



**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES
REGARDING INTRODUCTION 368 - 2018
May 1, 2018**

Good afternoon Chairs Salamanca and Adams, and members of the Subcommittee. I am Mark Silberman, General Counsel for the New York City Landmarks Preservation Commission, and with me today is Gardea Caphart, Budget Director for the Commission. We are here on behalf of Chair Srinivasan to provide testimony on Intro. 368.

The proposed legislation amends the Landmarks Law by adding a new section 25-323 titled "Historic Preservation Grant Program." This new section does two things. First, it authorizes the Commission to administer a grant program with local, state or federal funds for the purpose of preserving designated and calendared buildings and interiors. Second, the bill prohibits the Commission from discriminating against religious entities as applicants for such grants, but also prohibits the Commission from making grants for the preservation of interior rooms used for religious worship, instruction or proselytization.

As the Council may know, since 1977 the Commission has administered a Historic Preservation Grant Program, targeting low- and moderate-income homeowners along with not-for-profits to help restore or repair historic properties. During the first term of this Administration, from FY15 to FY17, we awarded just over \$233,000 to eight applicants, with another four awards for a total of \$120,000 pending for FY18. These twelve selections came from an eligible pool of fourteen entries. We welcome applications from all not-for-profits and property owners who need assistance restoring or repairing historic properties.

The existing grants program is funded by the federal Community Development Block Grant program (CDBG), which is administered by the United States Department of Housing and Urban Development (HUD). HUD sets specific income guidelines and other restrictions for CDBG eligibility. For instance, a household of four may earn up to \$83,450 to be eligible for a grant.

Meenakshi Srinivasan, Chair

1 Centre Street, 9th FL, New York, NY 10007 ♦ 212-669-7855 ♦ www.nyc.gov/landmarks

Income Limits by Household (effective April 1, 2018)

<i>Household Size</i>	<i>Extremely Low-Income</i>	<i>Low-Income</i>	<i>Moderate-Income</i>
1 Person	\$0 - \$21,950	\$21,951 - \$36,550	\$36,551 - \$58,450
2 Person	\$0 - \$25,050	\$25,051 - \$41,750	\$41,751 - \$66,800
3 Person	\$0 - \$28,200	\$28,201 - \$46,950	\$46,951 - \$75,150
4 Person	\$0 - \$31,300	\$31,301 - \$52,150	\$52,151 - \$83,450
5 Person	\$0 - \$33,850	\$33,851 - \$56,350	\$56,351 - \$90,150
6 Person	\$0 - \$36,350	\$36,351 - \$60,500	\$60,501 - \$96,850
7 Person	\$0 - \$38,850	\$38,851 - \$64,700	\$64,701 - \$103,500
8 Person	\$0 - \$42,380	\$42,381 - \$68,850	\$68,851 - \$110,200

Applicants above these income levels may also be eligible for a grant, provided they are able to put forward a 10% to 50% matching contribution. For instance, a four-person household putting forward 50% of a project's cost may collectively earn no more than \$104,300 for their application to be eligible for the grant program. Additionally, if the property is being used for rental housing, tenants must be paying an affordable rent. In NYC, this is defined as paying either a) less than or equal to 30 percent of their household's adjusted gross income or b) equal to or less than the Fair Market Rent for that unit type as established by HUD for the New York City area.

Fair Market Rent for the New York Metro Area (effective October 2, 2017)

<i>Studio</i>	<i>One-Bedroom</i>	<i>Two-Bedroom</i>	<i>Three-Bedroom</i>	<i>Four-Bedroom</i>
\$1,514	\$1,558	\$1,789	\$2,280	\$2,437

Similarly, not-for-profits that own historic properties must either be providing a benefit to low- and moderate-income persons or area, or the property must be detrimental to the public's health and safety. The not-for-profits must also be organized under section 501 (c)(3) of the Internal Revenue Code.

However, federal regulations are ambiguous as to what types of projects may qualify for the grant program when the property is being used for religious purposes. In February 2018, the Commission and the New York City Office of Management and Budget wrote to HUD asking for clarity on when, and with what conditions, CDBG funds may be used to rehabilitate properties that are being used for religious

Meenakshi Srinivasan, Chair



**Landmarks Preservation
Commission**

purposes. We are happy to share HUD's response once we receive it.

In closing, we appreciate the spirit that underlies Intro. 368 and we hope to have your support as we continue to work with HUD to understand what types of projects may qualify for historic preservation grants at properties being used for religious purposes. As an agency that regulates and works frequently with property owners, we are sensitive to the added responsibility that owning a landmark property comes with. For this reason we work closely with owners to provide free technical expertise and assistance for when applicants seek to make changes to a property. We are also currently working on a series of rule changes that would promote preservation by making the application process for proposed work more efficient and less costly. The proposal was recognized by the Archdiocese of New York and the Diocese of Brooklyn, who testified in favor of the changes on behalf the Catholic Church, which owns over 145 landmarked structures throughout the five boroughs. We are also proud that under this Administration the City has been a strong supporter of federal and state tax credits for the rehabilitation of historic properties, which were at risk in recent budget cycles.

On behalf of the Commission, we thank you for allowing us to testify today and are happy to answer any questions you may have.

Meenakshi Srinivasan, Chair

1 Centre Street, 9th FL, New York, NY 10007 ♦ 212-669-7855 ♦ www.nyc.gov/landmarks

**THE NEW YORK
LANDMARKS
CONSERVANCY**

May 1, 2018

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE N.Y.C. CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES REGARDING INTRO 368, A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO AUTHORIZING THE LANDMARKS PRESERVATION COMMISSION TO ADMINISTER A HISTORIC PRESERVATION GRANT PROGRAM

Good day Chair Adams and Council members. I am Colleen Heemeyer, speaking on behalf of the New York Landmarks Conservancy.

The Conservancy supports the goals of this legislation: to allow the Landmarks Commission to provide grant funding to landmarked religious properties. We appreciate the interest in this issue from Council Member Salamanca.

There is a long history of providing funds to New York City's religious owned landmarks. Over 32 years, the Conservancy's Sacred Sites program has provided 480 grants, totaling over \$4.6 million to 225 religious institutions. This has in turn, funded \$417 million in projects. The New York State Office of Parks, Recreation, and Historic Preservation has an Environmental Protection Fund grant program, which provides religious landmarks matching grants of up to \$500,000; a current grantee is the Reformed Protestant Dutch Church of Flatbush. The Borough Presidents and City Council have also provided capital funding for restoration projects, such as the exterior restoration of the Flushing Quaker Meeting House, which received funds in 2008 from all three sources.

However, we have major concerns with regard to implementation of this Law. The Landmarks Preservation Commission has a grant program, funded via the US Department of Housing and Urban Development. The proposed Law is potentially in conflict with HUD funding guidelines. We understand that the Landmarks Commission has reached out to HUD for clarification of the guidelines. We hope that the Council's amendment is deferred until HUD responds to LPC's inquiry.

We also have questions. Would this Law change the LPC's existing grant program? It calls on the Commission not to discriminate, but we have not seen evidence of discrimination, just following funding guidelines. Are there plans to expand the existing program? This would be welcome news as the current grant program is small and oversubscribed.

If passed, we hope that the Council will allocate additional funding to assist eligible nonprofit and low-income owners of landmark properties. Increased grants would be welcome for existing landmarks and good incentive when new designations are under consideration.

We'd be happy to meet with Council staff and LPC staff to discuss how this program could be expanded in the future. Thank you for the opportunity to express the Conservancy's views.

CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg, Executive Director,
Catholic Community Relations Council
Intro. 368- Subcommittee on Landmarks, Public Siting and Maritime Uses
May 1, 2018**

Good afternoon, Chair Adams and Members of the New York City Council Subcommittee on Landmarks, Public Siting and Maritime Uses. I am Joseph Rosenberg, Director of the Catholic Community Relations Council (“CCRC”), representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy issues. I am here in strong support of Intro. 368 which authorizes the Landmarks Preservation Commission (“LPC”) to create a historic preservation grant program. This measure, if passed, would establish a program to provide much needed resources for owners to preserve their landmarked properties. It would especially be helpful to religious organizations which do not receive public monies for the restoration and repair of their landmarked structures.

The Catholic Church owns over 145 landmarked structures and buildings located in historic districts throughout the five boroughs, more than any property owner in our City.

Although the goals of historic preservation are endorsed by the Catholic Church in New York City, the cost to maintain and renovate churches, schools and rectories, many of them over 100 years old is enormous. Preserving ecclesiastical architecture which contains intricate carved stonework and fragile stained glass windows especially poses challenges resulting in extraordinary expenditures. Landmarking these structures only increase the costs of such restoration and adds to the daily operational costs of maintaining these properties. The use of special materials approved by LPC and the hiring of consultants, together with lengthy approvals, are required in order to make even routine improvements to these buildings.

Landmark designation also detracts from the Church’s charitable and social mission by diverting funds away from the food pantries, immigration clinics, senior centers and other social services that are an essential part of every parish’s work in all of our City’s neighborhoods. Such designations are a serious burden which infringe on the ministry of the Church.

It is important to note that no public funding exists to offset the added expenses and burdens associated with landmarking buildings or creating historic districts which contain structures owned by religious organizations. The costly mandates and repairs imposed by landmarking must be borne exclusively by the Church and its parishes, many of which have few, if any, financial resources. That is why we so strongly support the creation of a program that would authorize grants for this important purpose, and thank CM Salamanca for introducing this measure. We especially appreciate the inclusion of language in the bill stating that any grant program “shall not discriminate against an organization on the basis of such organization’s religious character or affiliation”.

It is our strong hope that this long overdue initiative will be passed by the Council and that both the Mayoral Administration and City Council will provide this program with a sufficient funding stream to ensure its viability and success in helping to preserve New York City’s architectural and historical legacy.

Thank you.

**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK BEFORE
THE SUB COMMITTEE ON LANDMARKS, PUBLIC SITING, AND
MARITIME USES IN SUPPORT OF AN AMENDMENT TO THE
ADMINISTRATIVE CODE TO AUTHORIZE THE LANDMARKS
PRESERVATION COMMISSION TO ADMINISTER A HISTORIC
PRESERVATION GRANT PROGRAM, INT. 0368-2018**

May 1, 2018

The Real Estate Board of New York, Inc. (REBNY) is a broadly based trade association of over 17,000 owners, developers, brokers, managers and real estate professionals active throughout New York. Thank you for the opportunity to submit testimony in favor of establishing with the Landmarks Preservation Commission (LPC) a historic preservation grant program.

Councilmember Salamanca has introduced a common-sense program that will benefit a diverse group of owners – from single-family home owners to private entities of apartment buildings, from religious organizations to not-for-profit cultural institutions. While we appreciate the public benefit provided by landmark designation, the private burden can be quite high. That’s why REBNY supported the renewal of the New York State Historic Tax Credits in this last budget cycle when they were up for renewal as residential and commercial owners alike can benefit.

However, existing loan and grant programs have a number of limitations, including ownership structure, income eligibility, overall permitted expenditures and grant amount. The LPC’s own existing Historic Preservation Grant Program only offers nominal sums with a great number of restrictions because of its singular Federal funding source. The Federal Historic Tax Credit program only applies to commercial properties – leaving homeowners and not-for-profits alike out of luck. Allowing the LPC to use funds from the city and state should allow for a more far-reaching program that could benefit all owners of landmark properties, including religious organizations that have traditionally been left out of tax, loan or grant programs.

We urge the City Council to pass this initiative and urge both the Mayoral Administration and City Council leadership to provide this program with a sufficient funding stream to ensure its viability and success in helping to preserve New York City’s architectural legacy.

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 368 Res. No. _____

in favor in opposition

Date: 5/1/18

(PLEASE PRINT)

Name: Gardea Caphart

Address: _____

I represent: Landmarks Preservation Comm.

Address: 1 Centre St., New York, NY 10007

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 368 Res. No. _____

Administration in favor in opposition

Date: May 1, 2018

(PLEASE PRINT)

Name: Mark Silberman

Address: 1 Centre Street

I represent: Landmarks Preservation Commission

Address: 1 Centre Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
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Appearance Card

I intend to appear and speak on Int. No. 368 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Rosenberg

Address: 80 Maiden Lane

I represent: Catholic Community Relations Council

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 368 Res. No. _____

in favor in opposition

Date: 5/1/18

(PLEASE PRINT)

Name: Colleen Heemeyer

Address: 15 Butler Rd, Brooklyn 11238

I represent: New York Landmarks Conserv.

Address: 1 Whitehall St. Fl 21 NY, NY 10004

Please complete this card and return to the Sergeant-at-Arms