



# REZONED EAST HARLEM = LOSS OF AFFORDABLE HOUSING

A **10**-point plan for the De Blasio Administration  
to preserve rent stabilized housing.



## REZONING IN EAST HARLEM

As part of his “Housing NY: A Five-Borough, Ten-Year Plan,” Mayor De Blasio is planning to rezone East Harlem. Throughout the spring, summer and early fall of 2015, Movement for Justice in El Barrio organized broad community consultations in East Harlem through a series of community-wide meetings and workshops to understand, analyze and discuss this planned rezoning of East Harlem.

A primary concern raised through this community consultation process has been the likely displacement of long-time low-income community residents as a result of rezoning. Community members came out clearly against a rezoning plan where 70-75% of all new units will be market-rate, luxury housing. This, community residents argue, would be more aptly named a Luxury Housing Plan, not an Affordable Housing Plan. The thousands of market-rate, luxury apartments created in our community if the proposed rezoning plan goes through will lead to displacement of long term low-income tenants. These new luxury units and their market rate rents and higher income residents will put pressure on long term low-income tenants and small local businesses that contribute to the fabric and culture of El Barrio. Low-income tenants and small businesses will be priced out of their homes and communities.

In addition, the units set aside as “affordable” are not within reach for the current residents of East Harlem. In the plan, for the 25-30% of units set aside as “affordable,” the average income eligibility level ranges from \$46,620 to \$62,150 for a family of three – well above \$33,600 the East Harlem AMI for a family of four. Residents argue that these units designated as

“affordable” are not for current East Harlem residents, but will, like the luxury units cater to newer, wealthier residents.

For these reasons and more, area residents are opposed to Mayor De Blasio’s Housing New York: A Five-Borough, Ten-Year Plan, and his Mandatory Inclusionary Housing.

Community residents are deeply concerned about the potential loss of rent-stabilized housing and have developed a plan to preserve existing affordable housing.

### **THE PRESERVATION OF RENT-STABILIZED HOUSING**

Community members in East Harlem have developed a 10-point plan for the preservation of rent-stabilized housing in East Harlem and beyond. When enacted, the community-generated recommendations below will make systemic change in the enforcement of the housing code, reversing the trend toward displacement of low-income immigrant and people of color communities.

These across-the-board changes are needed at Mayor De Blasio’s Department of Housing Preservation and Development (HPD) and will lead to actual preservation of thousands of units at risk of loss of affordability.

### **DISPLACEMENT IN LOW-INCOME, PEOPLE OF COLOR, IMMIGRANT COMMUNITIES**

Low-income, people of color and immigrant residents across the City find that inaction on the part of HPD leads to displacement and a weakening of their communities.

When tenants live with housing violations for years on end, many are finally driven out, paving the way for landlords to

raise rents and ultimately remove units from the rolls of rent-stabilized apartments, thereby decreasing the availability of affordable, quality housing to New York's poor and working class residents.

Many community residents decided to make a systematic study to document their lived experiences by surveying residents across East Harlem (also known as El Barrio) about their interactions with HPD and to hold HPD accountable to its mission, and to use the results to develop community-driven recommendations for systemic change at HPD. The data show that HPD fails in its mission on multiple levels: educating the public about their role, providing adequate inspection, responding to the most hazardous maintenance issues, enforcing the housing code and protecting tenants from abusive and negligent landlords. (The findings of this study are available upon request).

Mayor De Blasio must act and preserve rent-stabilized housing by implementing these ten recommendations which directly address HPD's failures. These community-developed recommendations for systemic change, once implemented, will stem the tide of displacement in communities threatened with unfair rezoning and its resulting displacement.

## **RECOMMENDATIONS**

We call on Mayor De Blasio to take strong action in favor of preserving rent-regulated housing. While the Mayor's "Housing New York" plan claims that "rent-stabilized apartments are a critical component of the City's affordable housing stock," the City's low income residents need a community-driven plan that will indeed preserve rent-stabilized housing units. Here we have a ten point community-generated plan to preserve affordable housing in East Harlem and citywide. Based on surveys, one-on-one conversations with hundreds of residents, group discussions, and community meetings, we have developed these recommendations for real, lasting changes at Mayor De Blasio's agency tasked with preservation, the Department of Housing Preservation and Development, HPD. These are changes that the residents of New York City's low-income, people of color and immigrant communities need and deserve.

**1. Provide true, independent citywide oversight of HPD's performance. It is of the highest importance that enforcement mechanisms are put into place to ensure HPD's execution of these recommendations and their regular duties.**

- Create an Independent Citywide HPD Oversight Commission with the power to investigate HPD, in order to ensure that HPD carries out these recommendations as well as their responsibilities to enforce the maintenance code and improve the quality of affordable housing.
- Community based housing and tenants' rights organizations will have input on the selection of the Independent Citywide HPD Oversight Commission members.

- Have HPD make regular reports to the Independent Citywide HPD Oversight Commission regarding their execution of these recommendations, housing code enforcement and the improvement of the quality of affordable housing.
- Establish a citywide hotline where tenants can lodge complaints with the Independent Citywide HPD Oversight Commission about problems with HPD.

**2. Mount a citywide public education initiative about HPD’s responsibility to safeguard quality, affordable housing.**

- Publicize the 311 hotline and HPD’s role in addressing housing maintenance issues using public service advertisements across all five boroughs, including on subways, buses, bus shelters, inside subway stations, newspaper ads, TV commercials, commercials on taxi TVs, billboards, radio spots, in hospitals and other readily visible public locations.
- HPD should have community outreach workers distribute multi-lingual, easy-to-understand literature about their role in addressing housing maintenance issues in El Barrio and similar neighborhoods in all 5 boroughs. Materials should publicize the 311 hotline where tenants lodge complaints regarding housing code violations.
- Consolidate all information about HPD on one web location and publicize this webpage in HPD Public Education Initiative materials and advertisements.

**3. Establish an administrative tribunal to assess and collect fines for code violations, and/or grant inspectors the power to write citations against owners which must be paid immediately upon finding violations left unrepaired during a reinspection.**

**4. Fulfill the responsibility of the Emergency Repair Program.**

- HPD must make all emergency repairs not completed by the landlord in the designated amount of time and bill the landlord.
- Mount a special public education promotion during heat and hot water season advertising the ERP's role and budget for addressing heat and hot water violations, and publicizing the 311 hotline where tenants can lodge their heat and hot water complaints. Utilize public service advertisements across all five boroughs including print, television and radio commercials and posters in readily visible public locations.
- Hire community outreach workers to carry out this special public education promotion and publicize the ERP's role for addressing heat and hot water violations and the 311 hotline in low income neighborhoods in all 5 boroughs.

**5. Improve the quality of language-access for tenants receiving inspections.**

- Inspectors must carry violation notifications in all available languages with them at all times.
- Printed violation reports which are mailed to tenants must be provided in the tenant's primary language.

**6. Improve response to emergency violations.**

- Landlords must be required to make repairs within 24 hours for emergency violations (except lead-based paint and window guards). Inspectors must be dispatched immediately and must notify landlords immediately in person, by phone or by email.



- Dispatch inspectors in less than 24 hours in cases of lack of heat or hot water.
- Promptly fine owners when heat or hot water is not restored within 24 hours.
- Assign special emergency inspectors.

**7. Establish an East Harlem-HPD Housing Justice Program that can serve as a Pilot Program to be replicated in other similar areas with sub-standard housing at risk of worsening housing conditions and displacement.**

- Establish an East Harlem HPD Oversight Team composed of members of local tenants' associations to review HPD's performance in East Harlem. (See Recommendation 8).
- Establish an East Harlem HPD liaison who will take complaints lodged collectively by tenants' associations.
- Community outreach workers who carry out the HPD Public Education Initiative in East Harlem will report to the East Harlem HPD Oversight Team so the Team can measure the overall effectiveness of the program.

**8. Establish community-based oversight of HPD's performance in East Harlem.**

- Create the aforementioned East Harlem HPD Oversight Team composed of members of local tenants' associations to review HPD's performance in East Harlem.
- The East Harlem HPD Oversight Team will oversee HPD's performance in terms of: i) Housing code enforcement in East Harlem and ii) The implementation and effectiveness of the HPD Public Education Initiative.

- The East Harlem HPD Oversight Team will review for approval all materials that HPD provides to tenants as part of the HPD Public Education Initiative.
- HPD will provide written reports to the East Harlem HPD Oversight Team on housing complaints, inspections and code enforcement in East Harlem every 6 months.

**9. Improve the inspection process.**

- Provide inspections 24 hours a day, 7 days a week.
- Increase the number of HPD inspectors.
- Give inspection appointments with date and time to everyone who lodges a maintenance complaint so that residents suffering in poor housing conditions can make arrangements so that their apartments can be inspected.
- Inspectors to provide all tenants with a written result of the inspection in the language that the tenant can understand signed as proof of inspection with the date and time of the inspection.
- For non-emergency complaints, send tenants written notification of inspections with exact time and date at least 24 hours prior to the inspection.

**10. Improve HPD follow up on unresolved violations.**

- Guarantee HPD call-backs to tenants to find out if violations have been repaired.



