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**The City of New York
Community Board 8 Manhattan**

March 18, 2021

Honorable Andrew Cuomo
Governor
NYS Capitol Building
Albany, NY 12224

Honorable Andrea Stewart-Cousins
Senate Majority Leader
188 State Street Room 907, LOB
Albany, NY 11247

Honorable Carl Heastie
Speaker of the Assembly
LOB 932
Albany, NY 12248

Senator Liz Krueger
Chair, Finance Committee
211 East 43rd Street
New York, NY 10021

Senator Brian Kavanagh
Chair, Committee on Housing, Construction, & Community Dev.
250 Broadway, Room 2011
New York, NY 10007

A.M. Steven Cymbrowitz
Chair, Committee on Housing
1800 Sheepshead Bay Road
Brooklyn, NY 11235

A.M. Helene E. Weinstein
Chair, Committee on Ways and Means
3520 Nostrand Avenue
Brooklyn, NY 11229

RE: Opposition of Part L of the New York State Executive Budget FY 2022

Dear Governor Cuomo, Majority Leader Stewart-Cousins, Speaker Heastie, and Chairs Krueger, Kavanagh, Cymbrowitz and Weinstein:

At the Full Board meeting of Community Board 8 Manhattan held on March 17, 2021, the board unanimously **APPROVED** the following resolution by a vote of 43 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, On January 19, 2021, Governor Andrew Cuomo proposed an amendment to the New York State Multiple Dwelling Law with the stated purpose of “authorizing flexibility in zoning to address high commercial vacancy rates and underutilized hotel properties located within specified areas in New York City, particularly in response to the COVID-19 pandemic;” and

WHEREAS, if enacted, the proposal as recently amended would allow certain Class B and C office buildings located south of 60th Street, and between Park Avenue and 9th Avenue built prior to 1977 to be converted to residential use; and

WHEREAS, if enacted, the proposal would allow hotels located south of Chambers Street and north of 110 Street, and in all of the Bronx, Brooklyn, Queens and Staten Island with fewer than 150 rooms to be converted to residential use; and

WHEREAS, the proposal would take effect immediately upon enactment and would expire according to its terms on December 31, 2024; and

WHEREAS, to be eligible, a property as converted would need to meet one of the following conditions:

- a) be part of a state affordable housing plan or in agreement with the State Department of Home and Community Renewal “(DHCR)” to provide a minimum of twenty percent (20%) of such

- housing units created as affordable housing, or
- b) is to be operated as a supportive housing facility that is under a contract with any state or city agency to provide housing and supportive services for any population, or
 - c) will instead provide an amount necessary to support the creation or preservation of affordable housing or prevent homelessness as determined by the commissioner of the DHCR; and

WHEREAS, the proposal expressly overrides “any state law ... local zoning law, ordinance, resolution, or regulation” that would have the effect of limiting the conversions allowed by the proposed amendment, including but not limited to the NYC Zoning Resolution, the Energy Code and the NYC Building Code; and

WHEREAS, instead of going through a proper legislative process, this sweeping legislation was included in the FY 2022 New York State Executive Budget, without input from the communities it would affect or the state and local legislators whose laws it would override; and

WHEREAS, The Memorandum of Support for the legislation, states as follows: “New York State has an urgent and significant interest in addressing the high commercial vacancy rates and underutilized hotel properties, all of which contribute to the lack of affordable housing that currently exists in certain locations in the State, particularly in response to the COVID-19 pandemic;” and

WHEREAS, while the State does have an “urgent and significant interest in addressing the high commercial vacancy rates and underutilized hotel properties,” we find it contradictory that the Governor proposes this legislation to purportedly address high commercial vacancy rates while simultaneously promoting the creation of thousands of commercial units pursuant to Penn Station and other development plans; and

WHEREAS, although few of the affected class B and class C commercial properties are to be found within Community District 8; and

WHEREAS, the requirement “c” of the conditions would enable conversion of numerous properties, while not giving those communities the benefit of much-needed affordable and supportive housing because of the “loophole” allowing developers to a building’s full conversion in one location and a contribution to a fund managed by the State to spend anywhere and anyhow the DHCR chooses; and

WHEREAS, while neighborhoods may benefit from a use change allowing residential conversions, such changes must be done in a thoughtful and comprehensive way, following the SEQRA and CEQR technical manuals, with full evaluation of environmental impacts, with community input and guidance from local stakeholders and legislators, and with proper mitigations, such as the creation of school seats, open space, hospital beds and other services a new residential population would require; and

WHEREAS, this provision constitutes a direct assault on Home Rule; and

WHEREAS, zoning is the responsibility and prerogative of local municipalities, and changes like this need to go through proper local legislative process, including ULURP, to ensure that they are done thoughtfully, equitably, transparently, and with consideration of all environmental impacts; and

WHEREAS, while we agree that addressing high commercial vacancy rates, underutilized hotel

properties, as well as addressing the lack of affordable and supportive housing are essential priorities, we are deeply concerned that this bill will not address its stated goals, may exacerbate an already high market-rate residential vacancy rate and does not require desperately needed affordable housing in our district; therefore

BE IT RESOLVED, that Community Board Eight Manhattan **opposes** the Article 7 proposed PART L: “REPURPOSING UNDERUTILIZED COMMERCIAL SPACE FOR HOUSING”; and

BE IT FURTHER RESOLVED, that Community Board Eight Manhattan urges our State and City legislators to oppose the proposed bill and demands that Governor Cuomo withdraw this bill from the State budget.

Please advise us of any action taken on this matter.

Sincerely,

Russell Squire

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Chair

Barbara Chocky, Ed Hartzog, and Gregory Morris

Barbara Chocky, Ed Hartzog, and Gregory Morris
Co-Chairs, Housing Committee

Elizabeth Ashby and Anthony Cohn

Elizabeth Ashby and Anthony Cohn
Co-Chairs, Zoning and Development Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Robert J. Rodriguez, NYS Assembly Member 68th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District