



**Land Use Subcommittee on Zoning & Franchises
East Harlem Neighborhood Rezoning
October 11, 2017**

Good afternoon. My name is Paula Segal. I am speaking today as an Attorney in the Equitable Neighborhoods practice of the Community Development Project (CDP) at the Urban Justice Center. Today, we are here to reinforce the remarks of Community Voices Heard, our partners in East Harlem. We urge the Committee to recommend that Council to heed the advice of the Borough President and the Community Board and vote NO on the proposed rezoning of East Harlem due to the inadequacy of the Final Environmental Impact Statement before you for consideration.

The EIS incredibly fails to include the Detailed Socioeconomic Assessment that the CEQR Technical Manual requires sponsors of land use actions that will drive significant neighborhood changes to perform. Detailed analyses are required whenever a proposed project will directly displace more than 500 residents,

If all the sites where direct displacement will become inevitable after an up-zoning were properly counted in the EIS, the number of residents likely to be directly displaced would be much more than 500. The EIS achieves its low count by excluding all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings under state law as a reason to leave them out of the count.

A detailed analysis is likewise required whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood.¹ The luxury development that is a prerequisite for the application of the Mandatory Inclusionary Housing (MIH)² on a per-project basis will bring markedly different uses, development and activities to what is now a predominantly Black and Hispanic low income³ neighborhood; this difference alone is sufficient to require a Detailed Assessment.

¹ CEQR Technical Manual Sec. 200

² MIH requires the developers of unregulated market-rate rental buildings to include some units that are available only to prospective renters who meet one of three sponsor-selected income requirements. These units will be rent stabilized at prices that those renters can afford. The options are designed to serve people who are dramatically much wealthier than current East Harlem residents; even the one that serves the lowest income residents fails to serve the 43% of the East Harlem community making less than 30% AMI. The bulk of income-tested units under all three MIH options is reserved for families of three making over \$100K per year, a population markedly different than the current population of the area where the zoning changes are proposed.

³ Median household income for Community District 11 (CD11) is less than \$31,000. (ACS 5-Year, DP03); only 34% of households make more than \$50,000 a year. (ACS 5-Year, B19001).

A Detailed Socioeconomic Assessment is not a mere exercise. Such an assessment is required because it will “allow the lead agency to understand the potential for, and extent of, a significant adverse impact *to a level that allows appropriate mitigation to be considered.*”⁴

Without a detailed analysis, it is impossible for the Department to show how it arrived at its determination of what mitigations are needed in the face of significant adverse impacts that the proposed change will have on the neighborhood. The City’s description of MIH, a program that cannot serve the majority of the area’s current residents as a “mitigation,” belies the paucity of analysis that has been done to understand the impact and develop a plan appropriate to that impact.

The proposal before you today does not include mitigations necessary to ensure that low income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents.⁵ Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City.

Approving the proposed action on the basis of the inadequate EIS that does not capture the impacts on the community required would be doing so in violation of state law and without appropriate mitigations.

⁴ CEQR Technical Manual Sec. 330

⁵ Appropriate mitigations could include (1) **implementation of a citywide “Certificate of No Harassment” program**, (2) **commitment for NYCHA repairs in East Harlem**, (3) **requiring that 30% of all new residential units built on private land be permanently designated for households making 30% AMI or below** and (4) **requiring that 40% of all new residential units built on public land be permanently designated for households making 30% AMI or below and the rest be rent stabilized to be affordable to New Yorkers making more, but not more than 165% AMI**, as Community Voices Heard has called for.