


GARDEN  
OAKS



DEED RESTRICTIONS  
ENFORCED?

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# ACRONYM CHEAT SHEET

DCAS: Department of City wide Administrative Services

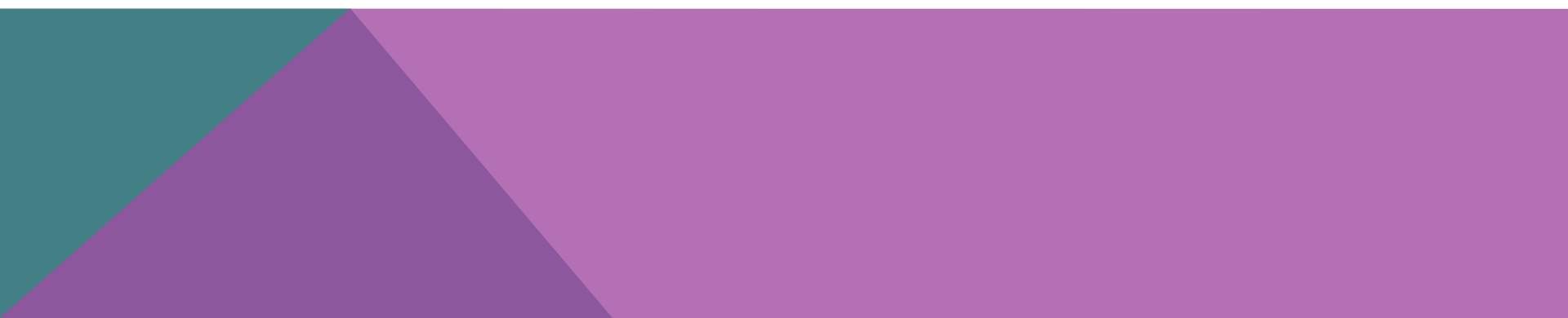
DOT: Department of Transportation

HPD: Department of Housing Preservation and Development

CPC: City Planning Commission

ULURP: Uniform Land Use Review Procedure

ACRIS: Automated City Register Information System



# WHAT ARE DEED RESTRICTIONS?

Deed restrictions are rules and regulations that govern one or more lots or parcels of land.

Deed restrictions “bind” land.

Deed restrictions are governed by state law and common law. State law requires county clerks to register title, which is how NYC gets involved with ACRIS.

- DCAS is involved with city owned property (even when not restricted).

# WHO SIGNS DEED RESTRICTIONS

Between Public Entities	Public and Private Entities	Between Two Private Parties
Examples  HPD and DOE  DCAS and HPD  HPD and Parks -Green Thumb	Examples  NYU and DOT  Rod Rogers Theatre and HPD  DCAS and Village Care	Examples  Extell and L+M  Easement Agreements  Design Requirements in Subdivisions

# WHERE DO THEY LIVE?

Deed restrictions “live” with the signatories

- **On ACRIS**
  - **With Agencies**
  - **Property Owners**
  - **Community Organizations**
  - **Community Boards**
- 

# Removal Process: Where City is Involved

How to remove deed restrictions depends on the original disposition of the site.

Where restriction placed via CPC Land Use Action:

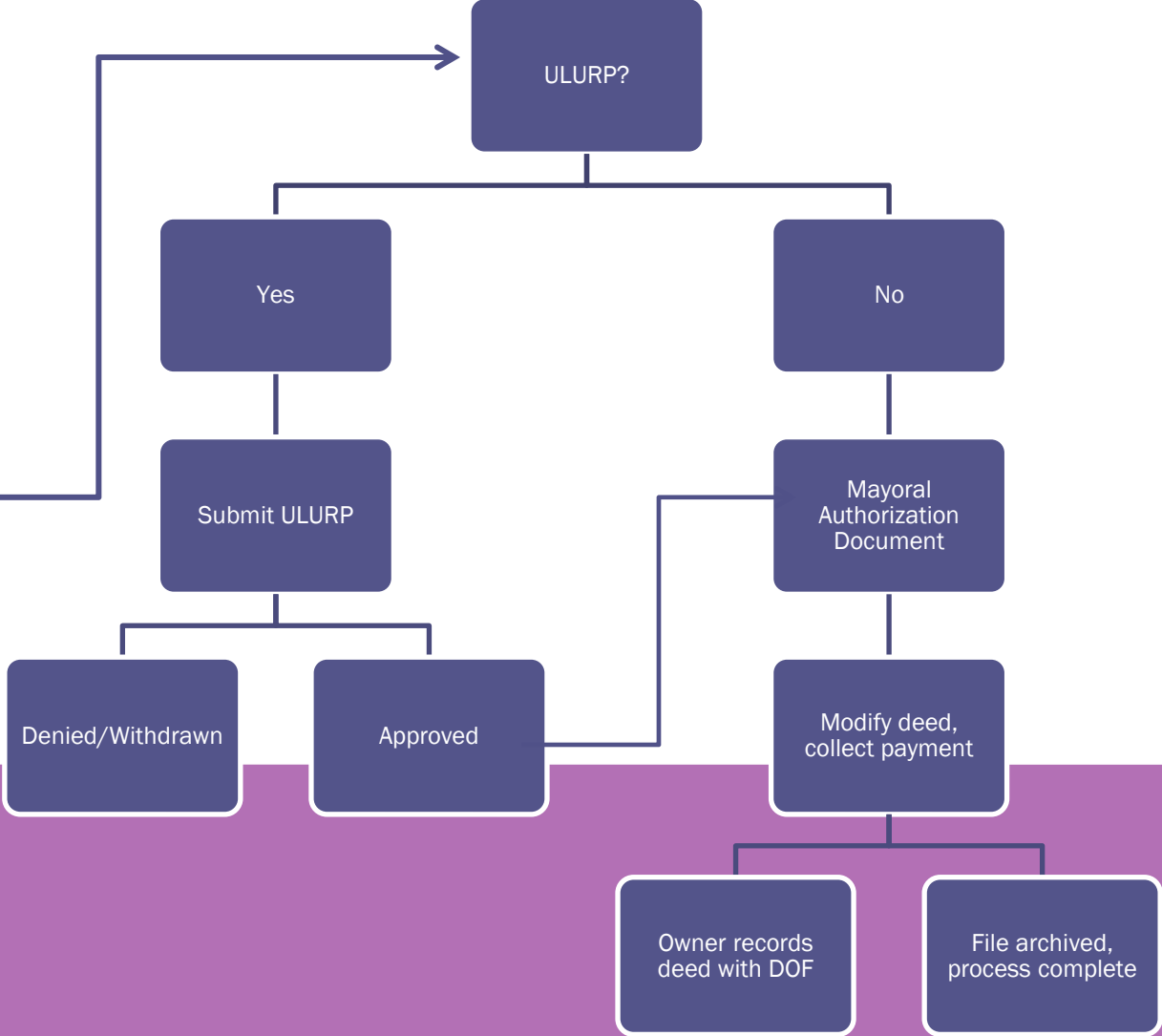
- CPC can waive restrictions on a deed. Those are generally minor modifications.
- Major modifications of special permits would follow a full ULURP path.

Deed restrictions can be placed as part of the ULURP Process (a restrictive application) or not. DCAS has internal procedure. When left open DCAS goes through the following procedure.

# DCAS PROCESS

## REQUEST TO LIFT:

- Preliminary Review**
  - Land Use Planning (LUP) conducts feasibility analysis; DCAS will either support or deny request
- Land Use Justification**
  - Examines planning rationale for removal
- Appraisal**
  - BFS to determine fee. Rule of thumb is 25% of appraised value





# 45 RIVINGTON STREET

45 Rivington was approved for unrestricted disposal via ULURP in the 1980s

DCAS voluntarily added restriction about non-profit health care facility.

Property was later directly sold to a local provider, Village Care

§ 2861 of Public Health Law allows for agencies to dispose of property to a direct buyer.

Property did not have to go through ULURP review process when owner requested Deed Restriction be lifted; went through DCAS procedure instead

# 11 EAST 3<sup>RD</sup> STREET

11 East 3<sup>rd</sup> Street was a city owned parcel which was disposed to the Rod Rogers and Duo Multicultural Art Center. It was approved by the City Council and the Mayor in Sept. and Nov. of 2004 respectively.

Sale came with Limitations on Use and Disposition Area

# EXECUTIVE ORDER 17 OF 2016

See handout

The Executive Order (EO) applies to unrestricted dispositions. This provides more than the minor mod process. The EO doesn't matter if a property is already going to go through ULURP, this EO is what HPD and DCAS has to do on top of everything else.

# LEGISLATION/POTENTIAL SOLUTIONS

Required notification and public hearing

Required database of DCAS properties with deed restrictions for public benefit

Required monitoring and reporting

Suggestions?



**QUESTIONS/COMMENTS?**

