

Community Board 12, Manhattan
Minutes for the Housing and Human Services Committee Meeting
April 6, 2015 – Main Meeting Space
530 West 166th Street – 6th Floor
New York, NY 10032

Committee Members Present (4): Richard Lewis (Chair), Yahaira Alonzo (Asst. Chair), Jay Mazur, Alyce Smith.

Committee Members Absent (4): Lorena Jiménez-Castro, Ayisha Oglivie, Christina Burgess and Felipe Wityk Sanchez.

Board Members (2): Wayne Benjamin and Maria Luna.

Guest Speakers (5): David Cohen, Esq. (Attorney for West 161 Street Associates, LLC), Monzer Khafagy (Project Manager) HAP Investments), Elisa Vasquez (President – Pa'lante), Monique George (Community Voices Heard), Carlos Rosa (Neighborhood Housing Services NYC).

Public (10): S. John, G. Baez, Lindsay Armstrong, DNAinfo, Mona Gavin WSNA, Martin Collins, Evelyn Svero NYWCC, H. Munoz, William Smith (Assemblyman Keith Wright's Office), Robert Jackson, Monique Parsely, and several unsigned others.

Staff: Debra Blow.

Welcome, Opening Remarks, and the Agenda. Richard Lewis as Chair called the meeting to order at 7:15pm. The meeting was set to record to a digital audio file device. Board Members introduced themselves as did members of the public present. A quorum was established during the meeting.

HHS Committee Chair's Report/Announcements

FREE Housing events this month: 1) **BuildingsNY Expo** at the Jacob Javits Center - April 28 & 29th. 2) **Coop, Condo and Apartment Expo** - April 21st at the Hilton Hotel. The HHS Committee meeting will be held in two sessions: A public hearing on the eligibility of a 421a application for a tax exemption on a building under construction at 607 W. 161st Street between Broadway and Fort Washington Avenue (notice published and posted ten days prior) and various agenda items on the committee's regular monthly meeting.

Source Documents Released at the Meeting. The following source documents were distributed or made available at the meeting by presenters:

- **WHAT IS AFFORDABLE HOUSING? – EXCERPTS AND A GLOSSARY OF TERMS -**
http://welcometocup.org/file_columns/0000/0011/cup-fullbook.pdf
- **POSSIBLE TALKING POINTS AND QUESTIONS TO BE ASKED TO THE 421A APPLICANT - Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **Washington Heights calling: New 62-unit building at 607 West 161st Street -** <http://news.buzzbuzzhome.com/2013/09/607-west-161st.html>
- **Washington Heights to get 62-unit residential property -** <http://therealdeal.com/blog/2013/09/04/washington-heights-to-get-62-unit-residential-property/>
- **APPLY NOW FOR AFFORDABLE RENTALS IN THE UPPER WEST SIDE'S "POOR DOOR" BUILDING -**
http://www.brickunderground.com/blog/2015/02/affordable_housing_poor_door_building
- **421a Application for Eligibility for a Partial Tax Exemption: West 161st Street Associates, LLC - Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **Floorplans of 607 West 161st Street (All Units Shown) - Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **FORM: 421PTE-AHL - Request for the Exact Location of Affordable Units in the Architect's Certified Floorplans - Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **Working Committee Draft on a 421a Application - Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **421a Law and RCNY - § Section 6-03: Local Community Planning Board Review -** <http://rules.cityofnewyork.us/content/section-6-03-local-community-planning-board-review>
- **RESOLUTION: CITY COUNCIL BILL ON TENANTS RIGHT TO LEGAL COUNSEL IN HOUSING PROCEEDINGS (INTRO 214) -- Available at the Community Board Office - Copies on Request with Reasonable Notice.**
- **Concept Mapping for Resolution Development – POOCH Chart and Worksheet - Available at the Community Board Office - Copies on Request with Reasonable Notice.**

PUBLIC HEARING ON THE ELIGIBILITY OF A 421a APPLICATION FOR A PARTIAL TAX EXEMPTION

Introduction.

The rules for how the public hearing will be conducted was circulated and read aloud by the chair. The public hearing is being held as a first step to fulfill the community board's legal obligation under the 421-a Partial Tax Exemption Law (421-a), as codified in the Rules of the City of New York, Chapter 6 of Title 28 (Section 6.03). The purpose of this hearing was to review documents, receive testimony and obtain answers so that a final determination could be made to either approve or object to the applicant's application for a preliminary certification of eligibility by the Department of Housing Preservation and Development (HPD) and to render a decision before April 22, 2015. The only objections on the applicant's eligibility that have legal standing and supported by HPD's Office of Tax Incentive Programs are those eligibility standards cited in Section 6.02 of the statute (see attachment).

The applicant is West 161st Street Associates, LLC d/b/a Sutton Management (Application and Project Sequence Number 54351), and the property to be built is located at 607 West 161st Street (B/L 2137/21) on a lot purchased from the New York Congregation of Jehovah's Witness et al that formerly housed the Hebrew Tabernacle Congregation's synagogue and community house.

Presentation by David Cohen, Esq. (Attorney for West 161st Street Associates, LLC)

David Cohen, Esq., an attorney for the applicant West 161st Street Associates, LLC appeared in the absence of the architect and the developer. A discussion on the project ensued and a PowerPoint© on the project's floor plans was shown. The following findings and determinations were made:

- *The site was purchased for \$3,000,000 with the help of a Bank Leumi mortgage for \$1,500,000 and has a projected construction cost of \$18,000,000.*
- *The applicant is applying under the 80:20 program that will require 13 affordable units, defined in the application as 60% AMI with proposed rents ranging from \$838 to \$1,085, and proposed free-market rents ranging from \$2,000 to \$5,000 in a 62-unit, 10-story building.*
- *HPD's online application website gave the applicant a "passed" rating.*
- *According to a signed statement, testimony and the certified architectural floor plans, there are seven affordable units on the entire third floor, four on the second floor and the balance on two other floors.*
- *The applicant has not filed a separate application to the NYS Attorney General's Office for approval of a condominium or cooperative at this site.*
- *There is no evidence presented that vintage negotiable certificates of eligibility (NCOE) will be used to satisfy 421-a program requirements; and*

Q&A

Mr. Cohen responded to the questions raised in the talking points the committee submitted to the applicant on the project prior to the meeting and others posed from the board and the public assembled. Board Member Yahaira Alonzo wanted to know why the 2 bedroom designated as affordable unit was smaller than the 1 bedroom units at market rate. In terms of location of the affordable housing units in the development she pointed out that from the owner's assignments and Mr. Cohen's confirmation that most of the affordable housing units, with the exception of the 2 bedroom unit and the studios, were located on the 2nd and 3rd floors of the building. Mr. Cohen was not sure if HPD has authorized the distribution of these units or even if HPD has jurisdiction over that decision.

Note: (First Floor [#1D – Studio], Second Floor [#2A, #2B, #2C, - 1Bedroom; #2F – Studio], Third Floor [#3A, #3B, #3C, - 1 Bedroom; #3D, #3E, #3F, #3G – Studios]; Ninth Floor [#9D - 2 Bedroom].

The building is a 80:20 model, as approved by HPD. Ms. Alonzo asked if the developer could offer more than the 13 affordable units contained in the application. Mr. Cohen said that offering more affordable housing units would not be financial sustainable for this development.

Further pressed with questions on the chances of increasing the ratio of 80:20 Mr. Cohen again responded no since from an economic perspective the building wouldn't be viable. He stated that there was research done by HPD on the potential increase for these affordable units when their application was received.

All the affordable housing units have the same interior style. The finishes are the same and all units have a washer/dryer. The building will have a virtual doorman, but Mr. Cohen was not sure whether there will be a porter or a live-in superintendent. Mr. Cohen believes that there will be no extra cost for any amenities. All units have kitchenettes. There is only one main entrance to the building. Although the certified architectural floor plans suggest the building is ADA compliant there were some questions about the positioning of a lobby ramp and the doorman's desk setup. There was no rendering available at the meeting of the exterior of the building and that will be submitted to the board by the architect (Jeffrey Cole Architects).

HPD will develop a standard application protocol for determining eligibility for the affordable units As soon as HPD releases the application the board will release this information to our community district.

Mr. Cohen was not sure if there will more conditions for eligibility other than income, nor did he know if residents of our community will have priority to the affordable housing units. However, Board member Wayne Benjamin (Chair - Land Use Committee) pointed out that HPD sets aside 50% of the units for the residents of a community where a 421a development is located .He also requested more specs on the lobby area.

The organization has been very cooperative in supplying the committee with all the information requested. The lawyer confirmed that he will get back to the board with the renderings of the building, information regarding the superintendent, and wheelchair accessibility in the lobby entrance. There will be security cameras, but Mr. Cohen was not sure if all units will have camera access features with the Virtual Doorman© system. The building will be heated by natural gas.



Rendering Building Exterior facing North– 607 W. 161st Street



Rendering of the Lobby – 607 West 161st Street

MONTHLY REGULAR HHS COMMITTEE MEETING AND AGENDA ITEMS

Presentation by Monzer Khafagy (Project Manager- HAP Investments)

HAP Investments considers Washington Heights “one of the most up and coming real estate locations in New York City.” HAP Investments are engaged in the development of four large construction free market projects in our community: **HAP Three NY** (446 - 448 West 167th Street), **HAP Four NY- LILAK** (655 West 187th Street, NY - 47 apartment), **HAP Four.One NY** (284 Wadsworth Avenue NY – 10 apartments), and **HAP Seven NY** (4452 Broadway, New York, NY 10040 - 8 floors, 98 apartments and a commercial floor).

Mr. Khafagy is here to present an overview and some details on the 655- 667 West 187th Street project between Wadsworth Avenue and Broadway. The project is completely market rate. HAP is not asking for a 421a tax exemptions or any other public financial support. The project is completely privately funded by investors.

They expect to start construction next month. Construction is planned to be completed by August 2016.

This project will be done in modular construction. The first two floors will be done in concrete; the rest of the building is modular. Utilizing this off-site construction method the entire development process is streamlined to create a high-quality product with a small carbon footprint. Individual modules are constructed and fully finished in a factory setting, while the eventual building site is simultaneously prepped for their arrival. This process will result in expending far fewer raw materials than traditional construction methods since the modules are fabricated in a highly controlled environment, allowing for quality assurance and precise engineering. The modular construction method

rapidly accelerates the production schedule, completing buildings in virtually half the time of the traditional on-site process while also opening a new realm of opportunity for urban development.

These prefab units are being built by the same factory that built the units of The Stack (the modular building at 4857 Broadway). See http://www.nytimes.com/2013/03/10/realestate/inwood-prefab-homes-win-converts-in-new-york.html?_r=0

The Stack developer, Jeffrey M. Brown gave a presentation to the HHS Committee in 2013. The factory is located in Pennsylvania and the modular units will be shipped on large flatbed by trucks. This will involve night traffic changes on West 187th Street and another board presentation on this matter type of construction see **DeLuxe Building Systems** in Berwick, Pa - <http://deluxebuildingsystems.com/>

The building will be 8 stories high and will have 47 apartments that will arrive in 97 modular units. The apartments range from 1 to 3 bedrooms, (1 and 2 bedrooms - the majority). There will be a community facility on the 1st floor for medical offices and a garage. The building will have three entrances because of the steep slope of the site.

Mr. Khafagy indicated that the construction plans will require that West 187th Street be closed for 6 weeks/24hours due to the safety of the residents in that area. These modular units vary from 13ft x 60ft and to larger sizes. HAP believes that the NYC Department of Transportation (DOT) will not deny permission to close the street since the modular units will be hoisted by crane during the day. At night the street closing is also important because that is when the modulars will be arriving from the Pennsylvania factory. The units will be stored in front of the building during the night, Transport of these units due to the size of their size and slow moving speeds more than likely would cause traffic congestion, if moved to the site of construction during the day and especially across the George Washington Bridge.

In terms of pedestrian traffic, the north side will be closed during the day and at night. There will be a bridge for walking on the south side of the street. There will be security at night to protect the property.

There is a school across the street from the construction site as well as a church and several apartment buildings in the immediate vicinity. HAP has talked with the school administration regarding the street closure and the school has no objections. During the night the construction crew will need to open an emergency lane on 187^h Street, but they have not met with the 34th precinct to resolve this matter and full details of the construction plan.(West 187th street is the nearest east/west throughway to Broadway for several blocks from Wadsworth Avenue)

Building Floor Plans

- There are three entrances. The basement level has 14 parking spaces with electrical rooms, the storage area, and the storage for the superintendent.
- Since the building is built on a steep hill its main entrance to the lobby is on the 2nd floor.
- The 2nd to the 6th floors have mainly units that are 1 and 2 bedrooms. The 7th and 8th Floors have private terraces with 2 to 3 bedrooms units. There is also public space for tenants on the roof.

Some Additional Construction Details.

All the modular units will be built to code in terms of thickness of walls and fire proofing, egress, insulation, plumbing, electrical, HVAC, etc. The building will be heated by natural gas.

The crane engineer will determine how to stack the modulars. There will not be a back-up crane on the site. The modular units will be checked and tested before they leave the manufacturer. If something happens to a modular during transportation, the manufacturer will supply HAP a new one. Each modular will be built with plumbing and electrical conduits for later connecting. The building will have shafts in each corridor for connecting. The building will have vertical plumbing and vertical connections which will be done on site.

The shaft to the elevators will be done on site. The stairs will also be pre-fabricated. In terms of fire ratings they are using building code fire ratings 2 or 3 hour with shaft roll double layer.

The HAP representative does not know the rents for these market rate units. However, in terms of cost for the whole project this kind of construction is not that much cheaper than standard construction, but you save on time and no loss in rentals.

There was concern about the square feet of the apartments and the size of individual rooms. There were also concerns expressed about the appearance of the building, its lilac color and the architect's lack of contextual style. Board Member Wayne Benjamin stated that the renderings of the building as shown completely ignore the look and/or feel of the neighborhood into account and it sticks out. It has paid zero attention to where it is located. This was similar to the criticism voiced by a community in Harlem over another HAP project.



Exterior rendering northwest view on West 187th Street towards Broadway.



Exterior rendering northeast view on West 187th Street towards Wadsworth Avenue.

Monique "Mo" George (Director/Organizer - Community Voices Heard).

Monique George began her presentation by stating that Community Voices Heard (CVH) started because people got tired of other people describing their situation living on public assistance. She grew up in Public Housing in the northeast Bronx. CVH also works on Participatory Budgeting Their public housing campaign is about eight years old and they have about nearly 55, 000 contacts in their database. Their core group of campaigners is of about 100 people. One campaign this year is to hold people accountable who authorize funding to NYCHA. Instead of just sitting around and listening to NYCHA ask for more money, they started lobbying their legislators up in Albany for more NYCHA funding. For the first time, since 1998 the state has decided to put in 100 million in NYCHA's budget. However, the housing authority needs about 13 billion dollars so that they can bring all their buildings up to code. So what has been budgeted for this year and hopefully matched by the city is still insufficient. CVH lobbying movement and that of other organizations must continue year after year until then. There will be a press conference on Thursday, April 9 to ask the mayor to put in their fair share to NYCHA. The federal government for the past decade not longer funds public housing programs like NYCHA and has cut back on Section 8 vouchers as well. NYCHA is the last example of true affordable housing for the poor. The mayor has put more money towards NYCHA in the last budget cycle and so has FEMA, but that is only for the buildings that were affected by Hurricane Sandy.

Elsia Vasquez (Founder and President - PA'LANTE Harlem).

Pa'Lante exists out of necessity. They impact change by organizing from within. They empower tenants and the community. Pa'Lante's approach is about giving the tenants the tools to resolve their landlord tenant problems. All it takes is a tenant who wants to take the initiative says Elsia Vasquez. They help everyone, they are not income or geographically based - Pa'Lante is city wide. The requirement is a person commitment to self help. Pa'Lante represents 40 tenant associations, where they develop, educate, and maintain the associations and leaders. They help tenants with succession rights, rent-stabilized and rent-controlled apartment issues, among many others. Pa'Lante are not lawyers, they are grassroots tenants advocacy organization that understand their rent laws and the legal and administrative process

They have an attorney who conducts a weekly legal clinic and occasionally does pro bono work. They have represented over 40 people, some from our district, with difficult cases such as holdovers. Elsia Vasquez pointed out

that many landlords, especially from Washington Heights, are retaining private detectives to stalk tenants, document how long they are out of the country or how often they stay in the apartment.

Pa'Lante advertises in El Especialito and El Dario, and they have been rated as one of the top non-profits by Great Non-Profits two years in a row. Unlike many non-profits they don't turn people away.

Basically, when a person goes to Pa'Lante and requests help an appointment would be set-up. They will be told to bring with them a copy of their most recent lease/rent statement and/or rent registration. Pa'Lante will validate the information and the complaint and then they start the process. A letter will be sent from the tenant to the landlord, not Pa'Lante may help craft it, but it needs to come from the tenant. If the issue is a holdover or a court related matter Pa'Lante has legal counsel that can work on a pro bono basis. In some cases that are less difficult Pa'Lante and the lawyers may guide the tenant throughout the whole process.

Pa'Lante does not handle NYCHA or Mitchell Lama cases. They are involved only with rent regulated, TIL (Tenant Interim Lease Apartment Purchase Program), and H.D.F.C. owners. They also help homeowners in single family buildings.

Carlos Rosa from Neighborhood Housing Services (NHSNYC)

Carlos Rosa began his brief presentation by stating that the goal of the Neighborhood Housing Services (NHSNYC) is to convince renters to become home buyers. If renters are financially able to buy property, they can help. They conduct home buying seminars, landlord training, reverse mortgage counseling, help with foreclosures, and they offer down-payment assistance sponsored HPD for first time home-owners. NHS is able to provide home-buying seminars sponsored by HPD because NHS is HUD certified. This assistance is available to any type of purchase within the 5 boroughs. The next class is April 18th. Upon completion of attendance of the seminar, the attendee will receive a certificate of completion and get pre-approved for a mortgage if they qualify. NHS works with financial institutions such as Chase, Wells Fargo, Citibank, etc. There are some income restrictions, however. There are household income maximums. (Copy of these restrictions was handed out.) There was concern about the sub-prime mortgages; Carlos said that is no longer the case. NHS works with reputable lenders and the borrower needs to be employed with sufficient income. Also concern about that the income levels stated in the handout. Board member Maria Luna pointed out that Washington Heights is a middle to low income community, so most of our residents will not qualify under those income level maximums. The market prices right now disqualify many people in our community from purchasing, because they will not qualify for the mortgage that will be needed. Carlos responded that that people are now buying homes in the Bronx that are affordable. NHS has offices on West 36th Street in Manhattan, one in Queens, and two in the Bronx.

Discussion About Resolutions

Two draft resolutions were presented to the committee for discussion:

RESOLUTION: CITY COUNCIL BILL ON TENANTS RIGHT TO, LEGAL COUNSEL IN HOUSING PROCEEDINGS (INTRO 214)

There are some 29,000 evictions per year. Many judges and lawyers, legal advocates and elected official believe half of these evictions could be avoided with free legal counsel. Preventable evictions have contributed to some 25,000 homeless families and increase in shelter payments of some \$38,000 per year. The homeless population has increased to some 60,000 in 2015. So there is clearly a return of investment with the use of qualified legal counsel in these cases. Almost 90% of landlords in housing court have attorneys and the playing field needs to be leveled. There are long lines to see a legal aid counsel in housing court and almost all tenants are turned away. HRA one stop payments and signing stipulation without an attorney present just for a tenant may not be the best solution and often may have other consequences, such as yet more appearances in housing court.

Intro 214, a bill introduced by Council members Mark Levine and Vanessa Gibson is the first step to resolving this. Some 38 council members have lent their support. And it will be the first in the nation if it passes We are the first community board to bring a resolution of support for a vote. The bill is considered a first step as there also needs to be a consolidation of services for example and court administration, HRA and DHS programs to handle the underlying causes of potential evictions before they appear as a problem in housing court. The bill also needs sufficient funding in the city budget to be successful. Right now the bill is still in committee and one of the goals of this resolution is to

lend our support so there may be a public hearing and the bill finally brought to council floor for a vote. It will be the first in the nation if it passes. This resolution was first introduced at the March 6th, 2015 HHS Committee meeting, but there was no quorum present due to inclement weather.

Committee Vote: 4-0-0-0 (Y-N-A-P); Board Members: 1-0-0-0 (Y-N-A-P); Public:(3-0-0-0).

RESOLUTION APPROVING WEST 161ST ASSOCIATES, LLC APPLICATION FOR A 421-A PARTIAL TAX EXEMPTION TO BUILD TWENTY PERCENT AFFORDABLE HOUSING UNITS WITH EQUAL ACCESS TO ALL PUBLIC AREAS AND AMENITIES AT 607 WEST 161ST STREET

This is a time-sensitive resolution that needs to be submitted to the Executive Committee since the board meets April 28th, 2015 and that will be six days too late. The application was received by the board on March 9th and requires action within forty-five days or by default it is approved. On a few outstanding issues the developer will get back to us: is there a live in superintendent on-site, is the lobby is ADA compliant, how green is the building, will there be a more equitable distribution of the affordable housing units, and could there be more affordable housing units?

However, the law is written so that even if the resolution objects for reasons outside eligibility criteria of the application HPD will still approve the application. The only legal grounds for an objection to the application are based on eligibility criteria enumerated in section 6.02 of R.C.N.Y. As such HPD has listed in application that the applicant passed the eligibility test. The Chair stated that the present 421a law sunsets in June 15th, 2015 and the HHS Committee will be holding a 421a discussion and possible resolution session on this matter at our May meeting.

It was the general feeling by some on the committee that while the law is written as such, there is nothing that prevents the Community Board from asking for more; such as more affordable unit and re-allocation of the units assigned, the same amenities, and no poor doors. And there is nothing in the law that prevents CB12 from making their objections or concerns known in the resolution. Board Member Jay Mazur suggested that there is nothing in the law that would prevent a developer from building a 50:50 development if they so wish. From the financial numbers that the developer disclosed it was believed that granting more affordable housing units would not cause a financial burden. Maria Luna stated that affordable housing is a real problem in our community. It was further contended that despite what the law states on an applicant eligibility criteria there is no obligation for our committee to approve the application. Even if that is the case; it should not be approved in our name. Affordable housing needs in our community are so large that we shouldn't be in the position to accept whatever offer is given. It was agreed that these concerns will be written into the draft resolution and these new insertions were read to the committee members by the Chair.

Committee Vote: 4-0-0-0 (Y-N-A-P); Board Members: 1-0-0-0 (Y-N-A-P); Public :(1-0-0-0).

The meeting was adjourned at 10pm.

**Respectfully Submitted by
Yahaira Alonzo, Assistant Chair
Edited and Reformatted by
Richard Lewis – HHS Chair
April 6th, 2015**

ADDENDUM -421A SECTION OF THE LAW FOR COMMUNITY BOARDS

§ Section 6-03: Local Community Planning Board Review.

Title 28: Department of Housing Preservation and Development Chapter 6: Tax Exemption Pursuant To Section 421-a of the Real Property Tax Law and Section 11-245 Of The Administrative Code Of The City Of New York

(a) *Submission of application to local community board.* An applicant for partial tax exemption pursuant to the Act whose project contains more than twenty dwelling units shall send a complete copy of the application for a Preliminary Certificate of Eligibility and supporting papers by certified mail or hand delivery to the local Community Planning Board for the area in which such project is located within ten days of submission of the application to the Department. A copy of the receipt shall be hand delivered or mailed to

the Department for annexation to the application no later than ten days after the date appearing on such receipt.

(b) *Standards for review.* The local Community Board shall have a forty-five day period after receipt of such application and supporting papers to file objections with the Department as to the applicant's eligibility for partial tax exemption hereunder. **Such objections, if any, may only be based upon an applicant's eligibility under subdivision two of §421-a of the Real Property Tax Law or the applicant's failure to comply with the eligibility requirements in §6-02 of these regulations.** The local Community Board may, in its own discretion and within the forty-five day period, hold a public hearing to determine whether any objections as to eligibility should be filed. Nothing contained in this section shall preclude a final determination of ineligibility of an applicant by the Department prior to the expiration of the forty-five day period.

(c) *Notification to community board.* In the event the local Community Board files objections, the Department shall make a determination thereon and notify such Community Board within forty-five days after receipt of the objections.

(d) *Review of projects containing more than one hundred fifty dwelling units.* Where a project contains more than one hundred fifty dwelling units, the local Community Board may, within thirty days of the receipt of a copy of an applicant's notification, request the Department to hold a public hearing solely on the question of the applicant's eligibility under subdivision two of §421-a of the Real Property Tax Law or the applicant's failure to comply with the eligibility requirements in §6-02 of this chapter. If such request is made, the Department shall hold a hearing before the Commissioner or other person or persons whom he or she may designate, make a determination, and notify the Community Board within forty-five days after such hearing.

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<http://rules.cityofnewyork.us/content/section-6-03-local-community-planning-board-review>