



# THE CITY RECORD

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## TABLE OF CONTENTS

### PUBLIC HEARINGS & MEETINGS

Queens Borough President	2917
City Planning Commission	2917
Equal Employment Practices Commission	2918
Labor Relations	2918
Landmarks Preservation Commission	2918
Transportation	2919

### COURT NOTICES

Supreme Court	2920
---------------	------

Richmond County . . . . .2920

### PROPERTY DISPOSITION

Citywide Administrative Services	2920
Division of Municipal Supply Services	2920
Police	2920

### PROCUREMENT

Administration for Children's Services	2920
Buildings	2920
Contracts Unit	2920
Citywide Administrative Services	2920

Contracts . . . . .2920

Division of Municipal Supply Services 2921

Health and Hospitals Corporation . . . .2921

Homeless Services . . . . .2921

Office of Contracts and Procurement . .2921

Housing Authority . . . . .2921

Purchasing Division . . . . .2921

Juvenile Justice . . . . .2921

Parks and Recreation . . . . .2921

Management Information Systems . .2921

Revenue and Concessions . . . . .2921

Transportation . . . . .2921

Bridges . . . . .2921

Youth and Community Development . .2922

### AGENCY RULES

Rent Guidelines Board . . . . .2922

### SPECIAL MATERIALS

Comptroller . . . . .2935

Housing Preservation and Development 2935

Changes in Personnel . . . . .2936

### LATE NOTICE

Board of Standards and Appeals . . . .2936

## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.  
ELI BLACHMAN, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## QUEENS BOROUGH PRESIDENT

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, July 16, 2009** at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**CD13 - BSA #826-86 BZ** IN THE MATTER of an application submitted by Eric Palatnik, P.C. on behalf of North Shore Tower Apartment, Inc. pursuant to Section 73-11 of the NYC Zoning Resolution, to waive the Rules of Practice and Procedure; to extend the time to obtain a Certificate of Occupancy; to extend the term of the special permit which expired on March 28, 2008; to permit not more than seventy-five (75) non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three (33) story building and to eliminate the condition that a new certificate of occupancy be obtained located at **269-10 Grand Central Parkway** in an R3-2 district, Block 8489, Lot 1, Zoning Map 11d, Floral Park, Borough of Queens.

**CD13 - BSA #827-86 BZ** IN THE MATTER of an application submitted by Eric Palatnik, P.C. on behalf of North Shore Tower Apartment, Inc. pursuant to Section 73-11 of the NYC Zoning Resolution, to waive the Rules of Practice and Procedure; to extend the time to obtain a Certificate of Occupancy; to extend the term of the special permit which expired on March 28, 2008; to permit not more than seventy-five (75) non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three (33) story building and to eliminate the condition that a new certificate of occupancy be obtained located at **270-10 Grand Central Parkway** in an R3-2 district, Block 8489, Lot 1, Zoning Map 11d, Floral Park, Borough of Queens.

**CD13 - BSA #828-86 BZ** IN THE MATTER of an application submitted by Eric Palatnik, P.C. on behalf of North Shore Tower Apartment, Inc. pursuant to Section 73-11 of the NYC Zoning Resolution, to waive the Rules of Practice and Procedure; to extend the time to obtain a Certificate of Occupancy; to extend the term of the special permit which expired on March 28, 2008; to permit not more than seventy-five (75) non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three (33) story building and to eliminate the condition that a new certificate of occupancy be obtained located at **271-10 Grand Central Parkway** in an R3-2 district, Block 8489, Lot 1, Zoning Map 11d, Floral Park, Borough of Queens.

**CD07 - BSA #177-09 BZ** IN THE MATTER of an application submitted by Raymond H. Levin Esq. on behalf of FTC Residential Company III, L.P. pursuant to Section 73-66 of the NYC Zoning Resolution, for a special permit for modification of height regulations applying to areas around major airports to allow the continued construction of a mixed-

use development located at **40-22 College Point Boulevard/131-07 40th Road** in a C4-2 district, Block 5066, Lots 1 and 100, Zoning Map 10d, Flushing, Borough of Queens.

**CD13 - ULURP #030129 ZMQ** IN THE MATTER of an application submitted by Joseph P. Morsellino, Esq. on behalf of MCM Realty Associates, LLC. pursuant to Section 197-c of the NYC Charter, for an amendment to the Zoning Map from R3-2 to R6A, **an area bounded by the prolongation of the centerline of 72nd Avenue on the west, a line 500 feet south of and parallel to the Grand Central Parkway South Service Road to the south, the prolongation of the centerline of 247th Street to the east and Grand Central Parkway to the north**, Block 8401, Lots 550, 600, part of 620 and part of 1, Zoning Map 11d, Glen Oaks, Borough of Queens.

**CD13 - ULURP #C060419 ZMQ** IN THE MATTER of an application submitted by the New York City Police Department and Department of Citywide Administrative Services, pursuant to Section 197-c of New York City Charter, for an amendment to the Zoning Map by establishing a C1-3 commercial overlay within an existing R3-1 district, bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue, distant 75 feet southeasterly from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, Block 13513 Lot 58, Zoning Map 19b, Brookville, Borough of Queens.

**CD07 - ULURP #090403 PSQ** IN THE MATTER of an application submitted by the New York City Police Department and Department of Citywide Administrative Services, pursuant to Section 197-c of New York City Charter, for site selection to facilitate the development of a modern academic complex to be operated by the NYPD which would consolidate facilities for recruits, civilians and active police officers that are currently spread across the City located at 28-11 28th Avenue, in M1-1 and M3-1 districts, Block 4301, part of Lot 1; Block 4321 Lot 48; Block 4323, Lot 1; Block 4325, Lot 1; Block 4326, Lot 1; Block 4327, part of Lot 1; Block 4328 part of Lot 1; Block 4329, Lots 1, 7, 10, 75; Block 4359, part of Lot 1; Block 4358, part of Lot 1; Block 4357, part of Lot 1; Block 4356, part of Lot 30; and Block 4354, Lot 50, Zoning Map 10a, College Point, Borough of Queens.

**CD07 - ULURP #090470 PPQ** IN THE MATTER of an application submitted by the New York City Department of Citywide Administrative Service, pursuant to Section 197-c of New York City Charter, for the disposition of a City-owned property in the College Point Corporate Park, in an M1-1 district, Block 4208 part of Lot 1, Zoning Map 10a, College Point, Borough of Queens.

jy10-16

## CITY PLANNING COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, July 22, 2009, commencing at 10:00 A.M.

### BOROUGH OF THE BRONX

No. 1

#### FIVE STAR DAY CARE CENTER

**CD 3 C 090324 PQX** IN THE MATTER OF an application submitted by the Administration For Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property

located at 3261 Third Avenue (Block 2368, Lot 39) for continued use as a child care center.

### BOROUGH OF BROOKLYN

No. 2

#### 640 BROADWAY

C 090379 HAK

**CD 1 IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 640 Broadway (Block 2270, Lots 10), site 6 within the Broadway Triangle Urban Renewal Area, as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a five-story mixed-use building, tentatively known as 640 Broadway, with approximately 9 residential units and commercial space to be developed under the Department of Housing Preservation and Development's Participation Loan Program.

Nos. 3, 4 & 5  
NAVY GREEN  
No. 3

**CD 2 C 090444 ZMK**

**IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- changing from an M1-2 District to an R8 District property bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue; and
- establishing within the proposed R8 District a C2-4 District bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue;

as shown a diagram (for illustrative purposes only) dated June 1, 2009.

No. 4

**CD 2 C 090445 ZSK**

**IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front Setbacks in districts where front yards are not required) to facilitate the construction of a mixed-use development on property located at 136-50 Flushing Avenue (Block 2033, Lot 1), in an R8/C2-4 District\*, within a Large-Scale Residential Development.

\*Note: The site is proposed to be rezoned from an M1-2 District to an R8/C2-4 District under a concurrent related application (C 090444 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 5

**CD 2 C 090446 HAK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 136-50 Flushing Avenue (Block 2033, Lot 1), as an Urban Development Action Area; and

- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

**Nos. 6, 7 & 8  
470 VANDERBILT AVENUE  
No. 6**

**CD 2 C 090441 ZMK**  
**IN THE MATTER OF** an application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. eliminating from an existing R6 District a C2-3 District bounded by Fulton Street, Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street, and Clermont Avenue;
2. changing from an R6 District to a C6-3A District property bounded by Fulton Street, Vanderbilt Avenue, a line 100 feet southeasterly of Fulton Street, and Clermont Avenue; and
3. changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**No. 7**

**CD2 N 090442 ZRK**  
**IN THE MATTER OF** an application submitted by the Atara Vanderbilt, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, **concerning Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), relating to the application of the Inclusionary Housing Program to R9A districts in Community District 2, Borough of Brooklyn,**

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*  
23-144  
In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

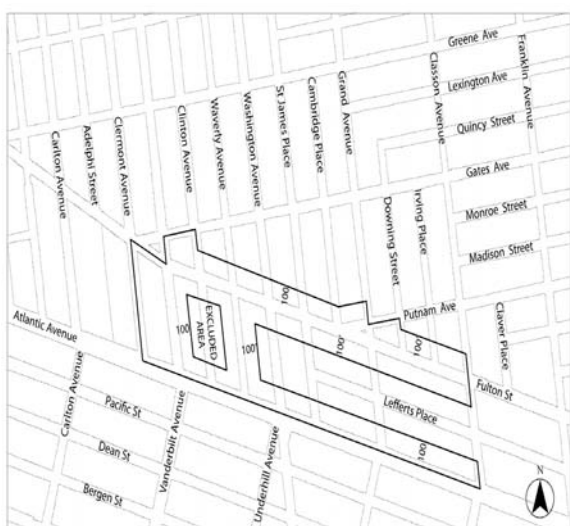
Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R8A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*  
23-922  
Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

- \* \* \*
- (e) In Community District 2, in the Borough of Brooklyn, in the R7A and R9A Districts within the areas shown on the following Maps 7, 8 and 9:

\* \* \*  
Map 8  
Portion of Community District 2, Brooklyn



Map 9  
Portion of Community District 2, Brooklyn  
(Revised Map - Applicable Inclusionary housing area expanded)

**No. 8**

**CD 2 C 090443 ZSK**  
**IN THE MATTER OF** an application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program), Section 23-852 (Inner court recess), and Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) to facilitate a mixed use development on property located at 470 Vanderbilt Avenue (Block 2009, Lots 1, 19, 20, 23, 26, 31-44), in a C6-3A\* District, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from R6/C2-3 and M1-1 Districts to a C6-3A District under a concurrent related application C 090441 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**BOROUGH OF MANHATTAN  
Nos. 9 & 10  
53 WEST 53RD STREET/MoMA  
No. 9**

**CD 5 C 090431 ZSM**  
**IN THE MATTER OF** an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of an 85-story mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, NY 10007.

**No. 10**

**CD 5 C 090432 ZSM**  
**IN THE MATTER OF** an application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-711 - to allow the distribution of the total allowable floor area without regard to zoning district boundaries, to modify the height and setback regulations of Sections 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) and 33-432 (In other Commercial Districts), to modify the requirements of Sections 81-45 (Pedestrian Circulation Spaces) and 37-50 (Requirements for Pedestrian Circulation Space), and rear yard regulations of Section 23-532 (Required Rear Yard Equivalent); and
2. Section 81-277 - to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation);

to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, NY 10007.

**NOTICE**

**On Wednesday, July 22, 2009, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning special permit applications related to the 53 West 53rd Street/MoMA proposal.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP004M.**

**BOROUGH OF QUEENS  
No. 11**

**BRIARWOOD PLAZA REZONING**

**CD 11 C 060551 ZMQ**  
**IN THE MATTER OF** an application submitted by Briarwood Organization LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, by establishing within an existing R4 District a C2-2 District bounded by 36th Avenue, a line 150 feet northeasterly of Bell Boulevard, a line 200 feet northwesterly of 38th Avenue, and Bell Boulevard, as shown a diagram (for illustrative purposes only) dated June 1, 2009.

**BOROUGH OF STATEN ISLAND  
No. 12**

**GOODHUE PARK**

**CD 1 C 080192 MMR**  
**IN THE MATTER OF** an application, submitted by the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of Goodhue Park in an area generally bounded by Prospect Avenue to the north, Lafayette Avenue to the east, Brighton Avenue to the south, and North Randall Avenue and Allison Park to the west;
- the delineation of a sewer easement/corridor;
- the extinguishment of various record streets;
- and any acquisition or disposition of real property related thereto,

in accordance with Map No. 4210 dated November 15, 2008 and signed by the Borough President.

**YVETTE V. GRUEL, Calendar Officer  
City Planning Commission  
22 Reade Street, Room 2E  
New York, New York 10007  
Telephone (212) 720-3370**

**jj9-22**

**EQUAL EMPLOYMENT PRACTICES  
COMMISSION**

**MEETING**

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 40 Rector Street, (14th Floor), on Thursday, July 16, 2009 at 10:00 A.M.

**jj9-16**

**LABOR RELATIONS**

**DEFERRED COMPENSATION PLAN**

**NOTICE**

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Thursday, July 16th, 2009 from 10:00 A.M. to 1:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

**jj14-16**

**LANDMARKS PRESERVATION  
COMMISSION**

**PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on **Tuesday, July 21, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF QUEENS 09-9481** - Block 1470, lot 1-82-06 - 82-10 37th Avenue - Jackson Heights Historic District  
A neo-Tudor style commercial building built in 1921-22. Application is to modify storefront alterations performed without Landmarks Preservation Commission permit(s).

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF QUEENS 09-8016** - Block 1009, lot 1-303 Manor Road, aka 240-03 33rd Avenue, 32-15 East Drive, 32-15 240th Street - Douglaston Historic District  
A Colonial Revival style freestanding house, designed by Hobart A. Walker and built in 1912. Application is to construct an addition, modify a driveway, replace retaining walls and a deck, and install HVAC equipment. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF QUEENS 10-0570** - Block 8094, lot 39-27 Cherry Street - Douglaston Historic District  
A Colonial Revival style house built circa 1920. Application is to demolish an existing garage and construct a new garage. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-0266** - Block 49, lot 1-81 Broadway - Trinity Church and Graveyard-Individual Landmark  
A Gothic Revival style church designed by Richard Upjohn and built in 1846. Application is to install signage.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-0267** - Block 87, lot 1-209 Broadway - St. Paul's Chapel and Graveyard-Individual Landmark  
A Georgian style church designed by Thomas McBean and built in 1764-66. Application is to install signage.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-7873** - Block 174, lot 31-361 Broadway - James S. White Building - Individual Landmark  
A Classical Revival style commercial building designed by W. Wheeler Smith and built in 1881-82. Application is to replace portions of the cast iron facade with glass fiber reinforced concrete.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-8164** - Block 175, lot 18-39 White Street - Tribeca East Historic District  
A Greek Revival style converted dwelling with Italianate style additions, built in 1831-32 and 1860-61. Application is to construct a rooftop addition. Zoned C6-2A.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-8590** - Block 224, lot 27-464 Greenwich Street - Tribeca North Historic District  
A store and loft building designed by Charles S. Clark and built in 1892. Application is to construct rooftop bulkheads and to remove the fire escape.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-9127** - Block 522, lot 14-640 Broadway, aka 172 Crosby Street and 60-74 Bleecker Street - NoHo Historic District  
A Classical Revival style store, loft, and office building designed by DeLemos and Cordes, and built in 1896-97. Application is to create a Master Plan governing the future installation of storefront infill.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-7487** - Block 619, lot 77-79 Christopher Street - Greenwich Village Historic District  
A house built in 1868. Application is to install a stoop gate.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-5869** - Block 588, lot 71-33-37 Grove Street - Greenwich Village Historic District  
Three transitional Queen Anne/Romanesque Revival style apartment houses, designed by F. T. Camp and built in 1881. Application is to legalize modifications to the areaways without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-0533** - Block 591, lot 33-89 7th Avenue South, aka 16 Barrow Street - Greenwich Village Historic District  
An apartment house designed by George F. Pelham, built in 1897 and altered in 1921. Application is to install storefront infill.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-8652** - Block 609, lot 75 - 159 West 13th Street - Greenwich Village Historic District  
A residential building originally built in 1847-48 and altered in the 20th century. Application is to install windows and a cornice, and re-clad the brick facade.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-7994** - Block 821, lot 21-33 West 19th Street, aka 28 West 20th Street - Ladies' Mile Historic District

A neo-Renaissance style store and loft building designed by H. Waring Howard and built in 1902-03. Application is to construct an addition and replace storefront infill. Zoned M1-6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 09-5612 - Block 1874, lot 52-2689-2693 Broadway, aka 230 West 103rd Street - Hotel Marseilles-Individual Landmark  
A Beaux-Arts style apartment hotel designed by Harry Allen Jacobs and built in 1902-05. Application is to replace windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 07-9246 - Block 1385, lot 7502-33 East 70th Street, aka 30 East 71st Street - Upper East Side Historic District  
A neo-Federal style apartment house, designed by Schwartz and Gross and built in 1928-1929. Application is to establish a Master Plan governing the future installation of windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-0318 - Block 1495, lot 4-1025 Fifth Avenue - Metropolitan Museum Historic District  
The entrance to an apartment building designed by Raymond Loewy and William Smith and built in 1955. Application is to install a new canopy and entryway surround.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF STATEN ISLAND 10-0534 - Block 587, lot 1-79 Howard Avenue - Louis A. and Laura Stirn House-Individual Landmark  
A neo-Renaissance style mansion with Arts and Crafts style details designed by Kafka and Lindermeyr and built in 1908. Application is to create parking areas; alter the entrance and construct additions within the front porch, and install a barrier-free access ramp and a stair tower.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 09-9190 - Block 2563, lot 45-881-885 Manhattan Avenue - Greenpoint Historic District  
A pair of one-story commercial buildings originally built in 1886, and altered in 1950. Application is to install storefront infill and signage.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 09-3689 - Block 326, lot 63-302 Court Street - Cobble Hill Historic District  
A Romanesque Revival style rowhouse, designed by Horatio White and William Johnson, and built in 1887-89. Application is to legalize the installation of an awning without Landmarks Preservation Commission permits, and to install a bracket sign.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 07-7542 - Block 1965, lot 9-51 Cambridge Place - Clinton Hill Historic District  
An Italianate style rowhouse built c. 1856. Application is to construct a rear yard addition. Zoned R-6.

**ADVISORY REPORT**  
BOROUGH OF BROOKLYN 09-9119 - Block 1117, lot 1-Prospect Park, Kate Wollman Skating Rink - Prospect Park - Scenic Landmark  
A skating rink and related building, built in 1959, and the adjacent parking lot and landscaping, within a primarily naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to amend Commission Advisory Report 09-1700 for the construction of a new building and related landscaping.

jy7-21

**TRANSPORTATION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, August 5, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1** In the matter of a proposed revocable consent authorizing 777 Washington LLC to maintain and use fenced-in areas on the south sidewalk of Jane Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$1,500/annum

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#2** In the matter of a proposed revocable consent authorizing Citibank N.A. to maintain and use bollards and tree guards on the sidewalks of the site bounded by Gouverneur Lane and Wall, Front and South Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor and provides, among other terms and conditions, there shall be no compensation required for this revocable consent in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

the maintenance of a security deposit in the sum of \$40,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#3** In the matter of a proposed revocable consent authorizing Halamas Corp to maintain and use an accessibility ramp and stairs on the north sidewalk of East 86th Street, west of York Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

**#4** In the matter of a proposed revocable consent authorizing Igoc I Park LLC to construct, maintain and use a sidewalk hatch in the south sidewalk of East 87th Street, east of Park Avenue, in the Borough of Manhattan. For the first year of

the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

- \$4,353/annum
- For the period July 1, 2010 to June 30, 2011 - \$4,484
- For the period July 1, 2011 to June 30, 2012 - \$4,615
- For the period July 1, 2012 to June 30, 2013 - \$4,746
- For the period July 1, 2013 to June 30, 2014 - \$4,877
- For the period July 1, 2014 to June 30, 2015 - \$5,008
- For the period July 1, 2015 to June 30, 2016 - \$5,139
- For the period July 1, 2016 to June 30, 2017 - \$5,270
- For the period July 1, 2017 to June 30, 2018 - \$5,401
- For the period July 1, 2018 to June 30, 2019 - \$5,532
- For the period July 1, 2019 to June 30, 2020 - \$5,663

the maintenance of a security deposit in the sum of \$5,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing The Bank of New York Mellon Corporation to maintain and use eighty one (81) bollards along the south sidewalk of Wall Street, east sidewalk of Broadway and north sidewalk of Exchange Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$10,175/annum

the maintenance of a security deposit in the sum of \$10,150, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#6** In the matter of a proposed revocable consent authorizing 57-59 Irving Place LP to construct, maintain and use snow melting conduits in the west sidewalk of Irving Place, between East 17th and East 18th Streets, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

- \$5,142/annum
- For the period July 1, 2010 to June 30, 2011 - \$5,296
- For the period July 1, 2011 to June 30, 2012 - \$5,450
- For the period July 1, 2012 to June 30, 2013 - \$5,604
- For the period July 1, 2013 to June 30, 2014 - \$5,758
- For the period July 1, 2014 to June 30, 2015 - \$5,912
- For the period July 1, 2015 to June 30, 2016 - \$6,066
- For the period July 1, 2016 to June 30, 2017 - \$6,220
- For the period July 1, 2017 to June 30, 2018 - \$6,374
- For the period July 1, 2018 to June 30, 2019 - \$6,528
- For the period July 1, 2019 to June 30, 2020 - \$6,682

the maintenance of a security deposit in the sum of \$6,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#7** In the matter of a proposed revocable consent authorizing Macy's Inc. to maintain and use a pedestrian bridge over and across Hoyt Street, north of Livingston Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$10,155
- For the period July 1, 2010 to June 30, 2011 - \$10,451
- For the period July 1, 2011 to June 30, 2012 - \$10,743
- For the period July 1, 2012 to June 30, 2013 - \$11,043
- For the period July 1, 2013 to June 30, 2014 - \$11,339
- For the period July 1, 2014 to June 30, 2015 - \$11,635
- For the period July 1, 2015 to June 30, 2016 - \$11,931
- For the period July 1, 2016 to June 30, 2017 - \$12,227
- For the period July 1, 2017 to June 30, 2018 - \$12,523
- For the period July 1, 2018 to June 30, 2019 - \$12,819

the maintenance of a security deposit in the sum of \$51,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

■ jy16-a5

**COMMUTER VAN SERVICE AUTHORITY (Queens/Manhattan)**

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a hearing on the expansion of vans for a van authority currently authorized in the Borough of Queens and Manhattan. The applicant's current authorized territory is: A residential area in Queens bounded on the north by 32nd Avenue from College Point Boulevard to Murray Lane, bounded on the east by Murray Lane from 32nd Avenue to 45th Avenue along 156th Street from 45th Avenue to Parsons Boulevard along Parsons Boulevard from Oak Avenue to Rose Avenue along Rose Avenue from Parsons Boulevard, along Kissena Boulevard from Rose Avenue to 59th Avenue, bounded on the south by 59th Avenue from Kissena Boulevard to College Point Boulevard, bounded on the west by College Point Boulevard from 59th Avenue to 32nd Avenue. To and from Manhattan bounded on the north by Bayard Street from Baxter Street to Bowery, bounded on the east by Bowery from Bayard Street to Division Street, bounded on the south by Division Street from Bowery to Baxter Street, bounded on the west by Baxter Street from Division Street to Bayard Street. The company is Gold Express, Inc. They can be reached at 70-25 Yellowstone Blvd. #32, Forest Hills, NY 11375. The applicant currently utilizes 2 vans daily to provide service 18 hours a day and is requesting 5 additional vans.

There will be a public hearing on Monday, July 27, 2009 at the Queens Borough Hall, 120-55 Queens Blvd, Public Hearing Room 213, Part 2, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. and on Tuesday, July 28, 2009 at the Manhattan Borough President's Office, One Centre Street, 19th Floor South, New York NY 10007 from 2:00 P.M. - 4:00 P.M. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Alternative Modes Division, 55 Water Street, 6th Floor, New York, New York 10041 no later than July 28, 2009. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

jy13-17

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 22, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1** In the matter of a proposed revocable consent authorizing New York University to modify existing consent so as to construct, maintain and use additional conduits under and across LaGuardia Place, north of West 3rd Street, and under and along West 3rd Street, between Thomson Streets and LaGuardia Place, and under and across Thomson Street, north of West 3rd Street, in the Borough of Manhattan. The proposed modification of this revocable consent is effective the date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$65,142+16,757/annum (prorated from the date of Approval by the Mayor)  
For the period July 1, 2010 to June 30, 2011 - \$84,044

There is no additional maintenance of a security deposit for this consent.

**#2** In the matter of a proposed revocable consent authorizing New York University to maintain and use the conduits under and across Third Avenue, south of East 12th Street and south of East 12th Street, and under, across and along East 12th Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$4,380
- For the period July 1, 2010 to June 30, 2011 - \$4,511
- For the period July 1, 2011 to June 30, 2012 - \$4,642
- For the period July 1, 2012 to June 30, 2013 - \$4,773
- For the period July 1, 2013 to June 30, 2014 - \$4,904
- For the period July 1, 2014 to June 30, 2015 - \$5,035
- For the period July 1, 2015 to June 30, 2016 - \$5,166
- For the period July 1, 2016 to June 30, 2017 - \$5,297
- For the period July 1, 2017 to June 30, 2018 - \$5,428
- For the period July 1, 2018 to June 30, 2019 - \$5,559

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#3** In the matter of a proposed revocable consent authorizing New York University Medical Center to maintain and use the conduits under and across First Avenue, between East 33rd Street and East 38th Street, and cables under and along First Avenue in the existing facilities of the Empire City Subway Company, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$20,087
- For the period July 1, 2010 to June 30, 2011 - \$20,672
- For the period July 1, 2011 to June 30, 2012 - \$21,257
- For the period July 1, 2012 to June 30, 2013 - \$21,842
- For the period July 1, 2013 to June 30, 2014 - \$22,427
- For the period July 1, 2014 to June 30, 2015 - \$23,012
- For the period July 1, 2015 to June 30, 2016 - \$23,597
- For the period July 1, 2016 to June 30, 2017 - \$24,182
- For the period July 1, 2017 to June 30, 2018 - \$24,767
- For the period July 1, 2018 to June 30, 2019 - \$25,352

the maintenance of a security deposit in the sum of \$25,400, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#4** In the matter of a proposed revocable consent authorizing Beth Israel Medical Center to maintain and use the vaults under the south sidewalk of East 17th Street, east of Nathan D. Perlman Place, and the east sidewalk of Nathan D. Perlman Place, south of East 17th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$22,213
- For the period July 1, 2010 to June 30, 2011 - \$22,860
- For the period July 1, 2011 to June 30, 2012 - \$23,507
- For the period July 1, 2012 to June 30, 2013 - \$24,154
- For the period July 1, 2013 to June 30, 2014 - \$24,801
- For the period July 1, 2014 to June 30, 2015 - \$25,448
- For the period July 1, 2015 to June 30, 2016 - \$26,095
- For the period July 1, 2016 to June 30, 2017 - \$26,742
- For the period July 1, 2017 to June 30, 2018 - \$27,389
- For the period July 1, 2018 to June 30, 2019 - \$28,036

the maintenance of a security deposit in the sum of \$28,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing Mount Sinai Medical Center to maintain and use a transformer vault under the east sidewalk of Madison Avenue, south of East 99th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$11,929
- For the period July 1, 2010 to June 30, 2011 - \$12,287
- For the period July 1, 2011 to June 30, 2012 - \$12,645
- For the period July 1, 2012 to June 30, 2013 - \$13,003
- For the period July 1, 2013 to June 30, 2014 - \$13,361
- For the period July 1, 2014 to June 30, 2015 - \$13,719
- For the period July 1, 2015 to June 30, 2016 - \$14,077
- For the period July 1, 2016 to June 30, 2017 - \$14,435
- For the period July 1, 2017 to June 30, 2018 - \$14,793
- For the period July 1, 2018 to June 30, 2019 - \$15,151

the maintenance of a security deposit in the sum of \$15,200, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing 39 West 87th Street Housing Corporation to maintain and use a historic front stoop and areaway stairs on the north sidewalk of West 87th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#7 In the matter of a proposed revocable consent authorizing National Railroad Passenger Corporation to maintain and use submarine railroad cables under water along easterly side of railroad trestle of the Spuyten Duyvil Bridge, Harlem River, in the Borough of Manhattan and the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$14,400
For the period July 1, 2010 to June 30, 2011 - \$14,819
For the period July 1, 2011 to June 30, 2012 - \$15,238
For the period July 1, 2012 to June 30, 2013 - \$15,657
For the period July 1, 2013 to June 30, 2014 - \$16,076
For the period July 1, 2014 to June 30, 2015 - \$16,495
For the period July 1, 2015 to June 30, 2016 - \$16,914
For the period July 1, 2016 to June 30, 2017 - \$17,333
For the period July 1, 2017 to June 30, 2018 - \$17,752
For the period July 1, 2018 to June 30, 2019 - \$18,171

the maintenance of a security deposit in the sum of \$5,063.08, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#8 In the matter of a proposed revocable consent authorizing Bronx Metal Recycling to maintain and use railroad sidetrack in Edgewater Road, north of Seneca Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$2,445
For the period July 1, 2010 to June 30, 2011 - \$2,518
For the period July 1, 2011 to June 30, 2012 - \$2,591
For the period July 1, 2012 to June 30, 2013 - \$2,664
For the period July 1, 2013 to June 30, 2014 - \$2,737
For the period July 1, 2014 to June 30, 2015 - \$2,810
For the period July 1, 2015 to June 30, 2016 - \$2,883
For the period July 1, 2016 to June 30, 2017 - \$2,956
For the period July 1, 2017 to June 30, 2018 - \$3,029
For the period July 1, 2018 to June 30, 2019 - \$3,102

the maintenance of a security deposit in the sum of \$12,700, and the filing of an insurance policy in the minimum amount of \$1,000,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

jy2-22

# COURT NOTICE

## SUPREME COURT

### NOTICE

#### RICHMOND COUNTY IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER (CY) 4009/09

In the Matter of the Application of THE CITY OF NEW YORK relative to acquiring title in fee simple where not heretofore acquired for the same purpose for OAKWOOD BEACH BLUEBELT - STAGE 1 Generally bounded by Fairbanks Avenue and Dugdale Street to the North; Riga Street to the East; Emmet Avenue to the South; and Grayson Street to the West; in the County of Richmond, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Abraham G. Gerges, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on June 25, 2009, the application of the City of New York to acquire certain real property, for OAKWOOD BEACH BLUEBELT - STAGE 1, was granted and the City was thereby authorized to file an acquisition map with the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on June 25, 2009. Title to the real property vested in the City of New York on June 25, 2009.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
3	4728	2
4	4740	15
5	4740	16
6	4740	14
7	4740	13
8	4740	11
9	4740	9
10	4740	7
11	4736	15
12	4736	12
13	4740	1
12	4736	1
15	4736	6
18	4740	21
19	4740	24
20	4740	33
21	4737	18

22	4737	14
23	4737	13
24	4737	1
25	4737	5
26	4737	7
27	4737	9
30	4740	35
31	4740	36
32	4740	37
33	4740	41
34	4740	43
35	4740	46
36	4738	3
37	4738	13
38	4738	1
41	4739	29
42	4739	20
43	4739	3
44	4739	1
45	4739	9
46	4692	21
47	4692	18
48	4692	28
49	4692	11
50	4692	33
51	4692	1

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before June 25, 2010, (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- A. the name and post office address of the condemnee;
- B. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL §503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before June 25, 2011 (which is two (2) calendar years from the title vesting date).

Dated: July 1, 2009, New York, New York  
MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
100 Church Street  
New York, New York 10007  
Tel. (212) 788-0425

jy8-21

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### AUCTION

#### PUBLIC AUCTION SALE NUMBER 01001 - B

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on WEDNESDAY, JULY 22, 2009 (SALE NUMBER 01001-B). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our Web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

jy8-22

## POLICE

### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

#### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

# PROCUREMENT

*"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."*

## ADMINISTRATION FOR CHILDREN'S SERVICES

### SOLICITATIONS

#### Goods & Services

FOOD CATERING SERVICES – Competitive Sealed Bids – PIN# 068-08-ADM-0024 – DUE 08-13-09 AT 3:00 P.M. – Optional pre-bid date: Thursday, July 30, 2009 at 10:00 A.M. at 150 William Street, Room 8B1, New York, NY 10038.

Bid forms and specifications may be obtained, free of charge, from the ACS website, any time before the bid date (recommended method). Copy the link into your browser to go to the appropriate page <http://nyc.gov/html/acs/html/business/business.shtml>. In the event that you are unable to download this bid, a bid package may be requested via e-mail. Send all e-mail requests to [accoadm@nysemail.state.ny.us](mailto:accoadm@nysemail.state.ny.us). Please type the PIN above and type of service into the subject line. Also type the name of the company, complete address, contact name, phone and fax numbers into the body of the e-mail. Or you may call (212) 341-3460 to make arrangements to pick up a bid package in person.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Albert Lewis (212) 341-3488, [accoadm@nysemail.state.ny.us](mailto:accoadm@nysemail.state.ny.us)

jy16

## BUILDINGS

### CONTRACTS UNIT

#### INTENT TO AWARD

#### Goods

Q-MATIC SYSTEM UPGRADE – Sole Source – Available only from a single source - PIN# 81010OPS0065 – DUE 07-22-09 AT 3:00 P.M. – Any firm that believes it can provide the goods required may do so indicate in a letter addressed to the contact name below by the date and time indicated.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Buildings, 280 Broadway, 6th Floor. Lesley Jones (212) 566-4095, [lejones@buildings.nyc.gov](mailto:lejones@buildings.nyc.gov)

jy13-17

## CITYWIDE ADMINISTRATIVE SERVICES

### CONTRACTS

#### AWARDS

#### Services (Other Than Human Services)

AMERICAN SCIENCE AND ENGINEERING - X-RAY EQUIPMENT MAINTENANCE, SERVICE AND REPAIR – Sole Source – Available only from a single source -

PIN# 856080000494 – AMT: \$850,000.00 – TO: American Science and Engineering, Inc., 829 Middlesex Turnpike, Billerica, MA 01821.

☛ jy16

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ AWARDS

*Goods*

**AMMUNITION: SHOTGUN SHELLS AND MISC.** – Competitive Sealed Bids – PIN# 857900027 – AMT: \$1,008,135.00 – TO: Thomas J. Morris JR, dba Eagle Point Gun Shop, 1707 Third Street, Thorofare, NJ 08086-3103.

● **PREPARED MEALS FOR NYPD** – Competitive Sealed Bids – PIN# 857900757 – AMT: \$210,560.00 – TO: Aked Management LLC dba McDonald's Restaurant, 50 Jamaica Avenue, Brooklyn, NY 11207-1834.

● **BAKERY PRODUCTS** – Competitive Sealed Bids – PIN# 857900910 – AMT: \$769,160.00 – TO: Dependable Food Corp., 29 Executive Avenue, CN7839, Edison, NJ 08817.

● **BAKERY PRODUCTS** – Competitive Sealed Bids – PIN# 857900910 – AMT: \$1,402.50 – TO: Metropolitan Foods Inc., dba Driscoll Foods, 174 Delawanna Avenue, Clifton, NJ 07014.

● **BAKERY PRODUCTS** – Competitive Sealed Bids – PIN# 857900910 – AMT: \$368,048.84 – TO: Robbins Sales Co., Inc., P.O. Box 251, Syosset, NY 11791.

☛ jy16

**HEALTH AND HOSPITALS CORPORATION**

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

■ SOLICITATIONS

*Services (Other Than Human Services)*

**COURIER SERVICES FOR HUMAN BIOLOGICAL SPECIMENS** – Competitive Sealed Bids – PIN# 11110005 – DUE 08-06-09 AT 3:00 P.M. – Bellevue Hospital invites bids for the provision of courier services to transport human biological specimens, reports and other items such as racks, coolers and supplies, between the Bellevue Hospital Pathology Department (hereafter referred to as “Bellevue”) and various referral facilities/sites. The required service types are: scheduled runs seven days a week, STAT runs, holiday runs, on-demand or ad-hoc runs, foot messengers and transportation for off-site Blood Donor Drives.

There will be a mandatory pre-bid meeting on Thursday, July 30, 2009 at 11:00 A.M. in Room 12E32 of Bellevue Hospital Center’s “H” Building. This meeting is a requirement in submitting a responsive bid. Any bid received by a company not in attendance at this meeting will be considered “non-responsive.”

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 32, New York, NY 10016. Matt Gaumer (212) 562-2887, matthew.gaumer@bellevue.nychhc.org*

☛ jy16

**HOMELESS SERVICES**

■ AWARDS

*Human/Client Service*

**YMCA GREATER NEW YORK - CONCESSION AGREEMENT**

– Request for Proposals – PIN# 071-09S-04-1157 – AMT: \$.00 – YMCA of Greater New York, 5 West 63rd Street, 6th Floor, New York, N.Y. The City of New York Department of Homeless Services (DHS) has awarded a concession to the YMCA of Greater New York, 5 West 63rd Street, 6th Floor, New York, N.Y. for the operation, management and maintenance of the Park Slope Armory indoor Facility and Community Center, Brooklyn, New York. The concession, which was solicited by a Request for Proposals, operates pursuant to a License Agreement for a term of ten (10) years. Compensation to the City is as follows: in each operating year of the License Agreement, licensee shall reinvest in the Licensed Premises the greater of (a) \$20,000.00 compounded annually at five percent (5%) or 20% of the total annual operating net revenue (Reinvestment Fee).

☛ jy16

**OFFICE OF CONTRACTS AND PROCUREMENT**

■ SOLICITATIONS

*Human/Client Service*

**TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS**

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Homeless Services, 33 Beaver Street, 13th Floor New York, NY 10004. Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov*

j12-24

**HOUSING AUTHORITY**

■ SOLICITATIONS

*Construction/Construction Services*

**REPAIRING BOILER STACK AT AMSTERDAM HOUSES**

– Competitive Sealed Bids – PIN# BW7007696 – DUE 08-04-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

jy15-21

**REPLACEMENT OF RADIATOR VALVES AND TRAPS AT VARIOUS DEVELOPMENTS, BROOKLYN**

– Competitive Sealed Bids – PIN# HE9008786 – DUE 07-27-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

jy13-17

**PURCHASING DIVISION**

■ SOLICITATIONS

*Goods*

**REMOVAL AND INSTALLATION OF REFRIGERATORS**

– Competitive Sealed Bids – RFQ #6997 – DUE 07-30-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods\_materials.shtml Atul Shah (718) 707-5450.*

☛ jy16

**JUVENILE JUSTICE**

■ SOLICITATIONS

*Human/Client Service*

**PROVISION OF NON-SECURE DETENTION GROUP HOMES**

– Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov*

jy1-d16

**PARKS AND RECREATION**

**MANAGEMENT INFORMATION SYSTEMS**

■ SOLICITATIONS

*Goods & Services*

**YARDI ANNUAL MAINTENANCE**

– Sole Source – Available only from a single source - PIN# 22736846 – DUE 07-24-09 AT 12:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Arsenal West, 24 W. 61st Street 4th Floor, New York, NY 10023. Andrew Nicklin (212) 830-7915, andrew.nicklin@parks.nyc.gov*

jy14-20

**REVENUE AND CONCESSIONS**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**RENOVATION, OPERATION AND MAINTENANCE OF THE PITCH AND PUTT GOLF FACILITY**

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q99-J-GC – DUE 08-21-09 AT 3:00 P.M. – At Flushing Meadows Corona Park, Queens. Parks will hold an on-site proposer meeting and site tour on Monday, July 20, 2009 at 11:00 A.M. in front of the clubhouse at the Pitch and Putt Golf Facility, Flushing Meadows Corona Park, Queens. All interested parties are urged to attend.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)** 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Eve Mersfelder (212) 360-3407, eve.mersfelder@parks.nyc.gov*

jy8-21

**CONSTRUCTION, OPERATION AND MAINTENANCE OF A MINIATURE GOLF COURSE, PRO-SHOP, AND SNACK BAR**

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q163-GC – DUE 09-14-09 AT 3:00 P.M. – At Rockaway Beach 92nd Street to Beach 94th Street, Queens

There will be a recommended on-Premises proposer meeting and Premises tour on Wednesday, August 12, 2009 at 1:00 P.M. We will meet at the proposed concession site, which is located on Shorefront Parkway, between Beach 92nd and 94th Streets, on the beach side of the parkway. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and Premises tour.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)** 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, The Arsenal- Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-3495, evan.george@parks.nyc.gov*

jy15-28

■ AWARDS

*Services (Other Than Human Services)*

**RENOVATION AND OPERATION OF A SNACK BAR**

– Competitive Sealed Bids – PIN# Q04-SV – The City of New York Department of Parks and Recreation (“Parks”) has awarded as a concession the renovation and operation of a Snack Bar at Astoria Pool in Astoria Park, Queens to Costa Foods of 1 Playland Parkway, Rye, NY 10580. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a six (6) season term. Compensation to the City is as follows: in each operating season of the license, licensee shall pay the City a permit fee consisting of a guaranteed seasonal fee (Season 1: \$12,500; Season 2: \$13,500; Season 3: \$14,200; Season 4: \$15,000; Season 5: \$16,000; Season 6: \$17,001).

☛ jy16

**TRANSPORTATION**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**BID EXTENSION: IMAGING CAMERA SYSTEM**

– Competitive Sealed Bids – PIN# 84108MBPT316 – DUE 07-24-09 AT 11:00 A.M. – BID EXTENSION: Contract available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. Provision and Installation of Thermal Imaging Camera System and Equipment at the Staten Island Ferry Facilities, Ferryboats and Vessels for the New York City Department of Transportation. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract Bid/Proposal Documents. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the South Side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building’s security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (i.e. Drivers License, Passport, Identification card) is available upon request. Please ensure that your company’s address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact George Patrick Mahoney at (718) 818-8710. Vendor Source ID#: 60791.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Transportation, Contract Management Unit, Office of the Agency Chief Contracting Officer, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435, vcruz@dot.nyc.gov*

☛ jy16

**BRIDGES**

■ VENDOR LISTS

*Services (Other Than Human Services)*

**PRE-QUALIFIED LIST FOR BRIDGE DESIGN AND CONSTRUCTION SUPPORT SERVICES AND RESIDENT ENGINEERING INSPECTION SERVICES**

– The Department of Transportation invites engineering firms to be considered for inclusion on the agency’s Pre-Qualified Lists for the following categories of service: (1) Bridge Design and Construction Support Services and/or (2) Bridge Resident Engineering Inspection (REI) Services. In order for a firm to be Pre-Qualified the firm must meet specific criteria requirements as stated on the Pre-Qualification Forms and SF330 Forms which can be obtained from the New York City Department of Transportation (NYCDOT). Information and applications to be included on such lists may be obtained from the NYCDOT Office of the Agency Chief Contracting Officer, and may be submitted at any time. Firms already on the Pre-Qualified Lists do not need to be re-certified for inclusion on the list(s) at this time.

For the two categories described above, three (3) lists (Large, Medium and Small) are established according to project size. No firm may be placed on more than two of the three lists for the Bridge Design and Construction Support Services or the Bridge Resident Engineering Inspection Services category. Firms that are placed on these Pre-Qualified lists may be invited to receive RFPs (Request for Proposals) on selected Capital Bridge Projects without additional public notification. The Pre-qualification Lists are as follows:

SMALL BRIDGE DESIGN/REI: (for projects of less than \$3 million construction cost) MEDIUM BRIDGE DESIGN/REI: (for projects of \$3 to \$10 million construction cost) LARGE BRIDGE DESIGN/REI: (for projects in excess of \$10 million construction cost)

For additional information, please contact Gail Hatchett at (212) 839-9308 or (212) 839-9402.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Transportation, Office of the Agency Chief Contracting Officer, 55 Water Street, 8th Fl., Room 825 New York, NY 10041. Hours 9:00 A.M. to 3:00 P.M., Monday thru Friday (excluding holidays observed by the Agency). Gail Hatchett (212) 839-9308

jy10-16

## YOUTH AND COMMUNITY DEVELOPMENT

### ■ SOLICITATIONS

Human/Client Service

**IN SCHOOL YOUTH PROGRAMS** – Renewal – PIN# 2601009XXXXA – DUE 07-23-09 – Recommendation for Renewal Contracts

In accordance with Section 4-04(e) of the Procurement Policy Board Rules, the Department of Youth and Community Development intends to exercise its option to renew the contracts with the organizations listed below for provision of In School Youth programs throughout the five boroughs of New York City. The contractor will continue to provide full-year education and employment programs for individuals eligible for services under Title I of the Workforce Investment Act (WIA). The contract terms for the renewals shall be for the period of September 1, 2009 to August 31, 2011. The list includes the name and address of the contractor and ID number. Any comments or questions regarding the renewal of these contracts should be forwarded to Daniel Symon, Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York NY 10038.

Propose funded

ID # - Funding Amount - Provider Name Address

90252A - \$141,375  
Asociaciones Dominicanas, Inc, 202 Union Avenue, Brooklyn, NY 11211  
90253A - \$102,175  
Bedford Stuyvesant Restoration Corporation, 1368 Fulton Street, Brooklyn, NY 11216  
90272A - \$210,888  
Children's Arts & Science Workshops, Inc., 4271 Broadway, New York, NY 10033  
90254A - \$138,814  
Chinese American Planning Council, 150 Elizabeth Street, New York, NY 10012  
90273A - \$83,762  
Chinese American Planning Council, 150 Elizabeth Street, New York, NY 10012  
90282A - \$66,857  
Chinese American Planning Council, 150 Elizabeth Street, New York, NY 10012  
90264A - \$74,617  
Citizens Advice Bureau, Inc., 2054 Morris Avenue, Bronx, NY 10453  
90255A - \$66,857  
Cypress Hills Local Development Corporation, 625 Jamaica Avenue, Brooklyn NY 11208  
90274A - \$131,865  
East Harlem Council For Community Improvement, 413 East 120th Street, New York, NY 10035  
90256A - \$128,868  
East NY Development Corporation, 2644 Atlantic Avenue, Brooklyn, NY 11207  
90283A - \$68,648  
Elmcor Youth and Adult Activities, Inc., 33-16 108th Street, Corona, NY 11368  
90265A - \$139,057  
Episcopal Social Services, of New York, Inc., 305 7th Avenue, New York, NY 10001  
90266A - \$128,143  
Federation Employment and Guidance Service, Inc., 315 Hudson Street, New York, NY 10013  
90296A - \$23,878  
Federation Employment and Guidance Service, Inc., 315 Hudson Street, New York, NY 10013  
90284A - \$140,788  
Greater Ridgewood Youth Council, Inc., 32-04 Myrtle Avenue, Ridgewood, NY 11385  
90275A - \$183,000  
Harlem Children's Zone, Inc 35 East 125th Street, New York, NY 10035  
90285A - \$123,000  
Hellenic American Neighborhood Action Committee (HANAC), 49 West 45th Street, New York, NY 10036  
90267A - \$318,673  
Henkels & McCoy, Inc., , 450 Davis Road, Plymouth Meeting, PA 19462  
90276A - \$182,196  
Henry Street Settlement, Inc., 265 Henry Street, New York, NY 10002  
90257A - \$191,728  
Italian American Civil Rights League 1460 Pennsylvania Avenue, Brooklyn, NY 11239  
90286A - \$66,857  
Jacob A. Riis Neighborhood Settlement, Inc., 10-25 41st Avenue, L.I.C., NY 11101  
90258A - \$258,100  
Jewish Community Council of Greater Coney Island, Inc., 3001 West 37th Street, Brooklyn, NY 11224  
90268A - \$94,714  
Mid-Bronx Council Services, Inc., 990 Grand Concourse, Bronx, NY 10451  
90269A - \$194,633  
Mosholu Montefiore Community Center, Inc., 3450 Dekalb Avenue, Bronx, NY 10467  
90259A - \$170,321  
National Society for Hebrew Day School 160 Broadway, New York, NY 10038  
90287A - \$77,602  
New Spirit II, Inc., 231-35 Merrick Avenue, Springfield Gardens, NY 11413  
90278A - \$61,286  
New York City Mission Society 105 East 22nd Street, New York, NY 10010  
90288A - \$64,469  
Police Athletic League, Inc., 34 ½ East 12th Street, New York, NY 10003  
90294A - \$61,785  
Police Athletic League, Inc., 34 ½ East 12th Street, New York, NY 10003  
90260A - \$351,898  
Research Foundation of CUNY, 230 West 41st Street, New York, NY 10036  
90290A - \$90,450

Research Foundation of CUNY, 230 West 41st Street, New York, NY 10036  
90261A - \$102,375  
Ridgewood Bushwick Senior Citizens Council, 555 Bushwick Avenue, Brooklyn, NY 11206  
90291A - \$140,600  
Rockaway Development & Revitalization Corporation, 1920 Mott Avenue, Far Rockaway, NY 11691  
90262A - \$133,714  
SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542  
90263A - \$64,071  
Sesame Flyers International, Inc., 3510 Church Avenue, Brooklyn, NY 11203  
90270A - \$90,054  
Simpson Street Development Association, Inc., 997 East 163rd Street, Bronx, NY 10459  
90271A - \$330,914  
South Bronx Overall Economic Development Corp., 555 Bergen Avenue, Bronx, NY 10455  
90292A - \$231,904  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd, Woodside, NY 11377  
90279A - \$114,214  
Stanley M. Isaacs Neighborhood Center, Inc., 415 East 93rd Street, New York, NY 10128  
90293A - \$64,071  
Sunnyside Community Service, Inc., 43-31 39th Street, L.I.C., NY 11104  
90289A - \$173,535  
The Child Center of NY 60-02 Queens Blvd, Woodside, NY 11377  
90280A - \$66,857  
The Door - A Center of Alternatives 121 6th Avenue, New York, NY 10013  
90281A - \$66,360  
Union Settlement Association 237 East 104th Street, New York, NY 10029  
90295A - \$122,009  
United Activities Unlimited, Inc., 485 Clawson Street, Staten Island, NY 10306

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038. Daniel Symon (212) 513-1820, acco@dycd.nyc.gov

jy16

**SERVICE LEARNING PROGRAMS** – Renewal – PIN# 2601006XXXXB – DUE 07-22-09 AT 5:00 P.M. Recommendation for Renewal Contracts

In accordance with Section 4-04(e) of the Procurement Policy Board Rules, the Department of Youth and Community Development intends to exercise its option to renew the contracts with the organizations listed below for provision of Service Learning programs throughout the five boroughs of New York City. The contract terms for the renewals shall be for the period of September 1, 2009 to August 31, 2010. The list includes the name and address of the contractor and ID number. Any comments or questions regarding the renewal of these contracts should be forwarded to Daniel Symon, Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038.

Propose funded

ID # - Funding Amount - Provider Name Address

60748B - \$45,000.00  
Asian Americans for Equality, 108 Norfolk Street, New York, NY 10002  
60716B - \$112,500.00  
Aspira of New York, Inc., 520 8th Avenue, New York, NY 10018  
60749B - \$84,375.00  
Aspira of New York, Inc., 520 8th Avenue, New York, NY 10018  
60750B - \$89,977.00  
Be'er Hagolah Institutes, 671 Louisiana Avenue, Brooklyn, NY 11239  
60751B - \$45,000.00  
Chinese American Planning Council, 150 Elizabeth St., NY, NY 10012  
60717B - \$67,500.00  
Citizens Advice Bureau, Inc., 2054 Morris Avenue, Bronx, NY 10453  
60760B - \$45,000.00  
Citizens Advice Bureau, Inc., 2054 Morris Avenue, Bronx, NY 10453  
60752B - \$45,000.00  
City Year, Inc., 20 West 22nd Street, New York, NY 10010  
60753B - \$45,000.00  
City Year, Inc., 20 West 22nd Street, New York, NY 10010  
60730B - \$66,250.00  
Coalition for Hispanic Family Services, 315 Wyckoff Ave., Brooklyn, NY 11237  
60719B - \$209,250  
Directions For Our Youth, Inc., 21 W. 86th St., New York, NY 10024  
60754B - \$45,000.00  
Directions For Our Youth, Inc., 21 W. 86th St., New York, NY 10024  
60755B - \$56,250.00  
Directions For Our Youth, Inc., 21 W. 86th St., New York, NY 10024  
60720B - \$90,000.00  
East Side House, Inc., 337 Alexander Avenue, Bronx, NY 10454  
60721B - \$45,000.00  
East Side House, Inc., 337 Alexander Avenue, Bronx, NY 10454  
60722B - \$84,375.00  
East Side House, Inc., 337 Alexander Avenue, Bronx, NY 10454  
60731B - \$45,000.00  
El Puente De Williamsburg, 211 South 4th Street, Brooklyn, NY 11211  
60757B - \$101,250.00  
Grand Street Settlement, Inc., 80 Pitt Street, New York, NY 10002  
60732B - \$45,000.00  
Groundwork Inc, 595 Sutter Avenue, Brooklyn, NY 11207  
60758B - \$101,250.00  
Hospital Audiences, Inc., 548 Broadway, New York, NY 10012  
60736B - \$57,512.00  
Isabella Geriatric Center, Inc. 515 Audubon Ave., New York, NY 10040  
60761B - \$45,000  
Jacob A. Riis Neighborhood Settlement, Inc. 10-25 41st Ave., L.I.C., NY 11101  
60762B - \$45,000.00  
Jewish Child Care Association, 120 Wall Street, New York, NY 10005

60763B - \$44,964.00  
Jewish Institute of Queens, 60-05 Woodhaven Blvd., Elmhurst, NY 11373  
60764B - \$90,000.00  
New Settlement Apartments, 1512 Townsend Avenue, Bronx, NY 10452  
60766B - \$67,500.00  
Phipps Community Development, 902 Broadway, New York, NY 10010  
60733B - \$58,500.00  
Ridgewood Bushwick Senior Citizens Council, 555 Bushwick Avenue, Brooklyn, NY 11206  
60767B - \$54,000.00  
Riverdale Community Center, Inc., 660 W. 237th St. Bronx, NY 10463  
60734B - \$56,250.00  
SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542  
60768B - \$67,500.00  
SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542  
60769B - \$90,000.00  
SCO Family of Services, 1 Alexander Place, Glen Cove, NY 11542  
60770B - \$45,000.00  
South Asian Youth Action, 54-05 Seabury Street, Elmhurst, NY 11373  
60723B - \$112,500.00  
South Bronx Overall Economic Development Corp., 555 Bergen Avenue, Bronx, NY 10455  
60724B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60725B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60741B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60742B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60743B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60744B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60771B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60772B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60773B - \$45,000.00  
Sports and Arts In Schools Foundation, Inc., 58-12 Queens Blvd., Woodside, NY 11377  
60735B - \$64,000.00  
St. Nicholas Neighborhood Preservation Corporation, 11 Catherine Street, Brooklyn, NY 11211  
60774B - \$56,250.00  
Stanley M. Isaacs Neighborhood Center, Inc., 415 East 93rd Street, New York, NY 10128  
60775B - \$67,500.00  
The Child Center of NY, 60-02 Queens Blvd, Woodside, NY 11377  
60737B - \$45,000.00  
The Children's Aid Society, 105 East 22nd St., New York, NY 10010  
60738B - \$78,750.00  
The Children's Aid Society, 105 East 22nd St., New York, NY 10010  
60739B - \$67,500.00  
The Children's Aid Society, 105 East 22nd St., New York, NY 10010  
60745B - \$45,000.00  
The Children's Aid Society, 105 East 22nd St., New York, NY 10010  
60777B - \$58,500.00  
The Children's Aid Society, 105 East 22nd St., New York, NY 10010  
60746B - \$67,500.00  
United Activities Unlimited, Inc., 485 Clawson Street, Staten Island, NY 10306  
60727B - \$86,620.00  
Women's Housing and Economic Development Corporation, 50 East 168th Street, Bronx, NY 10452  
60778B - \$96,197.00  
YMCA of Greater New York/Vanderbilt, 224 East 47th Street, New York NY 10017  
60779B - \$67,500.00  
YMCA of Greater New York-Bronx YMCA, 5 West 63rd Street, New York, NY 10023

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038. Daniel Symon (212) 513-1820, acco@dycd.nyc.gov

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## AGENCY RULES

### RENT GUIDELINES BOARD

#### ■ NOTICE

#### 2009 Apartment & Loft Order #41

June 23, 2009

**Order Number 41 - Apartments and Lofts**, rent levels for leases commencing **October 1, 2009** through **September 30, 2010**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and

extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2009**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2009** and through **September 30, 2010**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

#### ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

Where heat is provided or required to be provided to a dwelling unit by an owner from a central or individual system at no charge to the tenant, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **3%**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **6%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **3% or \$30 whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **6% or \$60 whichever is greater.**

Where heat is neither provided nor required to be provided to a dwelling unit by an owner from a central or individual system, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2.5%**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2.5% or \$25 whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **5% or \$50 whichever is greater.**

These adjustments shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

#### VACANCY ALLOWANCE FOR APARTMENTS

No vacancy allowance is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

#### ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be **10%**.

#### ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **adopts** the following levels of rent increase above the "base rent", as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **3%**

For **two-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **6%**

#### VACANT LOFT UNITS

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

#### FRACTIONAL TERMS

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

#### ESCALATOR CLAUSES

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2009** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the

owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2009** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

#### SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2009** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

#### SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **adopts** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2009**, which become vacant after **September 30, 2009**, the special guideline shall be:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

#### DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2009**, shall be:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

#### CREDITS

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

#### STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

**Dated: June 23, 2009**

Marvin Markus  
Chair  
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - APARTMENT ORDER #41 Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2009-10 Lease Increase Allowances for Apartments and Lofts under the Jurisdiction of the Rent Stabilization Law<sup>1</sup>

Summary of Order No. 41

The Rent Guidelines Board (RGB) by Order No. 41 has set the following maximum rent increases for leases subject to renewal on or after October 1, 2009 and on or before September 30, 2010 for **apartments** under its jurisdiction:

Where heat is provided or required to be provided to a dwelling unit by an owner from a central or individual system at no charge to the tenant, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **3%**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **6%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **3% or \$30, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **6% or \$60, whichever is greater.**

Where heat is neither provided nor required to be provided to a dwelling unit by an owner from a central or individual system, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2.5%**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2.5% or \$25, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **5% or \$50, whichever is greater.**

#### VACANCY ALLOWANCE

The vacancy allowance is now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 82 of the Laws of 2003, not by the Orders of the Rent Guidelines Board.

#### SUBLET ALLOWANCE

The increase landlords are allowed to charge when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2009 and on or before September 30, 2010 shall be **10%**.

#### ADJUSTMENTS FOR LOFTS

For **Loft units** to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law, the Board established the following maximum rent increases for increase periods commencing on or after October 1, 2009 and on or before September 30, 2010. No vacancy allowance or low rent allowance is included for lofts.

1 Year	2 Years
3%	6%

The guidelines do not apply to hotel, rooming house, and single room occupancy units that are covered by separate Hotel Orders.

Any increase for a renewal lease may be collected no more than once during the guideline period governed by Order No. 41.

#### SPECIAL GUIDELINES

Leases for units subject to rent control on September 30, 2009 that subsequently become vacant and then enter the stabilization system are not subject to the above adjustments. Such newly stabilized rents are subject to review by the State Division of Housing and Community Renewal (DHCR). In order to aid DHCR in this review the Rent Guidelines Board has set a special guideline of whichever is greater:

1. **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on October 1, 2009.

All rent adjustments lawfully implemented and maintained under previous apartment Orders and included in the base rent in effect on September 30, 2009 shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

<sup>1</sup> This Explanatory Statement explains the actions taken by the Board members on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all the viewpoints expressed.

#### THE FOLLOWING OUTLINES EXAMPLES OF HOW THE GUIDELINE ADJUSTMENTS WOULD BE CALCULATED UNDER DIFFERENT LENGTHS OF TENANCIES:

Example 1: A tenant signed a vacancy lease on October 1, 2002. As of September 30, 2009, he is paying \$650 per month. He decides to sign a one-year lease renewal commencing on October 1, 2009. The adjustment in his rent is 3.0% or \$30, whichever is greater. (Since he has lived in the apartment for seven years, his lease renewal is subject to the \$30 minimum increase for tenants in place for six or more years.) A 3.0% increase in rent of \$650 is \$19.50, which is less than \$30. Therefore, his rent increases the full \$30, to \$680.

Example 2: A tenant signed a vacancy lease on August 1, 1998. As of July 31, 2010, she is paying \$1,250 per month. She decides to sign a one-year lease renewal commencing on August 1, 2010. The adjustment in her rent is 3.0% or \$30, whichever is greater. (Since she has lived in the apartment for twelve years, her lease renewal is subject to the \$30 minimum increase for tenants in place for six or more years.) However, a 3.0% increase in rent of \$1,250 is \$37.50, which is greater than \$30. Therefore, her rent increases \$37.50, to \$1,287.50.

Example 3: A tenant signed a vacancy lease on January 1, 2005. As of December 31, 2009, he is paying \$550 per month. He decides to sign a one-year lease renewal commencing on January 1, 2010. The adjustment in his rent is 3.0%. (Since

he has lived in the apartment for only five years, his lease renewal is not subject to the \$30 minimum increase for tenants in place for six or more years.) Therefore, his rent increases \$16.50, to \$566.50.

Example 4: A tenant signed a vacancy lease on March 1, 1996. On March 1, 2004, the tenant's son succeeded his mother in the apartment. As of February 28, 2010, he is paying \$775 per month. He decides to sign a two-year lease renewal commencing on March 1, 2010. The adjustment in his rent is 6% or \$60, whichever is greater. (Since a vacancy lease was last signed fourteen years earlier, the tenant is subject to the minimum \$60 increase.) A 6% increase in rent of \$775 is \$46.50, which is less than \$60. Therefore, his rent increases the full \$60, to \$835.

#### Background of Order No. 41

The Rent Guidelines Board is mandated by the Rent Stabilization Law of 1969 (Section 26-510(b) of the NYC Administrative Code) to establish annual guidelines for rent adjustments for housing accommodations subject to that law and to the Emergency Tenant Protection Act of 1974. In order to establish guidelines the Board must consider, among other things:

- (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating and maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) overall supply of housing accommodations and overall vacancy rates;
- (2) relevant data from the current and projected cost of living indices for the affected area;
- (3) such other data as may be made available to it.

The Board gathered information on the above topics by means of public meetings and hearings, written submissions by the public, and written reports and memoranda prepared by the Board's staff. The Board calculates rent increase allowances on the basis of cost increases experienced in the past year, its forecasts of cost increases over the next year, its determination of the relevant operating and maintenance cost-to-rent ratio, and other relevant information concerning the state of the residential real estate industry.

#### Material Considered by the Board

Order No. 41 was issued by the Board following **two** public hearings, **seven** public meetings, its review of written submissions provided by the public, and a review of research and memoranda prepared by the Board's staff. A total of approximately **130** written submissions were received at the Board's offices from many individuals and organizations including public officials, owners and owner groups, and tenants and tenant groups. The Board members were provided with copies of public comments received by the **June 17, 2009** deadline. All of the above listed documents were available for public inspection.

Open meetings of the Board were held following public notice on March 24, April 7, April 21, April 30, and June 4, 2009. On **May 5, 2009**, the Board adopted proposed rent guidelines for apartments, lofts, and hotels.

Public hearings were held on **June 15, 2009** and **June 17, 2009** pursuant to Section 1043 of the New York City Charter and Section 26-510(h) of the New York City Administrative Code. Testimony on the proposed rent adjustments for rent-stabilized apartments and lofts was heard from **4:00 p.m. to 8:30 p.m. on June 15, 2009 and from 10:00 a.m. to 8:30 p.m. on June 17, 2009**. Testimony from members of the public speaking at these hearings was added to the public record. The Board heard testimony from **approximately 86 apartment tenants and tenant representatives, 48 apartment owners and owner representatives, and 6 public officials**. In addition, 4 speakers read into the record written testimony from various public officials. On **June 23, 2009** the guidelines set forth in Order No. 41 were adopted.

A written transcription and/or audio recording was made of all proceedings.

#### **PRESENTATIONS BY RGB STAFF AND HOUSING EXPERTS INVITED BY MEMBERS OF THE BOARD**

Each year the staff of the New York City Rent Guidelines Board is asked to prepare numerous reports containing various facts and figures relating to conditions within the residential real estate industry. The Board's analysis is supplemented by testimony from industry and tenant representatives, housing experts, and by various articles and reports gathered from professional publications.

Listed below are the other experts invited and the dates of the public meetings at which their testimony was presented:

Meeting Date / Name	Affiliation
<b>March 24, 2009:</b>	Staff presentation, <i>2009 Mortgage Survey Report</i>  <u>Guest Speaker</u>
1. Joseph Rosenberg	Deputy Commissioner, Intergovernmental Affairs, NYC Department of Housing Preservation and Development
<b>April 7, 2009:</b>	Staff presentation, <i>2009 Income and Affordability Study</i>  <u>Guest Speaker</u>
1. Gregory Kern	Director for Leased Housing, NYC Housing Authority
<b>April 21, 2009:</b>	<u>Staff presentations</u> <i>2009 Price Index of Operating Costs</i> <i>2009 Income &amp; Expense Study</i>
<b>April 30, 2009:</b>	<u>Apartment Tenants group testimony:</u> Fiscal Policy Institute Urban Homesteading Assistance Board Community Service Society Collins, Dobkin & Miller LLP Community Service Society
1. James Parrott 2. Dina Levy 3. Tom Waters 4. Tim Collins 5. Victor Bach	
1. Jack Freund 2. Mary Ann Rothman 3. Pat Siconolfi 4. Christopher Athineos 5. Frank Anelante 6. Mark Engel 7. Constance Nugent-Miller	<u>Apartment Owners group testimony:</u> Rent Stabilization Association (RSA) Council of New York City Cooperative Community Housing Improvement Program (CHIP) Small Property Owners of New York (SPONY) Lemle & Wolf, Inc. Langsam Property Services Corp. Property Owner
1. Michael Edelman 2. Scott Swerdlin	<u>Mortgage Financing Panel testimony:</u> Freddie Mac Capital One

Hotel Tenants group testimony:  
West Side S.R.O. Law Project  
MFY Legal Services  
Goddard Riverside Family Council

**June 4, 2009:**  
Staff presentations  
*2009 Housing Supply Report*  
*Changes to the Rent Stabilized Housing Stock in NYC in 2008*

NYS Division of Housing and Community Renewal (DHCR) testimony  
Assistant Commissioner, Office of Rent Administration  
Chief Economist, Office of Rent Administration

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM TENANTS AND TENANT GROUPS<sup>2</sup>

Comments from tenants and tenant groups included:

"This year, rent stabilized tenants deserve to have their rents frozen at the current levels as they struggle to get through these difficult economic times. The numbers are on our side: According to the "2009 Income and Expense Report" released by the RGB in April, "revenues have outpaced expenses to the extent that average monthly net operating income was worth 17.2% more in 2007 than it was in 1990, after adjusting for inflation." In 2007, the average net income per month for a landlord on a rent stabilized unit was over \$400. In a small building with 6 units, that's nearly \$30,000 in profit annually after operating expenses. Keep in mind that profit margin reflects a year when fuel costs hit an all time high. Fuel costs have since decreased 10%, meaning that profits on rent stabilized apartments are larger now than they were two years ago. Landlords are doing better than at any other time in recent history. I urge you to support a rent freeze."

"I just want you to know how badly the decision to increase rent stabilized buildings by 4.5% this year has hurt the people of this city myself included. I didn't get a pay increase this year (even if I had it certainly wouldn't have been 4.5%) and now I have to figure out a way to pay an extra \$63.00 per month starting in September. This large rent increase comes along with an increase in my health costs and my transit costs. The only thing that hasn't increased, like I said, is my pay. I realize that you thought raising the rents this high was fair due to costs in heating fuel but now those costs have gone down and yet I am still stuck paying a substantial increase."

"Landlords profits are rising while working class people are suffering job losses and pay cuts. Heating cost are down and landlords' profits rise higher and we know landlords are in the business of profit. That's fine but RGB needs to recognize after a high rent increase last year and costs down for landlords it is time to freeze rents for a period so the working class can recover. The city is strapped for cash and we, the middle/working class, will be paying more for everything, as I'm sure you've seen in the news. You must see the situation is dire for us and you can help... Freeze rents at the current level so that working and middle-class New Yorkers – the engines of our economy – can remain in the communities and homes."

"While tenants struggle to find and maintain affordable housing and at the same time pay for other necessities, landlords continue to realize increased profits as rent income is exceeding costs by a great amount. Low-income tenants in rent stabilized apartments have had to shoulder the greatest burden of declining affordability in the New York City rental market, while the rental burden on moderate-income tenants is worsening. The Rent Guidelines Board must finally live up to its responsibility by not allowing the situation facing low- and moderate-income tenants to worsen by unnecessarily raising rents for rent stabilized apartments."

"Most recently, in our neighborhoods, we have seen a new type of investment in rent stabilized and subsidized housing. Private equity firms are buying up rent stabilized buildings. They are promising their investors returns that are above what the present rent role can produce. They have classified people's homes as 'under-performing assets.' At begrudgingly agreed upon meetings with tenants, they have said that they will do what it takes to make a profit. Their prospectuses boast 20-30% per year turnover, substantially more than the normal turnover rate of 5-10% per year for rent stabilized units."

"New York City is already largely unaffordable for many public servants. Increasing rent on stabilized apartments will force even more out of their homes. Beyond the direct impact of increasing rent on those in stabilized apartments, I would ask you to consider the implications of a rent hike on the larger health and well-being of New York City. I, for one, wonder what this city will look and feel like, and how well it will function, if only those on the extreme ends of the financial spectrum remain."

<sup>2</sup> Sources: Submissions by tenant groups and testimony by tenants.

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM OWNERS AND OWNER GROUPS<sup>3</sup>

Comments from owners and owner groups included:

"The Rent Stabilization Law states in section 26-501, in its declaration of emergency related to rental housing that the purpose of this law is 'to prevent...unwarranted and abnormal increase in rents.' Each year, the RGB issues an allowable increase factor in pursuit of this purpose. But the law only speaks about preventing unwarranted and abnormal increase. Since the board makes an annual determination of costs increases (the PIOC), and since these determinations are based on actual economic data, independently provided, it is therefore necessarily the case that the PIOC is not unwarranted or abnormal. In fact it is just the opposite: it is both expected because it reflects actual financial events which have already occurred, and normal since it is a reflection of data independently provided which demonstrates broadly applicable economic conditions."

"Not since the last economic collapse in the 1970's and 80's have so many owners called the RSA in an act of desperation, at their wits end, seeking guidance or assistance which is simply unavailable. After years of inadequate guideline increases, owners simply can not make ends meet. Owners can't pay their water and sewer bills and are threatened with lien sales. Extraordinary increases in real estate taxes have far outstripped increase in building income. Owners enter the summer months owing thousands of dollars for the past winter's oil bills. And owners certainly don't have the reserves they need if the oil burner breaks down or some other major repair is required."

"Rents should reasonably cover the cost of operating a unit, plus allow for a margin of profit for the owner of a rental property. In the case of cooperatives and condominiums owning rent regulated units, growing shortfalls between rent collected and actual costs impose a hardship on all the other resident owners in the building. In 2009 taxes are increasing again and so are water rates. The City has introduced new mandates for energy efficiency, an admirable but expensive

set of requirements. These changes may make the shortfalls even more pronounced. I urge the Rent Guidelines Board to authorize rent increases attuned to the costs of operating property in New York City today."

"As a small building owner, I am burdened with massive increases on all fronts. The DEP brutally imposed a giant increase on water and sewer bills. NYC increased its property taxes. Insurance companies continue to raise premiums while demanding endless improvements. Oil prices are on the rise again. Workers compensation and health care continue to grow, driving up the cost of labor. And the cost of supplies is constantly increasing. Tenants need to understand that rents must increase so home-owners can provide affordable, quality housing...It is necessary to extend the supplement formula for rentals under \$1000 once more to help home-owners stay afloat under the endless barrage of increases facing us. At minimum, one-year lease renewals should be increased 7.5% with a \$65 supplement, and two-year lease terms should increase by 10% with a \$99 supplement."

"Low guidelines yield minimal increases on low rents—and low rents don't pay for the apartment's basic operating costs. Often, the occupants of low rent apartments aren't in need of the owner's subsidy. I know of many cases where tenants own second homes and earn more than the property owner, resulting in middle-class owners subsidizing rich tenants. In many more cases, middle-class tenants, who wouldn't qualify for any government program, are being subsidized by middle-class owners."

"This past year has seen double digit increases of water-sewer rates and real estate taxes. If the city is allowed to get such large increases why couldn't we, the owners, be allowed similar increases, after all it is us who support a significant portion of the city's budget while at the same time doing the city's job and subsidize the housing in the city. This past year I had two of my properties fall into foreclosure, and if not for the lower fuel cost I would have lost two more. If we are not going to get an increase that will allow us to operate I am afraid that we will see more buildings falling into foreclosure and the tenants of such buildings suffer needlessly."

<sup>3</sup> Sources: Submissions by owner groups and testimony by owners

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM PUBLIC OFFICIALS<sup>4</sup>

Comments from public officials included:

"There is ample evidence that tenants are finding it increasingly difficult to make ends meet while building owners' operating costs, and therefore their profits, have remained steady. To place a higher burden on tenants to the benefit of owners at this time would be completely unjustified and highly misguided. New York City, like the rest of the nation, is experiencing its worst economic crisis since the Great Depression. Unemployment in the City has reached record levels, many individuals have been downsized or had salary freezes, and the number of food stamp recipients is on the rise. Both low- and middle-income residents continue to pay a disproportionately large share of their income toward housing and struggle to absorb the rapidly increasing costs of utilities, transportation and other necessities."

"I'd like to now take a moment to directly address the proposed supplemental rent increase, or the "poor tax" as it's more aptly known. This is a terrible idea. There are some that came before this Board at its most recent hearing two days ago and argued that the poor tax – which was shamefully levied last year at the last possible moment and without any semblance of a reasonable time period for analysis and consideration by Board members – should be once again implemented this year in order to catch those two year lease holders who were mid-cycle in their leases last year. Setting aside the legal questions surrounding the Board's introduction of the poor tax last year, it is clear to me that this punitive tax must not be allowed to pass again this year."

"Year after year, the Rent Guidelines Board has determined in favor of landlords, granting them higher and higher rents on stabilized apartments. It seems that every year landlords are afforded increases to offset their rising costs, and every year, the ability of tenants to afford their homes and the robust and increasing profits of landlords are ignored. Tenants are facing serious hardships as our country endures the worst economic downturn since the Great Depression."

"At a time when my constituents are losing their jobs, income is falling, the cost of food is exorbitant, and the rest of the economy is struggling, the Rent Guidelines Board must stop acting to guarantee substantial profits to the wealthy housing industry. By increasing rents, you are violating your public trust and contributing significantly to the loss of affordable housing—the very commodity you are supposed to help stabilize."

"Like many New Yorkers, I am deeply troubled by the decreasing stock of affordable housing for low- and middle-income residents of our city. Over the past few years, the City has seen market rents skyrocket, particularly in Manhattan. Rent stabilized apartments are one of the few affordable housing options available to low- and middle-income New Yorkers. The rent increases on these apartments proposed by the RGB would be devastating to many New York City families, particularly in the midst of this economic crisis. Therefore, I am urging members of the Rent Guidelines Board to support a rent freeze for this year. Granted, this would be the first such vote by the RGB but the current reality calls for such a bold vote."

"Every week my office receives dozens of calls from tenants who are unable to find affordable housing, who cannot afford to live in the places they have called home for so long, and who are alarmed by the scarcity of affordable housing in this city. There is a clear connection between RGB increases and the loss of affordable housing, which is in turn playing havoc on the lives of our City's residents. And so, I join with tenants once again this year to urge the RGB to protect, not erode, the diminishing stock of affordable housing in New York City."

<sup>4</sup> Sources: Submissions by public officials.

#### **FINDINGS OF THE RENT GUIDELINES BOARD**

##### **RENT GUIDELINES BOARD RESEARCH**

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) *2009 Mortgage Survey Report*, March 2009, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);





Table 2(a)

2007 Operating Cost to Rent/Income Ratio Adjusted to 1992 Audit					
	O&M Costs <sup>6</sup>	Rent	O&M to Rent Ratio	Income	O&M to Income Ratio
All	\$678	\$974	0.696	\$1,088	0.623
Stabilized					
Stabilized Pre-47	\$652	\$924	0.706	\$1,039	0.628
Stabilized Post-46	\$738	\$1,088	0.678	\$1,200	0.614

Source: 2009 Income and Expense Study, from 2008 Real Property Income and Expense filings for 2007, NYC Department of Finance.

<sup>6</sup> Overall O&M expenses were adjusted according to the findings of an income and expenses audit conducted by the Department of Finance in 1992. The unadjusted O&M to Rent ratios would be 0.758 (All), 0.768 (Pre-47), and 0.738 (Post-46), respectively. The unadjusted O&M to Income ratios would be 0.679 (All), 0.684 (Pre-47), and 0.669 (Post-46).

On April 28, 2009 the staff of the Rent Guidelines Board released a memo to Board members with additional Income and Expense Study information. The text of that memo follows:

This memo is in response to two questions posed by board members regarding the 2009 Income and Expense Study released on April 21, 2009. The first question dealt with whether the RPIE uses a cash or accrual basis for calculating owner income. The Department of Finance, which collects the data, told us that the information is reported on a cash basis.

The second question was a request for median Net Operating Income data, which is provided below:

	Median Longitudinal Net Operating Income Changes (2006-07) by Building Size and Location			
	Post-46	Pre-47	Post-46	All Bids
<b>Citywide</b>	6.3%	8.9%	6.6%	10.5%
11-19 UNITS	-	7.7%	-	9.3%
20-99 UNITS	10.3%	10.1%	15.3%	13.1%
100+ UNITS	4.5%	12.5%	5.6%	8.7%
<b>Bronx</b>	6.0%	7.0%	2.2%	9.8%
11-19 UNITS	-	-4.4%	-	14.6%
20-99 UNITS	6.5%	8.7%	8.2%	8.9%
100+ UNITS	2.5%	-7.5%	-	11.1%
<b>Brooklyn</b>	7.0%	8.6%	6.2%	7.5%
11-19 UNITS	-	7.3%	-3.8%	5.3%
20-99 UNITS	9.8%	7.9%	9.3%	8.6%
100+ UNITS	4.4%	17.3%	2.9%	7.0%
<b>Manhattan</b>	6.2%	12.4%	10.4%	10.4%
11-19 UNITS	-	10.8%	9.9%	9.9%
20-99 UNITS	11.0%	12.1%	12.0%	12.0%
100+ UNITS	5.5%	15.0%	8.8%	8.8%
<b>Queens</b>	5.5%	7.3%	6.3%	6.3%
11-19 UNITS	-	8.8%	2.1%	2.1%
20-99 UNITS	12.2%	8.0%	9.9%	9.9%
100+ UNITS	-1.1%	-1.8%	-1.2%	-1.2%
<b>Staten Island</b>	20.0%	-	-	11.9%

**FORECASTS OF OPERATING AND MAINTENANCE PRICE INCREASES FOR 2009-10**

In order to decide upon the allowable rent increases for two-year leases, the RGB considers price changes for operating costs likely to occur over the next year. In making its forecasts the Board relies on expert assessments of likely price trends for the individual components, the history of changes in prices for the individual components and general economic trends. The Board's projections for 2009-10 are set forth in Table 3, which shows the Board's forecasts for price increases for the various categories of operating and maintenance costs.

Table 3

	Year-to-Year Percentage Changes in Components of the Price Index of Operating Costs:	
	Actual 2008-09 and Projected 2009-10	Projected Price Index 2009-10
Taxes	11.7%	15.2%
Labor Costs	2.9%	4.1%
Fuel Costs	-10.1%	-24.5%
Utility Costs	10.9%	0.8%
Contractor Services	2.8%	4.3%
Administrative Costs	4.1%	5.4%
Insurance Costs	-2.9%	6.1%
Parts & Supplies	2.6%	1.8%
Replacement Costs	6.1%	1.8%
<b>Total (Weighted)</b>	<b>4.0%</b>	<b>2.2%</b>

Source: 2009 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, which includes the 2010 PIOC Projection.

Overall, the PIOC is expected to grow by 2.2% from 2009 to 2010. Fuel, the most volatile PIOC component, is expected to decline 24.5%. Conversely, Taxes are projected to increase 15.2% due to an increase in billable assessments, levy share and the tax rate for Class Two properties. Insurance Costs and Utilities are projected to rise 6.1% and 0.8% respectively. Contractor Services are expected to rise 4.3%, Administrative Costs 5.4%, and Labor Costs are projected to increase by 4.1%. The table on this page shows predicted changes in PIOC components for 2010. The core PIOC is projected to rise 9.1%, a significantly higher rate than the overall PIOC.

**COMMENSURATE RENT ADJUSTMENT**

Throughout its history, the Rent Guidelines Board has used a formula, known as the commensurate rent adjustment, to help determine annual rent guidelines for rent stabilized apartments. In essence, the "commensurate" combines various data concerning operating costs, revenues, and inflation into a single measure indicating how much rents would have to change for net operating income (NOI) in stabilized buildings to remain constant. The different types of "commensurate" adjustments described below are primarily meant to provide a foundation for discussion concerning prospective guidelines.

In its simplest form, the commensurate rent adjustment is the amount of rent change needed to maintain landlords' current dollar NOI at a constant level. In other words, the formula provides a set of one- and two-year renewal rent increases or guidelines that will compensate owners for the change in prices measured by the PIOC and keep net operating income "whole."

The first commensurate method is called the "Net Revenue" approach. While this formula takes into consideration the types of leases actually signed by tenants, it does not adjust landlords' NOI for inflation. The "Net Revenue" formula is presented in two ways, first adjusting for the mix of lease terms and second, adding an assumption for stabilized apartment turnover and the impact of revenue from vacancy increases. Under the "Net Revenue" formula, a guideline that would preserve NOI in the face of this year's 4.0% increase in the PIOC is 3.5% for a one-year lease and 5.5% for a two-year lease. Guidelines using this formula and adding assumptions for the impact of vacancy increases on revenues when apartments experience turnover are 1.75% for one-year leases and 2.5% for two-year leases.

The second commensurate method considers the mix of lease terms while adjusting NOI upward to reflect general inflation, keeping both operating and maintenance (O&M) and NOI constant. This is commonly called the "CPI-Adjusted NOI" formula. A guideline that would preserve NOI in the face of the 3.5% increase in the Consumer Price Index and the 4.0% increase in the PIOC is 5.0% for a one-year lease and 8.0% for a two-year lease. Guidelines using this formula and adding the estimated impact of vacancy increases are 3.25% for one-year leases and 5.0% for two-year leases.<sup>7</sup>

The original formula that has been in use since the inception of the Rent Guidelines Board is called the "traditional" commensurate adjustment. The "traditional" commensurate yields 2.7% for a one-year lease and 3.5% for a two-year lease, given the increase in operating costs of 4.0% found in the 2009 PIOC and the projection of a 2.2% increase next year.<sup>8</sup>

As a means of compensating for cost changes, this "traditional" commensurate rent adjustment has two major flaws. First, although the formula is supposed to keep landlords' current dollar income constant, the formula does not consider the mix of one- and two-year lease renewals. Since only about three-fifths of leases are renewed in any given year, with a preponderance of leases having a two-year duration, the formula does not necessarily accurately estimate the amount of income needed to compensate landlords for O&M cost changes.

A second flaw of the "traditional" commensurate formula is

that it does not consider the erosion of landlords' income by inflation. By maintaining current dollar NOI at a constant level, adherence to the formula may cause profitability to decline over time. However, such degradation is not an inevitable consequence of using the "traditional" commensurate formula.<sup>9</sup>

All of these methods have their limitations. The "traditional" commensurate formula is artificial and does not consider the impact of lease terms or inflation on landlords' income. The "Net Revenue" formula does not attempt to adjust NOI based on changes in interest rates or deflation of landlord profits. The "CPI-Adjusted NOI" formula inflates the debt service portion of NOI, even though interest rates have been generally falling, rather than rising, over recent years. Including a consideration of the amount of income owners receive on vacancy assumes that turnover rates are constant across the City.

Finally, it is important to note that only the "traditional" commensurate formula uses the PIOC projection and that this projection is not used in conjunction with or as part of the "Net Revenue" and "CPI-Adjusted NOI" formulas. As stated previously, all three formulas attempt to compensate owners for the adjustment in their operating and maintenance costs measured each year in the PIOC. The "Net Revenue" and the "CPI-Adjusted NOI" formulas attempt to compensate owners for the adjustment in O&M costs by using only the known PIOC change in costs (4.0%). The traditional method differs from the other formulas in that it uses both the PIOC's actual change in costs as well as the projected change in costs (2.2%). If the change in projected costs, which may not be an accurate estimate of owner's costs, is added to the "Net Revenue" and "CPI-Adjusted NOI" formulas, the resulting guidelines will likely over- or under-compensate for the change in costs.

Each of these formulae may be best thought of as a starting point for deliberations. The other Rent Guidelines Board annual research reports (e.g. the Mortgage Survey Report and the Income and Expense Study) and testimony to the Board can be used to modify the various estimates depending on these other considerations.

**Consideration of Other Factors**

Before determining the guideline, the Board considered other factors affecting the rent stabilized housing stock and the economics of rental housing.

<sup>7</sup> The following assumptions were used in the computation of the commensurate: (1) the required change in landlord revenue is 67.9% of the 2009 PIOC increase of 4.0%, or 2.7%. The 67.9% figure is the most recent ratio of average operating costs to average income in stabilized buildings; (2) for the "CPI-Adjusted NOI" commensurate, the increase in revenue due to the impact of inflation on NOI is 32.1% times the latest 12-month increase in the CPI ending February 2009 (3.5%) or 1.1%; (3) these lease terms are only illustrative—other combinations of one- and two-year guidelines could produce the adjustment in revenue; (4) assumptions regarding lease renewals and turnover were derived from the 2008 Housing and Vacancy Survey; (5) for the commensurate formulae, including a vacancy assumption, the 11.13% median increase in vacancy leases found in the rent stabilized apartments that reported a vacancy lease in the 2008 apartment registration file from the Division of Housing and Community Renewal was used; and (6) the collectability of these commensurate adjustments are assumed.

<sup>8</sup> The collectability of legally authorized adjustments is assumed. Calculating the "traditional" commensurate rent adjustment requires an assumption about next year's PIOC. In this case, the 2.2% PIOC projection for 2010 is used.

<sup>9</sup> Whether profits will actually decline depends on the level of inflation, the composition of NOI (i.e. how much is debt service and how much is profit), and changes in tax law and interest rates.

**EFFECTIVE RATES OF INTEREST**

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2009 Mortgage Survey Report of lending institutions. Table 4 gives the reported rate and points for the past nine years as reported by the mortgage survey.

Table 4

	2009 Mortgage Survey								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Avg. Rates</b>	8.4%	7.4%	6.2%	5.8%	5.5%	6.3%	6.3%	5.9%	6.5%
<b>Avg. Points</b>	0.99	0.79	0.81	0.67	0.56	0.44	0.61	0.47	0.62
<b>Avg. Rates</b>	8.0%	7.4%	6.2%	5.7%	5.5%	6.3%	6.2%	5.8%	6.5%
<b>Avg. Points</b>	1.06	0.83	0.78	0.60	0.56	0.44	0.61	0.44	0.62

Source: 2001-2009 Annual Mortgage Surveys, RGB.

<sup>10</sup> Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

**On April 2, 2009 the staff of the Rent Guidelines Board released a memo to Board members with additional Mortgage Survey information. The text of that memo follows:**

This memo is in response to questions posed by board members at the March 26 meeting concerning the 2009 Mortgage Survey Report.

1. Ronald Languedoc asked about the total number of residential units contained in rent stabilized buildings sold. In 2007, there were 42,567 residential units in 1,474 buildings sold, while in 2008, there were 29,232 units in 1,021 buildings sold.
2. Risa Levine inquired about the breakdown of buildings sold in each half of 2008. Of the 1,021 buildings sold in 2008, 674 (65.9%), at a median price of \$2,262,500 were sold in the first six months, while 349 (34.1%), at a median price of \$1,522,535 were sold in the second half of 2008. The price decline from the first to the second half was 32.7%, and the sales volume decline was 48.2%.
3. Marvin Markus suggested contacting large lenders and asking if they could speak to the board at a future meeting. Andrew is in the process of contacting them.
4. Steven Schleider asked whether the 86% of lenders who reported that their lending standards were the same for rent stabilized buildings as for non-stabilized multifamily properties included the lenders making the largest number of loans. Of the four lenders making the largest share of new loans (81.6% of the total) and one additional lender making the largest number of refinanced loans:
  - a. Three reported the same lending standards for all four categories (New financing rates; refinancing rates; LTV Ratio and debt service)
  - b. One lender reported the same standards for new and refinancing rates; a higher standard for LTV ratio and a lower standard for debt service.
  - c. One lender reported higher standards for new and refinancing rates as well as debt service coverage, but a lower standard for LTV Ratio.

**CONDITION OF THE RENT STABILIZED HOUSING STOCK**

The Board reviewed the number of buildings owned by the City following *in rem* actions and the number of units that are moving out of the rental market due to cooperative and condominium conversion.

Table 5

	City-Owned Properties in Central Management Occupied and Vacant Building Counts, Fiscal Years 2001-2008									
	2001	2002	2003	2004	2005	2006	2007	2008		
Occupied Bldgs.	1,203	919	610	373	235	175	133	115		
Vacant Bldgs.	633	524	367	275	221	155	92	75		

Source: NYC Department of Housing Preservation and Development, Office of Property Management.

Table 6

	Number of Cooperative / Condominium Plans Accepted for Filing, 2000-2008										
	2000	2001	2002	2003	2004	2005	2006	2007	2008		
New Construction	87	145	136	190	268	361	644	573	454		
Conversion Non-Eviction	9	12	14	10	16	24	53	66	50		
Conversion Eviction	9	2	15	0	15	18	13	16	18		
Rehabilitation	15	13	20	18	18	6	0	8	4		
<b>Total</b>	<b>120</b>	<b>172</b>	<b>185</b>	<b>218</b>	<b>317</b>	<b>409</b>	<b>710</b>	<b>663</b>	<b>526</b>		
<b>Subtotal:</b>											
HPD Sponsored Plans	8	2	15	0	15	18	13	16	18		

Source: New York State Attorney General's Office, Real Estate Financing.

<sup>11</sup> The figures given above for eviction and non-eviction plans include those that are abandoned because an insufficient percentage of units were sold within the 15-month deadline. In addition, some of the eviction plans accepted for filing may have subsequently been amended or resubmitted as non-eviction plans and therefore may be reflected in both categories. HPD sponsored plans are a subset of the total plans.

**On June 12, 2009 the staff of the Rent Guidelines Board released a memo to Board members with additional Housing Supply Data information. The text of that memo follows:**

At the June 4 meeting, where the 2009 *Housing Supply Report and Changes to the Rent Stabilized Housing Stock in NYC in 2008* were presented, five questions were asked of RBG staff for which answers were not immediately available. Detailed answers are provided in this memo.

**Question 1: What is the breakdown of owner-occupied housing by borough?**

The table below breaks out, by borough, the number of "conventional" owner-occupied units, co-op units, and condo units found in the 2008 *Housing and Vacancy Survey*. The two right-most columns present the proportion of housing in each borough that is either "conventional" or co-op/condo.

Borough	Owner (Conventional)		Owner (Co-op)		Owner (Condo)		% of Housing	
	Count	%	Count	%	Count	%	Conventional	Co-op/Condo
Bronx	63,691	59.7%	35,737	40.3%	7,271	40.3%	59.7%	40.3%
Brooklyn	191,512	74.9%	49,937	25.1%	14,180	25.1%	74.9%	25.1%
Manhattan	5,157	2.8%	137,215	97.2%	40,452	97.2%	2.8%	97.2%
Queens	264,200	72.9%	83,155	27.1%	14,856	27.1%	72.9%	27.1%
Staten Island	101,018	90.2%	2,264	9.8%	8,719	9.8%	90.2%	9.8%
<b>Citywide</b>	<b>625,579</b>	<b>61.4%</b>	<b>308,308</b>	<b>38.6%</b>	<b>85,478</b>	<b>38.6%</b>	<b>61.4%</b>	<b>38.6%</b>

**Question 2: Can you explain in greater detail the changes to the 421-a program enacted last year and the**

**income limits that apply to the "affordable" component of the program?**

The most significant change to the 421-a program is an extension of the Geographic Exclusion area (previously approximately 14th to 96th Streets in Manhattan and Greenpoint/Williamsburg in Brooklyn) to include all of Manhattan (except Roosevelt Island), and multiple neighborhoods in every borough, including portions of Crotona Park in the Bronx, the entire Queens East River waterfront, most of northern Staten Island, and large portions of northern Brooklyn, including Downtown, Cobble Hill, and Park Slope. Any housing built in these neighborhoods that receive 421-a benefits must set aside 20% of units in these buildings for affordable housing.

The new legislation also reduces the length of the exemption period for many buildings. In addition, the legislation stipulates that affordable units within the GEA must be kept affordable for a minimum of 35 years, and residents of the Community Board where the development is located will be guaranteed 50% of the units. The minimum building size was also raised from three units to four units, and only the first \$65,000 of an apartment's value will now be exempt from taxes.

The income levels of apartments built with 421-a depends on whether the building receives "substantial government assistance" as well as the location of the building. Per requirements:

- If construction is carried out with substantial governmental assistance provided pursuant to a program for the development of affordable housing, at least 20% of the units in the multiple dwelling must meet one of the following requirements:
  - initial and subsequent rentals in multiple dwellings with 25 units or less must be affordable at or below 120% of Area Median Income (AMI) or;
  - initial and subsequent rentals in multiple dwellings with more than 25 units must be affordable at or below 120% of AMI and cannot exceed an average of 90% of AMI or;
  - homeownership units at initial sale must be affordable at or below 125% of AMI.
- If no substantial governmental assistance is utilized, at least 20% of the units in the multiple dwelling must at initial rental or sale and at all subsequent rentals upon vacancy be affordable at or below 60% of AMI.

As an example of the type of income the above requirements would dictate, the table below illustrates selected Area Median Incomes in 2008 by household size.

Family Size	30% of Median	60% of Median	100% of Median	125% of Median	150% of Median	250% of Median
1	\$16,150	\$32,300	\$53,800	\$67,250	\$80,700	\$134,500
2	\$18,450	\$36,900	\$61,400	\$76,750	\$92,100	\$153,500
3	\$20,750	\$41,500	\$69,100	\$86,400	\$103,650	\$172,750
4	\$23,050	\$46,100	\$76,800	\$96,000	\$115,200	\$192,000
5	\$24,900	\$49,800	\$82,900	\$103,650	\$124,350	\$207,250
6	\$26,750	\$53,500	\$89,100	\$111,400	\$133,650	\$222,750
7	\$28,600	\$57,200	\$95,200	\$119,000	\$142,800	\$238,000
8	\$30,450	\$60,900	\$101,400	\$126,750	\$152,100	\$253,500

Reported by the DHCR in their response to RGB question #5 on June 4, in 2008 the average rent stabilized rent in buildings due to 421-a tax abatement was \$2,654.92; the median rent was \$1,699.50.

For further information, "421-a Legislation Overview and FAQ," by the NYC Dept. of Housing Preservation and Development, is attached for further information.

**Question 3: Can you explain in greater detail the 420-c and 421-g programs?**

The section 420-c program, enacted in 1993, provides a 100 percent exemption from real property taxes for qualifying low-income housing located in New York City. Under legislation enacted in 2004, and applicable to exemption applications approved on or after September 28, 2004, the exemption will generally apply to property owned by an entity wholly controlled by a charitable or social welfare organization recognized as exempt under the U. S. Internal Revenue Code, where the property provides housing accommodations to persons and families of low income, participates in or has participated in the federal low-income



PIOC for the period from 4/1/08 through 3/31/09 (4.0%). Income includes the income estimate for 2008 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/08 through 3/31/09 (5.41% - i.e., the 10/1/07 to 9/30/08 rent projection (3.57) times (.583), plus the 10/1/08 to 9/30/09 rent projection (8.00) times (.417)).

21 Estimated expense figure includes 2009 expense estimate updated by the staff PIOC projection for the period from 4/1/09 through 3/31/10 (2.2%). Income includes the income estimate for 2009 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/09 through 3/31/10 (7.09% - i.e., the 10/1/08 to 9/30/09 rent projection (8.00) times (.583), plus the 10/1/09 to 9/30/10 rent projection (5.82) times (.417)).

**CHANGES IN HOUSING AFFORDABILITY**

For the first time in five years, New York City's economy did not generally improve as compared with the preceding year, with mixed economic indicators, including rising unemployment rates and stagnant Gross City Product, but rising employment levels and declining homeless levels. Citywide unemployment rates (on an annual basis) increased to 5.5% during 2008, after falling for the previous four years. And while the City's Gross City Product increased for the fifth consecutive year, the rate of growth annually fell to almost zero, and fell in the last three quarters of 2008. In addition, although cash assistance levels dropped, applications rose for the third consecutive year, increasing by more than 8%. The number of food stamp recipients is also on the rise, with rates increasing each month since March, as compared to the previous month. And for the third straight year, the number of evictions grew, by 1.3% despite less housing court filings.

However, there were indicators tracked in the I&A Study that showed a positive trend during 2008. Homeless levels were down on average in 2008, with the total number of individuals decreasing by 2.2%, and families by 3.5%. Real wages (which have a long lag time in reporting) increased significantly between 2006 and 2007, rising 6.3%. Preliminary findings from the 2008 Housing and Vacancy Survey show that in real terms, the income of rent stabilized tenants increased 1.4% between 2004 and 2007, after dropping 8.6% between 2001 and 2004. In addition, cash assistance cases fell for the fourth year in a row, dropping more than 5% between 2007 and 2008. Average employment levels also rose during 2008, by 1.2%. In addition, housing court filings fell for the third consecutive year, falling by more than 2%.

**On June 4, 2009 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2009 Income and Affordability Study. The text of that memo follows:**

Per discussions at the April 7, 2009 Income and Affordability Study presentation, Board members requested the most recently available Income and Affordability data before the final vote. Selected statistics are presented below.

**Unemployment Rates, New York City and the U.S., 2007-April 2009**

Month	New York City		United States	
	2007	2008	2007	2008
January	5.3%	5.3%	5.0%	5.4%
February	4.9%	4.5%	4.9%	5.2%
March	4.5%	4.6%	4.5%	5.2%
April	4.4%	4.4%	4.3%	4.8%
May	4.6%	4.8%	4.3%	5.2%
June	5.0%	5.1%	4.7%	5.7%
July	5.1%	5.7%	4.9%	6.0%
August	5.1%	6.0%	4.6%	6.1%
September	4.8%	5.9%	4.5%	6.0%
October	4.9%	6.3%	4.4%	6.1%
November	4.7%	6.6%	4.5%	6.5%
December	4.8%	7.2%	4.8%	7.1%
Annual Average	4.9%	5.5%	4.6%	5.8%

**Employment Levels, New York City, January-April 2008 and January-April 2009**

Industry	January-April 2008		January-April 2009		% Change
	2008	2009	2008	2009	
Manufacturing	96.8	129.2	83.5	116.6	-13.7%
Construction, Natural Resources & Mining	569.6	589.6	548.9	581.4	-9.8%
Trade, Transport & Utilities	300.8	300.8	295.3	295.3	-3.8%
Leisure & Hospitality	466.7	466.7	443.3	443.3	-1.8%
Financial Activities	165.6	165.6	164.4	164.4	-5.0%
Information	600.2	600.2	581.4	581.4	-0.7%
Professional & Business Svcs.	719.9	719.9	735.5	735.5	-3.1%
Educational & Health Svcs.	159.5	159.5	162.6	162.6	1.9%
Other Services	3,208.1	3,208.1	3,131.3	3,131.3	2.2%
Total Private Sector	561.4	561.4	559.3	559.3	-2.4%
Government	3,769.5	3,769.5	3,690.7	3,690.7	-0.4%
Total					-2.1%

**Gross City and National Products (in billions of real 2000 dollars), NYC and the U.S., 2007-2009**

Quarter	New York City		United States	
	GDP	% change from previous quarter	U.S. GDP	% change from previous quarter
1st Quarter (2007)	456.1	4.00%	11,357.8	0.1%
2nd Quarter (2007)	460.2	3.70%	11,491.4	4.8%
3rd Quarter (2007)	463.6	3.00%	11,625.7	4.8%
4th Quarter (2007)	465.9	2.00%	11,620.7	-0.2%
1st Quarter (2008)	467	1.00%	11,646.0	0.9%
2nd Quarter (2008)	466.7	-0.30%	11,727.4	2.8%
3rd Quarter (2008)	464.8	-1.60%	11,712.4	-0.5%
4th Quarter (2008)	457.4	-6.20%	11,522.1	-6.3%
1st Quarter (2009)*	452.6	-4.10%	11,353.7	-5.7%

\*Data for 1st Quarter 2009 is preliminary

**Consumer Price Index (Inflation), New York City Metro Area and the U.S., 2007-2009**

Month	New York Metro Area		United States	
	2007	2008	2007	2008
January	2.7%	3.7%	2.1%	4.3%
February	3.1%	3.6%	2.4%	4.0%
March	2.9%	3.8%	2.8%	4.0%
April	2.5%	3.6%	2.6%	3.9%
May	2.5%	4.0%	2.7%	4.2%
June	2.5%	4.5%	2.7%	5.0%
July	2.5%	5.1%	2.4%	5.6%
August	1.9%	5.4%	2.0%	5.4%
September	2.4%	5.2%	2.8%	4.9%
October	3.1%	4.3%	3.5%	3.7%
November	3.9%	2.2%	4.3%	1.1%
December	3.7%	1.6%	4.1%	0.1%
Annual Average	2.8%	3.9%	2.8%	3.8%

**Housing Court Data, New York City, 2007-2009**

Quarter	2007 Non-Payment Filings		2008 Non-Payment Filings		2009 Non-Payment Filings		% change 2008-2009
	2007	2008	2008	2009	2009	2008-2009	
1st Quarter	58,505	54,917	54,917	62,777	62,777	62,777	14.3%
2nd Quarter	54,647	52,765	52,765				
3rd Quarter	57,256	54,977	54,977				
4th Quarter	80,982	83,488	83,488				
Total	251,390	246,147	246,147				

Quarter	2007 Non-Payment Calendared		2008 Non-Payment Calendared		2009 Non-Payment Calendared		% change 2008-2009
	2007	2008	2008	2009	2009	2008-2009	
1st Quarter	27,538	27,114	27,114	31,572	31,572	31,572	16.4%
2nd Quarter	26,461	25,526	25,526				
3rd Quarter	26,522	25,735	25,735				
4th Quarter	41,272	42,045	42,045				
Total	121,793	120,420	120,420				

Cash Assistance Recipients, New York City, 2007-2009

Month	2007		2008		2009	
	Recipients	% change (from previous month*)	Recipients	% change (from previous month*)	Recipients	% change (from previous month*)
January	3,778,956	0.7%	3,476,811	0.6%	3,309,452	1.1%
February	3,696,001	2.2%	3,470,514	-0.2%	3,420,100	0.8%
March	3,688,893	-0.2%	3,443,384	-0.8%	3,433,844	0.4%
April	3,633,922	1.5%	3,467,400	0.8%	3,423,333	-0.3%
May	3,633,922	0.2%	3,440,944	-0.6%	3,430,944	0.4%
June	3,607,338	-0.9%	3,417,200	-0.9%	3,423,000	0.3%
July	3,590,228	-0.4%	3,398,888	-0.7%	3,388,888	-0.3%
August	3,574,433	-0.5%	3,364,333	-0.7%	3,364,333	0.0%
September	3,445,936	2.1%	3,434,299	0.0%	3,434,299	0.0%
October	3,555,100	1.6%	3,333,333	-1.7%	3,333,333	0.0%
November	3,428,446	-0.7%	3,333,333	-0.9%	3,333,333	0.0%
December	3,498,146	0.9%	3,414,444	1.9%	3,414,444	0.0%
Annual Average	3,607,880	N/A	3,411,667	N/A	3,411,667	N/A

\*Percent change from previous month refers to the percentage change from the immediately preceding month.  
Percent change from the previous year refers to the percentage change from the same month in the prior year.

Food Stamp Recipients, New York City, 2008-2009

Month	2008		2009	
	Recipients	% change (from previous month*)	Recipients	% change (from previous month*)
January	1,200,997	N/A	1,366,942	13.8%
February	1,194,594	-0.5%	1,390,204	1.7%
March	1,205,079	0.9%	1,415,907	1.8%
April	1,216,106	0.9%	1,444,403	2.0%
May	1,226,492	0.9%		
June	1,241,610	1.2%		
July	1,261,100	1.6%		
August	1,276,590	1.2%		
September	1,297,108	1.6%		
October	1,318,502	1.6%		
November	1,330,816	0.9%		
December	1,348,073	1.3%		
Annual Average	1,259,756	N/A		

\*Percent change from previous month refers to the percentage change from the immediately preceding month.  
Percent change from the previous year refers to the percentage change from the same month in the prior year.  
Due to a methodology change, data from January 2008 cannot be compared to prior years.

Average Daily Homeless Shelter Population, New York City, 2007-2008

Month	2007	2008
January	34,799	35,239
February	35,044	34,941
March	35,166	34,637
April	35,134	34,292
May	35,118	34,038
June	34,683	33,248
July	34,132	32,418
August	34,807	33,079
September	35,356	34,217
October	36,004	34,991
November	35,813	35,704
December	35,433	35,439
Annual Average	35,124	34,354

\*Percent change from the previous year refers to the percentage change from the same month in the prior year.  
As of the publication of this memo, homeless data has not been updated past December 2008.

BUILDINGS WITH DIFFERENT FUEL AND UTILITY ARRANGEMENTS

The Board was also informed of the circumstances of buildings with different fuel and utility arrangements including buildings that are master-metered for electricity and that are heated with gas versus oil (see Table 10). Under some of the Board's Orders in the past, separate adjustments have been established for buildings in certain of these categories where there were indications of drastically different changes in costs in comparison to the generally prevailing fuel and utility arrangements. This year the Board made no distinction between guidelines for buildings with different fuel and utility arrangements under Order 41.

Table 10

Index Type	2008-09	
	Price Index Change	One-Year Rent Adjustment Commensurate With O&M to Income Ratio of .679
All Dwelling Units	3.96%	2.69%
Pre 1947	3.42%	2.32%
Post 1946	3.88%	2.63%
Oil Used for Heating	2.04%	1.39%
Gas Used for Heating	6.95%	4.72%
Master Metered for Electricity	5.06%	3.44%

Note: The O&M to Income ratio is from the 2009 Income and Expense Study.  
Source: RGB's 2009 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

On June 4, 2009 the staff of the Rent Guidelines Board released a memo to Board members regarding an analysis of rent guideline adjustments. The text of this memo follows:

Analysis of Rent Guideline Adjustments:

Introduction

One of the tools that the Rent Guidelines Board has at its disposal is the Housing and Vacancy Survey (HVS). This survey, conducted every three years, asks households in New York City hundreds of questions, ranging from their rent and income levels, to the number and age of persons in the household. Staff details some of the most relevant statistics from this survey in their Income and Affordability and Housing Supply Reports, as well as in specific research

requests from Board members. For the purposes of setting annual rent guidelines, two of the most heavily utilized statistics from this survey are rent and income levels, and the resulting combination of the two – the rent-to-income ratio – is generally seen as a measure of affordability (which HUD guidelines define as paying no more than 30% of income towards rent and the SCRIE program defines as no more than 33.3% of income).

At the request of Chairman Markus, on June 19, 2008, staff released a memo detailing contract rents and contract rent-to-income ratios for rent stabilized households. At that time, the most recent Housing and Vacancy Survey was three years old and of limited value due to its age. In an attempt to estimate present-day conditions, staff made a series of assumptions about rent levels and incomes in 2008. Those assumptions were outlined in detail in last year's memo. Added to these assumptions, we attempted to project rent levels and rent-to-income ratios based on a variety of proposed rent increases under Order #40. These proposals included two different sets of rent increases combined with minimum guideline increases for tenants in occupancy at least six, eight, or ten years. The main aim of that memo was to determine if long-term tenants could afford a minimum increase.

As a follow-up to last year's memo on the impact of minimum rent increases, staff used recently published 2008 Housing and Vacancy Survey (HVS) data to analyze reported 2008 rent levels and rent-to-income ratios, as well as estimated rent levels and rent-to-income ratios in the following year given guideline increases authorized in Order #40. Unlike last year's memo which projected 2008 rents from the 2005 Housing and Vacancy Survey using a set of assumptions about rent and income increases, this memo relies more strictly on published HVS data and includes very few assumptions.

Among the major findings:

- The 2008 HVS median contract rent-to-income ratio for rent stabilized tenants not receiving SCRIE was 28.4%. With increases authorized under Order #40, we estimate that those signing a one-year lease would see their rent-to-income ratio rise to 29.7% and under a two-year lease to 31.0%.
- The 2008 HVS median contract rent-to-income ratio for rent stabilized tenants who were subject to minimum rent increases under Order #40 was 27.5%. With increases authorized under Order #40, we estimate that those signing a one-year lease would see their rent-to-income ratio rise to 29.0% and under a two-year lease to 30.8%.
- The 2008 HVS median contract rent for rent stabilized tenants not receiving SCRIE was \$930. With increases authorized under Order #40, we estimate that those signing a one-year lease would see their rent rise to \$975 and under a two-year lease to \$1,014.
- The 2008 HVS median contract rent for rent stabilized tenants who were subject to minimum rent increases under Order #40 was \$713. With increases authorized under Order #40, we estimate that those signing a one-year lease would see their rent rise to \$758 and under a two-year lease to \$798.
- In general, staff overestimated the amount that rent rose between 2005 and 2008, but also overestimated income increases, especially for those households that are eligible to receive the minimum increases. (See Summary below for more details)
  - The net result was an estimated rent-to-income ratio for all households that was just 0.1 percentage point higher than actual levels, but a median rent-to-income ratio underestimated by 1.5 percentage points for households eligible for the minimum increases.
  - For all rent stabilized households, rents were underestimated by 2.9% (\$28) and were underestimated by 5.4% (\$41) for households eligible for minimum increases.
- Approximately 695,000 renewal leases will be signed under Order #40.
- If minimum increases are passed in the upcoming guideline year, approximately 143,000 households will have been subject to minimum increases in two consecutive years by virtue of living in their apartment six years or more, having rents less than \$1,000, and having signed a one-year lease under both Orders #40 and #41.

The methodology used is outlined below. Also included is a summary of our findings and tables that contain the data used in our analysis.

Methodology

Baseline 2008 contract rent-to-income ratios are as reported in the 2008 HVS for rent stabilized tenants who do not receive SCRIE (as SCRIE tenants are exempt from rent increases). Rent-to-income ratios are reported in two ways – first for all rent stabilized tenants who do not receive SCRIE, and then for just those tenants who would be eligible for minimum rent increases (i.e. tenants in place six years or more whose rents are less than \$1,000). To estimate 2009 rent-to-income ratios, estimated 2009 rent levels (as described in the following paragraph) were divided by estimated monthly income levels. As income reported in the 2008 HVS is for calendar year 2007, to calculate 2008 income levels staff needed to estimate the level of income increases between 2007 and 2008. Wage data, as reported by the NYS Dept. of Labor, is only available through the first three quarters of 2008, during which period wages remained flat, rising only 0.1% as compared to the first three quarters of 2007. However, Social Security income during 2008 increased by 5.8%. According to the 2008 HVS, 132,140 rent stabilized households (who do not receive SCRIE) have Social Security income. For these households, the Social Security portion of their income was increased by 5.8% to estimate 2008 income, while for all other households income was left unchanged from 2007. Note that for those households who elect to take a two-year lease, their rent will not rise in 2010, so barring any downward changes in income levels between 2008 and 2010, rent-to-income ratios in 2010 will be lower than those reported here.

Baseline 2008 rent levels are as reported in the 2008 HVS for rent stabilized tenants who do not receive SCRIE. As with rent-to-income ratios, rents are presented both for all rent stabilized tenants and then only for those eligible for

minimum increases. Guideline increases for one- and two-year leases were added to reported 2008 rents to estimate 2009 rent levels. Tenants were given either a rent increase of 4.5% or \$45 on one-year leases, and 8.5% or \$85 on two-year leases.

Staten Island is not a part of the borough analysis of this memo because of the small sample size of the rent stabilized population there. However, Staten Island households are included in the citywide numbers. Also note that this analysis excludes those households who claimed to be receiving SCRIE as they would presumably not be impacted by any increase in rent. Per the 2008 HVS, 23,831 households receive SCRIE. Per City budget data, 45,500 households receive SCRIE, an underestimation in the HVS of 48%.

**Summary**

**Contract Rent-to-Income Ratios**

Section 1 focuses on contract rent-to-income ratios. Page 4 details reported 2008 HVS contract rent-to-income ratios, as well as estimated 2009 contract rent-to-income ratios (see Methodology section). Also included, for reference purposes only, are the 2008 estimates for each of these categories that the RGB made last year. As can be seen in the first of these tables, for all rent stabilized tenants not receiving SCRIE, the 2008 median contract rent-to-income ratio, Citywide, is 28.3%, and is estimated to rise to 29.7% for those tenants signing a one-year lease under Order #40, and 31.0% for those signing a two-year lease. The second table on Page 4 details rent-to-income ratios for just those tenants who are eligible for minimum rent increases of either \$45 or \$85 under the current order. Citywide, their median rent-to-income ratio is 27.5% and is projected to rise to 29.0% for those signing one-year leases and 30.8% for those signing two-year leases.

These tables also include estimates made last year about 2008 rent-to-income ratios. Citywide, the RGB estimated last year that the median contract rent-to-income ratio in 2008 would be 28.4%, but it was actually 28.3%. As can be seen in the borough breakdowns, the RGB overestimated the ratios in all but the Bronx, where the RGB underestimated by almost two percentage points. Contract rent-to-income ratios include two components - rents and incomes. As can be seen in the tables on Page 5, the RGB overestimated the amount of rent increase between 2005 and 2008, which should have lowered rent-to-income ratios. However, we also overestimated the amount of income increase between 2005 and 2008. While the RGB predicted that median income levels would go up 13.9%, they actually went up 11.0%. Average income was predicted to rise 14.5% and actually rose 13.0%. The combination of the overestimation of both rents and income resulted in an estimate of the 2008 contract rent-to-income ratio that was virtually identical to the actual ratio. However, in the second table on Page 4, we see that the estimates of the contract rent-to-income ratio for those tenants subject to the minimums (those in place for six years and more and paying less than \$1,000 in rent) were underestimated by 1.5 percentage points Citywide, and were only overestimated in Manhattan. As the second table on Page 5 illustrates, while rents were overestimated for this group by \$41 a month, median incomes for this group, which were projected to rise 15.0%, actually only rose 3.7% (average income levels actually rose more than estimated, by 15.2%, as opposed to a projected 14.2%).

**Contract Rents**

Section 2 focuses on contract rents. Page 5 details 2008 contract rents for all rent stabilized tenants not receiving SCRIE, as well as estimated 2009 rents (see Methodology section above). Also included, for reference purposes only, are the 2008 estimates for each of these categories that the RGB made last year. As seen in the first of these tables, the median contract rent was \$930 in 2008, and is projected to rise to \$975 for those signing a one-year lease and \$1,014 for those signing a two-year lease under Order #40. The second table details contract rents for just those tenants who are eligible for minimum rent increases of either \$45 or \$85. Citywide, their median contract rent in 2008 was \$713, and is projected to rise to \$758 for those signing a one-year lease and \$798 for those signing a two-year lease.

These tables also include estimates made last year about 2008 contract rents. In all cases the RGB overestimated rent increases between 2005 and 2008. For all rent stabilized tenants not receiving SCRIE, rents were projected to be \$958 in 2008 and were actually \$930. Estimates were less precise for those tenants eligible to receive minimum rent increases. The median contract rent for this group was projected to be \$754 in 2008 and was actually \$713.

**Miscellaneous Notes**

It is important to note that not everyone signs a lease every year, and 2009 estimates presented in this memo include tenants who are not going to receive a rent increase in 2009 because they are entering the second year of a two-year lease signed in 2008. Approximately 70.2% of tenants sign a lease in any given year, with approximately 40.5% of tenants signing a one-year lease, 29.8% signing a two-year lease, and 29.8% not signing a lease at all. Based on these percentages, approximately 695,000 renewal leases will be signed under Order #40. Of these, approximately 400,000 will be one-year leases, and 150,000 of these one-year leases will be subject to the minimum increases passed in Order #40. For the upcoming guideline year, were minimum increases to be passed again, 143,000 households would be subject to minimum increases in two consecutive years (7,000 households who received minimum increases under Order #40 will now have rents that exceed \$1,000 for the first time).

Those who are not signing leases under Order #40 were not affected by guidelines passed last year, although they are included in this memo as though they had. Likewise, those signing a two-year renewal under Order #40 will not see a rent increase until October 1, 2010 at the earliest, so it can be assumed that barring income decreases, their rent-to-income ratios for most of 2010 will be lower than that presented here. For practical purposes, this memo must analyze the data as if every tenant signed a lease under Order #40, and all either signed a one-year lease or all signed a two-year lease. To get a better representation of the amount of households affected, discount the figures in the tables by approximately 29.8% (the approximate number of households who do not sign a lease in a given year) and then assume that the true figures lie somewhere in between the one- and two-year figures provided.

**Section 1: Median Contract Rent-to-Income Ratios, Tenants Not Receiving SCRIE**

Contract rent-to-income ratios are presented using 2008 data and then adjusted for 2009 based on actual guideline increases approved for leases beginning October 2008-September 2009. 2007 incomes (as reported in the HVS) are adjusted upwards only for those receiving Social Security (see Methodology on Page 2). We look first at rent-to-income ratios for all rent stabilized households not receiving SCRIE and then at only those households who will be subject to minimum increases (i.e. only those households with a

tenancy of six years or more and paying a minimum of \$45 for a one-year lease or \$85 for a two year lease).

Median Contract Rent-to-Income Ratios for **All Tenants Not Receiving SCRIE**, with minimum rent increases for tenants in place six years or more (whose rents are less than \$1,000) and either 4.5%/8.5% for all other tenants.

Borough	Number of Households (# valid and missing*)		present (2008) median contract rent-to-income ratios	2008 Estimated Contract Rent-to-Income Ratio by RGB Staff in June 19, 2008 memo (for comparison purposes only)	One-Year Lease median contract rent-to-income ratio after minimum increase of \$45 (or guideline increases of 4.5%)	Two-Year Lease median contract rent-to-income ratio after minimum increase of \$85 (or guideline increases of 8.5%)
	Valid	Missing*				
Bronx	192,171	22,292	32.9%	31.0%	34.4%	36.2%
Brooklyn	256,429	14,537	28.3%	29.4%	29.8%	31.0%
Manhattan	266,242	29,369	24.9%	25.7%	26.3%	27.4%
Queens	189,411	10,333	28.7%	29.3%	30.1%	31.4%
Citywide	911,394	77,746	28.3%	28.4%	29.7%	31.0%
	Valid	Missing*				
	989,140	989,140				

\* Missing refers to households whose contract rent-to-income ratio could not be calculated.

Median Contract Rent-to-Income Ratios for **Tenants with a Tenancy of Six Years or More Who Will be Eligible to Receive Minimum Increases of \$45 on a One-Year Lease or \$85 on a Two-Year Lease, Not Receiving SCRIE**

Borough	Number of Households (# valid and missing*)		present (2008) median contract rent-to-income ratios	2008 Estimated Contract Rent-to-Income Ratio by RGB Staff in June 19, 2008 memo (for comparison purposes only)	One-Year Lease median contract rent-to-income ratio after minimum increase of \$45 (or guideline increases of 4.5%)	Two-Year Lease median contract rent-to-income ratio after minimum increase of \$85 (or guideline increases of 8.5%)
	Valid	Missing*				
Bronx	84,327	7,761	30.7%	28.5%	33.0%	35.0%
Brooklyn	105,061	5,499	27.7%	27.0%	29.0%	30.6%
Manhattan	110,560	95,824	22.6%	23.3%	24.2%	26.5%
Queens	60,383	6,037	28.4%	26.9%	29.7%	31.2%
Citywide	347,481	24,740	27.5%	26.0%	29.0%	30.8%
	Valid	Missing*				
	372,221	372,221				

\* Missing refers to households whose contract rent-to-income ratio could not be calculated.

**Section 2: Median Contract Rent Levels, Tenants Not Receiving SCRIE**

Contract rents are presented using 2008 data and then adjusted for 2009 based on actual guideline increases approved for leases beginning October 2008-September 2009. We look first at rents for all rent stabilized households not receiving SCRIE and then at only those households who will be subject to minimum increases (i.e. only those households with a tenancy of six years or more and paying a minimum of \$45 for a one-year lease or \$85 for a two year lease).

Median Contract Rents for **All Tenants Not Receiving SCRIE**, with minimum rent increases for tenants in place six years or more (whose rents are less than \$1,000) and either 4.5%/8.5% for all other tenants.

Borough	Number of Households (# valid and missing*)		present (2008) median rent	2008 Estimated Rent by RGB Staff in June 19, 2008 memo (for comparison purposes only)	One-Year Lease median contract rent after minimum increase of \$45 (or guideline increases of 4.5%)	Two-Year Lease median contract rent after minimum increase of \$85 (or guideline increases of 8.5%)
	Valid	Missing*				
Bronx	210,473	3,991	\$840	\$845	\$884	\$922
Brooklyn	214,464	269,580	\$900	\$922	\$945	\$985
Manhattan	289,121	6,490	\$1,036	\$1,104	\$1,083	\$1,124
Queens	295,611	198,611	\$1,000	\$1,014	\$1,045	\$1,085
Citywide	975,969	13,171	\$930	\$958	\$975	\$1,014
	Valid	Missing*				
	989,140	989,140				

\* Missing refers to households whose contract rents could not be calculated.

Median Contract Rents for **Tenants with a Tenancy of Six Years or More Who Will be Eligible to Receive Minimum Increases of \$45 on a One-Year Lease or \$85 on a Two-Year Lease, Not Receiving SCRIE**

Borough	Number of Households (# valid and missing*)		present (2008) median rent	2008 Estimated Rent by RGB Staff in June 19, 2008 memo (for comparison purposes only)	One-Year Lease median contract rent after minimum increase of \$45 (or guideline increases of 4.5%)	Two-Year Lease median contract rent after minimum increase of \$85 (or guideline increases of 8.5%)
	Valid	Missing*				
Bronx	92,088	0	\$719	\$744	\$764	\$804
Brooklyn	92,088	110,560	\$718	\$761	\$763	\$803
Manhattan	110,560	103,861	\$660	\$690	\$705	\$745
Queens	63,406	0	\$799	\$811	\$844	\$884
Citywide	372,221	0	\$713	\$754	\$758	\$798
	Valid	Missing*				
	372,221	372,221				

\*Missing refers to households whose contract rents could not be calculated.

**On June 17, 2009 the staff of the Rent Guidelines Board released a memo to Board members with information concerning tax arrears data for Class 2 properties. The text of that memo follows:**

At the June 4 meeting, staff was instructed to request current tax arrears data from the Department of Finance. Attached is fiscal year (July-June) data for Class 2 properties





Council.  
 Chapter 203 of the Laws of 1977.  
 Chapter 933 of the Laws of 1977 (Open Meetings Law).  
 Local Laws of the City of New York for the year 1979, No. 25.  
 Chapter 234 of the Laws of 1980.  
 Chapter 383 of the Laws of 1981.  
 Local Laws of the City of New York for the Year 1982, No. 18.  
 Chapter 403 of the Laws of 1983.  
 Chapter 248 of the Laws of 1985.  
 Chapter 45 of the New York City Charter.  
 Chapter 65 of the Laws of 1987.  
 Chapter 144 of the Laws of 1989.  
 Chapter 167 of the Laws of 1991.  
 Chapter 253 of the Laws of 1993.  
 Rent Regulation Reform Act of 1997  
 Chapter 82 of the Laws of 2003.  
 Written submissions by tenants, tenant organizations, owners, and owner organizations.  
 RGB Staff, 2009 *Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City*.  
 RGB Staff, 2009 *Mortgage Survey Report*.  
 RGB Staff, 2009 *Income and Expense Study*.  
 RGB Staff, 2009 *Income and Affordability Study*.  
 RGB Staff, 2009 *Housing Supply Report*.  
 RGB Staff, *Changes to the Rent Stabilized Housing Stock in NYC in 2008*.  
 U.S. Bureau of the Census, *New York City Housing and Vacancy Surveys, 1970-2008*.

## NEW YORK CITY RENT GUIDELINES BOARD

### 2009 Hotel Order #39

June 23, 2009

**Order Number 39 - Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.** Rent levels to be effective for leases commencing **October 1, 2009** through **September 30, 2010**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2009**.

#### APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2009**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2009** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

#### RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **adopts** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2009** shall be:

- |   |    |
|---|----|
| 1) Residential Class A (apartment) hotels -                           | 0% |
| 2) Lodging houses -   | 0% |
| 3) Rooming houses (Class B buildings containing less than 30 units) - | 0% |
| 4) Class B hotels -   | 0% |
| 5) Single Room Occupancy buildings (MDL section 248 SRO's) -          | 0% |

#### NEW TENANCIES

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the levels over rentals charged on **September 30, 2009** permitted under the applicable rent adjustment provided above.

#### ADDITIONAL CHARGES

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

#### STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

Dated: **June 23, 2009**

Marvin Markus  
 Chair  
 New York City Rent Guidelines Board

EXPLANATORY STATEMENT - HOTEL ORDER #39  
 Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2009-10 Lease Increase Allowances for Hotels Under the Jurisdiction of the Rent Stabilization Law

Explanatory Statement and Findings of the Rent Guidelines Board Concerning Increase Allowances for Hotel Units Under the Jurisdiction of the Rent Stabilization Law, Pursuant to Hotel Order Number 39, Effective October 1, 2009 through and including September 30, 2010.<sup>24</sup>

Pursuant to the authority vested in it by the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974, implemented by Resolution Number 276 of 1974 of the New York City Council, and extended Chapter 82 of the Laws of 2003, it is the responsibility of the Rent Guidelines Board to establish guidelines for hotel increases. Hotel Order Number 39, adopted on June 23, 2009, applies to stabilized hotel units occupied by non-transient tenants.

Hotel Order Number 39 provides for an allowable increase of 0% over the lawful rent actually charged and paid on September 30, 2009 for rooming houses, lodging houses, Class B hotels, single room occupancy buildings, and Class A residential hotels. The Order does not limit rental levels for commercial space, non-rent stabilized residential units, or transient units in hotel stabilized buildings during the guideline period. The Order also provides that for any dwelling unit in a hotel stabilized building which is voluntarily vacated by the tenant thereof, the level of rent increase governing a new tenancy shall be the same as the guideline for rent increases set forth above.

<sup>24</sup>This Explanatory Statement explains the actions taken by the Board on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all viewpoints expressed.

#### SPECIAL NOTE

In the past the Board has adopted rent increases to the rent stabilized hotel universe. In recent years, when increases were granted, the Board adopted provisos that were designed to deny owners from taking these increases under certain conditions. Since the Board voted a 0% increase for all classifications of rent stabilized hotels, this proviso is not included in Hotel Order 39. In event that increases are considered for subsequent Hotel Orders, at such time the current members of the Rent Guidelines Board urge future Boards to adopt and reinstate this proviso. This proviso and explanatory language are as follows:

Rooming house, lodging house, Class B hotel, single room occupancy building, and Class A residential hotel owners shall not be entitled to any of the above rent adjustments, and shall receive a **0% percent adjustment** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

The following outlines the Rent Guidelines Board's intent of the above proviso:

*The Board's intention for the meaning of this proviso is that ALL dwelling units in the hotel, whether occupied, vacant, rented to tourists, transients, contract clients, students or other non-permanent tenants, or to permanent rent stabilized tenants, be counted in the denominator of the calculation. The only type of units in the hotel that may be excluded from the denominator are units that are used as stores or for similar business purposes such as doctor's offices. The numerator of the calculation is the number of units occupied by permanent rent stabilized or rent controlled tenants.*

*Here are two examples. One: a hotel has 100 units and 2 stores. 32 units are rented to permanent rent stabilized tenants, 10 are vacant and 58 are rented to transients and tourists. The calculation is as follows, the denominator is 100 and the numerator is 32. This calculation results in an occupancy percentage of LESS than 85% under the formula (32%) and an increase CANNOT be taken for the permanent stabilized tenants.*

*Two: a hotel has 150 units, 2 of which are used by a dentist and a doctor for their businesses, 8 are rented to tourists, 5 are vacant and 135 are occupied by permanent rent stabilized tenants. The denominator would be 148 and the numerator would be 135. This calculation results in an occupancy percentage of GREATER than 85% under the formula (91%) and an increase CAN be taken for the permanent stabilized tenants.*

#### DEFINITIONS

For the purpose of determining the appropriate classification of a hotel stabilized unit, the Board has set its definitions as follows:

- Residential hotels are "apartment hotels" which are designated as Class A multiple dwellings on the Certificate of Occupancy.
- Rooming houses are Class B multiple dwellings having fewer than thirty sleeping rooms as defined in Section 4(13) of the multiple dwelling law.
- A single room occupancy building is a Class A multiple dwelling which is either used in whole or in part for single room occupancy or as a furnished room house, pursuant to Section 248 of the multiple dwelling law.
- A Class B hotel is a hotel, which carries a Class B Certificate of Occupancy and contains units subject to rent stabilization.
- Lodging houses are those buildings designated as lodging houses on the Certificate of Occupancy.

#### BACKGROUND

Public meetings of the Board were held on March 24, April 7, 21 and 30, and June 4, 2009 following public notices. On May 5, the Board adopted proposed rent guidelines for hotels, apartments, and lofts.

Two public hearings were held on June 15 and June 17, 2009 to hear comments on the proposed rent adjustments for rent stabilized hotels and apartments. The hearings were held from 4:00 P.M. to 8:30 P.M. on June 15 and from 10:00 A.M. to 8:30 P.M. on June 17. The Board heard testimony from approximately 18 hotel tenants and tenant representatives, no hotel owners, one public official and two representatives of public officials. In addition, the Board's office received approximately seven written statements from owners and owner groups, tenants and tenant groups, and public officials. On June 23, 2009, the guidelines set forth in Hotel Order Number 39 were adopted.

Selected Oral and Written Testimony from Tenants and Tenant Groups:

- "SROs play a critical role in homeless prevention. They provide affordable housing to those who would otherwise be homeless. You have the power to vote for a 0% increase for those suffering most from the crisis, for those who are one step away from homelessness."
- "These owners continue to reap profits from this housing stock by deriving the bulk of their income from transient guests - **they do not rely on permanent tenants for their financial profit or survival**. SRO owners continue to make new and very lucrative use of their properties while housing an ever-shrinking number of permanent tenants."
- We respectfully request that the Board decline to approve a rent increase for 2009-2010. SRO tenants quite simply cannot afford an increase. SRO owners, for their part, cannot establish any justification for a rent hike."
- "New York's SRO landlords continue to fully exploit the unique characteristics of their properties to realize reasonable profits from their buildings. Except in rare cases, SRO owners do not derive their incomes from the regulated rents they collect from permanent tenants. SRO landlords cover their costs, and make their profits, by lawfully, and unlawfully, renting out their rooms to transients, tourists, and institutional lessees at rates that significantly exceed stabilized rents."
- "Illegal hotels - this practice continues not only in nearly ever S.R.O. and Class A Residential Hotel but has now extended to 280 buildings city-wide and is reaping major profits unreported by landlords."
- "SRO's and Class A Hotels - approximately 10,000 or less tenants remain in this category, they suffer duress and live with deplorable conditions. Such a disgrace. The Proviso should remain intact or a definite no increase in rent."

Selected Oral and Written Testimony from Owners and Owner Groups:

- "SROs in New York City provide a unique service to a segment of the population who needs these services whether it be temporarily or long-term. We must assist them....We cannot afford to have this part of the industry disappear...whether through attrition or other means."
  - "While it is helpful to the association members, we would like to ask that you consider lowering the "90%" (sic) clause required by last year's order. Even a small decrease would give them a chance to take the increase you may afford them."
  - "IN ORDER TO ALLOW THESE BUILDINGS TO CONTINUE TO REACH PARITY WITH OTHER RENTALS, WE ASK YOU CONSIDER GIVING US A 3% INCREASE ACROSS THE BOARD."
- Selected Oral and Written Testimony from Public Officials:
- "In Manhattan alone, over 200 buildings are currently operating as illegal hotels. The Boards must surely realize that these practices have illegally converted as many as 10,000 rent-stabilized units into hotel rooms for tourists and corporate interests that charge hundreds of dollars per night."
  - "...The Board's responsibility in this matter is to take into full account the impact on our affordable housing stock of a loss of 10,000 units, and it must also account for the fact that these illegal conversions are being performed by landlords who also benefit from the Board's belief in their economic hardship."

— “Any SRO rent increase is unsupportable. As anyone who has witnessed the conditions of most SRO housing knows, it is housing of last resort. For a person with a low income, even a small increase could mean the difference between being on the street or being in a one’s own room. The Board should not approve any SRO rent increase, in order to protect vulnerable housing for those who need it most, and who can least afford to pay more.”

— “Landlords are stealing needed units from the housing market by renting them out as illegal hotel rooms. They are able to make more money than they could be renting them as rent-regulated apartments, and their tenants suffer from having a building loaded with strangers coming in and out at all hours of the day and night. Yet the landlords are rewarded with rent increases.”

— “...Impose a freeze on rents for all rent regulated apartments as well as for lofts, hotels, rooming houses, single room occupancy (SRO) buildings and lodging houses. Given all the facts, the only acceptable outcome of this Board’s vote is no rent increases.”

**MATERIAL CONSIDERED BY THE BOARD**

In addition to oral and written testimony presented at its public hearing, the Board’s decision is based upon material gathered from the 2009 Price Index of Operating Costs for Hotel Stabilized Units in New York City, prepared by the staff of the Rent Guidelines Board, reports and testimony submitted by owner and tenant groups relating to the hotel sector, and reports submitted by public agencies. The Board heard and received written testimony from invited guest speakers on April 30, 2009. Guest speakers representing hotel tenants included Susanna Blankley from the Goddard-Riverside Community Center’s West Side SRO Law Project, Jonathan Burke from the East Side SRO Law Project of MFY Legal Services, and Larry Wood from the Goddard Riverside Community Center. There were no guest speakers representing hotel landlords at this meeting but Helen Maurizio, Executive Director of the Associated Hotels and Motels of Greater New York, submitted written testimony.

**FINDINGS OF THE RENT GUIDELINES BOARD**

**RENT GUIDELINES BOARD RESEARCH**

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) 2009 Mortgage Survey Report, March 2009, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) 2009 Income and Affordability Study, April 2009, (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
- (3) 2009 Price Index of Operating Costs for Rent Stabilized Hotels in New York City, April 2009, (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized hotels);
- (4) 2009 Housing Supply Report, June 2009, (Includes information on the conversion of Hotels to luxury apartments and transient use, new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (5) Changes to the Rent Stabilized Housing Stock in NYC in 2008, June 2009, (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The five reports listed above may be found in their entirety on the RGB’s website, www.housingnyc.com, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

**PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED HOTEL UNITS**

The Hotel Price Index includes separate indices for each of three categories of rent stabilized hotels (due to their dissimilar operating cost profiles) and a general index for all stabilized Hotels. The three categories of hotels are: 1) “traditional” hotels — a multiple dwelling which has amenities such as front desk, maid or linen service; 2) Rooming Houses — a multiple dwelling other than a hotel with thirty or fewer sleeping rooms; and 3) single room occupancy hotels (SROs) — a multiple dwelling in which one or two persons occupy a single room residing separately and independently of other occupants.

The Price Index for all stabilized Hotels increased 3.5% this year, less than half of the 7.4% increase witnessed the year before. The Price Index for Hotels was just 0.5 percentage points lower overall than the increase in costs measured in the Apartment Price Index. Significant disparities between the Hotel Index and the Apartment Index were seen in the Utilities and Tax components. The increase in Utilities for all types of Hotels was 2.0% versus 10.9% in apartment buildings. This difference was due to a double digit increase in water and sewer costs having more weight in the Apartment Index, and declining electricity costs having more weight in the Hotel Index. In addition, Taxes increased 14.1%

for Hotels versus the 11.7% increase for apartments. These disparities resulted in a Hotel Index that was lower than that for apartments.

Prices and costs in all other components in the Hotel Index had similar changes in rates to the same components in the Apartment Index.

Among the different categories of Hotels, the index for “traditional” hotels increased 5.2%, which was significantly higher than increases for both Rooming Houses (1.2%) and SROs (1.6%). The differences between these indices are primarily due to the increased weight placed on the Tax component for “traditional” hotels. Furthermore, there were disparities among the three hotel types in Fuel and Utilities, with Rooming Houses showing a decrease in the cost for both of these components.

Percent Change in the Components of the Price Index of Operating Costs  
April 2008 to April 2009, By Hotel Type and All Hotels

Spec #	Item Description	Hotel	RH	SRO	All Hotels
101	TAXES, FEES, & PERMITS	1.1481	1.1147	1.1492	1.1414
205-206, 208-216	LABOR COSTS	1.0328	1.0203	1.0263	1.0301
301-303	FUEL	0.9124	0.9379	0.8716	0.9080
401-407, 409-410	UTILITIES	1.0305	0.9346	1.0483	1.0199
501-509, 511-516, 518	CONTRACTOR SERVICES	1.0353	1.0316	1.0233	1.0321
601-608	ADMINISTRATIVE COSTS	1.0395	1.0391	1.0386	1.0393
701	INSURANCE COSTS	0.9710	0.9710	0.9710	0.9710
801-816	PARTS AND SUPPLIES	1.0145	1.0269	1.0292	1.0196
901-904, 907-911	REPLACEMENT COSTS	1.0374	1.0452	1.0465	1.0403
	<b>ALL ITEMS</b>	<b>1.0520</b>	<b>1.0123</b>	<b>1.0161</b>	<b>1.0351</b>

SOURCE: 2009 PRICE INDEX OF OPERATING COSTS

**CHANGES IN HOUSING AFFORDABILITY**

For the first time in five years, New York City’s economy did not generally improve as compared with the preceding year, with mixed economic indicators, including rising unemployment rates and stagnant Gross City Product, but rising employment levels and declining homeless levels. Citywide unemployment rates (on an annual basis) increased to 5.5% during 2008, after falling for the previous four years. And while the City’s Gross City Product increased for the fifth consecutive year, the rate of growth annually fell to almost zero, and fell in the last three quarters of 2008. In addition, although cash assistance levels dropped, applications rose for the third consecutive year, increasing by more than 8%. The number of food stamp recipients is also on the rise, with rates increasing each month since March, as compared to the previous month. And for the third straight year, the number of evictions grew, by 1.3% despite less housing court filings.

However, there were indicators tracked in the I&A Study that showed a positive trend during 2008. Homeless levels were down on average in 2008, with the total number of individuals decreasing by 2.2%, and families by 3.5%. Real wages (which have a long lag time in reporting) increased significantly between 2006 and 2007, rising 6.3%. Preliminary findings from the 2008 Housing and Vacancy Survey show that in real terms, the income of rent stabilized tenants increased 1.4% between 2004 and 2007, after dropping 8.6% between 2001 and 2004. In addition, cash assistance cases fell for the fourth year in a row, dropping more than 5% between 2007 and 2008. Average employment levels also rose during 2008, by 1.2%. In addition, housing court filings fell for the third consecutive year, falling by more than 2%.

But while on an annual basis, there were many positive indicators in 2008, some of these took a negative turn as the year progressed. For instance, homeless levels declined at a slower pace during the fourth quarter of 2008 (but nevertheless declined), and employment levels dropped during the same time period. And real wages during the second quarter of 2008 (the latest available figures), declined by 3.9%.

**CONSUMER PRICE INDEX**

The Board reviewed the Consumer Price Index. Table that follows shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2001.

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2001-2009 (For "All Urban Consumers")									
	2001	2002	2003	2004	2005	2006	2007	2008	2009
1st Quarter Avg. <sup>25</sup>	2.8%	2.3%	3.2%	2.8%	4.1%	3.4%	2.9%	3.7%	1.3%
Yearly Avg.	2.5%	2.6%	3.1%	3.5%	3.9%	3.8%	2.8%	3.8%	-

Source: U.S. Bureau of Labor Statistics.

<sup>25</sup> 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

**EFFECTIVE RATES OF INTEREST**

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff’s 2009 Mortgage Survey Report of lending institutions. The table below gives the reported rate and points for the past nine years as reported by the mortgage survey.

2009 Mortgage Survey Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans 2000-2009										
New Financing of Permanent Mortgage Loans, Interest Rate and Points										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Avg. Rates	8.7%	8.4%	7.4%	6.2%	5.8%	5.5%	6.3%	6.3%	5.8%	6.5%
Avg. Points	0.99	0.99	0.79	0.81	0.67	0.56	0.44	0.61	0.47	0.62
Refinancing of Permanent Mortgage Loans, Interest Rate and Points										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Avg. Rates	8.6%	8.0%	7.4%	6.2%	5.7%	5.5%	6.3%	6.2%	5.8%	6.5%
Avg. Points	1.01	1.06	0.83	0.78	0.60	0.56	0.44	0.61	0.44	0.62

Source: 2000-2009 Annual Mortgage Surveys, RGB.

**HOTEL CONVERSION**

Conversion of single room occupancy (SRO) buildings also continued over the past year. SRO owners may convert SRO housing to other uses after obtaining a "Certificate of No Harassment" from HPD. Certificates are down for the fourth consecutive year, falling to 127 in 2008, down from 182 in 2007 and more than 200 in each year from 2004-2006.

**OTHER RELEVANT INFORMATION**

On June 4, 2009, staff released a memo to the Board analyzing hotel data contained in the NYS Division of Housing and Community Renewal's 2008 apartment and building registration databases. Below is the memo in its entirety.

This memo is an update to a staff memo released June 4, 2007, which analyzed hotel registration data filed with DHCR in 2005. Staff members recently analyzed the 2008 DHCR registration database for data related to hotels, SROs, or rooming houses (hereafter referred to only as "hotels"). In 2008, 472 buildings that were self-identified as hotels registered units with the DHCR. These 472 buildings contained a total of 22,827 units, of which 17,758 are registered with DHCR as rent stabilized, and 10,577 are non-exempt rent stabilized units.<sup>27</sup>

Building owners/managers were asked to identify which of their units were temporarily or permanently exempt from rent stabilization laws. In 2008, 371 units were reported as being permanently exempt (1.6% of the total number of hotel units), while 5,300 units were reported as temporarily exempt (23.2% of the total number of hotel units). Units in hotels are most commonly reported as being temporarily exempt because of "Hotel/SRO (Transient)," as was the reason given for 3,754 (70.8%) units. Less common was "Not Prime Residence" (542 units, or 10.2%) and "Owner Occupancy/Employee" (242 units, or 4.6%). For permanently exempt units, 259 (69.8%) were reported as being deregulated due to High Rent/Vacancy Decontrol, while just a few were reported as being deregulated due to substantial rehabilitation or other reasons. In general, units that are temporarily exempt are either rented at what the market will bear, for as little as one night, or rented to government agencies or universities as temporary housing. In addition, 1,510 units were registered with DHCR as "Vacant."

Each building registered with DHCR was also analyzed by the ratio of exempt units to total units. Of the 472 buildings registered in 2008, the average percentage of units in each building that are exempt is 28.6%. The median is 38.0%.

The most recent proviso stipulates that at least 85% of a hotel must be used for permanent residences in order for guideline increases to be taken. In 2008, 5,140 rent stabilized units, housing permanent tenants, were reported to be in buildings that are at least 85% rent stabilized. Of these units, located in 144 buildings, the median reported legal rent (the most a tenant is allowed to be legally charged) was \$977 and the average was \$1,158. Actual rents on these apartments (the amount actually being charged a tenant, which may be lower than legally allowed, or the legal rent, if actual rent paid was not specified in the registration data) were reported as \$705 (median) and \$723 (average).

<sup>26</sup> Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

<sup>27</sup> All data in this memo, except for the total number of units in each building (derived from Dept of Finance and HPD data) is based on owner-reported information as reported to DHCR in their 2008 registration database.

Number of Units & Median Rent Paid, Median Building Size in Hotel Buildings with 85% or more rent stabilized units, All Hotel Types, 2008

	# of Stabilized Units	# of Stabilized Buildings	Median # of Units per Bldg	Median Stabilized Rent Paid
Bronx	214	16	25	\$612
Brooklyn	1,930	70	11	\$800
Manhattan	2,595	37	42	\$555
Queens	382	20	7	\$924
Staten Island	19	1	16	\$900
<b>Total</b>	<b>5,140</b>	<b>144</b>	<b>14.5</b>	<b>\$705</b>

Source: 2008 DHCR Building and Apartment Registration filings, Dept. of Finance and HPD

Finally, hotels can be analyzed by their reported size. The following table presents the number of buildings in each of nine size categories.

Number of Registered Hotels by Building Size, All Hotel Types, 2008

# of Total Units in Building	# of Buildings	Percentage	Cumulative %
1-5	55	11.65%	11.65%
6-10	138	29.24%	40.89%
11-15	52	11.02%	51.91%
16-20	35	7.42%	59.32%
21-30	24	5.08%	64.41%
31-50	67	14.19%	78.60%
51-100	39	8.26%	86.86%
101-200	31	6.57%	93.43%
More than 200	26	5.51%	98.94%
Unknown	5	1.06%	100.00%
<b>Total</b>	<b>472</b>	<b>100.00%</b>	<b>100.00%</b>

Source: 2008 DHCR Building and Apartment Registration filings

**VOTE**

The vote of the Rent Guidelines Board on the adopted motion pertaining to the provisions of Order Number 39 was as follows:

	Yes	No	Abstentions
Guidelines for Hotels	6	3	-

Dated: June 24, 2009

Filed with the City Clerk: June 29, 2009

Marvin Markus, Chair  
Rent Guidelines Board

**BIBLIOGRAPHY**

- The City of New York Rent Stabilization Law of 1969 Section 26 - 501 et. seq.
- Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act).
- Resolution Number 276 of 1974 of the New York City Council.
- Chapter 203 of the Laws of 1977.
- Chapter 933 of the Laws of 1977 (Open Meetings Law).
- Local Laws of the City of New York for the year 1979, No. 25.
- Chapter 234 of the Laws of 1980.
- Chapter 383 of the Laws of 1981.
- Local Laws of the City of New York for the Year 1982, No. 18.
- Chapter 403 of the Laws of 1983.
- Chapter 248 of the Laws of 1985.
- Chapter 45 of the New York City Charter.
- Chapter 65 of the Laws of 1987.
- Chapter 144 of the Laws of 1989.
- Chapter 167 of the Laws of 1991.
- Chapter 253 of the Laws of 1993.
- Rent Regulation Reform Act of 1997.
- Chapter 82 of the Laws of 2003.

RGB Staff, 2009 Price Index of Operating Costs for Rent Stabilized Hotels in New York City.

RGB Staff, 2009 Income and Affordability Study.

RGB Staff, 2009 Mortgage Survey Report.

RGB Staff, 2009 Housing Supply Report.

RGB Staff, Changes to the Rent Stabilized Housing Stock in NYC in 2008.

Written submissions by tenants, tenant organizations, owners, and owner organizations.

July 16

**SPECIAL MATERIALS**

**COMPTROLLER**

**NOTICE**

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 8/04/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1, 1A, 2 AND 3	4226	75,P/O 40 AND P/O 55
1,1A, 2 AND 3	4226	75,P/O 40 AND P/O 55

FIXTURE AND CONSEQUENTIAL DAMAGE

Acquired in the proceeding, entitled: PASC 2 AND PART OF MARCONI STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

July 15-a4

**HOUSING PRESERVATION & DEVELOPMENT**

**NOTICE**

**OFFICE OF PRESERVATION SERVICES  
CERTIFICATION OF NO HARASSMENT UNIT**

**REQUEST FOR COMMENT ON APPLICATION FOR  
CERTIFICATION OF NO HARASSMENT PURSUANT  
TO LOCAL LAW 19 OF 1983**

DATE OF NOTICE: July 9, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
109-16 Rockaway Beach Boulevard, Queens	53/09	June 19, 2006 to Present
690 Lexington Avenue, Manhattan	54/09	June 22, 2006 to Present
a/k/a 130 East 57th Street, 136 West 118th Street, Manhattan	56/09	June 24, 2004 to Present
3058 Brighton 3rd Street, Brooklyn	55/09	June 23, 2006 to Present
66 Putnam Avenue, Brooklyn	57/09	June 26, 2006 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-8272

July 9-16

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: PUBLIC SERVICE CORPS FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: HUMAN RIGHTS COMMISSION FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: DEPT OF YOUTH & COMM DEV SRVS FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: MANHATTAN COMMUNITY BOARD #4 FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: COMMUNITY COLLEGE (BRONX) FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: COMMUNITY COLLEGE (QUEENSBORO) FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: COMMUNITY COLLEGE (KINGSBORO) FOR PERIOD ENDING 06/26/09.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF\_DATE. Section: COMMUNITY COLLEGE (MANHATTAN) FOR PERIOD ENDING 06/26/09.

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• jy16

LATE NOTICE

BOARD OF STANDARDS AND APPEALS

PUBLIC HEARINGS

JULY 28, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 28, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

441-31-BZ APPLICANT - Ian Peter Barnes, IPB Associates, for Gurdev Singh Kang, owner. SUBJECT - Application April 24, 2009 - Extension of Term/waiver for a Gasoline Service Station with accessory convenience store in a C2-2/R5 zoning district which expired on April 26, 2007. PREMISES AFFECTED - 7702 Flatlands Avenue, southeast corner of Flatlands Avenue and East 77th Street, Block 8014, Lot 1, Borough of Brooklyn. COMMUNITY BOARD #18BK

128-04-BZ APPLICANT - Marvin B. Mitzner, Esq., for Park East Day School, Incorporated, owner. SUBJECT - Application June 24, 2009 - Extension of Time to Complete Construction and to obtain a Certificate of Occupancy/waiver to a previously granted Variance for the enlargement of an existing school, in an R8B zoning district, which expired on December 14, 2008. PREMISES AFFECTED - 162-168 East 68th Street, south side of East 68th Street, 100' west of Third Avenue, Block 1402, Lots 41 & 42, Borough of Manhattan. COMMUNITY BOARD #8M

197-05-BZ APPLICANT - Marvin Mitzner, Esq., for B&E 813 Broadway Realty, owner. SUBJECT - Application April 17, 2009 - Reopening for an amendment to the resolution for full commercial coverage on the ground floor and commercial FAR of 0.82. Zoning District C6-1. PREMISES AFFECTED - 813/815 Broadway, west side of Broadway, 42' south of East 12th Street, Block 563, Lots 33 & 34, Borough of Manhattan. COMMUNITY BOARD #2M

271-81-BZ APPLICANT - Mitchell S. Ross, Esq., for Pamela Equities Corporation, owners; New York Health and Racquet Club, lessees. SUBJECT - Application June 4, 2009 - Extension of Term (73-11) to reopen waive the rules and amend special permit for a term of ten years for physical culture establishment. PREMISES AFFECTED - 110/112 West 56th Street, Block 1008, Lot 7501, Borough of Manhattan. COMMUNITY BOARD #5M

APPEALS CALENDAR

83-08-A APPLICANT - NYC Department of Buildings, for H. Patel, P.M. - Purvi Enterprises, LLC, owner. SUBJECT - Application April 9, 2008 - An appeal seeking to revoke Certificate of Occupancy No. 301279319 issued on January 17, 2007 as it was issued in error due to failure to comply with ZR Section 62-711 requiring waterfront certification and the failure to comply with ZR Section 12-10(d) in the formation of the zoning lot R5 SP Sheepshead Bay District. PREMISES AFFECTED - 3218 Emmons Avenue, Emmons Avenue between Bringham Street, and Bragg Street, Block 8815, Lot 590, Borough of Brooklyn. COMMUNITY BOARD #15BK

55-09-A APPLICANT - Gary D. Lenhart, for The Breezy Point Cooperative, Inc., owner; Mary Kay Rail and William Kahaly, lessees. SUBJECT - Application April 9, 2009 - Proposed reconstruction and enlargement of an existing single family dwelling partially in the bed of a mapped street is contrary to Article 3, Section 35 of the General City Law and the proposed upgrade of an existing no conforming private disposal system in the bed of the service road contrary to Department of Buildings policy. R4 Zoning District.

PREMISES AFFECTED - 1 Kildare Walk, southeast corner of Kildare Walk and Oceanside Avenue, Block 16350, Lot p/o 400, Borough of Queens. COMMUNITY BOARD #14Q

JULY 28, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 28, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

53-09-BZ APPLICANT - Harold Weinberg, P.E., for David Salamon, owner. SUBJECT - Application April 6, 2009 - Variance (§72-21) for the construction of a three-family home on a vacant undersized lot. This application seeks to vary floor area (23-141); front yard (23-45) side yard (23-461) and parking (25-161) in an R5 zoning district. PREMISES AFFECTED - 540 Schenck Avenue, southwest corner of Dumont Avenue, between Schenck Avenue and Hendrix Street, Block 4075, Lot 118, Borough of Brooklyn. COMMUNITY BOARD #5BK

161-09-BZ APPLICANT - Rizzo Group, for 25 Garfield Sparta, LLC, owner. SUBJECT - Application April 23, 2009 - Variance (§72-21) for the development of two residential buildings (20 dwelling units) contrary to bulk regulations (ZR 23-533, 23-145, 23-711, 23-861). R6B District. PREMISES AFFECTED - 580 Carroll Street (25 Garfield Place) Carroll Street/Garfield Place, between Fourth and Fifth Avenue, Block 951, Lot 13, Borough of Brooklyn. COMMUNITY BOARD #6BK

176-09-BZ APPLICANT - Bryan Cave LLP/Margery Purlmutter, for City of New York, owner. SUBJECT - Application May 25, 2009 - Special Permit pursuant to 73-64 to waive height and setback regulations (ZR 33-432) for a community facility building (Fashion Institute of Technology). C6-2 District. PREMISES AFFECTED - 220-236 West 28th Street, south side of West 28th Street, between Seventh and Eighth Avenues, Block 777, Lots 1, 18, 37, Borough of Manhattan. COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director

• jy16-17