



## The City of New York Manhattan Community Board 8

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# 2<sup>nd</sup> Avenue Subway Update

*Community Board 8 has formed a Task Force to deal with the Second Avenue Subway. The first meeting of the Second Avenue Subway Task Force is scheduled for **Thursday, March 18, 2004 at the NY Blood Center, 310 East 67<sup>th</sup> Street, Auditorium, 7:00PM**. The MTA will work with the Task Force to deal with questions that have been raised with regard to the construction of the Second Avenue Subway and other issues connected with this project.*

*The following are questions submitted to the Community Board 8 Office. The responses have been provided by the MTA.*

### ***1. What are the MTA 's plans regarding tenants of buildings acquired for the Second Avenue Subway project?***

We refer you to our responses to the November 2003 questions submitted by Community Board 8. The following is a copy of that response:

For those properties that will be acquired for the Second Avenue Subway project, MTA and NYCT would adhere to the requirements of the New York State Eminent Domain Procedure Law (the "Eminent Domain Procedure Law") and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as codified in Title 42, Section 4601 et seq. of the United States Code, and the applicable implementing regulations set forth in Title 49, Part 24 of the Code of Federal Regulations (collectively, the "Uniform Act").

Among other things, the Eminent Domain Procedure Law requires the condemnor to hold a public hearing (for all potential acquisitions other than "de minimis" and emergency acquisitions) and issue a determination and findings within 90 days after the close of the public hearing. We begin to publish notices of the public hearings in newspapers for five days, between 10 and 30 days prior to the hearing. Under MTA policy notices are mailed to known affected owners of record (in the case of a co-op, to the corporation) 30 days before the hearing. Individual owners and tenants may be contacted by the MTA regarding the need to acquire their property before the publication or written notice is mailed.

Prior to being required to vacate any business or residence, MTA and NYCT will provide owners and occupants with relocation assistance and benefits under the Uniform Act. The Uniform Act requires agencies to provide affected owners and occupants with at least 90 days advance notice of the need to vacate, but MTA and NYCT anticipate that most owners and tenants will receive considerably more advance notice than the law requires.

In those cases where we seek to acquire a property, the MTA determines the amount of its offer to property owners based on independent property appraisals, and in the case of commercial tenants, trade fixture appraisals, performed by appraisers hired by the MTA. The appraisers determine compensation for real property generally on the basis of fair market value and, in the case of partial takings, diminution (if any) to the value of the remaining property. Compensation for trade fixtures owned by commercial tenants is determined on the basis of "sound value," which under New York law generally constitutes a fixture's reproduction cost less depreciation. The amount of MTA/NYCT's offer is based on the fair market value of the property as determined by an independent appraisal.

For the Second Avenue Subway project, offers in the full amount of MTA/NYCT's highest approved appraisal will be made as soon as practicable after the public hearing; in some cases they might be made prior to the hearing.

Residential apartments that are rented, rather than owned, typically have no market value to the tenant, although such tenants may be eligible for relocation benefits under the Uniform Act.

In those instances in which businesses and persons are displaced by the project, the Uniform Act authorizes reimbursement for reasonable moving costs and related expenses. Other benefits also may be available to displaced businesses and persons. No person can be required to move from his or her dwelling unless at least one comparable replacement dwelling has been made available to the person. Where possible, three or more replacement dwellings will be made available. The negotiated purchase price, or in the case of condemnation, the amount of MTA/NYCT's appraisal, will be made available to each affected owner/occupant or tenant before possession of the property is surrendered to MTA/NYCT.

Any activities conducted on private property (e.g. entrances and ancillary facilities) would only occur after the completion of the acquisition of property or easements at that location. We do not anticipate needing to relocate any tenants or owners until early 2005.

***2. Will tenants be contacted by the MTA about specific details?***

We refer you to our responses to the November 2003 questions submitted by Community Board 8 Please see Question 1 above for a copy of that response.

***3. Will relocated tenants be moved to apartments in the same neighborhood?***

To the extent feasible, we will seek to keep residents in their current neighborhoods. However, this may not be possible given the housing market.

***4. Will relocated tenants be moved to apartments with the same rent, particularly those in rent controlled or rent stabilized apartments?***

The federal regulations view the cost of housing as a significant factor in determination of our success in finding replacement housing. The stabilized housing market is severely limited with little future availability expected. We will fully comply with the federal regulations for relocation and we will work with the federal government to determine appropriate relocation packages.

***5. Will there be a cash alternative?***

In those cases where we seek to acquire a property, the MTA determines the amount of its offer based on independent property appraisal, and in the case of commercial tenancies, independent trade fixture appraisals, all performed by outside appraisers hired by the MTA. The appraisers determine compensation for real property generally on the basis of fair market or and, in the case of partial takings, diminution (if any) to the value of the remaining property. Offers in the full amount of MTA/NYCT's highest approved appraisal will typically be made as soon as practicable after the public hearing. Owners of residential apartments (condo and co-op owners) will receive the fair market value for their units. Relocation benefits, such as payments for moving expenses, will be made available to all eligible tenants, regardless of whether they own or rent their dwellings.

For commercial tenancies, compensation for tenant or owner-owned trade fixtures is determined on the basis of "sound value", which under New York law generally constitutes a fixture's reproduction cost less depreciation. The amount of MTA/NYCT's offer is based on the fair market value of the property as determined by an independent appraisal. Commercial tenants and owner-occupants are entitled to receive actual, reasonable costs for moving and related expenses

**The MTA urges anyone with questions regarding Second Avenue Subway project to call the MTA Hotline at 1-718-694-5164. Please be sure to leave a message as this number is checked throughout the day.**