

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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November 16, 2011
Start: 1:00 p.m.
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HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Charles Barron
Inez E. Dickens
Sara M. Gonzalez
Peter A. Koo

A P P E A R A N C E S (CONTINUED)

Carol Clark
Assistant Commissioner
NYC Department of Housing Preservation and Development

Gary Sloman
NYC Department of Housing Preservation and Development

Joe Lynch
Attorney
Nixon Peabody

Ted Weinstein
Director of Bronx Planning
NYC Department of Housing Preservation and Development

Jacqueline Alexander
Assistant Commissioner
Division of Property Disposition and Finance
NYC Department of Housing Preservation and Development

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2 CHAIRPERSON LEVIN: Okay. Good
3 afternoon everybody. Welcome to the Subcommittee
4 on Planning, Dispositions and Concessions. I'm
5 Council Member Stephen Levin, chair of this
6 Subcommittee. I am joined today on my right by
7 Council Member Sara Gonzalez of Brooklyn; on my
8 left, Council Member Peter Koo of Queens and
9 Council Member Inez Dickens of Manhattan.

10 We have a number of items on the
11 agenda today. We're going to move swiftly. The
12 first item is 20125186 HAR, Richmond Gardens in
13 Staten Island Community District 1. I'm going to
14 ask... Richmond Gardens and 20125187 HAR Fairway
15 Gardens, both in Community District 1 of Staten
16 Island. That is in the district represented by
17 Council Member Debbie Rose. Testifying on these
18 two items we have Assistant Commissioner Carol
19 Clark and Gary Sloman [phonetic] of HPD; welcome,
20 and Joe Lynch [phonetic] of Nixon Peabody
21 [phonetic]. Commissioner Clark?

22 ASSISTANT COMMISSIONER CLARK:
23 Thank you, Mr. Chairman and members of the
24 Committee. I'm Carol Clark, Assistant
25 Commissioner at HPD. As you noted, I am joined by

1 Gary Sloman from our division of housing
2 supervision and the attorney who represents the
3 HDFC, which is the sponsor in this project. The
4 pre-considered L.U. consists of the exemption area
5 of a low-income development known as Richmond
6 Gardens. The project currently receives a partial
7 tax exemption. The project also consists of an
8 exemption area located at Fairway Gardens and
9 together, both of these properties are going to be
10 acquired and rehabbed by the sponsor and this will
11 provide 219 residential units for low-income
12 families. The Council Member is in enthusiastic
13 support of this project. Thank you. Who is the
14 sponsor?
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16 ASSISTANT COMMISSIONER CLARK: It
17 is Fairway Richmond HDFC.

18 CHAIRPERSON LEVIN: Can you give a
19 little bit maybe just a history of the site and
20 explain to us just kind of how we've gotten to
21 where we are today?

22 ASSISTANT COMMISSIONER CLARK: I'd
23 like Mr. Lynch to respond to that if you don't
24 mind, Mr. Chairman--

25 CHAIRPERSON LEVIN: [Interposing]

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2 If you could identify yourself for the record...

3 JOE LYNCH: Hi. Joe Lynch from
4 Nixon Peabody. Good afternoon. These are two
5 existing properties. One is what you call a mod
6 rehab property; one is a Section 8 property, which
7 means they basically have 100% project based
8 rental subsidies. They were built approximately
9 in the late '70s, I believe and they've had the
10 same owner; however, the buildings have been kept
11 up in good shape, but after 20-30 years plus the
12 buildings needed substantial work. This is when
13 the sponsor stepped in and is going to purchase
14 the buildings from the owner now and through HFA,
15 state bonds and low-income housing tax credits, we
16 can get the proper amount of financing and the
17 proper amount of low-income housing tax credit
18 equity. In order to rehab the properties, they
19 will be in unit renovations--in place unit
20 renovations for the residents. There will be no
21 displacement of tenants, and there will be no rent
22 increase for the residents as well since there's a
23 mod rehab contract and there's a Section 8
24 contract and the existing waiting list will be
25 kept in place. This has all been briefed by

1 Council Member Rose and she enthusiastically
2 supports the transaction.
3

4 CHAIRPERSON LEVIN: Are there
5 income guidelines beyond Section 8 eligibility for
6 the tenants?

7 JOE LYNCH: 60% of AMI and with the
8 Section 8, it's a little deeper skewed, probably
9 about 50% of AMI, and that will be for at least 30
10 years-40 years probably with the HFA regulatory
11 agreement in place.

12 CHAIRPERSON LEVIN: Do any of my
13 colleagues have any questions on this item?
14 Council Member Dickens?

15 COUNCIL MEMBER DICKENS: Thank you.
16 Thank you for your testimony. Good morning. On
17 the Section 8 units, the owners or the managers
18 can put in an application for an increase of rent,
19 but it would not change the rent for the
20 residents, only the subsidy amount would go up.
21 Is that correct?

22 JOE LYNCH: That's correct.

23 COUNCIL MEMBER DICKENS: I just
24 wondered--

25 JOE LYNCH: [Interposing] Yes, yes.

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Correct.

COUNCIL MEMBER DICKENS: That's it.

Thank you.

CHAIRPERSON LEVIN: Thank you.

Yes, Council Member Koo?

COUNCIL MEMBER KOO: Thank you for coming in. So you mentioned you said you don't need to displace the residents while you're doing remodeling the place?

JOE LYNCH: Correct.

COUNCIL MEMBER KOO: How are you doing it?

JOE LYNCH: It's sort of a work in art in many of these--

COUNCIL MEMBER KOO: [Interposing]
[off mic].

JOE LYNCH: It's a combination of checker boarding as well as having like say a hospitality apartment vacant, so they can use it for cooking, so in case the rehab of their kitchen runs longer than a day, they'll be enough room in the building, so people will not be inconvenienced too much. The great benefit of this is they get new kitchens, new bathrooms, new flooring,

1
2 cabinetry, so it's only a temporary inconvenience
3 for a long term convenience.

4 COUNCIL MEMBER KOO: Okay. Thank
5 you.

6 JOE LYNCH: You're welcome.

7 CHAIRPERSON LEVIN: Can you tell me
8 what the total amount of the financing is likely
9 to be?

10 JOE LYNCH: Yes. Bear with me for
11 one second... Yeah, the total amount of the
12 renovations is approximately 34,000 for each unit,
13 so it's a pretty substantial renovation right now.
14 The bonds are approximately \$22 million. I don't
15 have a count of the equity, but I believe the
16 equity based on a deal is this is about \$13
17 million as well. So it is substantial
18 rehabilitation.

19 CHAIRPERSON LEVIN: Okay. Do any
20 of my colleagues have any further questions? Yes,
21 Council Member Koo?

22 COUNCIL MEMBER KOO: You're also
23 upgrading the infrastructures--the elevators and
24 all those trash rooms and all those places?

25 JOE LYNCH: Absolutely and not only

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2 is it an in house rehab, also too as part of this
3 financing it will be common areas as well as
4 roofs. Full engineering was done on these
5 buildings. Everything that is needed to be done
6 plus and also a new security system as well for
7 the benefits of the tenants and the safety of the
8 tenants as well.

9 COUNCIL MEMBER KOO: Security
10 cameras and--

11 JOE LYNCH: [Interposing] Yes,
12 that's correct.

13 COUNCIL MEMBER KOO: Thank you.

14 CHAIRPERSON LEVIN: Anything
15 regarding like energy retrofits or anything like
16 that--weatherization?

17 JOE LYNCH: Absolutely.
18 Absolutely. We don't have weatherization funds on
19 this property, but it is all Energy Star; it is
20 all the best equipment as such. We work very
21 closely with the State with HFA, and it's very
22 much recommended--even required in some steps--
23 that we use all the energy efficient materials and
24 we do.

25 CHAIRPERSON LEVIN: Great. Great.

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2 Any other questions? Seeing none, I thank you
3 very much. We're going to move on to the next
4 item. Thank you, Mr. Lynch. Thank you, Mr.
5 Sloman. I imagine that Commissioner Clark is
6 going to be remaining to testify on the next item.
7 Thank you very much.

8 The next item we have is Land Use
9 No. 447, El Rio Residences. It's C 110365 HAX.
10 It's in Bronx Community District No. 6. That is
11 in the Council District represented by Council
12 Member Joel Rivera. Testifying on this item is
13 Assistant Commissioner Carol Clark and Ted
14 Weinstein from HPD. Mr. Weinstein is director of
15 Bronx - - .

16 ASSISTANT COMMISSIONER CLARK:

17 That's right. Thank you, Mr. Chairman. For this
18 one, I'm going to ask Ted to give the testimony on
19 L.U. 447.

20 CHAIRPERSON LEVIN: And please
21 identify yourself for the record. The switch
22 goes...

23 TED WEINSTEIN: Ted Weinstein,
24 director of Bronx Planning for HPD. This is for
25 the purpose of a disposition of a rather small

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2 piece of city-owned land to facilitate the
3 development of a supportive housing building
4 essentially on private land. An organization has
5 a building and next to it is their parking lot on
6 land that they own. This is situated on a dead
7 end street, a cul de sac. And so you have the
8 parking lot next to their existing building. They
9 want to build a new building on the parking lot
10 through our supportive housing program.

11 Unfortunately for reasons that we cannot be able
12 to figure out, back in the 1950s when the dead end
13 street was created pursuant to an urban renewal
14 plan, the tax lot [phonetic] that formally existed
15 remained and so you have a tax lot that belongs to
16 the city under the jurisdiction of HPD
17 approximately 2/3 of which is in the bed of the
18 street, but the other 1/3 is actually on the
19 sidewalk in front of their parking lot, and so in
20 order for them to build on their parking lot, they
21 couldn't currently build on their parking lot
22 because there is this tax lot, this piece of city-
23 owned land right in front--the driveway into their
24 parking lot. There's no frontage. There's a lot
25 there. So this is for the purpose of selling them

1
2 the piece of the tax lot that they could then
3 merge with their land in order to build this
4 building--a 65 unit supportive housing building.

5 CHAIRPERSON LEVIN: What type of
6 supportive housing and who is the sponsor?

7 TED WEINSTEIN: The sponsor is
8 Communa Life [phonetic]. They've done other
9 projects with us. It's the population will be 65
10 units, 36 will be for the formerly homeless under
11 New York New York 3 [phonetic], and the other 29
12 units will be for general population with 1 unit
13 for a superintendent.

14 CHAIRPERSON LEVIN: Have you met
15 with local stakeholders, the community board,
16 Council Member Rivera?

17 TED WEINSTEIN: Yes. The community
18 board in August held its public hearing and voted
19 18 to 1 in support. The borough president on
20 September 30th had his public hearing, and
21 approved. And Council Member Rivera has been
22 briefed and is in support of the project.

23 CHAIRPERSON LEVIN: Any local
24 residents raise any - - on the issue at all?

25 TED WEINSTEIN: I guess just the

2 one person on the community board who voted no.

3 CHAIRPERSON LEVIN: So you said 65
4 units, 36 for the formerly homeless... I'm sorry,
5 the remainder was...?

6 TED WEINSTEIN: 29 will be general
7 population, which is pretty common in our
8 supportive housing programs. Usually about 60% of
9 formerly homeless, special needs and then 40% are
10 general population.

11 CHAIRPERSON LEVIN: Market rate
12 or...?

13 TED WEINSTEIN: No, people up to
14 60% of area median income.

15 CHAIRPERSON LEVIN: And those units
16 would also be supported by NY NY 3 or--

17 TED WEINSTEIN: [Interposing] No,
18 those are just general population that they would
19 market, they would advertize and screen
20 applications that come in.

21 CHAIRPERSON LEVIN: Standard
22 affordable housing - - .

23 TED WEINSTEIN: Right.

24 CHAIRPERSON LEVIN: Do any of my
25 colleagues have any questions on this item?

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2 Seeing none, I thank you very much, Mr. Weinstein
3 and I appreciate the testimony. Thank you.

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5 We'll move on to Land Use No. 448.
6 It's Bronx River Arts Center. - - C 110366 HAX,
7 Bronx Community District 6 as well. This is Bronx
8 River Arts Center in the district of Council
9 Member Joel Rivera. Testifying on this item as
10 well is Assistant Commissioner Carol Clark of HPD
11 and Ted Weinstein, director of Bronx Planning for
12 HPD.

13 ASSISTANT COMMISSIONER CLARK:

14 Thanks again, Mr. Chairman. Ted Weinstein will
15 give the testimony on this item.

16 TED WEINSTEIN: This is also just -
17 - more minimal than the other one. The Bronx
18 River Arts Center for many years has been leasing
19 a building from us that was on a former urban
20 renewal site. It's actually just a block away
21 from the other site we just talked about on the
22 Bronx River. The Bronx River Arts Center is an
23 organization with tremendous community support.
24 They have classed for students. They have
25 galleries. They're in an old building, a

1 commercial building and the decision had been made
2 some time back that the best thing would be to
3 sell them the building rather than have them
4 continue to rent it from the City and have the
5 City be responsible for making repairs. We're
6 going to sell them the building. The Department
7 of Cultural Affairs is providing funding for
8 renovation. The disposition authority for the
9 sale of that property has previously gone through
10 ULEP [phonetic] and was approved by the Council.
11 It was realized soon after that though that the
12 sidewalk adjacent to it--there's a demapped
13 [phonetic] that runs in along the side of the
14 building, and the sidewalk between the building
15 and that demapped street was presumed that that
16 sidewalk was going with the building, when in fact
17 legally, it's part of the demapped street, and so
18 the purpose of this ULEP now is simply for the
19 purpose of - - the disposition authority to convey
20 to them that strip of sidewalk, 7 feet wide by 150
21 feet long right next to the building. It will
22 accommodate the rear exit, the second means of
23 egress for them to have... and yes, Council
24 Member Rivera has been briefed and is totally in
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1 support of doing - - .

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3 CHAIRPERSON LEVIN: - - kind of
4 difficult for any other type of use for a 7 foot
5 by 150 foot sidewalk. Has the funding been
6 allocated already--the capital funding by DCA? Is
7 there any other funding that's been--

8 TED WEINSTEIN: [Interposing] Well,
9 they've been raising funds themselves and I
10 checked with DCA and they need to rebid for the
11 contractor to actually do the work, so they're
12 hoping that will happen early in the next calendar
13 year, so that the work itself can start in the
14 late spring. Once the work is completed, then
15 we'll complete the sale of the property to the
16 organization.

17 CHAIRPERSON LEVIN: Okay. I don't
18 believe that I have any further questions. Do any
19 of my colleagues have any questions on this
20 particular item? Okay. Seeing none, thank you
21 very much, Mr. Weinstein. I appreciate the
22 testimony. We will move on to Land Use No. 497.
23 These are third party transfers--one third party
24 transfer. It's 20125124 HAM in Manhattan
25 Community District 9. That's in the district

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2 represented by Council Member Jackson. Testifying
3 on this item is Assistant Commissioner Carol Clark
4 and Jacqueline Alexander of HPD.

5 ASSISTANT COMMISSIONER CLARK:

6 Thank you, Mr. Chairman. As you noted, I am Carol
7 Clark, Assistant Commission of HPD. Jacqueline
8 Alexander is the Assistant Commissioner of HPD's
9 Division of Property Disposition and Finance.

10 L.U.s No. 497 and 498 consist of the proposed
11 transfer of properties under HPD's third party
12 transfer program. The Commissioner of Finance
13 included the parcels in final judgments of
14 foreclosure known as - - actions No. Manhattan 48
15 and 49. These judgments authorize the
16 Commissioner of Finance to execute and deliver
17 deeds to a transferee, Neighborhood Restore HDFC,
18 selected by the Commissioner of HPD. Today we are
19 before the Council seeking approval of the
20 transfer and disposition of the property and
21 related tax exemptions. Council Member Dickens,
22 Mendez and Jackson have been briefed and have
23 indicated their support. Thank you.

24 CHAIRPERSON LEVIN: I apologize. I
25 just had the one item. They're separated into two

2 items. So Land Use No. 498 is 20125125 HAM, and
3 those are a number of--I believe four different
4 pieces of property in Manhattan Community
5 Districts 3, 9, 10 and 11, and those are in
6 Council Districts represented by Council Member
7 Mendez, Jackson, Dickens and Mark-Viverito.

8 ASSISTANT COMMISSIONER CLARK:

9 Thank you, Mr. Chairman, for the clarification.

10 CHAIRPERSON LEVIN: These

11 properties how did they fall into foreclosure?
12 Could you speak to a little bit about the history
13 of these properties?

14 ASSISTANT COMMISSIONER CLARK: The
15 third party transfer program, and its history?

16 CHAIRPERSON LEVIN: Not necessarily
17 the program, but these particular properties.

18 ASSISTANT COMMISSIONER CLARK:

19 Jackie, do you want to answer that question?

20 CHAIRPERSON LEVIN: Please identify
21 yourself.

22 JACQUELINE ALEXANDER: Good

23 afternoon, Jacqueline Alexander from HPD. These
24 properties qualified under the third party
25 transfer program for a variety of reasons. One,

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2 given the number of BNC [phonetic] violations that
3 made them qualify under the third party transfer -
4 - action, as well as owing more than \$1,000 in ERP
5 liens and municipal arrears. So when the action
6 started several years ago--these are from our
7 earlier--this action took a little bit of period
8 of time, so these actions are about four years
9 old. At that point, the buildings qualified.
10 They were identified as being statutorily
11 distressed, and they were pulled from the tax lien
12 sale, or at the time the tax lien sale was being
13 put together, these third party transfer actions
14 were being pulled together. It's a qualification
15 based on BNC violations, ERP [phonetic] liens, as
16 well as municipal arrears on the properties.

17 CHAIRPERSON LEVIN: And you
18 mentioned related tax exemptions that were being
19 transferred as well. What are the existing tax
20 exemptions?

21 ASSISTANT COMMISSIONER CLARK: Part
22 of the third party transfer includes tax
23 exemptions as noted on the agenda and that's part
24 of the reason why we're here seeking the related
25 tax exemptions that are UDAP [phonetic] tax

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2 exemptions that go with a third party transfer of
3 properties.

4 CHAIRPERSON LEVIN: Do any of my
5 colleagues have any questions. Council Member
6 Dickens, do you have a statement?

7 COUNCIL MEMBER DICKENS: It's not a
8 question; it's really a statement. I've worked
9 very hard with Jackie and with Carol on the third
10 party transfers in my district to ensure that its
11 equitable in the RFPs [phonetic] and RFQs
12 [phonetic] to ensure that whether its third party
13 transfers or other programs, that MWBEs [phonetic]
14 are included in the notification of there being
15 RFPs or RFQs and so they worked very hard with me
16 because in my district when I looked at it, it was
17 not inclusive and they were open to making sure
18 that MWBEs were notified where they hadn't been
19 before. Thank you.

20 [crosstalk]

21 CHAIRPERSON LEVIN: Thank you. I
22 just want to mention that we've been joined by
23 Council Member Rosie Mendez and Council Member
24 Charles Barron. Council Member Mendez is from
25 Manhattan. Council Member Barron is from

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2 Brooklyn. Council Member Mendez, do you have a
3 statement?

4 COUNCIL MEMBER MENDEZ: Yes. Hi.
5 Good afternoon. I just wanted to say that in
6 particular to the building located in my district
7 it has a very long history. I'm very well aware
8 of its history. We've been trying to maintain it
9 as affordable housing, and lots of different
10 programs and now that we're at this stage, this is
11 the best program for it to be in, and I've worked
12 closely with HPD and some of the tenants there,
13 and I look forward to the repairs getting done and
14 this remaining affordable for years to come.
15 Thank you.

16 ASSISTANT COMMISSIONER CLARK: So
17 the Council Member is referring to the property at
18 388-390 E. 8th Street.

19 CHAIRPERSON LEVIN: These are all
20 going neighborhood restores?

21 ASSISTANT COMMISSIONER CLARK: Yes.

22 CHAIRPERSON LEVIN: Okay. Do any
23 of my colleagues have any further questions on
24 these items? Council Member Barron? No?
25 Alright. Thank you very much for the testimony.

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2 Thank you, Ms. Alexander. I believe that Carol
3 Clark--I'm going to ask her to stay for the
4 remaining item on the agenda, and that is Land Use
5 Nos. 467 and 499. Excuse me, just 467, not 499.
6 467 is 20125065 HAK. That's in Community Board
7 District 5 in Brooklyn, and that's in the council
8 district represented by Council Member Erik Dilan.
9 This is an asset control area item, and I will ask
10 Assistant Commissioner Carol Clark to testify.

ASSISTANT COMMISSIONER CLARK:

11
12 Thank you, Mr. Chairman. I'm joined by Artemis
13 Shea Pearson [phonetic] from HPD on this
14 testimony. As you know, I'm Assistant
15 Commissioner, and the L.U. 467 consists of two
16 vacant properties located at 386 Miller Avenue and
17 2406 Pacific Street. They're to be developed
18 under the asset control area program. HPD and the
19 Federal Department of Housing and Urban
20 Development are undertaking this initiative to
21 revitalize neighborhoods by brining vacant homes
22 back into use while creating affordable home
23 ownership opportunities for low and moderate
24 income families. Homes acquired by HUD as a
25 result of mortgage foreclosures are sold to a not

1
2 for profit sponsor Restored Homes HDFC for
3 rehabilitation and subsequent sale to qualified
4 purchasers. In collaboration with HPD, Restored
5 Homes oversees the rehab and conducts the
6 marketing process to identify income eligible
7 purchasers. Today HPD seeks the Council's
8 approval of a tax exemption to enhance the
9 affordability of the project for the eligible
10 purchaser. Council Member Dilan's office has been
11 briefed and has indicated his enthusiastic support
12 for these items.

13 CHAIRPERSON LEVIN: Okay. I don't
14 have any questions on this particular item. Do
15 any of my colleagues?

16 ASSISTANT COMMISSIONER CLARK: The
17 estimated income of the purchasers is up to 115%
18 of the area median income, which is \$94,000
19 approximately for a family of four.

20 COUNCIL MEMBER BARRON: [off mic]

21 ASSISTANT COMMISSIONER CLARK: Yes,
22 sir.

23 CHAIRPERSON LEVIN: Use the mic.

24 COUNCIL MEMBER BARRON: So you're
25 asking for tax breaks, right?

2 ASSISTANT COMMISSIONER CLARK: It's
3 a tax exemption, Council Member Barron.

4 COUNCIL MEMBER BARRON:
5 [Interposing] Tax exemption.

6 ASSISTANT COMMISSIONER CLARK:
7 Right.

8 COUNCIL MEMBER BARRON: And 115% of
9 the AMI?

10 ASSISTANT COMMISSIONER CLARK: Yes,
11 there's a range in this program. The asset
12 control area program--it's a national program, and
13 we've presented many of them here at the
14 Subcommittee.

15 COUNCIL MEMBER BARRON:
16 [Interposing] They must have slipped by me.

17 ASSISTANT COMMISSIONER CLARK:
18 There have been about 50 over the course of the
19 last 18 months, and this is about the 50th one.

20 COUNCIL MEMBER BARRON: Even if
21 it's 1,000--

22 ASSISTANT COMMISSIONER CLARK:
23 [Interposing] Pardon me. It's a range which goes
24 up to 115% of the area median income, but it
25 starts at 80, so it's between approximately 65 to

94.

COUNCIL MEMBER BARRON: I'm familiar with range, but if I'm a developer, and I have a range, I'm going on the high side, so that's ridiculous. Do you know the median income for east New York?

ASSISTANT COMMISSIONER CLARK: Well, these are targeted in a federal program, Council Member Barron, which is guaranteed to go to--

COUNCIL MEMBER BARRON: [Interposing] Are you saying it can't be lower?

ASSISTANT COMMISSIONER CLARK: Right, it's a federal program. It goes to moderate income families by virtue of the fact that it's a program operated by the federal Department of Housing and Urban Development.

COUNCIL MEMBER BARRON: Right, but are you saying that it has to be in that range?

ASSISTANT COMMISSIONER CLARK: Yes, sir. That's the way this national program operates.

COUNCIL MEMBER BARRON: So by law it has to be 80 to 115%?

2 ASSISTANT COMMISSIONER CLARK: That
3 is the range to which the program is adhered.
4 Yes.

5 COUNCIL MEMBER BARRON: There's
6 nothing--could you just say 80?

7 ASSISTANT COMMISSIONER CLARK: We
8 can certainly take back and have a discussion. I
9 know Council Member Dilan was enthusiastically in
10 support, and it's in his district, but we can
11 certainly have a discussion with Restored Homes.

12 [crosstalk]

13 COUNCIL MEMBER BARRON: By law, you
14 could have just 80% of AMI?

15 ASSISTANT COMMISSIONER CLARK: Yes,
16 it could be--

17 COUNCIL MEMBER BARRON:
18 [Interposing] So the law is not forcing you to go
19 up to 115?

20 ASSISTANT COMMISSIONER CLARK: No,
21 that's right. It's a range. You're entirely
22 correct, Council Member Barron.

23 COUNCIL MEMBER BARRON: You could
24 say since this is east New York and our AMI is
25 like 28,000, 30,000 for the area 'cause even 80%

1 of the AMI is 60 something thousand dollars.

2 Correct?

3 ASSISTANT COMMISSIONER CLARK:

4 That's correct and when we've had the discussion
5 about home ownership versus rental opportunities
6 and the different dimensions of that before, but
7 yes, we could take it back and recommend to
8 Restored Homes that you certainly have expressed a
9 strong preference for the lower end of this range.

10 COUNCIL MEMBER BARRON: No,

11 preference people don't listen to. If we vote on
12 80%, they have to deal with that, but when you
13 give them preference--they don't care what I
14 think. They only thing that matters is when we
15 make them do right, so alright.

16 ASSISTANT COMMISSIONER CLARK: I'll

17 defer to the Chairman.

18 CHAIRPERSON LEVIN: Thank you very

19 much. Any further questions from my colleagues?
20 Okay. Seeing none, I'm going to close this item,
21 and we're going to vote on these items at this
22 point. L.U. 499 is laid over until a further
23 hearing. I'm going to ask Christian Hilton,
24 counsel to the Committee, to call the roll. On
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2 these items I recommend an aye vote on all items.

3 COUNSEL: Chair Levin?

4 CHAIRPERSON LEVIN: I vote aye on
5 all.

6 COUNSEL: Council Member Barron?

7 COUNCIL MEMBER BARRON: I vote no
8 one L.U. 467 and aye on all.

9 COUNSEL: Council Member Gonzalez?

10 COUNCIL MEMBER GONZALEZ: Aye on
11 all.

12 COUNSEL: Council Member Dickens?

13 COUNCIL MEMBER DICKENS: Aye.

14 COUNSEL: Council Member Koo?

15 COUNCIL MEMBER KOO: I vote aye on
16 all.

17 COUNSEL: By a vote of five in the
18 affirmative, none in the negative, no abstentions,
19 pre-considered L.U. 20125186 and L.U. 201250187
20 HAR, L.U. 447, 448, 497 and 498 are approved and
21 referred to the full Land Use Committee by a vote
22 of four in the affirmative, one in the negative.
23 L.U. 467 is approved and referred to the full Land
24 Use Committee.

25 CHAIRPERSON LEVIN: Thank you very

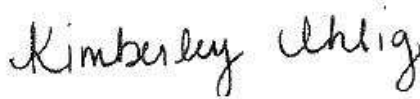
1
2 much, and being that everyone has voted on this
3 Subcommittee, this hearing is closed.

4 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____



Date _____

12/1/11