



The City of Yes for Housing Opportunity makes no sense. The DEIS is fatally flawed.

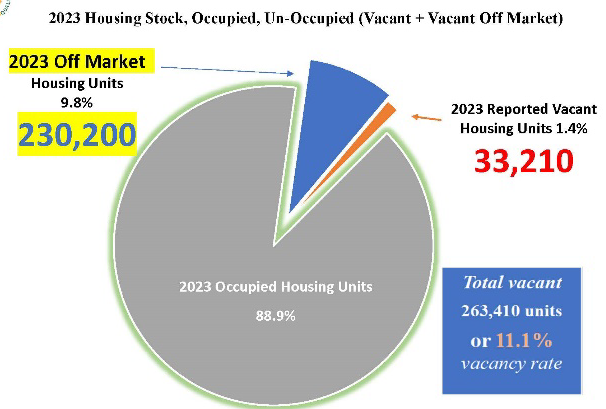
Mayor Eric Adams' Department of City Planning proposal purports to address a crisis in housing availability, particularly affordable housing, and does so by lifting regulations to encourage accelerated construction. However, we expect that lifting zoning regulations would likely accelerate the construction of expensive market-rate housing, and reduce incentives to provide affordable units.

In addition, the plan rests on factual premises that are wrong: the Planning Department claims that building construction is down, when it is not, and the plan assumes the vacancy rate is an accurate measure of unoccupied apartments, when it is not. The vacancy rate measures only apartments currently marketed and leaves out the large number of vacant housing that owners have held back from the market. The number of unoccupied units, at more than 11.1%, is actually quite high.

This report will show that the city identified the wrong target, ignored 230,000 empty market housing rate units this year, and 74,000 construction and demolition jobs since 2010. They have not proven the need for change. The real crisis is the paucity of economical rents for low-to-middle income residents. Construction project numbers are the highest in the last 14 years, as is the number of units built.

**REAL NUMBERS.** The facts for these numbers are compelling. The Mayor's Housing and Preservation Department (HPD) is required to publish a Housing Survey every three years. This is because in NYS, a vacancy rate of less than 5% is an emergency situation, and requiring the survey.

But the current vacancy rate is at 11.1%. The most recent survey identifies the 2023 off-market housing to be 230,200 units or 9.8% of the total occupied housing units. However, the administration is only talking about 1.4% vacant housing units – those at lower monthly rental levels.



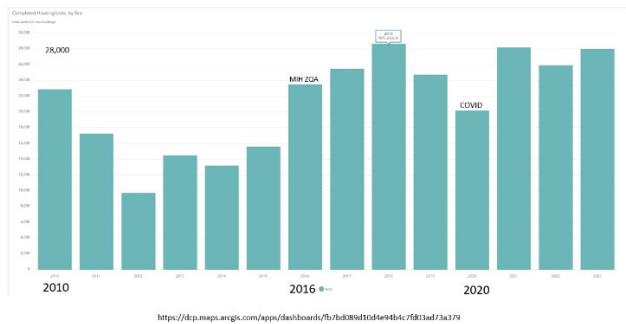
PIE CHART SLICES ARE NOT TO SCALE  
sectors may seem larger than they are

\*2023 New York City Housing and Vacancy Survey Selected Initial Findings, NYCHPD  
<https://www.nyc.gov/assets/hpd/downloads/pdfs/about-2023-nyc-hvs-selected-initial-findings.pdf>



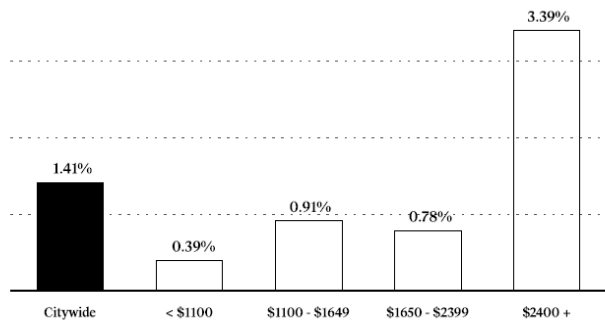
**The REAL CRISIS.** The real crisis is in the high cost of rents for low-to-middle income residents. The current plan has no housing that has affordable rents. The Universal Affordability Preference program incentive is not enough and is not required.

Meanwhile, the city states that there has been little construction up to 2010, but the housing data base proves that is wrong. The lack of affordable rents is not new in the past zoning changes. In 1987, Quality Housing used the wording “affordable” means **cheaper to build for the developer** and contractor, not affordable rent.<sup>1</sup>



**Building CRISIS.** The city states that there has not been enough housing built up to 2010. A review of the New York City Housing Snapshot from 2010 to 2024 proves that is a wrong assertion. In addition, the City Planning Housing Database contains all NYC Department of Buildings – approved housing construction and demolition jobs filed or completed since January 1, 2010. Recently updated to March 2024, the chart to the right is the source used.

Figure 6. Net Rental Vacancy Rate by Asking Rent



Source: New York City Housing and Vacancy Survey (NYCHVS), 2023. Please refer to the technical appendices at the end of this report for details on the NYCHVS design, definitions, and methodology.

Today, there exists a glut of upper-income available market rate housing. Yet the current plan does not provide anything substantial that to increase rent affordability. The new proposal is more of the same -- removing required parking in new buildings, and offering the Universal Affordability Preference to lower the cost by changing the size of the units.

**DCP DATABASE USED FOR GIS MAPPING**  
BY KAREN ARGENTI, BCEQ

**DESCRIPTION**  
The NYC Department of City Planning (DCP) Housing Database contains all NYC Department of Buildings (DOB) - approved housing construction and demolition jobs filed or completed in NYC since January 1, 2010. It includes all three construction job types that add or remove residential units: new buildings, major alterations, and demolitions, and can be used to determine the change in legal housing units across time and space. Records in the Housing Database are geocoded to the greatest level of precision possible, subject to numerous quality assurance and control checks, recoded for usability, and joined to other housing data sources relevant to city planners and analysts.

**DETAILS**  
Source: Feature Service  
Data updated: Nov 27, 2023, 2:42 PM  
Schema updated: Nov 27, 2023, 2:42 PM  
Size: 95,195 MB  
Attachments size: 0 KB  
ID: 1d051b9a43504487897aab8110c1

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The DCP Housing Database is being provided by the Department of City Planning (DCP) on DCP's website for informational purposes only. DCP does not warrant the completeness, accuracy, content, or fitness for any particular purpose or use of the Database, nor are any such warranties to be implied or inferred with respect to the Database as furnished on the website. DCP and the City are not liable for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of the Database, or applications utilizing the Database, provided by any third party.



Item created: Dec 14, 2020  
Item updated: Feb 1, 2024

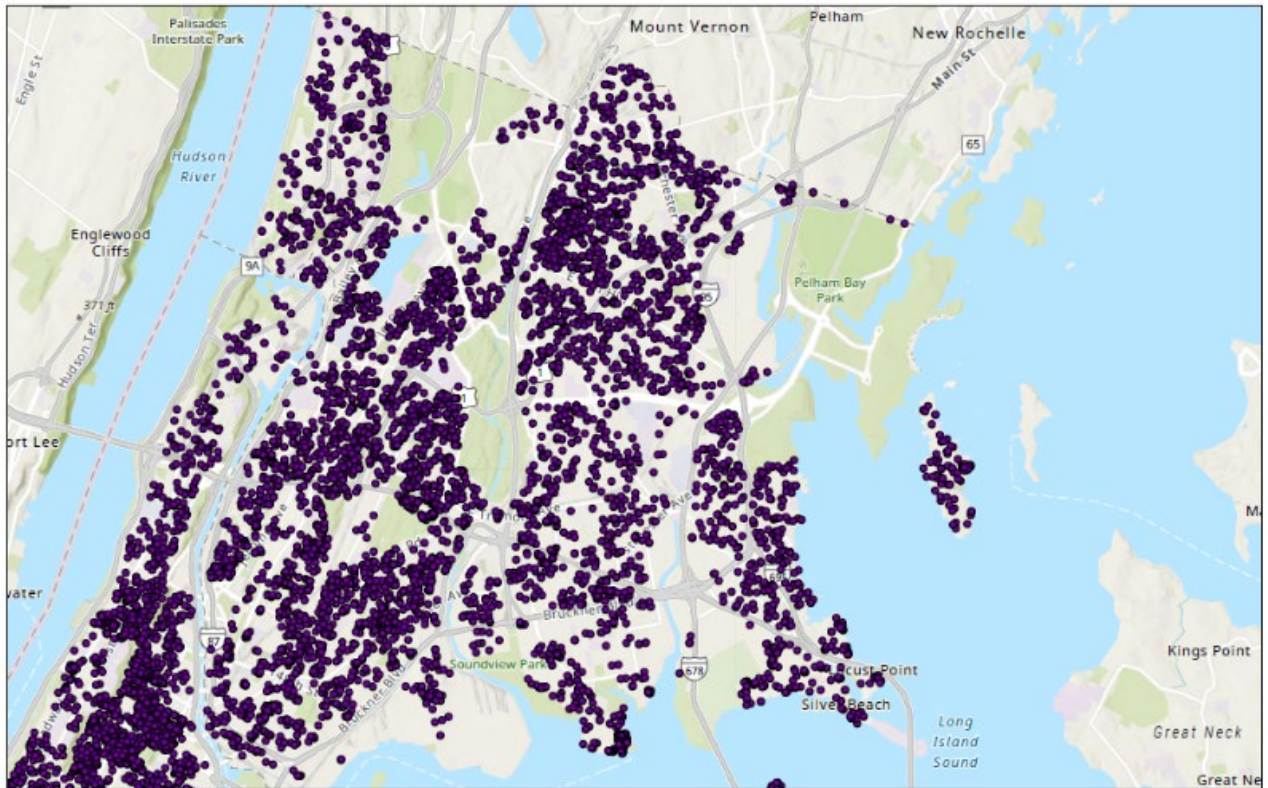
**TAGS**  
Housing, House, Building, Development, Dwelling Unit, Alteration, Demolition, Certificate of Occupancy, CO, Permit, Job Application, Filing, Net Units, Unit Change, Hotel, Class B, Class A, Pipeline, Existing Units, Proposed Units, Construction

Credits (Attribution) Department of City Planning (DCP), Department of Buildings (DOB)

<sup>1</sup> “A MAJOR component of New York City’s master plan to promote housing construction has been forwarded ...The proposal is a change in New York's zoning ordinance that is *designed to encourage lower, bulkier and more economical apartment buildings in multifamily districts* throughout the city.” Quality Housing' Zoning Nearing a Vote - The New York Times [www.nytimes.com/1987/07/12/realestate/quality-housing-zoning-nearing-a-vote.html](http://www.nytimes.com/1987/07/12/realestate/quality-housing-zoning-nearing-a-vote.html) (emphasis added)



## NYC DCP Housing Database from 2010 BX



2/29/2024

• Housing\_Database  
World Hillshade

Bronx Housing Construction and Demolition from 2010  
to 2024



1:108,185

0 0.5 1 2 mi  
0 1 2 4 km

NYC OpenData, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc.,  
METINASA, USGS, EPA, NPS, USDA, USFWS, Esri, CGIAR, USGS

Karen Argenti BCEQ

**Racial EQUITY**. The Racial Equity Report (RER) for the City of Yes for Housing “aims to address the housing shortage and affordability crisis in the city.” In fact, the data it presented tells another story. For instance, the RER claims in response to Section 2. Project specific information, in response to the question to describe any affordable housing financing programs: “Given the citywide nature of the proposal, *it is not feasible to provide a detailed breakdown* of the anticipated affordability levels for all potential new housing facilitated by CHO. CHO would result in incremental growth citywide of market-rate and income-restricted affordable housing. ...” It continues:

... the Universal Affordability Preference (UAP) proposal, which would apply to NYC’s *medium- and high-density neighborhoods* and allow buildings to be at least 20% bigger if the additional space is occupied by permanently affordable housing. UAP would result in more affordable housing that is affordable to a *broad range of household incomes*. UAP would have an *average* affordability level of 60% Area Median Income or AMI (\$83,880 for a family of 3 based on 2024 NYC AMIs) and allow for *income averaging* to reach households at a wider range of incomes. Specifically, a UAP development could not have



more than three income bands and no income band can exceed 100% AMI (\$139,800 for a family of 3 based on 2024 NYC AMIs).” (emphasis added)<sup>2</sup>

The RER is using three<sup>3</sup> Rental Units Affordable by AMI bands. Interestingly, the agency did not jump on this information and plan an equitable expansion of housing funding in the two lowest bands. For true racial equity, zoning laws must be developed to comply with fair housing law so that development mitigates rather than reinforces segregation in the City. The Mayor's plan does not make any effort to even claim that a fair housing assessment was done on the City of Yes proposal, and there is no evidence that the resulting changes would affirmatively further fair housing, as they must under law.<sup>4</sup>

Table 3.06.T: Rental Units Affordable to Households by AMI Band

	2017-2021 ACS PUMS					
	Number			Percent		
	Estimate	MOE	CV	Estimate	MOE	CV
Occupied units paying rent	2,127,020	8,598	0.2	100.0%		
Extremely low-income (0-30% AMI)	304,125	6,051	1.2	14.3%	0.3%	
Very low-income (31-50% AMI)	344,072	6,190	1.1	16.2%	0.3%	
Low-income (51-80% AMI)	773,142	8,132	0.6	36.3%	0.4%	
Moderate-income (81-120% AMI)	450,659	6,034	0.8	21.2%	0.3%	
Middle-income (121-165% AMI)	156,066	4,050	1.6	7.3%	0.2%	
High-income (166% or higher AMI)	98,956	3,682	2.3	4.7%	0.2%	

The need would be established by looking at the 27 million Housing Lottery Application<sup>5</sup> and subsequent 27 thousand Leases would be a great indication of the need (see the data below). In the last nine years, developers built 101,236 homes with new or extended (*preserved*) affordability requirements for income restricted. (17,260 new and 19,357 preserved housing for those making less than 30% AMI, and 9,933 new and 54,696 preserved for those making less than 50% AMI).

Table 3.13.T: Housing Lottery Applications - Total

NYC Housing Connect, 2014-2020	
Number	Percent
Total housing lottery applications	27,261,057 : 100.0%

Table 3.13.A: Housing Lottery Applications - Asian Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total housing lottery applications with an Asian non-Hispanic	1,646,176 : 6.0%

Table 3.13.B: Housing Lottery Applications - Black Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total housing lottery applications with a Black non-Hispanic	11,323,646 : 41.5%

Table 3.13.H: Housing Lottery Applications - Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total housing lottery applications with a Hispanic householder	8,333,988 : 30.6%

Table 3.13.W: Housing Lottery Applications - White Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total housing lottery applications with a White non-Hispanic	2,442,046 : 9.0%

Table 3.14.T: Housing Lottery Leases - Total Population

NYC Housing Connect, 2014-2020	
Number	Percent
Total signed leases	27,398 : 100.0%

Table 3.14.A: Housing Lottery Leases - Asian Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total signed leases with an Asian non-Hispanic account holder	1,888 : 6.9%

Table 3.14.B: Housing Lottery Leases - Black Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total signed leases with a Black non-Hispanic account holder	10,557 : 38.5%

Table 3.14.H: Housing Lottery Leases - Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total signed leases with a Hispanic account holder	8,427 : 30.8%

Table 3.14.W: Housing Lottery Leases - White Non-Hispanic

NYC Housing Connect, 2014-2020	
Number	Percent
Total signed leases with a White non-Hispanic account holder	2,838 : 10.4%

<sup>2</sup> Racial Equity Report on Housing and Opportunity, page 3

<sup>3</sup> RER p 3.29

<sup>4</sup> "affirmatively further fair housing" is the legal standard

<sup>5</sup> Page 3.36 and 3.37



## Purpose Should Be Framed in Terms of How the Project Meets Public Needs

**EIS.** In the Draft Environmental Impact Statement (DEIS), the city identified the purpose and need to be solve the “Housing Crisis and Affordable Housing.” The City Environmental Quality Review (CEQR) Technical Manual describes the purpose and the need for a public policy, such as creating housing that is affordable for those making the mean income in the City. Section 210. **Purpose and Need for Publicly and Privately Sponsored Actions of the CEQR Technical Manual** states:

“The purpose of and need for the project should be explained clearly at the beginning of the EAS or EIS, **allowing the decision-makers to balance the goals** of the project with environmental concerns, if any, in determining **whether the project should be approved.** For city-sponsored projects, this statement of objectives or **purpose should be framed in terms of how the project meets public needs** and responds to public policies, such as the provision of affordable housing, . . .”

At the City Planning Commission meeting to approve the ULURP & Environmental Review, CPC estimated a citywide housing unit increment range to be merely 58,000 to 108,000 units in 15 years. This low rate allowed them to declare no impact on categories, like Land Use, Water & Sewer, Solid Waste, etc. What makes this different from existing Zoning?

**Conclusion**  
**Environmental Review**  
A Notice of Completion of a Draft Environmental Impact Statement (DEIS) was issued on April 26, 2024

The DEIS identifies no impacts in these categories:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Water and Sewer Infrastructure
- Solid Waste and Sanitation
- Energy
- Greenhouse Gases and Climate Change
- Air Quality
- Public Health
- Neighborhood Character

The DEIS identifies potential for “significant adverse impacts” in these categories:

- Community Facilities and Services (early childhood programs, schools)
- Open Space
- Transportation (traffic, transit, pedestrian)

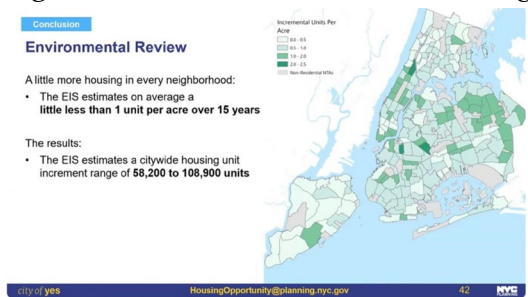
The DEIS could not preclude impacts in the following categories because their likelihood depends on specific site characteristics: Shadows; Historical & Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Noise; Construction.

No other significant adverse impacts were identified. Mitigation measures are identified in the DEIS and will be detailed in the Final Environmental Impact Statement (FEIS).

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**Finally,** the DEIS is fatally flawed as the purpose and the need is wrong, public policy is not identified, and the number of units is purposely low to avoid a full-scale environmental review. The current purpose and need in the FSOW and the DEIS is misleading for two reasons: the vacancy rate is not in crisis, affordable rental rates are; hundreds of thousands of market rate housing are vacant decontrolled rentals, and of past construction and demolition are not counted.

The following define the need: increase rental housing that is affordable for those making less than 30% AMI (304,125) and no higher than 50% AMI (344,072) – note that this is only two AMI bands; increase eligibility in the housing lottery applications 27,261,057 for new buildings, homeless persons in a shelter (45, 319), and high level of evictions by a marshal (67,431). These needs would be a great impact in many of the areas that have been disposed of.



Karen Argenti, BCEQ, May 23, 2024