



**Comments to the City Planning Commission and
on the Draft Environmental Impact Statement for the East Harlem Rezoning
August 23, 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. CDP works with grassroots groups, neighborhood organizations and community coalitions to help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of “progress.” We work together with our partners and clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive.

Today, we are here with our collaborators from the Pratt Center for Community Development and the Association for Neighborhood and Housing Development to reinforce the remarks of Community Voices Heard, our partners in East Harlem. With those residents, we urge the City Planning Commission to heed the advice of the Borough President and the Community Board and vote NO to stop the irresponsible up-zoning of East Harlem.

I will focus the rest of my remarks today on the inadequate Draft Environmental Impact Statement (DEIS) that the Department has produced as documentation of the impacts of the proposed action. The DEIS 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 any time that an action will do any one of the following:

- whenever a proposed project will directly displace more than 500 residents,
- whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood,¹ and
- whenever the average income of the directly displaced population is markedly lower than the average income of the rest of the study area population.²

If all the sites where direct displacement will become inevitable after an up-zoning were properly counted in the DEIS, the number of residents likely to be so displaced would be much more than 500; the DEIS achieves its low count by excluding

¹ CEQR Technical Manual Sec. 200

² CEQR Technical Manual Section 321.1

all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings as a reason to leave them out of the count. The luxury development that is a prerequisite for the application of the Mandatory Inclusionary Housing (MIH)³ on a per-project basis will bring markedly different uses, development and activities to what is now a predominantly Black and Hispanic low income⁴ neighborhood; this difference alone is sufficient to require a Detailed Assessment. The income disparity between those slated to be displaced versus those who will be able to remain and to move in similarly triggers the same requirement.

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.*”⁵

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.⁶ Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City. No rezoning of East Harlem can be done without a detailed assessment and the development of appropriate mitigations.

³ 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.

⁴ 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).

⁵ CEQR Technical Manual Sec. 330

⁶ 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.