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COMMUNITY BOARD ELEVEN

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Housing Committee Tuesday, October 6, 2015, 6:00 p.m. Board Office

*** Minutes ***

- Present: Myra Colon, Emily Grajales, John Green, Wendy Hewlett, Alvin Johnson, Alex Kohen, Keith Massey, Maria Nieves, Nilsa Orama, Eudora Ortiz, Celia RAMirez, Xavier Santiago, Angel Mescain (staff)
- Excused: none
- Absent: William Smith, Candy Vives-Vasquez
- Guests: Theresa Richardson; Tanri Achary, CUNY; Leslie Colon, Franklin Plaza; Ana Cruz; Jennifer Akchin, PTH; Ricardo Rivera, East River T.A.; Sergio Valentin, Operation Fightback; Paul Woody, Jonathan Rose Companies; Marie Winfield, CB11

1. Call to Order at 6:05pm– Adoption of Agenda,

Motion made by Alex Kohen and seconded by Keith Massey.

2. Informational Updates- N/A
3. Presentations & Discussions

- a. Update on Yomo Toro Apartments leasing and community preference

Paul Woody, senior project manager of Jonathan Rose Companies, along with Operation Fight Back who assisted in Community Outreach and Marketing for this project. 89 apartments which 88 were affordable rental units 1 left over was the superintendent units. This was a lottery process thru Housing Connect. The lottery ran from September 2014- November 2014. This project was presented to several different Committees as well as advisory boards within the community advertising the project. Johnny Rivera from RBI was very helpful during this process. 78,000 applications were received. The rents were pegged to 2012 AMI's instead of 2015AMI's. 4,000 of the 78,000 submitted applications were from Community Board 11. The affordability levels was broken down to 20% of the project was affordable at 40% and 80% of the project was affordable at 60% AMI. The preference was 44 units had CB11 preference, 22 units NYCHA preference there could a overlap between the CB11 & NYCHA preference list. The project was also broken up into tiers – following was the order of preference:

1. George Washington Houses
2. Community Board 11

3. City wide
4. Anyone who held a NYCHA Voucher
5. Anyone on the NYCHA waiting list

Because this project had an overwhelming amount of applications we were able to fulfill the NYCHA units from the CB 11. There were 5 units for mobility, 2 visual, 5 municipal employees, and 32 non preference units in the building. To date 72 unit leases have been signed out of the 88. HDC has approved files for 9 more units. WINN is working to do unit viewings and arrange lease signings Mr. Woody anticipates by the end of the week end (October 9th) 78 leases would have been signed. There are 7 more files to be reviewed. There have been 6 or 7 families who have declined on the units for random reasons. Mr. Woody anticipates that all preferences will be met. Committee thanked Mr. Woody for the update. Mr. Woody said there remain 7 files that have identified families but awaiting documents. The building is a smoke-free no pet environment. Mr. Woody said he is not sure if HDC rejected any of the files that were submitted. Mr. Woody addressed the issue that accrued with Ms. Rondon. Mr. Woody explained the lottery process and apologized for the miss communication that accrued. Mr. Woody said he would follow up to see if Ms. Rondon would remain on the waiting list along with the Algorithm that was used for the selection period.

As promised Mr. Woody sent the following response:

Regarding Ms. Rondon's application:

- Ms. Aracelis Rondon's log number was #38567 (will be NYCHA/CB11 preference if she is part of the household at 1485 Park Avenue)
- She will remain on the waiting list for a Studio/1BR @ 40%
- When she interviewed she brought (2) employment letters and no pay stubs. She was actually only missing the pay stubs, W2's and bank statements. Although we had an employment verification form we did not verify her employment.
- Based on the information provided Ms. Rondon is eligible for a 40% unit. However, she falls under the NYCHA/CB 11 preference. The 40% units were exhausted with lower NYCHA/GW log numbers and disability preferences. Therefore, we did not have an opportunity to offer Ms. Rondon a unit.

Regarding the Algorithm used-algorithm

The Housing Connect system randomizes the applications and Housing Connect was built and is maintained by HPD.

4. Old Business

- a. Budget Priorities- Mr. Mescain explained that DCP has changed the process. Continue to bear with us for the staff is still trying to wrap their heads around the new process. We are focused on the need and request. City planning has crafted the wording some clear rather than others. We are to prioritize the list. The Executive Committee will then review soon and then they will determine the final draft prioritization. Then a survey monkey will be designed for the board to rank. Also with the form this year in the statement of needs we have identified or made recommendations the new form does not allow us to make policy recommendations. All CB's are frustrated with that contact has been made to DCP we are awaiting for direction. Below are our requests:
Capital Request

1. Provide more housing for extremely low and low income housing (HPD)
2. Renovate or upgrade public housing developments (NYCHA)
3. Install security cameras or make other safety upgrades (NYCHA)

Expense Request

1. More affordable senior housing with SCRIE & DRIE subsidies.
2. Establish a budget to train and employ NYCHA residents to become full fledged security guard. This opportunity would allow qualified NYCHA residents to be licensed and bonded as a security guard.
3. Establish a budget for mentoring and monitoring system between newly license security guard (NYCHA resident) and auxiliary/community police working in tandem.
4. Provide or enhance rental subsidies program (HPD)
5. Other affordable housing request (HPD)
6. Hire additional inspectors to monitor building complaints (HPD)

5. New Business

- a. The committee has decided to arrange constituent hours and possibly linking with our legal clinic. We the committee would like to be more effective within the our community
- b. Committee would like to invite NYCHA and HPD to our January meeting for a pipeline update.
- c. 2015 Community Board 11 Permanent Affordable Housing Land Use Restriction Mandate- Alvin introduced the proposed resolution.

10062015-Resolution

2015 Community Board 11 Permanent Affordable Housing Land Use Restriction Mandate

Whereas, New York City Housing Preservation and Development (HPD) has the authority to mandate land use restrictions on the deposition of land city owned.

Whereas, Title 28, Section 33-05 of The rules of the City of New York gives The Department of Housing Preservation and Development (HPD) authority.

§ Section 33-05: Site Disposition.

• Title 28: Department of Housing Preservation and Development ‘Chapter 33: Housing and Urban Renewal Projects and Programs

(a) Approvals. The Agency shall not make any Disposition until and unless the following approvals have been granted:

(1) Governing Body Approval. All Dispositions shall require prior approval by the Governing Body and shall be subject to any further terms and conditions imposed by the Governing Body as a condition for its approval.

(2) Law Department Approval. All legal documents relating the transfer of title or otherwise relating to the Project shall require prior approval by the Law Department.

(3) Agency Approval. Notwithstanding the prior approval of the Governing Body and the Law Department, all Dispositions shall require prior approval by the Agency, which approval may be withdrawn by the Agency, for any reason deemed by the Agency to be

in the best interests of the City, at any time prior to Disposition. As a condition precedent to its approval of any Disposition, the Agency may require a potential Sponsor to have satisfied all terms and conditions determined by the Agency to be necessary or desirable, including, but not limited to, the terms and conditions set forth in any selection process, Authorization Letter, Negotiation Letter, or Loan commitment letter.

(b) Legal Documents. The Agency may require a Sponsor to execute such legal documents, including, but not limited to, a deed, land disposition agreement, and regulatory agreement, as the Agency deems necessary or desirable to transfer title to the Site, enforce the obligations of the Sponsor, effectuate the purposes of the Project, and otherwise protect the best interests of the City. Such documents may contain such terms and conditions, consistent with these Rules, as are required by the City on a city-wide basis or as the Agency determines are necessary or desirable to transfer fee title or any other real property interest in the Site, enforce the obligations of the Sponsor, effectuate the purposes of the Project, and otherwise protect the best interests of the City.

Whereas, HPD has the authority to mandate land use restrictions on the deposition of city owned land be used to build permanent affordable housing.

Whereas, Title 28, Section 33-07 of the Rules of the City of New York gives the Department of Housing Preservation and Development authority.

§ Section 33-07: Project Operation.

- Title 28: Department of Housing Preservation and Development ‘Chapter 33: Housing and Urban Renewal Projects and Programs

(a) Regulatory Agreement. A Sponsor may be required to execute a Regulatory Agreement with the Agency as a condition for the Agency Activities taken by the Agency in connection with the Project. The Regulatory Agreement shall be recorded against the Site and shall run with the land for the period set forth therein. The Regulatory Agreement shall require the Sponsor and all of Sponsor's successors and assigns to comply with Project requirements.

(b) Marketing. The Agency may require a Sponsor to market vacant dwelling units in accordance with the requirements of a marketing plan prepared by the Agency. Such marketing plan may include such requirements with respect to the marketing as the Agency deems necessary and desirable, including, but not limited to, (i) requirements to ensure outreach to make eligible City residents aware of the availability for rental or sale of such dwelling units, and (ii) requirements to ensure that applications for the rental or sale of dwelling unit are opened and considered in a random order. A marketing plan may, but shall not be required to, contain provisions providing a preference to certain applicants where the Agency deems such preference to be appropriate. Factors for the granting of such preference may include, but shall not be limited to, special needs, residence in the community in which the Site is located, or referral by the Agency to the Sponsor for relocation.

(c) Use Restrictions. The Agency may impose restrictions upon the use of a Site and may require a Sponsor to agree to comply with such restrictions as a condition for receiving any Disposition or Assistance. Such use restrictions may be enforced by any means which the Agency determines to be necessary or appropriate, including, but not limited to, provisions in any deed, land disposition agreement, regulatory agreement, note, mortgage, security agreement, lien, restrictive declaration, or other legal document. The Agency may require a Sponsor to provide security for its compliance with use restrictions in such types and amounts as are determined by

the Agency to be necessary or desirable. Such types of security may include, but shall not be limited to, surety bonds, letters of credit, or cash.

Whereas, this land use restriction will ensure that all new affordable housing built in cb11 remain affordable in perpetuity.

Whereas, New York City has lost more than 300,000 units of affordable housing since 1997 because land use agreements expired after 30 years.

Whereas, all rezoned city owned land In CB11 will have an Affordable Housing Restriction

Whereas, this land use restriction will affect long term Affordable Housing in CB11

Whereas, there will be no expiration date on the affordable housing restriction

Whereas, developers must adhere to this land use restriction

Whereas, long term residents of CB11 shall not be displaced due to socio-economic status

Whereas, this land use restriction shall remain in effect as long as the land is there

Whereas, developers who acquire city owned land in CB11 must build affordable housing and that housing must remain affordable as long as that land is there.

Therefore, be it resolved that because HPD has the authority to enforce this land use restriction, HPD should enforce this rule and that developers who seek to violate this land use restriction must return all developed land back to the city of New York.

Motion was made by Myra Colon to adopt proposed resolution 10062015 properly moved and seconded by John Green. It was a unanimous vote all members approved motion passed.

6. Announcements

- a. The Department of City Planning (DCP) has certified both the Zoning for Quality and Affordability (ZQA) and the Mandatory Inclusionary Housing (MIH) zoning text amendments. All community boards, including CB11, have sixty (60) days until November 30, 2015 to review and submit comments on the proposed amendments.
- b. DCP will present their Mandatory Inclusionary Housing (MIH) Plan during the CB11 Land Use, Landmarks & Planning Committee meeting on October 14, 2015.
- c. Neighborhood Planning & Rezoning: Community Visioning Workshop Schedule:
 - Thurs, 10/22 - Zoning/ Land Use, Affordable Housing Development
 - Thurs, 11/19 - Health, Seniors, Environment, Transportation & Safety

7. Adjournment

Motion to adjourn was made by Keith Massey and seconded by John Green. Meeting was adjourned at 7:55pm

Minutes prepared by: Wendy Hewlett