

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

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March 9, 2010  
Start: 01:15 pm  
Recess: 01:34 pm

HELD AT:                   Hearing Room  
                              250 Broadway, 16th Floor

B E F O R E:                   STEPHEN T. LEVIN  
                                  Chairperson

COUNCIL MEMBERS:  
                              Stephen T. Levin  
                              Inez E. Dickens  
                              Sara M. Gonzalez  
                              Peter Koo

## A P P E A R A N C E S

Carol Clark  
Assistant Commissioner  
NYC HPD

Donna Parks  
Secretary  
310-312 Tenant Association

Victor Hernandez  
Director of Tenant Interim Lease  
NYC HPD

Eric Enderlin  
Assistant Commissioner of Preservation Finance  
NYC HPD

2 CHAIRPERSON LEVIN: Good afternoon  
3 and welcome to the Subcommittee on Planning,  
4 Dispositions and Concessions. My name is Stephen  
5 Levin. I am the chair of the subcommittee. I  
6 represent the 33rd District in Brooklyn. I am  
7 joined by my colleagues on the subcommittee,  
8 Council Member Inez Dickens from Manhattan,  
9 Council Member Sara Gonzalez from Brooklyn and we  
10 have a new colleague that will be joining us from  
11 here on out, Council Member Peter Koo from Queens.  
12 Welcome, Peter. I look forward to serving with  
13 you.

14 This afternoon we have two items on  
15 the agenda. Both items are in the district of  
16 Council Member Dickens. They are Land Use number  
17 21, non-ULURP number 20105214 HAM. The address is  
18 310-312 West 122nd Street in Manhattan. It's a  
19 Tenant Interim Lease program in Community Board  
20 District 10. Testifying on behalf of the City's  
21 Department of Housing Preservation and Development  
22 is Carol Clark and Terry Arroyo.

23 CAROL CLARK: Thank you, Mr.  
24 Chairman. I'm Carol Clark, Assistant  
25 Commissioner, HPD. As you noted, LU 0021 consists

2 of the proposed disposition of two occupied city-  
3 owned buildings located at 310 and 312 West 122nd  
4 Street through HPD's Tenant Interim Lease program  
5 to create one Housing Development funding  
6 corporation. We call the program TIL and it  
7 assists organized tenant associations in city-  
8 owned buildings to purchase and manage low income  
9 cooperatives. This project consists of 20  
10 residential units. Council Member Dickens has  
11 indicated her approval. Thank you.

12 CHAIRPERSON LEVIN: Commissioner  
13 Clark, I'd like to follow up a little bit. Can  
14 you explain a little bit about the size of the  
15 building and also a little bit of the history of  
16 the tenant association and a little bit of the  
17 background?

18 CAROL CLARK: I'm happy to do that.  
19 In the two buildings there are a total of 20  
20 units. At the time that the renovation was being  
21 undertaken, 10 were occupied and 10 were vacant.  
22 310 West 122nd Street is 95% complete in terms of  
23 the renovation. 312 West 122nd Street is 91%  
24 complete. So they're pretty much ready for the  
25 tenants to move back in.

2 CHAIRPERSON LEVIN: The tenants  
3 that are not in the building now, where are they  
4 currently?

5 CAROL CLARK: They are relocated to  
6 other city-owned property in Manhattan.

7 CHAIRPERSON LEVIN: Council Member  
8 Dickens has a question.

9 COUNCIL MEMBER DICKENS: Thank you,  
10 Mr. Chair. How many units are handicapped units  
11 in which building, or is it in both?

12 CAROL CLARK: By handicap units, do  
13 you mean units that are accessible via an  
14 elevator?

15 COUNCIL MEMBER DICKENS: I don't  
16 believe there is an elevator in this building.  
17 Let me rephrase my question. Are there any units  
18 that are set up for handicap access, such as  
19 railings?

20 CAROL CLARK: I am not aware that  
21 any units are set up for handicap access. I was  
22 hoping that Victor Hernandez our director of the  
23 TIL program would be able to join me. I can  
24 follow up on that question with you, Council  
25 Member Dickens afterwards because I really don't

2 know the answer myself.

3 COUNCIL MEMBER DICKENS: All right.

4 Let me ask you one other thing, when HPD rehabs  
5 through the TIL program, do they put ramps in as  
6 is required of many other owners?

7 CAROL CLARK: I don't believe ramps  
8 are put in these properties, no ma'am.

9 COUNCIL MEMBER DICKENS: Is there a  
10 reason why?

11 CAROL CLARK: Again, if I could  
12 just get to Victor Hernandez and we could have a  
13 separate conversation to follow up on that, I'd  
14 appreciate that. Thank you.

15 CHAIRPERSON LEVIN: Are there any  
16 other members of the committee that have any  
17 questions? I believe there is one speaker in the  
18 audience that would like to testify on this  
19 particular issue. I would like to call Donna  
20 Parks. Ms. Parks, first identify yourself and  
21 then identify if you are speaking in favor or in  
22 opposition of the item.

23 DONNA PARKS: My name is Donna  
24 Parks. I'm the secretary of the 310-312 Tenant  
25 Association. What was the next question?

2 CHAIRPERSON LEVIN: Are you  
3 speaking in favor or in opposition to this item?

4 DONNA PARKS: I'm in favor.

5 CHAIRPERSON LEVIN: Is there  
6 anything that you would like to add, or anything  
7 that you'd like to let the committee know for the  
8 record?

9 DONNA PARKS: We had a concern  
10 about the ramps because we do have seniors and we  
11 do have handicapped tenants. There were no ramps.  
12 That was one of the main concerns of the TA. We  
13 are ready to move back in and to own our building.

14 CHAIRPERSON LEVIN: Very good. Do  
15 you mind if I ask where are you relocated to  
16 currently?

17 DONNA PARKS: 135 West 132nd  
18 Street. That's between 7th and Lennox Avenue.

19 CHAIRPERSON LEVIN: How long have  
20 you been there?

21 DONNA PARKS: As of March 6th, it  
22 was two years.

23 CHAIRPERSON LEVIN: So you're ready  
24 to go back?

25 DONNA PARKS: I'm very ready.

2 CHAIRPERSON LEVIN: Those that have  
3 been relocated during the time of rehabilitation,  
4 they're all still waiting, right? There's nobody  
5 that's moved to another state or that's given up  
6 and not wanting to come back?

7 DONNA PARKS: No. Everybody is  
8 ready to move back.

9 CHAIRPERSON LEVIN: Very good. Is  
10 there anything else that you would like to share  
11 with the committee?

12 DONNA PARKS: No, that's about it.

13 CHAIRPERSON LEVIN: Do any other  
14 members of the committee have any questions for  
15 Ms. Parks?

16 COUNCIL MEMBER DICKENS: Thank you,  
17 Mr. Chair for the opportunity to speak in support  
18 of this development. This TIL building at 310 and  
19 312 West 122nd are two separate buildings joined  
20 by a common basement that entered the TIL program  
21 approximately 10 years ago. Between the buildings  
22 there are 20 units, of which 10 will have new  
23 homeowners when the sale is finalized in a few  
24 months. 310 consists of two studios, six one-  
25 bedroom and two two-bedroom units. All ten units



1 in 312 are three-bedrooms.

2  
3           Until recently, there was some  
4 confusion regarding the remaining ten units that  
5 will be unoccupied by someone returning after the  
6 rehabilitation is completed. According to the  
7 resident association president, Ms. Carbot  
8 [phonetic] and Vice President McClary [phonetic],  
9 the residents were told when they moved out for  
10 the rehab that HPD would be using these units to  
11 relocate other TIL participants. A few weeks ago,  
12 upon turning in their proposed budget, the  
13 resident association was notified that HPD was no  
14 longer considering relocating other TIL tenants to  
15 the building for budgetary reasons.

16           Like Ms. Carbot and Ms. McClary, as  
17 well as Ms. Parks, I was extremely concerned about  
18 the fact when I was first notified of this. The  
19 resident's budget depends on their ability to rent  
20 or sell the remaining units to outside parties, a  
21 task that concerned me as these residents will be  
22 settling into their new homes and trying to get  
23 their feet under them as homeowners first.

24           I believe Ms. Carbot and McMclary  
25 and Ms. Parks, when they say that they are ready

2 to do what it takes to make this situation work, I  
3 believe them. If that means being new homeowners  
4 and owners at the same time, they will make it  
5 work. However, this, again, seems like a  
6 situation where TILs are sometimes set up to fail  
7 and HPD knows that I have been in discussion with  
8 them over the years about the TIL program.

9 If HPD intends to set these new  
10 owners adrift while I believe that these strong  
11 women will survive, other less business-minded,  
12 organized and cohesive resident associations might  
13 fail.

14 At yesterday's preliminary walk  
15 through, arranged at my office's request, HPD had  
16 not decided whether to use the additional units  
17 for relocation and is still waiting on the budget  
18 situation to be clear and has promised to  
19 facilitate extra meetings with the residents if  
20 sales or rentals are necessary. I urge HPD to not  
21 abandon these residents before they have their  
22 fullest opportunity to succeed. I thank you the  
23 Chair for my time and ask my colleagues for  
24 support on this wonderful independent opportunity  
25 for these residents to own their properties.

2 Thank you.

3 CHAIRPERSON LEVIN: Thank you,  
4 Council Member Dickens. Ms. Parks, I think one  
5 thing can be said for sure and that's that you a  
6 very strong advocate in your Council Member and  
7 that's something that I know that you appreciate.

8 DONNA PARKS: Yes, I do.

9 CHAIRPERSON LEVIN: I'd like to  
10 call up Victor Hernandez from Housing Preservation  
11 and Development to join Assistant Commissioner  
12 Clark in answering some of the questions that were  
13 posed earlier. Council Member Dickens, if you'd  
14 like, direct your questions to Mr. Hernandez.

15 COUNCIL MEMBER DICKENS: Thank you,  
16 Mr. Hernandez. I had asked the commissioner about  
17 the handicap ramp, because in many of the  
18 buildings where are they are gut rehabbed the  
19 owners or developers are required to construct a  
20 handicap ramp. Where the building is built out to  
21 the building line and cannot come from the front,  
22 then it's built along the side parallel to the  
23 frontage of the building. I'd like to know what  
24 occurred, because when my staff went to 310 and  
25 312, there was no handicap ramp.

2 VICTOR HERNANDEZ: Unfortunately, I  
3 don't have the answer. I didn't come prepared to  
4 answer that. The building when it was designed,  
5 they designed the building and I wasn't a part of  
6 that. But I can get you that information by  
7 tomorrow morning if you'd like.

8 COUNCIL MEMBER DICKENS: I'd  
9 appreciate that. Let me ask you, when was the  
10 building designed? It went into the TIL program  
11 approximately ten years ago originally. When was  
12 the design done?

13 VICTOR HERNANDEZ: I would say it  
14 had to have been designed at three to four years  
15 ago because it normally takes us 24 months to  
16 actually move the tenants out, rehab the building  
17 and move the tenants back in. So since they're  
18 almost in and the building is 95% completed, you  
19 would figure the design happened prior to that,  
20 which should have been at least four years ago.

21 COUNCIL MEMBER DICKENS: All right.  
22 Let me make a suggestion to HPD.

23 VICTOR HERNANDEZ: Sure.

24 COUNCIL MEMBER DICKENS: Because  
25 the TIL program does take time, codes change over

2 the years. I might suggest that HPD might have to  
3 make certain changes, particularly as it relates  
4 to handicap access in order to facilitate and to  
5 allow handicaps to have access and the opportunity  
6 to purchase apartments.

7 VICTOR HERNANDEZ: Right. I do  
8 know that we do take that into consideration. I  
9 just don't know exactly how to answer your direct  
10 question right now. But I know we make apartments  
11 handicap accessible on the first floor and stuff  
12 like that. I know that's part of the layout. But  
13 to answer your direct question about these two  
14 buildings and the ramp, I'm not sure.

15 COUNCIL MEMBER DICKENS: The only  
16 reason I bring this up, Mr. Hernandez, is because  
17 if the apartment on the first floor is handicap  
18 access but to get into the entrance of the  
19 building requires you to go up four or five steps,  
20 then it is no longer handicap accessible.

21 VICTOR HERNANDEZ: You're 100%  
22 right. But it is our understanding, and don't  
23 quote me, that handicap accessible is not just in  
24 a wheelchair, it could be other things.

25 COUNCIL MEMBER DICKENS: Correct.

2 VICTOR HERNANDEZ: Exactly. Thank  
3 you.

4 CHAIRPERSON LEVIN: Thank you,  
5 Council Member. Do any other members have any  
6 questions for Mr. Hernandez or Ms. Clark? With  
7 that, I will be closing the hearing on this item.  
8 We have one more item on the agenda for today's  
9 meeting and it's Preconsidered item number  
10 20105416 HAM that is 50 West 132nd Street in  
11 Manhattan, also in Council Member Dickens'  
12 district, Community Board District 9 in Manhattan.  
13 This is a HUD multifamily loan program. We are  
14 going to be joined by Assistant Commissioner Clark  
15 and Eric Enderlin from HPD.

16 CAROL CLARK: Right. Eric is the  
17 HPD's Assistant Commissioner of Preservation  
18 Finance, recently appointed. This property is  
19 known as Bethel Manor. It's located at 50 West  
20 132nd Street.

21 Back in 1973, the city conveyed the  
22 property to the sponsor, Ebthel Housing  
23 Development Fund Company, for development of one  
24 building with 47 low income rental units under  
25 HUD's Section 236 program. The city

2 simultaneously purchased a remainder interest in  
3 the property. Currently, the sponsor is seeking  
4 to convey the property to Bethel Manor LLC. This  
5 entity will rehabilitate the building and preserve  
6 all 47 units that are currently in the Section 8  
7 program, allowing the tenants to remain in their  
8 low income rental units.

9 In preparation for the  
10 redevelopment of the project and to facilitate the  
11 financing, the city is before the Council today  
12 seeking to sell its remainder interest in the  
13 property to the sponsor prior to the transfer of  
14 title. Council Member Dickens has reviewed the  
15 project and has indicated her support. Thank you.

16 CHAIRPERSON LEVIN: Thank you,  
17 Assistant Commissioner. So the units are going to  
18 remain Section 8 units? They're a project based  
19 Section 8.

20 ERIC ENDERLIN: Yes, it will  
21 continue to be a project based Section 8 building.

22 CHAIRPERSON LEVIN: The folks that  
23 are living there currently, are they longtime  
24 tenants, newer tenants? What's the general  
25 breakdown?

2                   ERIC ENDERLIN: My understanding of  
3 the tenancy is that it's essentially a long-term  
4 tenancy. The building was built in 1973 under the  
5 same kind of financing program that it exists in  
6 today and so, therefore, it is a long-term  
7 tenancy. Obviously, there is always going to be  
8 some turnover, but for the most part it's a stable  
9 tenancy.

10                   CHAIRPERSON LEVIN: Do any members  
11 of the committee have any questions for the  
12 assistant commissioner or Mr. Enderlin? Council  
13 Member Dickens has a question.

14                   COUNCIL MEMBER DICKENS: Thank you,  
15 Mr. Chair. This building will continue to provide  
16 46 plus 1 of units of low income housing,  
17 affordable to families at or below 60% of AMI. It  
18 is critical to my community that this action be  
19 taken by the Council today for the preservation  
20 and improvement of the affordable housing stock.  
21 I do ask my colleagues for support on this action.  
22 I thank you, Chair, for my time.

23                   CHAIRPERSON LEVIN: Thank you,  
24 Council Member Dickens. It sounds good to me. If  
25 there is no other testimony or questions on this



2 item, I close the hearing on this item. I will be  
3 calling for a vote on the two items before us  
4 today. That's Land Use number LU 0021 number  
5 20105214 HAM, 310-312 West 122nd Street in  
6 Manhattan in the district of Council Member  
7 Dickens and the Preconsidered non-ULURP number  
8 20105416 HAM, 50 West 132nd Street in Manhattan,  
9 also in district of Council Member Dickens; the  
10 first one being a Tenant Interim Lease program and  
11 the second one being a HUD multifamily loan  
12 program. I recommend an aye vote on all items and  
13 I will ask the counsel to call the roll.

14 CAROL SHINE: Carol Shine, Counsel  
15 to the subcommittee. Chair Levin?

16 CHAIRPERSON LEVIN: Aye.

17 CAROL SHINE: Council Member  
18 Gonzalez?

19 COUNCIL MEMBER GONZALEZ: Aye.

20 CAROL SHINE: Council Member  
21 Dickens?

22 COUNCIL MEMBER DICKENS: Aye.

23 CAROL SHINE: Council Member Koo?

24 COUNCIL MEMBER KOO: Aye.

25 CAROL SHINE: By a vote of four in

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2 the affirmative, none in the negative and no  
3 abstentions, the aforementioned items are approved  
4 and referred to the full committee.

5 CHAIRPERSON LEVIN: I'll be  
6 adjourning the meeting for today and I look  
7 forward to seeing everybody in a couple of weeks.  
8 Thank you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Donna Hintze*

Date April 1, 2010