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## **Testimony of State Senator Brad Hoylman Before the New York City Council on Mandatory Inclusionary Housing and Zoning for Quality and Affordability**

Thank you, Speaker Mark-Viverito, Chairman Richards, and members of the New York City Council, for the opportunity to testify. I represent New York State's 27th Senate District, which includes the Lower East Side, East Village, Greenwich Village, Chelsea, West and East Midtown, Clinton/Hell's Kitchen and the Upper West Side.

My mixed-income Senate district is composed largely of renters, including 50,000 units of rent-regulated housing and 5,000 units under the New York City Housing Authority. These tenants regularly contact my office to express concern over the lack of affordable housing options for them, their neighbors and their families. In addition, my Senate district contains 18 different historic districts in whole or in part, so it's understandable that many of my constituents are passionate about protecting the character and aesthetic of their neighborhoods and have fought long and hard to enshrine those protections through zoning and landmarks designation.

While I have concerns regarding the Mandatory Inclusionary Housing (MIH) plan, which I detail below, I believe that we need to seize this moment presented by the City Administration to spur affordable housing for the next generation of New Yorkers. It is in this context that I support MIH, although I hope some of the changes I suggest will be considered. With respect to the Zoning for Quality and Affordability (ZQA) plan, I fear we are giving up too much and getting too little in return, and retain concerns that prevent me from supporting the plan in its current form.

I am concerned about a number of issues that are not addressed in MIH. First, while I appreciate that the Administration has stated a willingness to work with Community Districts to increase the availability of units at the top and bottom of the income bands, the details of this have not yet been worked out. Given the persistently increasing economic divide between New Yorkers, it is imperative that as many units as possible be available to people who are very low-income as well as those who are moderate- to middle-income. In practical terms, it seems the only way to achieve this goal is to increase the percentage of units set aside for affordable housing.

Second, I am disappointed by the lack of stringent displacement protections and anti-harassment provisions, which have proven highly successful in preserving affordable housing, such as in the Special Clinton District in my Senate district. One need only speak to an aide from the district office of any elected official to know that existing affordable housing is constantly threatened by the practices of unscrupulous landlords who find ways to make life miserable for rent-regulated tenants.

Third, I am alarmed there is no language in the proposed MIH text that specifies equal distribution of affordable units in a development or the equitable use of finishes and building materials across market rate and affordable units. We should not make second-class citizens out of the inhabitants of the affordable housing units by giving them inferior building materials. Many ethical developers already spurn this practice, and we should do everything we can to discourage it.

This said, bold steps are necessary if we are going to preserve and enhance New York City's economic and social diversity. Affordable units should be included in every new residential project and it is appropriate that we place an emphasis on increasing the number of affordable units in projects where developers have requested special permits, as MIH does. I am particularly heartened by the Administration's commitment to revise the process for a BSA waiver, ensuring that only genuine hardships are considered and not those which are inherent to the MIH program or self-imposed by developers. I am also grateful for the modification of rules governing the Affordable Housing Funds created by developers who make use of the payments-in-lieu (PIL) option. Changes to the program will now appropriately ensure that monies generated through PIL are tied to the borough of the originating development, and for at least 10 years within the originating Community District.

I am troubled by the ZQA proposal because it threatens to impose a one-size-fits-all schematic onto our diverse neighborhoods. In particular, I have profound reservations regarding ZQA and its attendant height adjustments that are applied across contextual and special districts. Within my Senate district alone, we are currently fighting to enact new area-specific rezonings for the University Place/Broadway corridor and the South Village, with the aim of preserving the rich architectural and cultural heritage of these neighborhoods. ZQA would undo the tremendous efforts put into those projects and eliminate or severely weaken the contextual limits that we succeeded in applying to neighborhoods like the East Village, which would see some of the largest increases in allowable height anywhere in the city. In addition, the absence of permanent Sliver Rule applicability is another cause for concern, as is the lack of permanent affordability requirements for senior housing gained in exchange for increased bulk.

I want to thank the many community advocacy organizations and individual activists who have come forward over the last several months to share their concerns and

priorities. In particular, I thank Community Boards 2, 3, 4, 5, 6 and 7 for their thoughtful and detailed guidance on these matters. I am also especially grateful to Manhattan Borough President Brewer, who brought my colleagues and me together to ensure that we were as well-informed as possible on these complicated proposals. I commend Mayor de Blasio and his administration for engaging the grassroots leadership in this conversation, and for their bold proposals to keep New York the diverse home we all cherish. Thank you for your time and attention today.