



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

November 19, 2021

David I. Pickett
President and CEO
Gotham Organization
432 Park Avenue South, 2nd Floor
New York, NY 10016

**Re: Utility Credit on Renewal Leases
The Nicole, 400 W55th Street Gotham West, 592-608 11th Ave,
507-553 W44th Street, 508-558 W45th Street**

Dear Mr. Pickett,

Manhattan Community Board 4 (MCB4) appreciates Gotham's responses to our two previous letters (dated July 15, 2020, and December 22, 2020) regarding the removal the Utility Credit from renewal leases of multiple tenants of both The Nicole and Gotham West at the above referenced addresses. MCB4 appreciates that the Utility Credit is no longer being removed for residents of affordable housing at Gotham West. However, tenants at The Nicole continue to have the Utility Credit deleted upon lease renewal. This action has resulted in monthly rents that are \$50-80 higher than when the Utility Credit was reflected on their renewal leases.

MCB4 recognizes that the issues surrounding the removal of the Utility Credit at Gotham West and The Nicole are complicated and subject to regulatory review and legal action. We understand that the issues are currently under review both by the New York State Housing Finance Agency and in Housing Court. Pending resolution of these long-running issues, MCB4 requests that residents of affordable housing at The Nicole be treated in the same manner as those at Gotham West with regard to the Utility Credit.

At its regularly scheduled Full Board meeting on November 3, 2021, MCB4 voted by a vote of 42 in favor, 0 opposed, 0 abstaining, and 1 present but not eligible to vote to ask that Gotham reinstate the Utility Credit for each of the residents of affordable housing at The Nicole in the same retroactive way that Gotham has done for the residents of Gotham West¹. Specifically, we ask that Gotham reverse its policy stated in a letter to MCB4 dated July 20, 2020, in which

¹ Maria Ortiz, resident of Gotham Properties and Co-Chair of Housing, Health & Human Services Committee voted Present Not Eligible on both Committee and Full Board meetings.

Gotham stated it will consider treating the tenants of the two buildings in the same way, only if one or more tenants of The Nicole files a complaint with the Office of Rent Administration (ORA), as did one or more tenants of Gotham West. Such action has occurred.

Background

On January 15, 2020 (before the pandemic ravaged NYC), Gotham Properties sent a memo (attached) to all “Residents of Affordable Units at Gotham West” promising the following:

“[E]ffective immediately, and until further notice, we will no longer terminate the utility credit upon lease renewal. And residents who signed a renewal lease where the credit was terminated will have a utility credit reapplied and will be credited for the difference from the time of their lease renewal.”

The reinstatement of the Utility Credit was applicable to all residents of affordable housing at Gotham West, not just to those who filed a complaint with ORA in 2019. Nevertheless, in July 2020, when most City and State offices were severely hampered by the pandemic, Gotham Properties wrote that residents of affordable housing at The Nicole would not be entitled to reinstatement of the Utility Credit unless they filed a complaint with ORA.

An undue burden was placed upon the residents of affordable housing at The Nicole during the pandemic to require them to file “an appropriate case” with ORA, especially when virtually identical issues were already being reviewed by ORA regarding Utility Credits at Gotham West, and legal action was brought by tenants at Gotham West and The Nicole². In that light, we ask that you reinstate the Utility Credits for the residents of affordable housing at The Nicole in the same retroactive way that you did for the residents of Gotham West.

Conclusion

Our District represents a diverse community with households with a range of income. We believe in keeping the community diversified and welcome developers who will build high quality affordable housing. Gotham Organization has worked with this community and been a good partner in ensuring that diversity.

We look forward to collaborating with the Gotham Organization to rectify this situation and ensure future transparency with tenants of the affordable apartments regarding the Utility Credits in these and future developments.

Sincerely,



Lowell D. Kern
Chair
Manhattan
Community Board 4



Joe Restuccia,
Co-Chair
Housing, Health
Human Services Committee

² Also, at The Atlas (66 West 38th Street) in Manhattan Community Board 5.

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Jerry Nadler, U.S. Congree
Hon. Brad Hoylman, New York State Senate
Hon. Richard Gottfried, New York State Assembly
Hon. Linda B. Rosenthal, New York State Assembly
Leslie Thrope, Executive Director, Housing Conservation Coordinators
Commissioner/CEO, RuthAnne Visnauskas, Homes & Community Renewal Office of
Rent Administration
Chairman - Kenneth G. Adams, NYS Housing Finance Agency
President, Eric Enderlin, NYC Housing Development Corporation
Commissioner Louise Carroll, NYC Housing Preservation & Development