



BRONX COMMUNITY BOARD 8

5676 Riverdale Avenue, Suite 100 • Bronx, New York 10471-2194

Phone: (718) 884-3959 • Fax: (718) 796-2763

Email: bx08@cb.nyc.gov • Website: www.nyc.gov/bronxcb8



Laura Spalter, Chairperson

Vacant, District Manager

OFFICERS:

Vice Chairperson
Bob Bender

Secretary
Rob Jacklosky

Treasurer
Scott Krompinger

COMMITTEE CHAIRS:

Aging
Lisa Daub

Budget
David Gellman

Economic Development
Nicholas Fazio

**Education, Libraries &
Cultural Affairs**
Sylvia Alexander

Environment & Sanitation
Dr. Camelia Tepelus

**Health, Hospitals &
Social Services**
Omar Murray

Housing
Lee Chong

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Debra Travis

Public Safety
Edward Green

Traffic & Transportation
Kelli Buford

Youth
Dr. Julia Gomez

MEETING NOTICE LAND USE COMMITTEE

Date: **Monday, April 3, 2023**

Time: **7:00 PM**

Zoom Meeting Link: <https://us02web.zoom.us/j/2114033690>

Zoom Meeting by Phone: **+16465588656**

Pin: **2114033690#**

AGENDA

1. Attendance and Introduction of Guests
2. Chairman's Report
3. Affordable Housing Discussion
4. New Business
5. Old Business
6. Adjournment

Charles G. Moerdler
Chair, Land Use Committee

[3/29/23]

To: All Members of Land Use Committee, Community Board 8
From: Charles G. Moerdler, Chair, Land Use

AFFORDABLE HOUSING RESOLUTION AND MEMO

Accompanying this memorandum is a copy of a revised draft of the Affordable Housing Resolution. Prior drafts have generated helpful comments respecting length and recommended actions. The Draft Resolution seeks to address those helpful comments. Background materials have, as you will note, been removed from the Resolution, with some pertinent information now set forth below.

Preliminarily, it must be emphasized that Affordable Housing concepts, Standards and attendant Regulations are not stated by the relevant Federal, State or City agencies or their pertinent regulatory schemes on a Community Board District, or other localized basis. For example, as discussed in greater detail below, the Area Median Income standards used in determining qualifications for Affordable Housing, are stated by the U.S. Department of Housing and Urban Development as including not just all five Boroughs of New York City but portions of Westchester and Long Island, and those determinations are echoed by the State and local governmental agencies in at least those instances where any Federal subsidies or grants are implicated. To insure at least Citywide scope and to facilitate enactment, the Affordable Housing proposals below are therefore not limited simply to Board 8 but are presented on a Citywide basis.

For those seeking additional detail or other relevant background information, the accompanying memorandum touches upon some of the less commonly-experienced concerns or facts.

It is contemplated that a Land Use Committee vote will be sought on the accompanying draft Resolution at the April 3 Land Use meeting, which, to permit full discussion, will be devoted to this issue.

A copy of these materials is being forwarded to every Land Use Member well in advance of the April 3 meeting to permit any Member so inclined to proffer **language changes in advance** either through the Board office or by calling Charles Moerdler at 917-544-3214. That, hopefully, will allow us to devote meeting time to substantive additions, deletions or modifications.

MEMORANDUM FOR COMMUNITY BOARD 8 LAND USE COMMITTEE
RE: AFFORDABLE HOUSING DRAFT RESOLUTION

Affordable Housing, which many New Yorkers view as not just a necessity but a right, is, in its application, a much misunderstood term.

It is generally agreed, that “affordable housing,” as a concept, connotes housing that should cost no more than 30-33%% of the aggregate household income. Thus, one recent study concluded that in New York City housing is deemed affordable if the cost of it is approximately one-third of the owner’s income. See, *Affordable Housing in New York City, Across the Socioeconomic Spectrum, International Socioeconomic Laboratory and Trinity College Dublin Vol. 1, Issue 4*. There are, however, those who maintain that many (particularly low and middle income) renters may find themselves compelled to pay 40% (and perhaps more) to obtain decent housing in a location appropriate to their familial, employment or other needs or desires.

Indeed, a recently compiled study published in the current issue of City Times, and authored by the Cornell University School of Industrial and Labor Relations, suggests in its Factsheet Generator that in much of this Community—that represented by Senator Gustavo Rivera – the poverty rate is just under 25%, that 57% of the renters shoulder a “Housing Cost Burden” (with 33% of tenants being characterized as “Severely Burdened”) and that of every 100 renters some 11% face Court eviction filings. See, *Cornell ILR Eviction Filings Dashboard at Cornell Buffalo Co-Lab, NYS Senate Housing Generator*. That, together with rising costs for food and other necessities, has created significant and unsustainable economic stress, further exacerbated by employment and pandemic-related pressures.¹

Programmatically, the New York City Department of Housing Preservation and Development (“HPD”), which, together with the nation’s largest municipal housing finance agency, the NYC Housing Development Corporation (“HDC”),

¹ Indeed, a recently compiled study published in the current issue of City Times, and authored by the Cornell University School of Industrial and Labor Relations suggests in its Factsheet Generator that in much of this Community—that represented by Senator Gustavo Rivera – the poverty rate is just under 25%, that 57% of the renters shoulder a “Housing Cost Burden” (with 33% of tenants being characterized as “Severely Burdened”) and that of every 100 renters some 11% face Court eviction filings. See, *Cornell ILR Eviction Filings Dashboard at Cornell Buffalo Co-Lab, NYS Senate Housing Generator*.

are the principle municipal entities charged with the creation and preservation of private or not-for-profit owned housing for low and moderate income households.²

Renting cost calculations as made by governmental and other entities involved in publicly-assisted, privately constructed or redeveloped housing generally depend upon the Area Median Income (AMI) of the location. AMI is a statistic that is calculated by the U.S. Department of Housing and Urban Development that affects (and becomes a yardstick for measuring) the qualifications for a household to participate in subsidized affordable housing . See Appendix A. As later appears herein, that AMI presentation is distorted insofar as New York City (and, especially, portions of the Bronx) is concerned in that the relevant figures include and are distorted by data from affluent Westchester and Long Island communities. Perhaps to address such distortion, HPD has in recent years also deployed another version of its AMI chart, this on a Citywide basis. See Appendix B (it may well be that Appendix B does not yet include updated 2023 data).³

In New York City, the affordability concept is executed through a variety of subsidies and grant programs broadly labelled Affordable Housing. Because of the breadth of the included concepts and variables thereunder, affordable housing as a term has come to mean different things to different people. For example, what is affordable to residents on Manhattan’s Park Avenue may not be affordable to residents in much of Harlem or the Lower Eastside; and what is affordable in Riverdale, may not be affordable in the South Bronx or even other parts of the same Bronx Community Board 8 District.

This “affordability” misnomer or idiom has often contributed to unnecessary confusion and even dissension. To illustrate, in some areas the mere mention of Affordable Housing is mistakenly taken by some to equate with public housing (e.g., NYCHA housing) or an attempt to destroy neighborhoods. In fact, the

² HPD, established in 1978 as a successor municipal entity, is the nation’s largest municipal entity engaged, together with public, private and not-for-profit partners, in the development of affordable housing. See, <https://www.nyc.gov/site/hpd/index.page>. HPD offers a wide variety of programs, utilizing Federal, State and municipal funding and borrowing sources, that facilitate, throughout the five boroughs, the development and construction by privately-owned and not-for-profit entities of newly constructed or renovated rental housing affordable to low-income, moderate-income, and middle-income individuals and families. HDC is the nation’s largest municipal Housing Finance Agency. It was created, pursuant to State and local legislation effective in 1971. In 2021 – the midst of the pandemic – HDC contributed over \$2.9 billion in bond financing and more than \$185 million in subsidy loans to help finance affordable housing in the City. See, *2021 Annual Report, NYC Housing Development Corporation*.

³ See also, <https://www.nyc.gov/site/hpd/services-and-information/area-median-income.page>

housing rental costs contemplated for a particularized (neighborhood) Affordable Housing development is likely equated with or approximates those currently obtaining in the area or, on occasion, may be designed to attract comparable tenancies that could gradually uplift neighborhoods in decline while retaining the essential positive characteristics of that neighborhood.

Whether through misunderstanding born of lack of knowledge or, as sometimes is the case, hostility, unacceptably fueled by dissension-generating proponents of extremes such as NIMBY (not in my neighborhood opposition), the resultant damage to community and to people caused by the lack of truly affordable housing is incalculable, as well as intolerable.

As later appears, from the standpoint of prospective tenants (and, incidentally, to those misled by NIMBY proponents), in addition to concerns such as the qualifications and reputation of the developer, the specific structure proposed its locational height and density and like concerns, a touchstone inquiry can and should be the proposed operative rental band or bands -- prescribed qualifying tenancy formulae for the basic initial rentals to be charged based upon the AMI of the locational area and the gross incomes of the prospective tenants, with due regard for the anticipated number of tenants occupying the specific premises.⁴

It merits note that to a significant extent the governmental entity providing or controlling the supportive financing (e.g., HPD) plays a controlling role in determining the applicable tenancy rental bands on a building by building or project by project basis in its financing negotiations with the developer.

Thus posited, Affordable Housing is a varying term in the instant context. Consider the following: a civil servant earning \$60,000 a year or just over \$1,100 a week (pre-tax), and a Wall Street or other professional earning \$120,000 a year, or roughly twice the former's pay, each married and each seeking decent housing for two occupants would both be qualified for publicly-assisted Affordable Housing—*indeed each to an apartment in the same building*-- in New York City, assuming

⁴ Between 2014 and 2022 some 30 residential, buildings were constructed or redeveloped in the CB 8 District utilizing one or another Affordable Housing financing approach. The bulk of the resultant units were described as low income (not very low or extremely low) or moderate to middle income, In or about 2017 two comparatively large preservation or redevelopment efforts provided an apparent exception, one in Kingsbridge and the other in Cannon Heights, each primarily addressing low income, larger (2-3 bedroom) residences.

the availability of such housing. Again, however, what is truly affordable to one income group may well not be affordable to another.

Thus, the formulistic income-based approach just cited, can lead to some concerning results. Indeed, under current HPD and like Affordable Housing practices, the effort appears to be to include within the same building a variety of income groups on the theory that that has a beneficially uplifting tendency. To illustrate, the same 3-person tenancies or families cited above could under the existing approaches have as little income as \$36,000 or as much as \$156,000 a year and both would qualify for what is held out publicly as Affordable Housing and, indeed, could be housed in the same building. As currently presented, a given building could have as few as a handful of tenancies with a \$36,000 a year gross income and the rest have incomes of \$156,000 and the label Affordable Housing would still be applicable. Moreover, larger families could qualify for publicly-subsidized Affordable Housing with gross incomes in excess of \$250,000. And the income mix, number of rooms, apartment sizes and the like could vary depending largely on the developers' asserted needs and the negotiating approaches of the appropriate agency.

Thus, the City's role does not end with financing or code compliance regulation but plays a material, if not dominant, role in fixing the tenancy rental costs. However, as far as can be determined no written protocol or definitive guiding materials have publicly issued explaining and standardizing the rational bases for these determinations. It is warranted. Further, and to say the least, the Affordable Housing characterization can be misleading. That, as detailed below, merits reform.

The dearth of affordable housing in New York City is widely recognized as a blight, especially in a City that prides itself as being the Empire City. Various changes have been proposed from changing the Zoning Resolution to permit greater height and density to allow for additional apartments, even as to existing buildings, to invading single family home neighborhoods, to intrusions upon the few remaining green spaces in New York City, to other equally troublesome and ill-considered approaches. Whatever the merit of these proposals, there is merit to first reexamining various apparent weaknesses and misunderstanding of the City's "Affordable Housing" programs, to then expanding construction of truly *affordable* housing and to dealing with the ancillary regulatory, enforcement and planning processes that all too often are a greater hindrance than an aid to revitalizing New York.

To illustrate, one vital cost implicated in determining whether truly affordable housing can be constructed is land cost and availability. In the mid to late 1960's New York City's housing stock—primarily older, poorly maintained and cheaper rental housing-- underwent significant change, with vast numbers of properties subjected to arson to enable insurance recoveries, or were condemned as uninhabitable, or abandoned by landlords unwilling or unable to afford the cost of Code-mandated repairs (assertedly due primarily to rent control restrictions).⁵ The ensuing portfolio of vacant and often city-assembled properties (e.g., following non-payment of taxes) provided for decades a base for construction of an entire spectrum of housing. Included, for example, was “cheap” land that could be used for the construction of assisted housing for middle-income tenancies and public housing for those unable to afford that. Housing—indeed entire neighborhoods—for the construction of housing for those with greater incomes also resulted, especially in Manhattan.

The point of the foregoing is that that “cheap” and “available” land reservoir is effectively depleted but the need continues and is accelerated by such factors as housing inventories (portions of the housing stock that not only aged in the intervening 50-odd years but, through less than appropriate maintenance, aged badly), renewed in-migration of those in need, changing demographics and the

⁵ To amplify somewhat, during the 1960's much of City was roiled by demonstrations, violent outbursts and, in the midst of these turbulent events, the refusal by some property owners to adhere to minimum standards of livability and safety as codified in various Building and Fire Codes, as well as other Ordinances and Regulations. The neglectful owners often claimed (not entirely without basis) that then obtaining Rent Control and like regulations denied them the income to make repairs or otherwise properly maintain their properties. By 1965 that witches brew of societal upheavals, coupled with antipathy to the mandates attendant to maintenance of decent housing and the costs attendant thereto, boiled over, as illustrated by Tom Wolfe's “*Bonfire of the Vanities*.” What followed was aggressive code enforcement by the City coupled with efforts to encourage new housing and planning for revitalization of residential and commercial areas. A new Building and a new Housing Maintenance Code were enacted and became effective in the mid-1960's in an effort to modernize buildings, increase safety mechanisms, reduce costs and provide enforcement mechanisms, while simultaneously attempting to stem exposed corruption. The forerunner of the current Zoning Ordinance (initially enacted in 1961 but not effective until 1965) sought the same results and more rationalized planning and development. However, that array of new regimens did not take hold as promptly or effectively as some had hoped. Landlords who found maintenance of slums to no longer be profitable either continued through much of the late 1960's neglecting and then abandoning their properties or turned to arson as a monetizing source through fire insurance recoveries. As decrepit and neglected housing became a safety hazard and the fire rate escalated, condemnation followed. A meaningful segment of the aging and dilapidated housing stock thus disappeared, leaving potentially usable building sites, particularly in Brooklyn, Manhattan and the Bronx. The now unpopulated sites then became the cheap land permitting significant new housing construction in ensuing decades. Those so-called cheap land sites have been largely exhausted for some time and thus the quest for locating efficient buildable sites and reducing land costs has again become an issue for those seeking more affordable housing. The draft Resolution takes a proposed first step in that direction. The Mayor's letter published in the current issue of the Riverdale Press indicates that the quest for buildable land and reducing development land costs will likely be a focus of his forthcoming efforts.

like. But that need is not being met to the degree required notwithstanding serious efforts by some.

At the same time, some maintain that there are today tens of thousands of vacant apartments which could be tenanted by those across the low to moderate income spectrum. See, e.g., Rabiya, *NYC had 88,830 Vacant Rent Stabilized Apartments Last Year, City Housing Agency Estimates*. The City, Oct. 20, 2022. Public or NYCHA housing vacancies have also been challenged, with the retort that those vacancies are largely comprised of premises in need of massive repairs (the counter to which should be "make them"). The long term vacancy issue also merits address.

The Attached Affordable Housing Resolution is but a proposed first step in the process of needed change. More could and should be added. Again, this is merely a beginning.

WHEREAS, the Land Use Committee of Bronx Community Board No. 8 (“BxCB8”) supports increased construction of affordable housing throughout the City of New York and in the several communities comprising this Community Board District; and, to that end, BxCB8 urges revision of the current Affordable Housing programs with respect to site selection, acquisition, development and operation so as to ensure that the resultant housing is truly affordable and sustainable, particularly for those low and moderate income earners and families in the greatest need and facilitating their being able to remain in the community;

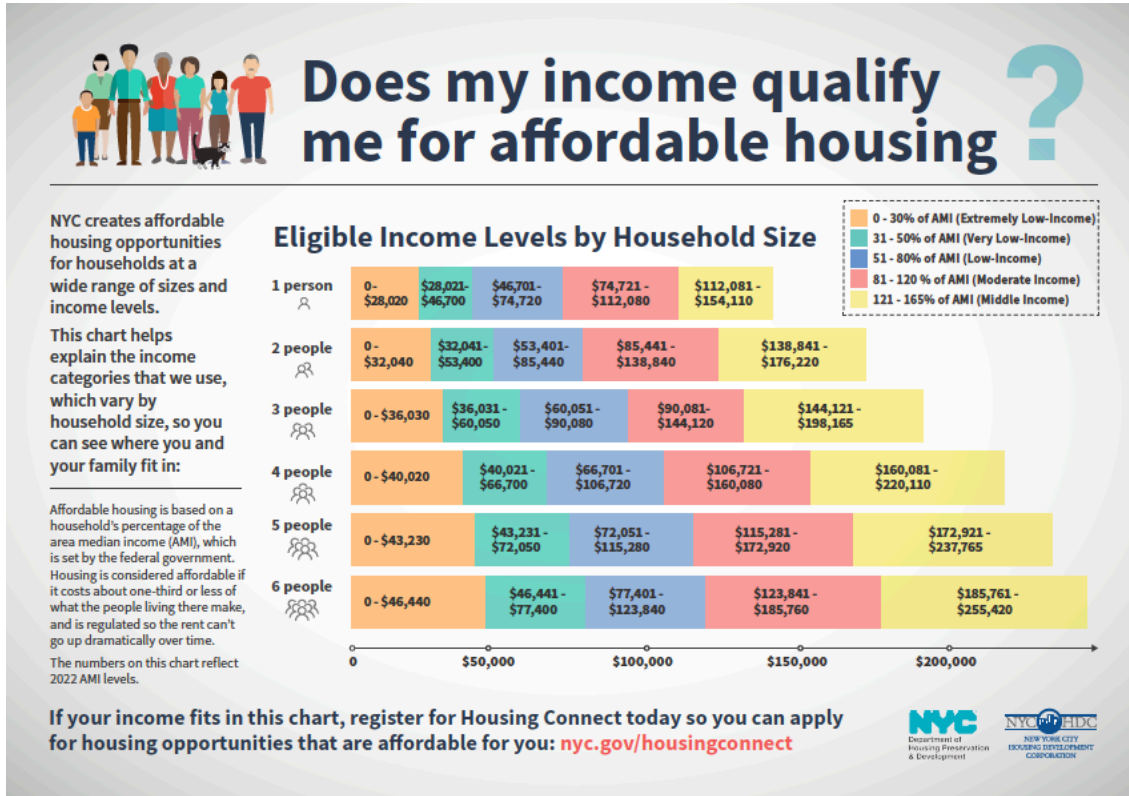
NOW THEREFORE, BxCB8 calls upon the Governor, the Legislature, the Mayor, the City Council and all relevant elected or appointed officials concerned with residential housing in the City of New York (“City”) to redouble their efforts and goals with respect to the construction and/or redevelopment of truly affordable housing, prioritizing occupancy of such housing for those lower and moderate income earners and families in the greatest need therefore and, to that end, revising existing policies in, at least, the following respects:

- The current qualification formula applicable to those seeking privately constructed and owned but publicly-subsidized housing should be changed so that all references by the relevant City and State Agencies to the Area Median Income (“AMI”) in and for the City shall henceforth effectively be geographically and demographically restated by the City to include, at the very least, one of the following: the AMI extant in the respective Postal Code Districts in the City, or in the respective Community Board Districts or on a Borough-by-Borough (or County-by-County) basis within the City. The Department of Housing, Preservation and Development (HPD), in conjunction with the Department of City Planning, should be charged with compiling and making publicly available such localized and realistic data with all possible speed;
- During the years 2023-2025, inclusive, the grant of public assistance or support in the financing of housing construction or redevelopment, whether in the form of interest subsidies, capital grants, land acquisition or disposition or any other form of public aid in developmental and housing construction, should be prioritized for the benefit of such housing developments or projects as shall set aside not less than 15% of all apartments per building for those who, at the time of initial rental, are in the income levels specified in the differentiated color Rows 1 and/or 3 of Appendix A hereto and an additional 25% of all apartments for those that then are in income levels specified in the differentiated color Rows 2 and/or 3 of Appendix A. The Records of the Department of Buildings and of HPD shall reflect compliance with the foregoing;

- HPD in its assessments of Affordable Housing should be required to give greater weight to the number of family-sized apartments in the proposed building rather than to (or even by materially diminishing) the number of contemplated single room, studio or like smaller sized units in its financing eligibility or like calculations and shall give appropriate regard to the preservation of essential positive characteristics of relevant neighborhoods;
- There should be established in the Office of the Mayor of the City an adequately staffed Office that shall identify all properties owned or controlled, directly or indirectly, by the City (irrespective of the agency or entity currently in possession) and the dates upon which such properties may be or could become vacant, vacated or otherwise utilizable for the construction, preservation or redevelopment of Affordable Housing. Such Office in consultation with those agencies charged with the construction, preservation or redevelopment of affordable housing shall prioritize the disposition of such properties for Affordable Housing utilization unless the Mayor shall as to any given property, for good cause, publicly direct otherwise in writing;
- The above-mentioned Office shall be authorized to identify such non-publicly-owned properties in the City as are, without good cause shown, under-utilized for an extended period of time and could efficiently be utilized for the construction of or redevelopment into Affordable Housing. After consultation with those agencies charged with the construction or redevelopment of affordable housing, as well as the Corporation Counsel, the above-mentioned Office may pursue initiation of eminent domain proceedings (providing established just compensation criteria) as to such designated properties provided that the premises are thereafter used for the construction or redevelopment of Affordable Housing upon such terms as appear appropriate considering their intended use;
- The principal Executive Officer or Deputy Mayor charged with responsibility for Housing, in conjunction, to the extent required, with the Commissioner of Investigations shall inquire into and publicly report annually on the number, location, ownership of and reasons for vacant but legally habitable (or which through appropriate action could again be legally habitable) apartments in rent stabilized, rent regulated or New York City Housing Authority apartments and shall make recommendations to the Mayor, the City Council and the State with respect thereto, including, as appropriate, the prompt return of such premises to the rental market (as rent regulated premises if that was their state prior to being vacated) to the end that, to the extent possible, such premises are promptly returned to occupancy in view of and during the continuing housing emergency;
- Those agencies charged with the planning, management, financing, construction or redevelopment of Affordable Housing, as well as the Office referenced above,

shall on an advisory basis, affirmatively seek at an early stage in the process the advice or comments of the relevant local community-based entities, including the Community Board(s), respecting the location of and any proposed action concerning the construction, redevelopment or rental (including the redefinition of income-eligibility criteria) of Affordable Housing located or to be located in the geographic area actively serviced by such community-based entity or Community Board.

Appendix A



Appendix B

Area Median Income (AMI)

The AMI for all cities across the country is defined each year by U.S. Department of Housing and Urban Development (HUD). The 2022 AMI for the New York City region is \$120,100 for a three-person family (100% AMI).

2022 New York City Area AMI

How do I use this chart?

1. Find your family size in the left column.
2. Follow that row across until you find how much your family earns per year.
3. At the top of the column where you find your family income, see the % of AMI that is associated with (or closet to) your family income.

Family Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	110% AMI	120% AMI	130% AMI
1	\$28,020	\$37,360	\$46,700	\$56,040	\$65,380	\$74,720	\$84,060	\$93,400	\$102,740	\$112,080	\$121,420
2	\$32,040	\$42,720	\$53,400	\$64,080	\$74,760	\$85,440	\$96,120	\$106,800	\$117,480	\$128,160	\$138,840
3	\$36,030	\$48,040	\$60,050	\$72,060	\$84,070	\$96,080	\$108,090	\$120,100	\$132,110	\$144,120	\$156,130
4	\$40,020	\$53,360	\$66,700	\$80,040	\$93,380	\$106,720	\$120,060	\$133,400	\$146,740	\$160,080	\$173,420
5	\$43,230	\$57,640	\$72,050	\$86,460	\$100,870	\$115,280	\$129,690	\$144,100	\$158,510	\$172,920	\$187,330
6	\$46,440	\$61,920	\$77,400	\$92,880	\$108,360	\$123,840	\$139,320	\$154,800	\$170,280	\$185,760	\$201,240
7	\$49,650	\$66,200	\$82,750	\$99,300	\$115,850	\$132,400	\$148,950	\$165,500	\$182,050	\$198,600	\$215,150
8	\$52,830	\$70,440	\$88,050	\$105,660	\$123,270	\$140,880	\$158,490	\$176,100	\$193,710	\$211,320	\$228,930

Income Bands and Percent of AMI

Income Band	Percent of AMI
Extremely Low-Income	0-30%
Very Low-Income	31-50%
Low-Income	51-80%
Moderate-Income	81-120%
Middle-Income	121-165%

2022 New York City Area Affordable Monthly Rents

How do I use this chart?

1. Find your percent of AMI in the chart above.
2. Locate your percent of AMI in this chart to see the *maximum* affordable rent for each apartment size listed in the column under "Unit Size."

Unit Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	110% AMI	120% AMI	130% AMI
Studio	\$700	\$934	\$1,167	\$1,401	\$1,634	\$1,868	\$2,101	\$2,335	\$2,568	\$2,802	\$3,035
One-bedroom	\$750	\$1,001	\$1,251	\$1,501	\$1,751	\$2,002	\$2,252	\$2,502	\$2,752	\$3,003	\$3,253
Two-bedroom	\$900	\$1,201	\$1,501	\$1,801	\$2,101	\$2,402	\$2,702	\$3,002	\$3,302	\$3,603	\$3,903
Three-bedroom	\$1,040	\$1,387	\$1,734	\$2,081	\$2,428	\$2,775	\$3,121	\$3,468	\$3,815	\$4,162	\$4,509