WHEREAS Section 197-c of the Charter of the City of New York ("the City Charter") states

> *a. Except as otherwise provided in this charter, applications by any person or agency for changes, approvals, contracts, consents, permits or authorization thereof, respecting the use, development or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure in the following categories:*
> *…*
> *(10) Sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city, including the sale or lease of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law;*

making the Uniform Land Use Review Process (ULURP) required for the lease or other disposition of the real property of the city; and

WHEREAS Manhattan Community Board 9 ("MCB9") was alerted to activities at the Upper Manhattan Mental Health Center at 1727 Amsterdam Avenue on the northeast corner of Amsterdam Avenue and W 145th Street (Manhattan Block 2060, Lot 1, aka "1727 Amsterdam Ave') in late August 2022 and reached out to the City and New York City Health and Hospitals Corporation ("HHC") to inquire as to what was happening; and

WHEREAS the immediate response of HHC Assistant Vice President for Government and Community Affairs Maidel De La Cruz to MCB9's inquiries was, "Um, uh, I don't think you're supposed to know about that yet," beginning what has turned into a very long story of deceit, obfuscation, and delinquent conduct by HHC with regard to 1727 Amsterdam Avenue; and

WHEREAS 1727 Amsterdam Avenue currently has approximately 59,200 square feet of space for medical and mental health programs, primarily occupied by the Emma L. Bowen Community Service Center's ("Emma Bowen") mental health and supportive services offerings for individuals and children with moderate-to-severe mental illness and by Heritage Health and Housing, Inc. ("Heritage") a federally-qualified health center (FQHC) providing thousands of primarily Black and Latino traditionally underserved residents critical primary care and specialty healthcare services and dental services, regardless of insurance status or ability to pay; and

WHEREAS both Emma Bowen and Heritage provide critical services desperately need in West Harlem and all of Upper Manhattan, areas that need additional access to both healthcare and mental health treatment; and

WHEREAS 1727 Amsterdam Avenue is real property owned by the City of New York, with the City of New York being "[since June 2, 1969] the sole owner of the property," as HHC Deputy Counsel Jeremy Berman stated in a duly-sworn affidavit submitted to the Supreme Court of the State of New York, County of New York on January 24, 2024, as part of the City and HHC's filings in their case to evict Heritage Health and Housing from 1727 Amsterdam Avenue "The City of New York and New York Health and Hospitals Corporation vs. Heritage Health and Housing, inc. *et al*," a case which, if the City and HHC won, would decimate the West Harlem and Upper Manhattan communities that rely on Heritage's primary care and other services for low-income or indigent New Yorkers by eliminating those services; and

WHEREAS the City and HHC are proposing to lease the property to homeless services provider the Bowery Residents Committee (“BRC”), a disposition of City property via lease which under Section 197-c of the City Charter must go through ULURP; and

WHEREAS the New York State Court of Appeals, New York’s highest court, ruled in its March 30, 1998 decision in “Council of the City of New York vs. Giuliani” (“Council vs. Giuliani (1997)”, attached) that “the statutory language, amply buttressed by the legislative history, supports the result reached by both the trial court and the Appellate Division: the proposed transaction [leasing of HHC property to a third-party] is not authorized by the statute,” affirming the lower courts’ rulings that HHC cannot operate outside of its statutory mandate to provide healthcare services by leasing any properties [in Council vs. Giuliani (1997), Coney Island Hospital)] it manages to outside entities; and

WHEREAS in a subsequent case “Council of the City of New York vs. Giuliani” (“Council vs. Giuliani (1999)”, attached), Supreme Court Justice David Goldstein ruled on October 28, 1999 that, in the light of the Court of Appeal’s decision in Council vs. Giuliani (1997), in the case of HHC’s attempts to transfer or redevelop the Neponsit Health Care Center, “the use of the property is subject to ULURP;” and

WHEREAS the aforementioned facts and cases, as well as numerous other documents and communications over many years have established for Manhattan Community Board 9 that any leasing or other disposition of the City-owned property at 1727 Amsterdam Avenue would have to be approved through the Uniform Land Use Review Process as mandated by the City Charter, a conclusion that MCB9 has repeatedly shared with the City and HHC since discovering the secretive redevelopment plans in September 2022; and

WHEREAS Manhattan Community Board 9 would warn HHC, the City, and other Community Boards and communities across New York City that other attempts by HHC to dispose of and redevelop City-owned property like at Woodhull Hospital are also likely being illegally pursued without going through the required ULURP; and

WHEREAS HHC and its representatives have repeatedly lied to MCB9 by claiming that HHC “already owns” 1727 Amsterdam Avenue, despite submitting sworn affidavits that is in fact owned by the City of New York; and

WHEREAS after lying repeatedly to MCB9 and the public about HHC’s ownership of the site, HHC has attempted to make the facts match its lies by having the body responsible for City-owned real estate, the New York City Department of Citywide Administrative Services (DCAS), submit Application number G 250066 HHY (H+H Operating Agreement) on or about February 13, 2025 as City Council item LU 0238-2025 (attached) to transfer 9 City-owned properties, including 1727 Amsterdam Avenue, to HHC by amending HHC’s Operating Agreement with the City, the first amendment of said agreement in 55 years; and

WHEREAS Manhattan Community Board 9 received no notice of this proposed transfer of City-owned property to HHC; and

WHEREAS MCB9 has not yet seen the full text of Application number G 250066 HHY (H+H Operating Agreement) and does not believe said text is publicly-available, which MCB9 believes makes it impossible for the public to give informed public testimony on this item; and

WHEREAS Manhattan Community Board 9 was shocked to witness HHC Assistant Vice President for Government and Community Affairs Maidel De La Cruz ***lie under oath*** to the New York City Council Subcommittee on Landmarks, Public Sitings, and Dispositions during a February 26, 2025 public hearing on LU 0238-2025 (an item to transfer amend the operating agreement between HHC and the City by adding 9 City-owned properties to HHC's operations, including 1727 Amsterdam Ave), when after swearing "to tell the truth, the whole truth, and nothing but the truth in [her] testimony before [the] subcommittee and in answer to all Councilmember questions," not 10 minutes earlier, she responded to Councilmember Christopher Marte's question "Just to confirm that none of the… this is just procedural? None of the services are going to change or be eliminated from any of these facilities?" Ms. De La Cruz brazenly lied and answered, "Yes, that is correct. This would not change the operations, um, everything will remain as-is except a very technical cleanup and paperwork," despite knowing that HHC filed paperwork to evict and is continuing to attempt to evict Heritage Health and Housing, eliminating the healthcare services from 1727 Amsterdam Avenue; and

WHEREAS while lying under oath, Ms. De La Cruz was flanked on either side by HHC Deputy Counsel Jeremy Berman and Assistant Vice President for Real Estate and Housing Leora Jontef, both of whom also knew her statement to be a lie, but who nonetheless did not clarify or correct her lie to the Councilmember and the Subcommittee; and

WHEREAS Manhattan Community Board 9 cannot put any faith in any statements made by HHC to MCB9 or the public about the proposed project at 1727 Amsterdam Avenue, having observed that HHC is apparently quite comfortable lying under oath and would thus likely also be comfortable lying while not under oath; and

WHEREAS Manhattan Community Board 9 has worked diligently in good faith for two and a half years since September 2022 to urge Health and Hospitals Corporation to observe the law and City Charter by putting the proposed disposition of City property at 1727 Amsterdam Avenue through the Uniform Land Use Review Process; and

WHEREAS the Uniform Land Use Review Process exists for a reason, ensuring that environmental review, public input, Community Board input, City Planning input, and City Council input are all collected in a structured and timely way, ensuring sound planning and public review *while giving the applicant a clear timeline for development approval or disapproval;* and

WHEREAS, had HHC and the City heeded MCB9's warnings and instructions to go through ULURP, the ULURP would likely have been completed by this point in March 2025, instead of being hopeless mired in legal battles and delays due to HHC's attempts to shirk the legally-required ULURP; and

WHEREAS had HHC and the City heeded MCB9's calls to go through ULURP, they could likely have upzoned the lot from zoning designation R7A to R8A, allowing for double the amount of healthcare facility space, additional ground floor retail space, *and 50% more housing than is proposed in their current redevelopment proposal with BRC*, bringing more critically-needed affordable housing to West Harlem; and

WHEREAS, having been met at every term by lies, obfuscation, and misrepresentation from HHC, Manhattan Community Board 9 can no longer in good conscience allow HHC and the City to ignore both the law and input from the public; and

WHEREAS in a resolution passed unanimously by the 43 members in attendance at its June 15th, 2023 General Board meeting ("MCB9 Reso re 1727 Amsterdam Avenue", attached), MCB9 observed that "while MCB9 is not a law firm or law enforcement agency, MCB9 believes that violating the New York City Charter Section 197-c exposes the City, HHC, and BRC to lawsuits or other legal action," and still believes that legal exposure exists; and

WHEREAS in the same June 15, 2023 Reso re: 1727 Amsterdam Avenue, MCB9 "...RESOLVED that MCB9 expresses its most severe disquietude with regards to the legal risk to which HPD, HHC, and BRC are exposing the City by illegally circumventing the ULURP and thus inviting Article 78 proceedings or other legal challenges to the HHC and BRC project," a disquietude that has only grown into full shock and outrage; and

WHEREAS Manhattan Community Board 9 refuses to allow the New York City Health and Hospitals Corporation and the City of New York to continue to flout the City Charter and cannot allow them to proceed in their delinquency without attempting more strongly to ensure the project has its environmental impacts examined and receives input from the public through the required Uniform Land Use Review Process;

THEREFORE BE IT RESOLVED that Manhattan Community Board 9:

AUTHORIZES its Chair Victor Edwards, and any successor or interim or acting Chair, to initiate litigation or other legal action on behalf of Manhattan Community Board 9 against the City of New York, the New York City Health and Hospitals Corporation, the Bowery Residents Committee, and/or any other related parties or any other parties involved in the illegal disposition of City-owned property at 1727 Amsterdam Avenue ("the delinquent parties"), or to have Manhattan Community Board 9 join any existing or new litigation or legal action with Heritage Health and Housing, Inc. or any other aggrieved parties or potential co-plaintiffs against the delinquent parties, in so far as the litigation seeks to stop the aforementioned illegal

disposition of City-owned property at 1727 Amsterdam and the resulting disruption or termination of any healthcare or mental health services currently offered at 1727 Amsterdam Avenue; and

AUTHORIZES its Chair Victor Edwards, and any successor or interim or acting Chair, to take any and all actions necessary to effectuate or support any litigation or legal action initiated or joined by Manhattan Community Board 9; and

REAFFIRMS its Resolution re: 1727 Amsterdam Avenue of Jun 15, 2023 calling on the delinquent parties to "abort this unnecessary and illegal redevelopment plan… and support the plan put forth by the West Harlem community to generate **50% more housing** [emphasis in original] at 1727 Amsterdam Avenue while expanding the mental health services at that site;" and

CONDEMNS the continued efforts of the delinquent parties to circumvent the law to which they have acknowledged in court affidavits in the case of "City of New York and New York City Health and Hospitals Corporation vs. Heritage Health and Housing, Inc. *et al*" (Index No. 451964/2023) that they know they are required to adhere, including an affidavit by HHC Deputy Counsel Jeremy Berman in which Mr. Berman claims that Heritage could not have a lease at 1727 Amsterdam Avenue because "Section 384 of the New York City Charter mandates that when the City proposes to lease City-owned real property, it must get prior mayoral authorization after a public hearing on notice; and, further, that any such lease comply with the Uniform Land Use Review Procedure (ULURP)," demonstrating his grasp of this important component of our City Charter, despite his claim to not understand that any such compliance with ULURP ***would also apply to the City's current attempts to lease the property to Bowery Residents Committee***; and

STRONGLY CONDEMNS Ms. Maidel De La Cruz for lying under oath in her sworn testimony to the Subcommittee on Landmarks, Public Sitings, and Dispositions, urging the Health and Hospitals Corporation Inspector General to investigate the matter and enforce appropriate sanctions for Ms. De La Cruz and her colleagues who knew her testimony to be false but failed to correct the record; and

URGES the New York State Legislature to amend the New York City Health and Hospitals Corporation Act 1016/69 ("the HHC Act") to make it explicitly clear that any property owned by the City of New York cannot be disposed of by HHC without going through ULURP, as HHC was not created with the legislative intent of being a shell corporation to allow the City to evade the required environmental and public review of such City-owneed property, but was instead created as both the Court of Appeals and Legislature agreed, "HHC was created to fulfill a critical public mission — the provision of comprehensive, quality health care services to the poor and uninsured residents of the City" as stated in the Court of Appeals' decision in Council vs. Giuliani (1997); and

CALLS UPON Councilmember Shaun Abreu to publicly announce that he will not cast any vote in support of the proposed project at 1727 Amsterdam Avenue on any item before the City Council, including LU 0238-25, until the project has completed the legally-required Uniform Land Use Review Process required by the City Charter; and

EXPRESSES ITS SEVERE DISAPPOINTMENT with Manhattan Borough President Mark Levine's tacit endorsement of this violation of the City Charter and evasion of any review by the public, Manhattan Community Board 9, or the Office of the Manhattan Borough President; and

THANKS WITH GRATITUDE State Senator Cordell Cleare, Assemblymember Al Taylor, Assemblymember Jordan Wright, [State Senator Robert Jackson, and Councilmember Yusef Salaam] for their support in forcing the delinquent parties to adhere to the City Charter and put any proposed disposition of City-owned property through the Charter-mandated ULURP.