

DRAFT 10.3



THE BOROUGH OF MANHATTAN
GALE BREWER, BOROUGH PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE

VIKKI BARBERO, CHAIR VACANT, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, October 08, 2020 via teleconferencing, at 6:00pm. Vikki Barbero, Chair, presided.**

Members Present

David Achelis
Nicholas Athanail
Zach Bahor
Vikki Barbero
James Beitchman
Mary Brosnahan
Kelly Burton
Sarah Dowson
Aaron Ford
Joseph Frewer
Laura Garcia
Jordan Goldman
Nancy Goshow
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
William Heyer
Robert Isaacs
Michael Kaback
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Blaga Lucic
Jamie Kang

Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Jonathan Rabar
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Daniel Spence
Noah Stern
Sarah BJ Sung
Simon Tschinkel
Rachel Weintraub
Ryan Whalen
July Yang

Present Part

Julie Chou
Samuel Johnson
E.J. Kalafarski
Janet Pawson

Absent

Renee Cafaro
Christopher Clark
Joseph Maffia
Jessica Verdi
Pete Webb

Excused

Public Members

Miriam Berman
Joel Maxman
Tony Testa

Elected Officials

Brad Hoylman
Senator

Gale Brewer
Borough President

Carlina Rivera
Councilmember

Laurie Harjowaroga

Speaker Johnson

Luke Wolf
Comptroller Stringer

Betsy Smith
Congresswoman
Maloney

Justin Flagg
Senator Krueger

Abigail Bessler
Councilmember
Powers

Staff

Marisa Maack
District Manager

Luke Szabados
Community Associate

Public Attendees

At 6:00 p.m., the Manhattan Community Board Five October 8, 2020 full Board meeting was called to

PUBLIC SESSION

Justin Flagg, State Senator Liz Krueger: announced a virtual senior resource fair sponsored by Senator Krueger. He reminded everyone to please fill out the census forms. He spoke of an issue where people filled out the location they were sheltering outside the city instead of their permanent residence inside the city and stated that the League of Women Voters has instruction on how to fix your census form so it will

show your permanent residence. He also spoke of voting and absentee ballots questions coming into the office and stated that the best way to get information was the City Board of Elections website.

Laurie Harjowaroga, Speaker Johnson: announced that the second Council District 3 cleanup day was a great success and stated that a lot of neighbors pitched in to clean streets and sidewalks. She thanked Renee Kinsella from CB5 who helped clean up around FIT. She spoke of addressing food insecurity by continuing to deliver hundreds of meals to the community on a regular basis. She stated that there was a lot of upcoming events, such as a donation drive on October 13 for New Yorkers who are living in shelters or temporary hotel shelters and those without shelter and also the virtual Medicare enrollment event, on Wednesday, October 14. She also mentioned the Aid for AIDS event at the AIDS Memorial Park on October 28 asking people to donate unexpired on unused medicine that can be shared.

Carlina Rivera, Councilmember: Spoke of the importance of filling out of census forms and registering to vote. She spoke of fewer trash pickups and how frustrating it has been and spoke of identifying places that are high need locations and the need to restore routes in the district. She stated that the Department of Sanitation should not be off the hook due to budget cuts. She announced partnering with ACE who provides job training to people who are experiencing homelessness or who are under housed to do supplemental sanitation services to clean up the streets. She also spoke of concerns for people experiencing homelessness due to the pandemic, which has exacerbated challenges for New Yorkers. She spoke of advocating for the creation of more supportive housing with onsite resources and improving mental health and substance abuse treatment services. She also spoke of ensuring that small business owners have the resources they need to survive the pandemic, especially outdoor dining. She stated that last month, the mayor signed one of her small business bills to help with personal liability provisions and that she also fought for the restoration of funding to the commercial lease Assistance Program, which is the only city-funded Legal Assistance Program.

Gale Brewer, Manhattan Borough President: spoke of real estate and the fact that CB5 have such a big part of Midtown East. She spoke of JP Morgan Chase's commitment of \$30 billion to advance racial equity. She spoke of CB5's support for a Director of the Public Realm and encouraged other community boards to follow CB5. She spoke of the census and absentee ballots. She spoke of the need for public bathrooms and that her interns are creating a list of the existing public restrooms in the city. She noted that each Chamber of Commerce in the city received grant money to hire five people to work with small businesses. She said they are working to get funding to provide safe pedestrian and bike access across the Queensboro (Ed Koch) Bridge in both directions.

Brad Hoylman, State Senator: stated that he commented on social media about Community Board Five's support of a Director of the Public Realm. He welcomed new District Manager Marisa Mack. He reported on community board budgeting and plan to replicate what the Council has done so successfully with their capital dollars in participatory budgeting. He also spoke of a dramatic uptick in complaints about illegal street racing across Midtown on the west side and parts of the West Side Highway and stated that in response he introduced legislation called the Fighting Urban Racing In Our Streets (FURIOUS). He also spoke of another colleague's bill that would clamp down on illegal and loud mufflers. He spoke of the bar exam going virtual and faulty internet problems that may hinder people taking the bar exam.

Abigail Bessler, Councilmember Powers Office: announced that this was her last day working for Councilmember Powers and thanked the board for everything they do for the community.

Luke Wolf, Comptroller Scott Stringer's Office: welcomed new District Manager Marisa Maack. He spoke of the back to school guide. He spoke of making public schools more inclusive to gender non-binary students. He also stated that the Comptroller wrote a letter to the Mayor specifically about the

homeless student population and asked to designate a single point person for issues related to the homeless student population, including unreliable internet and making sure that their shelter locations are close to their school and push for communications companies to offer WiFi to all students like they did in the spring. He stated that the Comptroller has been able to return \$2 million to workers across the city for unpaid prevailing wages. He stated that 100 companies have committed to releasing their demographic employment data.

Betsy Schmid, Congresswoman Carolyn Maloney's Office: announced that Congresswoman Maloney returned to New York this week after a couple of very busy weeks in DC and presided over two major hearings for the Committee on Oversight and Reform with the leaders of pharmaceutical companies. The committee has an ongoing investigation about drug pricing, and they questioned the CEOs about the exorbitant price increases that we've seen for some very vital prescription cancer drugs. She also spoke of the House passing an updated version of the Heroes Act, which is the coronavirus legislation follow up to the Cares Act. She also spoke of another round of economic impact payments, which will reinstate an additional \$600 of unemployment assistance and provide money for state and local governments. She stated that this new version would also improve the Payroll Paycheck Protection program.

BUSINESS SESSION

- **VOTE ON THE SEPTEMBER 2020 MINUTES**

The September 2020 minutes passed with a vote of 40 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Tschinkel, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

- **CHAIR'S REPORT – VIKKI BARBERO**

Chair Barbero announced her excitement over the selection of Community Board Five's new District Manager Marisa Maack. She introduced Marisa who spoke briefly about her background and previous experiences.

COMMITTEE REPORTS

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief presentation on the following two resolutions:

Cort Theatre - Application for a special permit pursuant to Section 81-745 of the Zoning Resolution, and for a text amendment to Section 81-745, to grant a floor area bonus in connection with the substantial rehabilitation and restoration

WHEREAS, the applicants **Cort Theatre and Clarity 47 Hotel** are requesting the following actions: (1) Special permit pursuant to ZR Section 81-745 to authorize bonus floor area for the substantial rehabilitation of a listed theater and (2) Zoning text amendment to ZR section 81-745 to (a) clarify description of qualifying rehabilitation work and (b) allow, for zoning lots located partially in an underlying C6-5.5 district, bonus floor area to be utilized anywhere on the zoning lot; and

WHEREAS, to be eligible for a bonus FAR under this section of the Zoning Resolution, the Cort theatre will undergo a very extensive rehabilitation, significantly improving handicap accessibility, constructing new bathrooms for patrons, expanding backstage areas, as well as an exquisite restoration of the historic portions of the theater; and

WHEREAS, in addition to the upgrades to the existing theater, the Cort would construct a 35' wide annex comprising five stories with rehearsal rooms, patron bars as well as ancillary spaces for the production of theater performances (costumes, stage sets, etc.); and

WHEREAS, the restoration, upgrades and new construction have all been reviewed by Community Board Five and the Landmarks Preservation Commission in 2018 and have been deemed harmonious with the existing landmark, and have been deemed substantial as they would improve the theater's suitability for use as a legitimate theater; and

WHEREAS, the Cort Theatre and Clarity 47 hotel application is seeking a bonus FAR special permit for theatre rehabilitation and Zoning Text Amendments that would allow for a 530 ft tall, 264,000 SF hotel to be built on a lot that is 12,050.40 SF; and

WHEREAS, the two applicants merged their respective lots with six other adjacent lots to form a single zoning lot that totals 47,050 sf; and

WHEREAS, the merged lot is split between two zoning district, C6-7T and C6-5.5; and

WHEREAS, the C6-7T side of the zoning lot has a maximum permitted FAR of 14, and a 20% bonus would be 2.8 for a total maximum bonusable FAR of 16.8 permitted on this side of the lot; and

WHEREAS, the C6-5.5 side of the zoning lot has a maximum permitted FAR of 12, and a 20% bonus would be 2.4 for a total maximum bonusable FAR of 14.4 permitted on this side of the lot; and

WHEREAS, this bulk increase and massing is being proposed through the following mechanisms: substantial rehabilitation of the Cort theater, a zoning lot merger of 8 lots that would receive a theatre rehabilitation bonus that is within 20% of the merged zoning lot's permitted FAR (per ZR section 81-745b), and shifting bulk generated from the high density zoning district (C6-7T) to the low density side (C6-5.5) on a split lot; and

WHEREAS, this equals a bonus of 33,741.23 sf for the C6-7T side of the zoning lot and 85,556.71 sf for the C6-5.5 side, which equals a total bonus of 117,625 sf generated by the substantial rehabilitation of the Cort theatre; and

WHEREAS, the applicants would like to mass the entire bonus floor area on only one lot out of the eight merged lots, which is lot 11, the 12,050.40 sf hotel lot, which is in a C6-5.5 zoning district, on the lower permitted density side of the merged zoning lot; and

WHEREAS, the applicants are seeking a Zoning Text Amendment that would allow bonus floor area granted for the substantial rehabilitation of a listed theater to be utilized anywhere on the zoning lot, without regard to the location of zoning district boundaries on a split lot; and

WHEREAS, the applicants are asking for the 33,741.23 sf bonus generated on the C6-7T side to be used on the C6-5.5 side because the existing buildings in the C6-7T district do not have any use for bonus FAR; and

WHEREAS, Community Board Five is weary of lot mergers that receive a bonus based on the total zoning lot size and then shifting bulk generated by the higher density side to the lower density side on a split lot, and believes this type of development goes against the purpose of the Zoning Resolution; and

WHEREAS, the C6-5.5 zoning district is located mid-block for the purpose of lower bulk and density along the streets and C6-7T zoning district is located at the ends of the block because higher bulk and density is deemed more appropriate for the avenues that are significantly wider than the streets; and

WHEREAS, Community Board Five is concerned that a large number of recent developments in our district have severely impacted the available light on our street, casting shadows and blocking sunlight; and

WHEREAS, the proposed Zoning Text Amendment, would add the following language (Matter in underline is new, to be added.):

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4, C6-5 or M1-6 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located wholly or partially in a C6-5.5 District, the Commission may allow #bonus floor area# to be utilized anywhere on the #zoning lot#., and

WHEREAS, the Zoning Text Amendment, as written, would only apply to this specific merged lot and would not permit any density shift along split lots lines on other lots, in the Theater subdistrict or elsewhere in New York City; and

WHEREAS, to make it even more specific, the language of the Zoning Text Amendment should specifically refer to C6-7T District as being the only instance where such exception can be made; and

WHEREAS, Community Board Five recognizes that the theater industry, a cultural institution with great public benefit, has been tremendously impacted by COVID-19, and has suffered tremendous financial loss; and in regards to the exceptional circumstances, and given the extensive upgrades done to the theater as part of this application, is willing to grant an exception to the split lot rule for this application due to the extreme circumstance faced by theater operators; and

WHEREAS, Community Board Five does not want bulk shifting from one district to the other to be a precedent for future developments and is only considering this application because of the exceptional and dire times caused by COVID-19 pandemic; and

WHEREAS, the Times Square Alliance, The New York Landmarks Conservancy, the Partnership for New York City, and The Broadway League, have all written letters expressing support for this initiative including affirming that "The COVID-19 pandemic has devastated the New York City's Theater industry. It is most helpful that Shubert is making a private investment in the future of theater with the Cort project" and "The Cort Theatre currently faces a variety of challenges that make it difficult to accommodate audiences such as lack of accessibility for the mobility impaired" and "the expansion and rehabilitation project is necessary for the Cort Theatre to remain viable" and "Last year, Broadway

contributed \$14.8 Billion to New York City's economy and fueled local restaurants, parking garages, and retail shops"; and

WHEREAS, the Hotel Trades Council is opposed to this application because the Clarity Hotel 47 is part of a hotel group that does not use union labor for its operations as well as for the construction of its hotels, and this permit should only be granted if Clarity Hotel 47 agrees to use union labor; and

Therefore, be it Resolved, Community Board Five approves the Cort Theatre application with the following conditions:

- The proposed Zoning Text Amendment "and except that in the case of a #zoning lot# located wholly or partially in a C6-5.5 District, the Commission may allow #bonus floor area# to be utilized anywhere on the #zoning lot#" to be more restrictive and to read "and except that in the case of a #zoning lot# split between a C6-7T and a C6-5.5 District, the Commission may allow #bonus floor area# to be utilized anywhere on the #zoning lot#"
- The following language shall be left unaltered: "Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major interior structural changes for the purpose of improving a theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark." The word "Interior" shall not be stricken in ZR Section 81-745(a)(2) under the Qualification of Substantial Rehabilitation as Community Board Five believes that the interior work of the new annex applies to the existing text for the qualification for the rehabilitation bonus.
- Clarity Hotel 47 must agree to use union labor for the construction of the new hotel as well as the operation of the new hotel.

After some discussion the resolution passed with a vote of 39 in favor, 0 opposed, 2 abstaining: **IN FAVOR:** Achelis, Athanail, Bahr, Beitchman, Brosnahan, Burton, Chou, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, McCall, Meyerson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Tschinkel, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero, Miller.

Ms. Law-Gisiko reported on the Municipal Art Society's proposal for a Director of the Public Realm. She introduced Clayton Smith to give a quick update on the position as well as what the process is going to be as far as our role advocating for such position. Mr. Smith reported that New Yorkers for Parks and the Municipal Art Society have issued this proposal together and that it came to the Parks and Public Spaces Committee to outline ways in which this proposed position could help NYC.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Mr. Clayton Smith announced that there was no action from the committee this month, but there were presentations and updates from the Flatiron BID, Madison Square Park Conservancy, and from Bryant Park Corporation. He reported on the Flatiron BID's competitive search for an artist to do the public art installation in the pedestrian plaza for the winter months. He spoke of the cancelation of programming for the Madison Square Park Conservancy. He reported on Leaf Day for Kids where kids can jump into leaves, but also they then rake them. He then stated that Bryant Park Corporation Winter Village reduced the number of vendor booths by 70% so it will have responsible socially distant queuing and noted that ice skating is still on.

LANDMARKS – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave a brief presentation on the following resolution:

175 Fifth Avenue (aka The Flatiron Building, aka The Fuller Building): A Certificate of Appropriateness for alterations to the Lobby Entrances, a Retail Storefront Master Plan, Alterations to the 21st Floor, Alterations to Building Mechanicals

WHEREAS, 175 Fifth Avenue is also known as the Fuller Building but better known as The Flatiron Building which is a 21-story French Renaissance steel-framed structure designed in the shape of a triangular “flat iron” located at the intersection of Fifth Avenue, Broadway, and 23rd Street in the Ladies’ Mile Historic District; and

WHEREAS, 175 Fifth Avenue was built for the George A. Fuller Construction Company designed by architect Daniel Burnham opening in 1902, and was designated an individual Landmark in 1966; and

WHEREAS, the applicant proposes to 1) make alterations to the two building lobby entrances, 2) create a Retail Storefront Master Plan, 3) make alterations to the 21st Floor, and 4) replace building mechanicals on the roof; and

Lobby Entrances:

WHEREAS, the original lobby and lobby entrances at 175 Fifth Avenue and 949 Broadway were altered during an earlier renovation using non-historic materials and the applicant proposes changes to make them more historically accurate as well as handicap-accessible; and

WHEREAS, proposed lobby entry changes include new bronze framing and transoms; the Broadway entrance will maintain a revolving door moved to within the lobby envelope with non-operable sidelights measuring 10ft 6in in height; the Fifth Avenue entrance will consist of two 10ft 6in high bronze doors with non-operable sidelights as well as a new inner vestibule which is consistent with the original design of the building; and

Retail Storefront Master Plan:

WHEREAS, the existing storefront bays are largely intact with original display windows framed in cast iron, having restorations made in 2000-2001 using in-kind materials and historic salvaged hardware; and

WHEREAS, existing full-transom height louvers in most bays are proposed to become a much slimmer painted aluminum design; louvers in bays on either side of both Lobby entrances and along 22nd Street will remain full-transom height; and

WHEREAS, storefront bays are proposed to be altered to allow for a handicap accessible single door in 6 bays along Fifth Avenue, 3 bays along 22nd Street, and 7 bays along Broadway; there would be at most one set of double doors proposed for each façade dependent on the future retail tenant’s needs; and

WHEREAS, the bay to the south of the Broadway entrance is proposed to be restored flush with the building façade, and the corner revolving door on the SW Corner will remain; and

WHEREAS, the applicant has committed to preserving all historic materials in each bay as much as possible, and to re-use or store any components of original materials that need to be altered in order to meet the proposed storefront designs; and

Alterations to 21st Floor:

WHEREAS, the applicant proposes to alter an existing 21st Floor penthouse level that currently has non-historic façade materials; proposed changes include lowering window sills to install new casement and fixed windows in existing window openings, and install new doors in existing door openings. The applicant also proposes to make the north corner rounded to match the profile of the building, raise the flooring to create a usable terrace, replace exterior drainage systems with internal drainage systems, and install clear glass railings on the interior of decorative balustrades; and

WHEREAS, materials include a stucco finish for the exterior walls, painted aluminum windows and doors, and concrete pavers flooring on the terrace; and

WHEREAS, the applicant is not proposing exterior lighting to the 21st Floor or terrace area, and the alterations to the 21st Floor will be minimally visible from the street; and

Replacement and Relocation of Building Mechanicals:

WHEREAS, the applicant proposes to remove existing mechanical/electrical/plumbing equipment as well as active and inactive skylights, and install three cooling towers, new mechanical equipment, and solar panels; and

WHEREAS, the proposed number of cooling towers has been increased in order to have smaller, less visible units and the overall height of all mechanical equipment will remain the same as current conditions; and

WHEREAS, the new central air cooling equipment will allow the removal of over 600 air conditioning window units throughout the building; and

Findings:

WHEREAS, alterations to the Fifth Avenue and Broadway entrances are great improvements and closer to original designs and materials; and

WHEREAS, if the 10ft 6in bronze doors require mechanical components to operate then let it be known that the applicant has committed to the installation of a door-opening mechanism that is non-intrusive to building façade materials; and

WHEREAS, the proposed alterations to the storefront bays are minimal and necessary to ensure ADA compliance, and the applicant has committed to reusing all historic material that must be altered within the storefront bays; and

WHEREAS, the visibility of the proposed 21st Floor alterations and proposed mechanical equipment changes will be an improvement to existing visibility and less distraction from the Landmark; and

WHEREAS, the proposed building-wide central cooling system is allowing for removal of over 600+ window air conditioning units; and

WHEREAS, the applicant is to confirm whether or not signage is part of an existing approved Master Plan for the building and if it is not, they are urged to return to Community Board Five for a signage master plan addendum review; and

WHEREAS, the Community Board realizes that while protecting our district's Landmarks is of utmost importance, we also recognize the need to improve and modernize them in order to remain relevant and able to attract new businesses; therefore be it

RESOLVED, Community Board Five **recommends approval** for a certificate of appropriateness for the proposed changes to the building lobby entrances, the retail storefront master plan, alterations to the 21st Floor, and replacement of building mechanicals, providing the applicant commits to re-use of historic materials that must be altered for proposed designs, and that the applicant commits to a non-intrusive design for any door-opening mechanisms for the lobby entry doors (should they be required) that does not interfere with the building façade materials.

After some discussion the above four resolutions passed with a vote of 41 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kang, Kinsella, Law-Gisiko, Levy, Lucic, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Tschinkel, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

PUBLIC SAFETY/QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Athanail reported that PSQL Committee continue to monitor Open Street dining our district. He spoke of having few complaints or problem and was surprised when an operation was shut down on 56th Street.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave a brief presentation on the following resolution:

Community Board Five Support of Intro 146, 1020, 1339, 2018 and 2047 by the Council of the City of New York, Comm. on Gen. Welfare

WHEREAS, as a local Community Board we are alarmed by the magnitude of homelessness in New York City, and the attendant human and financial costs to our city and its neighborhoods; and,

WHEREAS, the problem of homelessness has reached a critical juncture with the number of single adults sleeping each night in New York City Department of Homeless Services (DHS) shelters increasing by a staggering 143 percent, from 7,700 in December 2009 to 18,700 in December 2019; and,

WHEREAS, In December 2019, 14,792 families slept in shelters each night; and,

WHEREAS, WHEREAS 1 in every 100 babies born in New York City last year was brought “home” from the hospital to a shelter; and,

WHEREAS, taxpayers fund over \$1 billion for the statewide shelter system; and,

WHEREAS, the costs to our communities are unsustainable and we need a fiscally-responsible approach that reduces overall cost of housing the homeless while keeping more families in their homes; and,

WHEREAS, New York City braces for the ending of the eviction moratorium and thousands of New Yorkers have fallen behind in their rent due to Covid19 and edge closer towards housing instability; and,

WHEREAS, Intro 146 would require that the maximum rent toward which rental assistance vouchers may be applied annually, increases at the same rate as the FMR set by the U.S. Department of Housing and Urban Development (HUD); and,

WHEREAS, The CityFHEPS rental assistance voucher is a critical tool in helping individuals and families avoid and exit shelter; and,

WHEREAS, Rental assistance combined with supportive services for homeless individuals with serious health problems can achieve savings in the health care, corrections, and emergency shelter systems, which may be close to or above the cost of the rental assistance and services; and,

WHEREAS, The maximum rent allowed under CityFHEPS for a three- or four-person household, is \$1,580 per month, much below the fiscal year 2020 FMR for a two-bedroom apartment in New York City (\$1,951 per month); and,

WHEREAS, Raising the voucher value would greatly expand the pool of available apartments for homeless individuals and families; and,

WHEREAS, The average length of stay in shelter is over 400 days; and,

WHEREAS, the average annual cost of shelters exceeds \$71,000 per family; and,

WHEREAS, Intro 1020 would require Department of Homeless Services (DHS) and Human Resources Administration (HRA) to track and report certain data regarding rental assistance programs, including outcomes of the CityFHEPS program and any future rental assistance program created for New York City residents; and,

WHEREAS, Intro 1339 would require Department of Social Services (DSS) to arrange for the provision of a written notice to applicants who are found potentially eligible for rental assistance programs administered by Department of Social Services. The notice would provide information about protections under the New York City Human Rights Law related to discrimination on the basis of a person's lawful source of income; and,

WHEREAS, Intro 2018 would require Department of Homeless Services (DHS) to provide services to domestic violence survivors in all DHS shelters. Services, which are defined in the bill as "the coordination of appropriate services to clients who have experienced domestic violence, including but not limited to counseling, legal services, and access to employment, housing, childcare, and other resources," would be coordinated by a social worker; and,

WHEREAS, A rise in domestic violence instances is a contributing factor in home insecurity and homelessness in the city; and,

WHEREAS, According to the recent report by the city comptroller's office, Housing Survivors, approximately 40% of families entering the shelter system experienced domestic violence; and,

WHEREAS, Intro 2047 would prohibit real estate brokers, landlords, or their employees or agents from making any criminal history inquiries into a housing applicant's background or taking an adverse action against such applicant due to criminal history; and,

WHEREAS, This would not extend to rental of room by roommate and owner occupied housing accommodations; and,

WHEREAS, This would not extend to sex offenders who are regulated under state law; and,

WHEREAS, Homelessness is a tragic outcome for too many New Yorkers who exit prisons and jails, even though stable housing is vital to a successful reentry. The disproportionate impact of over-policing and incarceration on communities of color is one driver of homelessness among Black and Latina New Yorkers; and,

WHEREAS, Of the 9,300 people released from State prisons to New York City in 2014, 23 percent of them went directly into the City shelter system; in 2017, 54 percent of the people released to New York City, or 4,122 individuals, entered the shelter system; and,

WHEREAS, The use of criminal records makes it more difficult for individuals leaving jail or prison to find housing and avoid long-term homelessness; and,

WHEREAS, people experiencing homelessness are at increased risk of recidivism and encounters with law enforcement; therefore be it

RESOLVED, Community Board Five, Manhattan supports Intro 146, 1020, 1339, 2018 and 2047 as ways to address the homelessness crisis the city is facing and we ask our councilmembers and mayor to pass these legislations.

Community Board Five supports the aim of The Save our Storefronts Bill S8865

WHEREAS, small businesses and nonprofits throughout the New York state and New York City have been severely affected by the COVID pandemic and resultant closures; and

WHEREAS, these closures have made it difficult if not impossible for many small businesses and nonprofits to survive; and

WHEREAS, the rent obligation of these small businesses and nonprofits are, in most cases, their single largest expense, and

WHEREAS, up to 70,000 small businesses are unlikely to survive without some sort of assistance; and

WHEREAS, the City and State are expecting an avalanche of evictions in the coming months; and

WHEREAS, the Save our Storefront Bill provides a plan to prevent small businesses and nonprofits from going out of business, and

WHEREAS, the Save our Storefronts Bill plan seeks a balanced approach of shared sacrifice between the small businesses/nonprofits, landlords and the government to stave off mass closures; and

WHEREAS, under the bill, a business owner or nonprofit who can demonstrate that they have suffered a loss of income as a result of government-ordered COVID related restrictions would be entitled to reduced rent; and

WHEREAS, the rent reduction would be set at the lesser of 20% of monthly income or 1/3 of the contractual rent obligation to the landlord; and

WHEREAS, the landlord would additionally be required to waive 20% of the tenant's monthly contractual rent; and

WHEREAS, the landlord would then apply to the government to cover the difference between what the business/nonprofit paid in rent and the contractual agreement less 20%; and

WHEREAS, the government would pay the landlord using a commercial rent relief fund that would be established by the bill; and

WHEREAS, the commercial rent relief fund from which any reimbursement would be made would contain up to \$500 million dollars that would be earmarked from federal assistance dollars that will hopefully come to the state; and

WHEREAS, the bill is premised on receiving federal dollars; and

WHEREAS, this bill would only apply to small businesses of 25 employees or less; and

WHEREAS, the sponsor is open to considering expanding the number of employees that constitute small businesses under the bill; and

WHEREAS, a 20% give back by landlords was felt to be fair; however as the intent of the bill is to protect small business and not subsidize inflated rents, a potential cap on reimbursement may be considered, and

WHEREAS, the intent of this bill is to provide a framework for using federal dollars; and

WHEREAS, there is still much uncertainty and therefore much that needs to be finalized with regard to specifics; and

WHEREAS, if the federal money is not forthcoming this bill cannot be effectuated, therefore be it

RESOLVED, Community Board Five supports S8865 so long as the monies are received to effectuate its goals; and be it further

RESOLVED, Community Board Five encourages landlord involvement in the further iteration of this bill; and be it further

RESOLVED, Community Board Five supports the balanced approach of shared sacrifice, the overall aim of the legislation and the advance plan for the use of any federal funding while recognizing that there will be adjustments given rapidly changing circumstances.

After some discussion the above four resolutions passed with a vote of 40 in favor, 0 opposed, 3 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, McCall, Meyerson, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Tschinkel, Weintraub, Whalen. **ABSTAIN:** Barbero, Miller, Yang.

Ms. Kinsella mentioned that the committee also heard about the Clear Path Forward Act, which is another Senate bill regarding lawsuits from commercial renters and settling the question of whether Covid-19 was something that the renter could or could not have foreseen guarded against in a commercial lease. She also reported on homeless hotels and increasing complaints regarding the street issues in the West 50s and West 13s. She also spoke of budget considerations.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:58 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

Julie Chou
Assistant Secretary