



Community Board 12 - Manhattan
Washington Heights & Inwood
530 West 166th St. 6th Floor, New York, NY 10032
Phone: (212) 568-8500, Fax: (212) 740-8197
Website: www.nyc.gov/mcb12

George Fernández Jr. - Chairman
Ebenezer Smith, District Manager

June 18, 2014

Hon. Vicki Been
Commissioner
Dept. of Housing Preservation & Development
100 Gold Street
New York, NY 10038

Dear Commissioner Been:

Community Board 12-Manhattan in its General Meeting held on Tuesday, May 27, 2014, passed the following resolution with a vote of (38)in favor, (0)Opposed, (1)Abstain, objecting to the eligibility of HAP Investments, LLC d/b/a 167th Street Mazal, LLC and the Department of Housing, Preservation and Development granting a 421-a Partial Tax Exemption Certificate that supports any lack of building concurrent and onsite affordable housing in our community for this project.

Whereas, To fulfill legal obligation under the current 421-a Partial Tax Exemption Laws (421-a) as codified in the Rules of the City of New York Chapter 6 of Title 28 (Section 6.03) a public hearing was called on May 1st, 2014; and .

Whereas, The purpose and scope of that hearing was to review documents, receive testimony and obtain answers and all available evidence so as to make a final determination either to approve or object to an applicant's online application for preliminary certification of eligibility as authorized by the Department of Housing, Preservation, and Development (HPD); and.

Whereas, For information purposes the applicant is HAP Investments LLC d/b/a 167th Street Mazal, LLC with an Application Number of 50298 and the property is located at 446-448 West 167th Street (B/L 2111/97, 99) on two lots that have been vacant for over three years; and .

Whereas, The applicant failed to appear at the hearing, only available documents and testimony from board members, the public and elected officials or their staff could produce the following findings and determinations:

- **The applicant is an 'as-of-right' developer who purchased and used vintage offsite negotiable certificates of eligibility {NCOE} from HPP.**
- **HPD bundled these negotiable certificates of eligibility {NCOE} such the applicant now has no requirement to build onsite affordable housing here.**
- **The applicant answers to specific questions in HPD's online application on that organization's intent to build onsite affordable housing was evasive with responses as 'N' presumably for No and 'N/A' for Not Applicable.**
- **Despite these responses the online application formatting gave the applicant a "passed" rating as has been done on similar applications - suggesting that this system is defective.**

- *The applicant also filed a separate application to the NYS Attorney General's Office for approval of luxury condominiums at this site.*
- *In 2007 amendments to the 421a Partial Tax Exemption Law banned the issuance of any new negotiable certificates of eligibility (NCOE), but was not explicit on the use, sale, transfer and crediting of these existing financial instruments to other entities such as they could become again negotiables.*
- *HPD was given the authority under the amended law to promulgate consistent rules for these vintage certificates, but has not done so with sufficient specificity and clarity so as to close loopholes and protect all stakeholders, besides itself and developers; and*

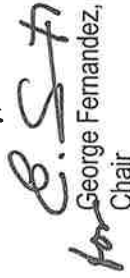
Whereas, In 2012 the Affordable Housing Coalition released a report with data stating that "Community District 12 in Northern Manhattan is facing an affordable housing crisis" and specifically cited these vacant lots at West 167th Street, not owned by the applicant at that time, as a potential site for affordable housing and discussed this matter in meetings with HPD's former Commissioner; and

Whereas, The negotiable certificate program has been eliminated by law and now requires according to 421-a Sections (7)(f) and (g) that "All affordable units must be situated onsite.", and "For the purposes of this section, "onsite" shall mean that affordable units shall be situated within the building or buildings for which benefits pursuant to this section are being granted." and finally that "The limitations on eligibility for benefits contained in this subdivision shall be in addition to those contained in this section and in any other law or regulation; **now therefore be it**

Resolved, Community Board 12, Manhattan objects to the eligibility of HAP Investments, LLC d/b/a 167th Street Mazal, LLC and the Department of Housing, Preservation and Development granting a 421-a Partial Tax Exemption Certificate that supports any lack of building concurrent and onsite affordable housing in our community for this project.

Thank you for your favorable response to our request.

Sincerely,


George Fernandez, Jr.
Chair

cc: Hon. Andrew Cuomo, Gov. NY State
 Hon. Sheldon Silver - Speaker NYS
 Hon. Bill De Blasio, Mayor - NYC
 Hon. Gale Brewer, Manhattan Borough President
 Hon. Scott Springer, NYC Comptroller
 Hon. Letitia James, Public Advocate
 Hon. Adriano Espaillat, State Senator
 Hon. Bill Perkins, State Senator
 Hon. Herman D. Farrell, Jr., Assembly Member
 Hon. Gabriela Rosa, Assembly Member
 Hon. Melissa Mark-Viverito, Speaker NYC Council
 Hon. Mark Levine, Council Member
 Hon. Ydanis Rodriguez, Council Member
 Hon. John A. DeFrancisco, Senator-Chair Comm. of Finance
 Hon. Catharine M. Young, Senator-Chair Housing Committee
 Sandy Galef, Chair-Real Property Taxation Members
 Hon. Keith L.T. Wright, Chair-Housing Members
 Jumaane D. Williams-Chair Committee on Housing/Bldgs
 Ritchie Torres, Chair-Committee on Public Housing
 Hon. Aldrin R. Bonilla, Deputy Borough President
 Hon. Brad Hoylman, NYS Senator
 Hon. Miriam Colon - Asst. Commissioner HPD



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George Fernández Jr. - Chairman
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June 16, 2014

Hon. Bill De Blasio
Mayor of NYC
City Hall
New York, NY 10007

Hon. Rachel D. Godsil
Board Chair
NYC Rent Guideline Board
51 Chambers Street Suite 202
New York N.Y. 10007

Dear Mayor De Blasio & Board Chair Godsil:

At the General Meeting on Tuesday, May 27, 2014 Community Board 12-Manhattan passed the following resolution with a vote of (38)In favor, (0)Opposed, (0)Abstain and strongly recommended that the NYC Rent Guidelines Board not grant any rent increases for any rent stabilized apartments for one or two year leases commencing October 1st 2014 or subleases.

Whereas, at a scheduled public hearing on May 6th, 2014 the NYC Rent Guidelines Board proposed a range of rent changes for the current "base rent" for rent stabilized apartments that will be finalized as **Rent Guideline Board Order #46** and together with such further adjustments as may be authorized by law the following proposed ranges of annual adjustment to be used for a determination of the new rent order are:

- For a one-year renewal lease commencing on or after **October 1, 2014** and on or before **September 30, 2015: 0% - 3%**
- For a two-year renewal lease commencing on or after **October 1, 2014** and on or before **September 30, 2015: 0.5% - 4.5%; and**

Whereas, written submission of information and comments by the public on the proposed rent guidelines must be received by **Monday, June 23rd, 2014**, and

Whereas, study after study and year after year has shown that NYC is still in an affordable housing crisis, including studies and reports by the Furman Center, the National Low Income Housing Coalition, the NYC Alliance to Preserve Public Housing, the Coalition for the Homeless, the NYS Controllers Office, the NYC Comptroller's Office and recently the NYC Mayor's "Five Borough Ten Year Plan"; and

Whereas, more than one million households in New York City are rent-burdened, which means they are paying 30 percent or more of household income on rent, nearly 600,000 of those households are severely rent-burdened, or paying more than 50 percent of their income on rent; and

Whereas, even within these new proposed rent ranges any suggested increase perpetuates a policy since 1968 where every NYC Rent Guidelines Board has imposed successive rent increases that has failed not only to protect communities where affordability is disappearing, but failed to lessen the burdens imposed by our nation's severe recession and slow recovery in the past six years, or the effects of unemployment, heavy government budget cuts or

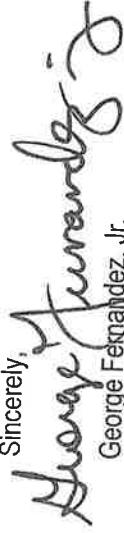
sequestration, frozen wages and a rent increase in last year's rent guidelines order of 4.45% and 7.75% for one and two years leases; and

Whereas, there should be no desire to prevent landlords from making a profit in the real property marketplace or lament or ignore losses that comes with the risks of operating an enterprise; the burden of spending on operating costs and tenants paying successive and cumulative rent increases needs to be shared better than it has been in the past forty-six years; **now therefore be it**

Resolved, Community Board 12, Manhattan strongly recommends that the NYC Rent Guidelines Board not grant any rent increases for any rent stabilized apartments for one or two year leases commencing October 1st 2014 or subleases.

Thank you for your consideration in advance and we look forward for a favorably outcome for this resolution.

Sincerely,



George Fernandez, Jr.
Chair

cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Aldrin Rafael Bonilla, Man. Deputy Borough Pres.
Hon. Letitia James, Public Advocate
Hon. Adriano Espaillat, State Senator
Hon. Bill Perkins, State Senator
Hon. Vicki Been, Commissioner - HPD
David H. Wenk - Public Member - NYC RGB
Sara Williams Willard - Owner Member - NYC RGB
Sheila Garcia - Tenant Member, NYC RGB
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Gabriela Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Hon. Alicia Glen, Deputy Mayor/Housing & Eco. Dev.
Carol J. Shine, Esq. Public Member - NYC RGB
Magda L. Cruz, Esq. Owner Member - NYC RGB
Harvey Epstein - Tenant member, NYC RGB