also require increasing the

- inclusion/participation limits to more accurately reflect the incomes and realities of living in New York.
- c. Legal/Financial: Organize legal and financial professionals to provide assistance regarding how to regain ownership of taken property, advice regarding trusts and estates planning as well as develop financial plans to maintain and make current any outstanding costs associated with the property etc. Build this program out to include pro bono credit for participating professionals.
 4. Develop an ongoing pipeline of information to prevent this from happening, especially to our communities' seniors
 5. Develop a study of the disparate racial impact of this program and develop a resource library of materials to educate the community at large regarding this program and others like it within current law.
 6. If the TPT program continues, add a Civilian Review Board component that includes average New Yorkers. The Mayor should be limited to only appointing two members at most. The Review Board would be able to reach out to the neighborhood via the block association and community board level to procure anecdotal evidence of what the property conditions are. The Review Board's role would not be solely advisory but have an actual voting interest in the outcome of the property as it relates to inclusion/exclusion from TPT.

In conclusion, we would like to encourage and work with you to develop legislative language to counter this disturbing trend while still keeping to the intended aim of the program. Primarily, we must have a set of clear standards and processes for how a homeowner gets on the Third Party Transfer List. It must be clearly accessible on the City's website. At the very least, we should develop codified law that requires timely, effective notice of inclusion on this list as well as provide more assistance to help average people save their homes once on it. Thank you for your time and consideration of our ideas.

Sincerely,

Valarie S. Hollingsworth
Valarie S. Hollingsworth
Chairperson
Land Use Committee

Allyson Martinez
Allyson Martinez
Co-Chairperson