

SOCIOECONOMIC CONDITIONS

CHAPTER 5

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Even when socioeconomic changes would not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. In some cases, these changes may be substantial but not adverse. In other cases, these changes may be good for some groups but bad for others. The objective of the CEQR analysis is to disclose whether any changes created by the project would have a significant impact compared to what would happen in the future without the project.

The assessment of socioeconomic conditions usually separates the socioeconomic conditions of area residents from those of area businesses, although projects may affect both in similar ways. Projects may directly displace residents or businesses or may indirectly displace them by altering one or more of the underlying forces that shape socioeconomic conditions in an area. Usually, economic changes alone are not assessed; however, in some cases their inclusion in a CEQR review may be appropriate, particularly if a major industry would be affected or if an objective of a project is to create economic change.

As with each technical area assessed under CEQR, the applicant should work closely with the lead agency during the entire environmental review process. If the lead agency determines that it is appropriate to consult or coordinate with the City's expert technical agencies and service providers on the socioeconomic conditions assessment, it should consult the New York City Department of City Planning (DCP) as early as possible in the environmental review process for information, technical review, recommendations, and mitigation relating to socioeconomic conditions. Section 700 further outlines appropriate coordination with DCP and other expert agencies.

100. DEFINITIONS

110. DIRECT AND INDIRECT DISPLACEMENT

Direct displacement (sometimes called primary displacement) is the involuntary displacement of residents or businesses from a site or sites directly affected by a proposed project. Examples include a proposed redevelopment of a currently occupied site for new uses or structures, or a proposed easement or right-of-way that would take a portion of a parcel and thus render it unfit for its current use. The occupants and the extent of displacement are usually known, and the disclosure of direct displacement can therefore focus on specific businesses and a known number of residents and workers.

In contrast, for a project covering a large geographic area, such as an area-wide rezoning, the precise location and type of development may not be known because it is not possible to determine with certainty the future projects of private property owners, whose displacement decisions are tied to the terms of private contracts and lease terms between tenants and landlords existing at the time of redevelopment. Therefore, sites are analyzed to illustrate a conservative assessment of the potential effects of the proposed project on sites considered likely to be redeveloped and examines whether existing businesses and residents on those sites may be displaced.

Indirect displacement (also known as secondary displacement) is the involuntary displacement of residents, businesses, or employees that results from a change in socioeconomic conditions created by the proposed project. Examples include lower-income residents forced out due to rising rents caused by a new concentration of higher-income housing introduced by a proposed project; a similar turnover of industrial to higher-paying commercial



tenants spurred by the introduction of a successful office project in the area or the introduction of a new use, such as residential; or increased retail vacancy resulting from business closure when a new large retailer saturates the market for particular categories of goods. The assessment of indirect displacement usually identifies the size and type of groups of residents, businesses, or employees affected. In keeping with general CEQR practice, the assessment of indirect displacement assumes that the mechanisms for such displacement are legal. For information on applicable laws and regulations affecting residents, see Subsection 711, below.

120. POPULATION AND HOUSING

Population and housing assessments focus on the residents of an area and their housing conditions. If a socioeconomic assessment is appropriate, a profile of a residential population typically includes the following characteristics: total number of residents, household size, income, and any other appropriate indicators of the economic conditions of residents. It is often helpful to break down income levels into groupings commonly used in the City, such as low, moderate, and middle income. For a description of these income levels, [refer to Section 23-911 of the New York City Zoning Resolution](#). These definitions typically change annually based on economic factors. A more detailed assessment also includes some or all of the following characteristics: average income of households living in small and large buildings, poverty status, education, and occupation.

The housing profile typically characterizes the type and condition of the housing stock, units per structure, whether owner-occupied or rented, vacancy rates, recent real estate trends, investments in affordable housing by City, State, and not-for-profit organizations, and housing costs and values. As appropriate, single room occupancy (SRO) units, group quarters, shelters, and hotel units that contain year-round, permanent residents may be included in the housing unit count. Housing may also be characterized according to the income of its occupants (*e.g.*, low-, moderate-, or high-income housing). Regulations that protect tenants' continued occupancy and the availability of housing subsidies are identified and disclosed where residential displacement is a possibility.

130. ECONOMIC ACTIVITIES: BUSINESS AND EMPLOYMENT

Economic activities that characterize an area generally include the businesses or institutions operating there and the employment associated with them. Depending on the project in question, those people who are served by the businesses may also be considered in the assessment. Also, if there are groups of businesses that depend on the goods and services of businesses that are likely to be affected by the project, it may be appropriate to consider the effects on those businesses as well.

The businesses may be classified as commercial (office-based services, retailing, transient hotels, and other business activities typically found in urban commercial districts), industrial (manufacturing, construction, wholesale trade, warehousing, transportation, communications, and public utilities—activities typically found in manufacturing districts), or institutions (schools, hospitals, community centers, government centers, and other like facilities with a charitable, governmental, public health, or educational purpose).

140. INDUSTRY ASSESSMENTS

A project may not displace, but may affect, the operation of a major industry or commercial operation in the city. In these cases, the lead agency assesses the economic impacts of the project on the industry in question.

200. DETERMINING WHETHER A SOCIOECONOMIC ASSESSMENT IS APPROPRIATE

A socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. Under the following circumstances, a socioeconomic assessment would generally be appropriate.

- The project would directly displace residential population to the extent that the socioeconomic character of the neighborhood would be substantially altered. Displacement of less than 500 residents would not typically be



expected to alter the socioeconomic character of a neighborhood. For projects exceeding this threshold, assessments of the direct residential displacement, indirect residential displacement, and indirect business displacement are appropriate.

- The project would directly displace more than 100 employees. For projects exceeding this threshold, assessments of direct business displacement and indirect business displacement are appropriate.
- The project would directly displace a business that is unusually important because its products or services are uniquely dependent on its location; that, based on its type or location, is the subject of other regulations or publicly adopted plans aimed at its preservation; or that serves a population uniquely dependent on its services in its present location. Information provided in Chapter 4, “Land Use, Zoning, and Public Policy,” may be useful in determining whether an assessment is appropriate. If any of these conditions is considered likely, assessments of direct business displacement and indirect business displacement are appropriate.
- The project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Such a project may lead to indirect displacement. Typically, projects that are small to moderate in size would not have significant socioeconomic effects unless they are likely to generate socioeconomic conditions that are very different from existing conditions in the area. Residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts. For projects exceeding these thresholds, assessments of indirect residential displacement and indirect business displacement are appropriate.
- The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. Projects resulting in less than 200,000 square feet of retail on a single development site would not typically result in socioeconomic impacts. If the proposed development is located on multiple sites located across a project area, a preliminary analysis is likely only warranted for retail developments in excess of 200,000 sq. ft. that are considered regional-serving (not the type of retail that primarily serves the local population). For projects exceeding these thresholds, an assessment of the indirect business displacement due to market saturation is appropriate.
- If the project is expected to affect conditions within a specific industry, an assessment is appropriate. For example, a citywide regulatory change that would adversely affect the economic and operational conditions of certain types of businesses or processes may affect socioeconomic conditions in a neighborhood: (1) if a substantial number of residents or workers depend on the goods or services provided by the affected businesses; or (2) if it would result in the loss or substantial diminishment of a particularly important product or service within the city. Since the range of possible types of projects that may warrant an analysis of specific industries varies, the lead agency, in consultation with the Mayor’s Office of Environmental Coordination (MOEC), should provide guidance as to whether an analysis is warranted.

The above thresholds are based on agency experience and expertise, including a review of applications that included detailed assessments or resulted in significant, adverse impacts on socioeconomic conditions, and would, for most projects, serve as an indication of when further analysis is recommended. However, certain circumstances may warrant different thresholds. Since the socioeconomic assessment seeks to determine the effect of the proposed project relative to the expected No-Action conditions of the study area, the proposed threshold may be too high or low depending on the characteristics of the study area. For example, the introduction of 300,000 square feet of retail across several development sites in a dense neighborhood, such as Downtown Brooklyn, would be unlikely to result in the saturation of the marketplace for particular goods to such an extent that the project would result in increased vacancies on local commercial streets. Most likely, the population density and aggregate incomes in the area are sufficiently high to absorb additional sales. Furthermore, any increase in population associated with the project would be expected to generate additional demand for retail. In contrast, a 175,000 square foot discount department store at a single location may have a different effect in a lower density neighborhood, such as those on Staten Island, where total consumer expenditures



are not as high for particular categories of goods. In these circumstances, the lead agency may determine that a lower or higher threshold is appropriate for a specific project.

300. ASSESSMENT METHODS

The nature of the proposed project determines the geographic area and socioeconomic conditions to be assessed, the methods to use, and the level of detail by which they are studied. By comparing the characteristics of the proposed project to the circumstances in Section 200 above, the lead agency can identify the socioeconomic assessment issues that apply. If a determination on the appropriateness of further assessment is not evident without further study, a preliminary assessment (see Section 320, below) may be warranted. In most cases, a preliminary assessment is conducted because the detailed assessment builds upon the information provided in the preliminary assessment. Any assessment, preliminary or full, usually begins with selection of a study area. After the preliminary assessment, or as a result of a detailed assessment, the size of the study area may be enlarged or reduced.

310. STUDY AREA DEFINITION

Typically, the socioeconomic study area boundaries are similar to those of the land use study area, as described in Chapter 4, "Land Use, Zoning, and Public Policy." The study area encompasses the project site and adjacent area within 400 feet, 0.25 mile, or 0.5 mile, depending on project size and area characteristics. The socioeconomic assessment seeks to examine the potential to change socioeconomic character relative to the study area population. For projects that result in an increase in residential population, the scale of the relative change is typically represented as a percent increase in population.

A project that would result in a relatively large increase in population may be expected to affect a larger study area. Therefore, a 0.5-mile study area is appropriate for projects that would increase population by 5 percent compared to the expected No-Action population in a quarter-mile (0.25 mile) study area. When the percent increase will not be known until after a preliminary analysis is conducted, the applicant may begin with a 0.25 mile study area for the preliminary analysis and then expand to a 0.5 mile study area if the analysis reveals that the increase in population would exceed 5 percent in the 0.25 mile study area. If the data includes geographic units such as census tracts, it may be appropriate to adjust the size of the study area to make its boundaries contiguous with those of the data sets.

For projects covering a large area, it may be appropriate to create subareas for analysis if the project affects different portions of the study area in different ways. Subareas are locations of at least one census tract that warrant special consideration because they are locations where land use characteristics or real estate trends are distinct from the rest of the study area. For example, if a project concentrates development opportunities in one portion of the study area, and would result in higher increases in population in that portion, it may be appropriate to analyze the subarea most likely to be affected by the concentrated development. Distinct sub-areas should be based on recognizable neighborhoods or communities in an effort to disclose whether a project may have disparate effects on distinct populations that would otherwise be masked or overlooked within the larger study area.

Some projects may result in direct or indirect effects that are either beyond the half-mile boundary or are such that typical site-specific study areas are not appropriate. For example, a proposal for a large retail use may change shopping patterns in a trade area that extends well beyond the typical half-mile. In this case, depending on the types of goods to be sold, the study area could comprise all shopping strips within a three-mile radius of the site. In short, there is no established "area" applicable to all socioeconomic analyses. A study area(s) should be developed that reflects the areas likely to be affected by the project. Generic actions may result in socioeconomic changes that would affect numerous locations throughout the City. In these cases, multiple or prototypical study areas may be appropriate. Other generic actions, such as a regulatory change that would affect operating conditions in a specific industry, may affect the City as a whole.



320. PRELIMINARY ASSESSMENT

A preliminary assessment addresses socioeconomic conditions that may be affected by the proposed project. For example, if a project may affect employment patterns, the preliminary assessment would provide a greater level of detail in describing and assessing economic activities and employment profiles. The purpose of the preliminary assessment is to determine whether a proposed project has the potential to introduce or accelerate a socioeconomic trend. If this is the case, a more detailed assessment may be warranted. The purpose of the analysis described below is to learn enough about the effects of the proposed project in order to either rule out the possibility of significant impact or determine that more detailed analysis is appropriate. A list of data sources that may be useful in completing the assessment is available in Section 730.

321. Direct (or Primary) Displacement

In most cases, direct displacement would not constitute a significant adverse socioeconomic impact under CEQR. Projects that involve the large scale, direct displacement of residents that is sufficient to warrant a detailed environmental assessment are relatively rare. An example of a detailed assessment of direct business displacement is the 2008 Willets Point Development Plan, Final Generic Environmental Impact Statement, which can be reviewed [here](#).

321.1. Residential Displacement

Direct residential displacement is not by itself a significant socioeconomic impact under CEQR. Impacts from residential displacement may occur if the numbers and types of people being displaced would alter the socioeconomic character of a neighborhood and perhaps lead to indirect displacement of remaining residents. Historical examples that might have warranted a detailed assessment under contemporary environmental review practices include urban renewal projects such as Lincoln Square in the 1950's. This project relocated thousands of low-income persons and introduced a more affluent population. Another example is a road construction project, like the one to build the Cross Bronx Expressway in the late 1940's and 1950's, which required the clearance of tenement buildings in the Tremont section of the South Bronx. Although these types of projects are now rare, it is possible that the displacement of more than 500 residents may potentially alter a neighborhood's socioeconomic character and, therefore, warrant further analysis of direct residential displacement.

For all projects the number of residents to be directly displaced by a project should be disclosed, whether or not the displacement impact is considered significant. The analysis should determine the amount of displacement relative to the study area population and compare and contrast the average incomes of displaced residents with the average income of all residents in the study area population. The following analysis should be considered when conducting a preliminary assessment of direct residential displacement. The thresholds provided below provide guidance and serve as a general rule; however, the lead agency may determine that lower or higher thresholds are appropriate under certain circumstances.

- The first step is to determine whether the displaced population represents a substantial or significant portion of the population within the study area. Displacement of less than 5 percent of the primary study area population would not typically represent a substantial or significant portion of the population.
- If the displaced population represents greater than 5 percent of the primary study area population, the analyst should then determine whether the average income of the displaced residents is markedly less than the average income of residents of the overall study area.



A detailed assessment should be conducted if preliminary analysis shows that:

- More than 500 residents would be directly displaced by a proposed project;
- The displaced residents represent more than 5 percent of the primary study area population; and
- The average income of the directly displaced population is markedly lower than the average income of the rest of the study area population. The lead agency may consult DCP on the methodology for determining the estimated incomes of the directly displaced and study area populations, if such data are not readily available.

Sources of information to use in this assessment include the [U.S. Census](#) and the [NYC Housing and Vacancy Survey](#).

321.2. Business Displacement

For all projects, the type and extent of businesses and workers to be directly displaced by a project should be disclosed, whether or not there would be a significant displacement impact. A preliminary assessment to determine the potential for significant displacement should consider the following circumstances:

- Whether the businesses to be displaced provide products or services essential to the local economy that would no longer be available in its “trade area” to local residents or businesses due to the difficulty of either relocating the businesses or establishing new, comparable businesses. The “trade area” may be the study area or, depending on the size of the area from which the majority of customers or clients of the businesses are drawn, a broader area.

The analysis should focus on businesses for which comparable goods or services may not be found within the study area, either under existing conditions or in the future with the proposed project. For example, the displacement of a convenience store on a local retail strip would not be expected to result in impacts because it is generally likely that similar stores exist within the study area or would locate there to meet demand. On the other hand, an example of direct displacement that would warrant additional analysis might be the demolition of buildings on a local retail corridor for a highway project or other non-retail uses. If comparable retail does not exist within the project study area, more analysis would be warranted to assess the likelihood of an impact.

Sources of information to use in this assessment include [Zip Code Business Patterns](#), a product of the U.S. Census, Journey-to-Work data from the U.S. Census, or the Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD) [Origin-Destination Employment Statistics \(LODES\)](#) from the US Census Bureau. Local development corporations or business improvement districts may also collect data or publish reports on businesses within the study area.

- Whether a category of businesses is the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it. An example would be the displacement of an industrial business in Long Island City's Industrial Business Zone to develop a non-industrial use that would not be permitted under current land use policies. More analysis likely would be warranted to assess the likelihood of an impact. Information provided in Chapter 4, “Land Use, Zoning, and Public Policy” should be helpful in determining whether any of the displaced businesses are the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect them.



If any of the conditions listed above are possible, then a detailed assessment is appropriate.

322. Indirect Displacement

322.1. Indirect Residential Displacement

The objective of the indirect residential displacement analysis is to determine whether the proposed project may either introduce or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. Generally, an indirect residential displacement analysis is conducted only in cases in which the potential impact may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose income or poverty status indicates that they may not support substantial rent increases. These renters are known as a “vulnerable population” that could be subject to displacement. Examples of projects where a detailed assessment was conducted include the Greenpoint-Williamsburg Land Use and Waterfront Plan, which can be found [here](#); the 125th Street Corridor Rezoning, which can be found [here](#); and the East Harlem Rezoning, which can be found [here](#).

In all cases, the potential for indirect displacement depends not only on the characteristics of the proposed project, but on the characteristics of the study area. Usually, the characteristics of the proposed project are known--the objective of the preliminary assessment, then, is to gather enough information about conditions in the study area so that the effect of the change in conditions with the proposed project relative to expected future conditions in the study area can be better understood. At this stage, an analysis of data at the study area level is generally adequate for the preliminary analysis, and detailed census tract-level descriptions are not warranted. Although relevant data on population and housing may vary depending on the proposed project, information on study area characteristics typically include the following:

- **TOTAL POPULATION FOR THE STUDY AREA, FOR THE BOROUGH, AND FOR THE CITY.** To understand trends, it is useful to include data from the most recent census and from the previous decade. If there is reason to believe that longer-term trends should be assessed, then the data from the most recent census and the previous two decades may be presented. Where available, data on the number of permits issued for new or demolished housing units may be used to estimate changes in population since the previous U.S. Census. Data for the city, borough, or Public Microdata Use Area (PUMA) from the Administration for Children’s Services (ACS) may also be used to supplement census data and provide information on current conditions. The data should also include the projected change in population in the study area in the future without the project so that the project’s addition may be expressed as a percent increase over existing and future No-Action conditions.
- **HOUSING VALUE AND RENT.** The U.S. Census provides information on median housing value and median contract rent. This information reflects the range of rents for both units of different sizes and ages and occupants who may have moved in recently or lived in their units for a long time. However, these data are of limited use because they fail to distinguish between units subject to market rents and those under some form of rent regulation. To understand current trends, particularly trends affecting unregulated rental housing, this information may be supplemented by discussions with real estate brokers and examination of current apartment listings. The key to this analysis is to understand the extent to which the market-rate rents and sales prices for new housing and existing unregulated rental housing in the future with the project would differ from, or conform to, the existing trends of market-rate rents and sales. Housing sales are recorded and available through various real estate publications.



- **COOPERATIVES AND CONDOMINIUM CONVERSION.** In some neighborhoods the conversion of units to cooperatives or condominiums is an indication of upgrading trends. Information on these conversions is available through various real estate publications.
- **ESTIMATES OF THE NUMBER OF HOUSING UNITS NOT SUBJECT TO RENT PROTECTION**
- **MEDIAN HOUSEHOLD INCOME AND OTHER INDICATORS OF ECONOMIC CONDITIONS OF RESIDENTS, SUCH AS PERCENT OF PERSONS LIVING BELOW THE POVERTY LEVEL**

The aforementioned information should be provided as it pertains to the following step-by-step analysis for a preliminary assessment of indirect residential displacement:

STEP 1

Determine if the proposed project would add new population with higher average incomes compared to the average incomes of the existing populations and any new population expected to reside in the study area without the project. It is often helpful to break down income levels into a “market rate” category specific to the proposal and compare it with groupings that are commonly used in the city to define income levels for low, moderate, and middle income for eligibility for inclusionary housing and other public assistance programs. Income thresholds are typically based on a family of four. For a description of current definitions, refer to <https://www1.nyc.gov/site/hpd/services-and-information/inclusionary-housing.page>. These definitions typically change annually based on economic factors.

If the project would introduce a more costly type of housing compared to existing housing and the housing expected to be built in the No-Action condition, then the new population may be expected to have higher incomes. In some cases, the study area would already be experiencing socioeconomic change and the housing to be developed under a proposed project represents a continuation of an existing trend, and not a new trend.

If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is warranted. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis should be conducted.

STEP 2

Determine if the project’s increase in population is large enough relative to the size of the population expected to reside in the study area without the project to affect real estate market conditions in the study area.

- If the population increase is less than 5 percent within the study area, or identified subareas, further analysis is not warranted as this change would not be expected to affect real estate market conditions.
- If the population increase is greater than 5 percent in the study area as a whole or within any identified subareas, move on to Step 3.
- If the population increase is greater than 10 percent in the study areas as a whole or within any identified subarea, move on to a Detailed Analysis.

STEP 3

Consider whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends. For the purposes of Step 3, “near” is defined as within a half-mile of the study area boundary.



- If the vast majority of the study area has already experienced a readily observable trend toward increasing rents and new market rate development, further analysis is not warranted. However, if such trends could be considered inconsistent and not sustained, the applicant should consult with the Department of City Planning on whether a detailed analysis is warranted.
- If no such trend exists either within or near the study area, the action could be expected to have a stabilizing effect on the housing market within the study area by allowing for limited new housing opportunities and investment. In this circumstance, further analysis is not warranted.
- If those trends do exist near to or within smaller portions of the study area, the action could have the potential to accelerate an existing trend. In this circumstance a detailed analysis should be conducted.

322.2. Indirect Business Displacement

The objective of the indirect business displacement analysis is to determine whether the proposed project may introduce trends that make it difficult for those businesses meeting the criteria set forth in Subsection 321.2, above, to remain in the area. The purpose of the preliminary assessment is to determine whether a proposed project has potential to introduce such a trend. If this is the case, a more detailed assessment may be appropriate. An example of a detailed assessment of indirect business displacement is the Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development Final Environmental Impact Statement, which can be reviewed [here](#).

In most cases, indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area.

Additionally, indirect displacement of businesses may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area.

Often, enough information is known about the proposed project to understand whether the new land use would introduce a trend that may increase property values. Information provided in Chapter 4, “Land Use, Zoning, and Public Policy” is often adequate to determine whether the study area is likely to contain certain categories of businesses, such as industrial firms, that may face an increase in rents due to the proposed project. Additionally, general information on employment patterns may be available at the block level through LEHD. Local development corporations or business improvement districts may also collect data or publish reports on businesses within the study area. If an assessment of the businesses in the study area reveal the potential for the project to introduce trends that make it difficult for those businesses to remain in the area, a detailed assessment is appropriate.

322.3. Indirect Business Displacement due to Retail Market Saturation

Occasionally, development activity may create retail uses that draw substantial sales from existing businesses. While these economic pressures do not necessarily generate environmental concerns, they become an environmental concern when they have the potential to result in increased and prolonged vacancy leading to disinvestment. Such a change may affect the land use patterns and economic viability of the neighborhood. Indirect displacement due to market saturation is rare in New York City, where population density, population growth, and purchasing power are often high enough to sustain increases in retail supply. The purpose of the preliminary analysis is to determine whether the project may capture the retail sales in a particular category of goods to the extent that the market for such



goods would become saturated as a result, potentially resulting in vacancies and disinvestment on neighborhood commercial streets.

A retail capture rate analysis typically includes the following steps:

1. Determine if the categories of goods to be sold at the proposed development are similar to the categories of goods sold in stores found on neighborhood retail streets within the study area. Categories of retail goods for which a high share is purchased online, such as computer hardware and software or consumer electronics, would not typically be considered businesses that are likely to affect the types of stores that are most prevalent on local commercial streets. Thus, if the proposed retail is of a type that is primarily competitive with online retailers, no further analysis is warranted.
2. Determine the primary trade area for the proposed “anchor” stores – the largest stores in the proposed development that are expected to be the primary sources of added retail sales. The primary trade area is the area from which the bulk of the store's sales are likely to be derived. The trade area may be expressed in either mileage (*e.g.*, a 1.5 to 2-mile radius from a site is a typical primary study area for a large supermarket; a larger trade area would be typical for a department store) or travel time.
3. Through data available from the Census of Retail Trade or other proprietary sources, estimate sales volume of relevant retail stores within the trade area. Relevant retail stores include those establishments that would be expected to sell categories of goods similar to those sold in anchor stores in the project.
4. Through data available from the census and from the U.S. Department of Commerce or other proprietary sources on retail spending, determine the expenditure potential for relevant retail goods of shoppers within the primary trade area. Expenditure potential is the amount that customers in the trade area – typically residents and workers – may be expected to spend on the relevant categories of retail goods.
5. The sales generated by key retailers developed in item 3 and the expenditure profile developed in item 4 may be compared to determine whether the trade area is currently saturated with retail uses or whether there is likely to be an outflow of sales from the trade area. This assessment is based on the percentage of available sales currently derived by existing stores (the capture rate) and the residue of dollars left unspent.
6. For the project's build year, determine whether any factors would emerge that would affect conditions within the trade area. These may include factors not associated with the proposal, such as projected increases in population that would provide a stronger base of shoppers, other projected retail developments, anticipated store closings, or rising incomes.
7. Project the sales volume for the project’s anchor tenants. This would be based on the size of the store and on industry standards for sales derived from an appropriate source.
8. Compare the project sales volume with the dollars available within the trade area. If the capture rate for specific, relevant categories of goods would exceed 100 percent, it may have the potential to saturate the market for particular retail goods and a detailed assessment is warranted.

323. Adverse Effects on Specific Industries

It may be possible for a given project to affect the operation and viability of a specific industry not necessarily tied to a specific location. An example would be new regulations that prohibit or restrict the use of certain



processes that are critical to certain industries. If the following questions cannot be answered with a clear "no," then a detailed investigation is appropriate:

- Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area? It may be helpful to refer to information provided in Chapter 4, "Land Use, Zoning, and Public Policy," to make this determination.
- Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?

The industries or categories of businesses that should be considered in this assessment are those specified in the North American Industry Classification System (NAICS) as promulgated by the U.S. Census Bureau. This analysis should focus on the potential effects upon specific industries that are not related to the displacement of businesses or residents, as this should be considered in the direct and indirect displacement analyses above.

330. DETAILED ANALYSIS TECHNIQUES

If it has been determined that a socioeconomic impact may be likely or cannot be ruled out based on the preliminary assessment, a detailed analysis is conducted. The analysis aims to describe existing and anticipated future conditions to a level sufficient to understand the relationship of the proposed project to such conditions. The analysis assesses the change that the project would have on these conditions and identifies any changes that would be significant and potentially adverse. The discussions of information and analyses set forth below offer guidance, some or all of which is useful for a range of projects. Since it is not possible to anticipate all projects that might affect socioeconomic conditions, it may be that some proposed projects warrant more or different information and analyses than are suggested here. In all cases, however, the analysis should allow the lead agency to understand the potential for, and extent of, a significant adverse impact to a level that allows appropriate mitigation to be considered. If specific information is not available, it may be necessary to make assumptions. As described in Chapter 2, "Establishing the Analysis Framework," these assumptions should reflect the worst case of the range of conditions that can reasonably be anticipated.

331. Direct Displacement

331.1. Direct Residential Displacement

EXISTING CONDITIONS

The detailed assessment of residential displacement focuses on the socioeconomic characteristics of the residents that would be displaced as these relate to the housing profile of the neighborhood. If the preliminary assessment indicates that a detailed analysis is warranted, the detailed analysis then would determine whether relocation opportunities exist within the study area for these displaced households. Building on information provided in tasks conducted in the preliminary assessment, the following information should be described:

- The prevailing trends in vacancies and rental and sale prices of units on-site and within the neighborhood are identified. This information serves to identify the potential for the types of residents to be displaced to be relocated within the study area. For example, if the housing to be directly displaced is of a type and cost that is limited in amount in the neighborhood, it is unlikely that the displaced tenants would be able to relocate in the study area. Sources for data on housing prices and trends include the U.S. Census of Population and Housing, real estate reference services, and local realtors.

FUTURE NO-ACTION CONDITION

For the project's build year, assess conditions related to demographic and housing characteristics of the study area or neighborhood. Relevant information might include whether: the housing stock in the



area is expected to expand or decrease; the number of residents on the site is expected to increase or decrease; rents are expected to increase or remain stable; population and land use changes are expected; any other relocation is anticipated; the tenants' conditions would change (e.g., rent increases, family size increase). This information may be obtained through interviews with real estate brokers or persons expert in local conditions, and through coordination with the land use analysis (see Chapter 4, “Land Use, Zoning, and Public Policy”). The conclusions of the existing conditions analysis are then revised to include relevant information about the future No-Action condition.

WITH-ACTION CONDITION

For the project's build year, determine how information described in the No-Action condition would change as a result of the proposed project. The analysis of With-Action conditions considers the effects of the project in concert with No-Action trends and conditions. If the number of low income residents to be displaced exceeds 5 percent of the primary study area population—or relevant sub-areas, if the displaced population is located within the subarea identified—and the displaced population could not be relocated within the larger study area, the project may result in a significant change in the socioeconomic character of the study area, and a potential significant adverse impact may occur.

331.2. Direct Business Displacement

EXISTING CONDITIONS

The detailed assessment of direct business displacement focuses on the specific conditions that describe the businesses to be displaced and the characteristics of the study area related to the displacement. The objective of the detailed assessment is to better understand the operational characteristics of the displaced businesses, determine whether they can be relocated, and assess whether the product or service they provide would continue to be available. One or more of the following tasks may be appropriate:

- Describe the operational and financial characteristics of the business to be displaced. Also describe the products, markets, and employment characteristics. Describe the effects of this business on the City's economy. Information on retail sales, employment, wages, and other indicators of business performance and characteristics can be obtained online or in publications from the U.S. Census Bureau, the Bureau of Labor Statistics, the Bureau of Economic Analysis, and the NYSDOL. Useful data sources available from the U.S. Census Bureau include the Economic Census, which include the Census of Retail Trade, County Business Patterns, the Annual Survey of Manufactures, Non-Employer Statistics, and the Survey of Business Owners. Special economic reports are also available from the Census Bureau's Center for Economic Studies. In addition to data on employment in New York State, the NYSDOL also provides industry projections and special industry-specific reports.
- Determine whether the business to be displaced has an important or substantial economic value to the City. Describe its products and services and its economic value. This analysis should consider who the customers are of these products or services and whether similar products or services would continue to be available to these customers. Describe location needs, if any.
- Assess whether the business would be able to relocate in the study area or elsewhere in the city. This assessment is based on a comparison of the products, services, and location needs of the business with the consumer base and available properties in the study area.

FUTURE NO-ACTION CONDITION

For the project's build year, assess conditions related to the site and the study area in the future. Relevant information may include: any changes in the uses on-site; whether the available commercial



or industrial space in the area is expected to expand or decrease; whether rents are expected to increase or remain stable; and whether the tenants' conditions would change (*e.g.*, rent increases, lease expiration). This information is obtained from persons with expertise in the local conditions, through interviews with real estate brokers, and through coordination with the land use analysis (see Chapter 4, “Land Use, Zoning, and Public Policy”). The conclusions of the existing conditions analysis are then revised to include relevant information about the future No-Action condition.

WITH-ACTION CONDITION

Describe the likely effects of the proposed project on the businesses being displaced and on the character of the study area, as relevant. This analysis is based largely on a comparison with the analysis of existing conditions, adjusted to account for future trends that would occur without the project. If the business to be displaced by the proposed project is of a category of businesses described above in Subsection 321.2 and it could not be relocated within the trade area or, within the city if it does not have specific location needs, there may be a significant adverse impact.

332. Indirect Displacement

332.1. Indirect Residential Displacement

The objective of the indirect residential displacement analysis is to determine whether the proposed project may introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a population of renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents. The purpose of the detailed assessment is to determine whether the population living within the unprotected units may be at risk of indirect displacement under the proposed project because its incomes are too low to afford increases in rents.

The approach to the detailed assessment of indirect residential displacement builds upon information provided in the preliminary assessment but involves more in-depth analysis of census information and may also include field surveys. Unlike the preliminary assessment, which provides data at the study area-level, the detailed analysis distinguishes areas within the broader study area, utilizing data from census tracts or other smaller geographies within the study area, depending on the availability of data, and providing comparative data for the borough and city.

The analysis should characterize existing conditions of residents and housing in order to identify the vulnerable population that may be subject to displacement, assess current and future socioeconomic trends in the area that may affect these populations, and examine the effects of the proposed project on prevailing socioeconomic trends and, thus, its impact on the identified populations at risk.

EXISTING CONDITIONS

Depending on the proposed project in question, characterizing existing conditions in a study area includes examination of census data and may warrant consideration of additional data sources, interviews, surveys, and fieldwork. A narrative is provided describing housing and population characteristics and trends over time. Major indicators of growth and decline in the total population or specific age groups or other subcomponents are described, as appropriate. It is helpful to consider what statistical parameters are most appropriate in describing population characteristics. In some cases, averages are more reflective of the population; in other cases, a median is a better indicator. For example, the average household income in an area that contains a range of household incomes, with a few households that have substantially higher incomes than the vast majority, would not appropriately describe the typical household income. In this case, the median would also be useful in describing household income. In addition, it is often helpful to break down income levels into groupings that are commonly used in the City to define income levels for low, moderate, and middle income for eligibility for inclusionary housing and other public assistance programs. Income levels are typically



based on a family of four. For a description of current definitions, refer to <https://www1.nyc.gov/site/hpd/services-and-information/area-median-income.page>. These definitions typically change annually based on economic factors.

The following provides guidance in how to conduct a detailed analysis of indirect residential displacement and includes a reasonably comprehensive list of information that may be appropriate for the analysis.

- *DETERMINE THE AMOUNT AND GENERAL LOCATION OF PROTECTED AND UNPROTECTED HOUSING UNITS WITHIN THE STUDY AREA.* The data used to provide a housing profile are found in the U.S. Census, in DCP's housing permit data files, from agencies owning or operating housing in the area, and through surveys, as indicated below:
 - Housing units. The U.S. Census provides information on numbers of housing units, their size, their occupancy (by renters or owners), and the size of structures in which the units are located. As with population information, it is useful to compare census tracts within the study area, the total study area, the borough, and the City, to understand the particular conditions of the study area. Trends in housing can also be obtained by comparing the most recent census with the previous one or two decades. Where there is reason to suspect that the latest census data are out of date, annual information on new housing units can be obtained from DCP.
 - Group quarters, hotels, and single-room occupancy hotels (SROs). If there is reason to believe that SRO units, group quarters, shelters, or hotel units contain a sizable population of year-round, permanent residents in the study area, it may be appropriate to inventory these units and estimate their residential population. This can be done using a field survey, interviewing managers or even desk clerks, and observing the people entering and exiting the building.
 - Housing status. The rent levels of many of the housing units in the City are controlled through several mechanisms:
 - Rent control, which applies to units that are located in buildings built before 1947 with three or more units and that have been occupied by the same tenant since 1971;
 - Rent stabilization, which sets the rent of units in buildings of six units or more that were built before 1974 or that have received tax abatements or exemptions under one of several city programs;
 - Mandatory Inclusionary Housing, which requires a share of new housing built through certain zoning actions to be permanently affordable. More information regarding the Mandatory Inclusionary Housing program is available [here](#);
 - Direct public subsidies to the landlord through such means as rent subsidy payments, low-interest mortgages, and/or partial real estate tax exemptions; and
 - Public ownership.

The privately held rental units not subject to rent control, rent stabilization, or other forms of government regulation, are estimated from census data on the number of units in structure.



- *DETERMINE WHETHER THE UNPROTECTED HOUSING IS LIKELY OCCUPIED BY LOW-INCOME TENANTS WHO COULD NOT AFFORD INCREASES IN RENT AND THEREFORE WOULD BE VULNERABLE TO INDIRECT DISPLACEMENT.* The following information may be used to estimate the general size and location of such a population. Available sources of these data are the U.S. Census, the [American Community Survey](#) and the [NYC Housing and Vacancy Survey](#):
 - Household information (total households, household size, individuals), by census tract, study area, borough, and city.
 - Age. The median age and age groupings in an area may be useful in defining the population profile.
 - Economic status. Income and poverty status, in combination with other characteristics and trends noted above may help to define vulnerable populations. It may be helpful to examine median household income, the distribution of income (*e.g.*, whether all households have incomes close to the median or whether there are sizable segments with incomes much lower or much higher than the median), and the proportion of individuals living below the poverty level.
 - Labor force characteristics are typically not necessary but may be used as appropriate. Available information includes the percentage of the population in the labor force, workers per household, and occupation. This information may be useful to further characterize the population, particularly if the area shows an increase in working-age people or if an examination of economic status indicates that unemployment may be high. Occupation may also help identify residents working in the area.
 - Income of renter occupied households in small buildings. The census presents the number of rental units (and population) in structures of one and two units, three and four units, five to nine units, and so on. Those units in buildings of five or fewer units can be assumed not to be subject to rent stabilization. It is also conservatively assumed that none of these units are subject to rent control, either. Data on the average incomes of renters living in these buildings may be available through a special tabulation of census data. Based on the study area in question, the average household incomes of renter-occupied households in buildings with fewer than 5 units should be calculated to determine the approximate size and location of a low-income population living in unprotected units. Requests for the data may be coordinated through DCP.
- *CHARACTERIZE THE RECENT INVESTMENTS IN MARKET RATE AND AFFORDABLE HOUSING WITHIN THE STUDY AREA.* It is sometimes the intent of a project to build on previous efforts to stabilize a community with a history of disinvestment. Typically, these projects are expected to result in new mixed-income development and are located in a study area where the city, state, or not-for-profits have invested substantially in affordable housing development. If these conditions apply to the project, the analysis should include the following:
 - An explanation of the types of affordable housing development that have occurred in the last 10 to 15 years, including information about the tenants of the housing. Sources of this information may include data on publicly-assisted housing from the Department of Housing, Preservation and Development, as well as interviews with individuals from organizations with knowledge of the local affordable housing market, including local development corporations, not-for-profits, affordable housing developers, and city and state officials.



- Indicators that would demonstrate that the effect of the project would likely be to stabilize a distressed real estate market rather than to accelerate or enhance an influx of higher income households. Such indicators might include the absence of recent market rate housing development or rehabilitations aimed at a higher income population. Other information could include indications of economic distress, such as a high incidence of building code violations, foreclosures, or vacancy.
- *DETERMINE WHETHER UNPROTECTED UNITS POTENTIALLY CONTAINING A VULNERABLE POPULATION HAVE BEEN TURNED OVER TO HIGHER INCOME HOUSEHOLDS.* If the analysis described above discloses a low-income population in unregulated rental housing units, based on the most recent data available from the [Census](#), the [American Community Survey](#) or the [Housing and Vacancy Survey](#), further analysis may be necessary to determine whether conditions in the study area, and consequently, the size of the population at risk, have changed since the date of the data used in the detailed analysis described above. Therefore, the detailed analysis should consider whether recent trends indicate the introduction of a higher income population in areas with a vulnerable population. The analysis should consider evidence of recent investment, including the type and amount of new housing development and major alterations of existing buildings.
- *IDENTIFY POPULATION AT RISK.* Using some or all of the information listed above, or any other information that would be relevant, the analysis identifies whether a population that would be vulnerable to secondary displacement exists, and if so, its general location and size. The population at risk is renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations that limit rents, whose incomes or poverty status indicate that they could not support substantial rent increases.

FUTURE NO-ACTION CONDITION

Since impacts of the proposed project are assessed in relation to the Future No-Action, it is necessary to project existing conditions for the project's build year. The objective is to identify, as appropriate, the trends affecting rents and displacement that may be in effect in the future without the project. This analysis includes the following:

- Identification of other projects and developments proposed, approved, or under construction in the area (see Chapter 4, "Land Use, Zoning, and Public Policy").
- Description of future investments in affordable housing if the project is expected to stabilize the housing market, as described above in Step 3 of the existing conditions assessment.
- Identification of anticipated population changes, if any.
- Based on recent and current trends in the area, assessment of future trends and conditions.
- Consideration of economic trends within the City.

WITH-ACTION CONDITION

The objective of the With-Action Condition analysis is to determine whether a vulnerable population would be at risk of displacement under the proposed project. This analysis includes the following steps:

- Describe the type of development expected under the proposed project.
- Estimate the project's population characteristics, particularly including size, age, and income.



- Assess how the real estate market conditions in the study area would change under the proposed project. If the project would introduce a mixed-income population into an area with a recent history of affordable housing investment, it is possible that the new population would serve to stabilize the real estate market rather than change it in such a way that rents would be expected to rise substantially in the surrounding area. If this is considered likely based on the analysis of existing conditions, the analysis should assess how the new housing would affect the existing real estate market. Sources of this information may include interviews with local real estate brokers and developers, as well as experts within the affordable housing community, such as city and housing officials, and those familiar with the affordable housing market within the study area. This might include leaders of local development corporations and other not-for-profits active in this area. If a vulnerable population exists in the study area, estimate the size and general location of the population at risk of displacement under the proposed project. The analyst should consider whether land use or real estate market conditions would reduce the likelihood that a vulnerable population would be at risk of indirect displacement. For example, a physical barrier within the study area, such as a railroad viaduct or river, may create distinct real estate markets that are unlikely to be affected by the proposed project. Similarly, if it is determined that a project, because of its mixed-income composition, would not cause drastic changes in the real estate market, it may not affect rents for some or all of the existing vulnerable units.

If the detailed assessment identifies a vulnerable population potentially subject to indirect displacement that exceeds 5 percent of the study area population--or relevant sub-areas, if the vulnerable population is located within the subarea identified--the project may result in a significant change in the socioeconomic character of the study area, and a potential significant adverse impact may occur.

332.2. Indirect Business Displacement

The objective of the indirect business displacement analysis is to determine whether the proposed project may introduce trends that make it difficult for those businesses meeting the criteria set forth in Subsection 321.2, above, to remain in the area. If a detailed analysis is being conducted, the analyst would have concluded in the preliminary assessment that the project has the potential to introduce such a trend. The purpose of the detailed assessment, then, is to determine whether the project would increase property values and thus increase rents for a potentially vulnerable category of businesses, and whether relocation opportunities exist for those firms.

The assessment approach varies depending on the particular indirect displacement issue identified in the preliminary assessment.

INCREASES IN PROPERTY VALUES AND RENTS

Whatever the actual cause (*e.g.*, the introduction of new economic activity or new population groups), the assessment of indirect displacement depends on developing an understanding of which sectors of an area's economic base may be most vulnerable to indirect displacement.

EXISTING CONDITIONS

The first step is to develop a profile of the study area to determine whether it includes any potentially vulnerable category of businesses.

ECONOMIC PROFILE. Some or all of the following tasks may be applied to construct an economic profile of the study area.



- If the area is large enough, gather zip code employment data available from [LEHD](#), or other available source of employment data, such as County and Zip Code Business Patterns, products of the U.S. Census. This data provides a picture of an area's employment base by key industry sector and, through the use of multi-year data, trends in employment.
- Determine whether any studies that provide relevant, current data have already been conducted. The most likely sources of data are found through DCP, The New York City Department of Small Business Services, and the New York City Economic Development Corporation. Local community boards, local development corporations, or business improvement districts may also have appropriate data.
- Generally, to supplement secondary data as appropriate, develop an up-to-date profile by collecting primary data. This may include conducting a building-by-building field survey of the relevant area. The survey should focus on the number and types of firms; indicators, if any, of recent trends (*e.g.*, whether there already signs of new business investment or disinvestment); and available space, as well as real estate brokers active in the area. Real estate brokers are often excellent sources for determining trends in tenancy, rental and sale prices for space and whether there are special relationships among the activities of the area's businesses.
- As appropriate, supplement the survey data and other data through interviews with other relevant public officials (*e.g.*, particular industry specialists), trade associations, local development corporations, and/or merchant associations. In some instances, interviews with selected businesses identified in the field survey may be used to gain important insights into trade areas, customer base, unusual linkages, relocation possibilities, *etc.*
- Identify trends and conditions in the underlying economy.

REGULATORY PROTECTIONS. Determine how existing regulations and laws may affect possible shifts in the economic base of the area.

DETERMINE WHETHER LAND USE, BUILDING STOCK, TRANSPORTATION, AND OTHER SERVICES REQUIRED TO SUPPORT THE POTENTIALLY DISPLACED ECONOMIC ACTIVITY EXIST IN THE STUDY AREA. This is undertaken first by identifying the elements necessary and then by coordinating with the land use analysis or other appropriate technical area.

IDENTIFY CATEGORIES OF BUSINESSES AT RISK. Using the information gathered, characterize the existing economic profile, focusing on categories of businesses that may be vulnerable to displacement if property values and rents were to rise. Assess this likelihood, given public policy and other factors that affect economic conditions in the area.

DESCRIBE THE OPERATIONAL AND FINANCIAL CHARACTERISTICS OF THE BUSINESS TO BE DISPLACED. Also describe the products, markets, and employment characteristics. Describe the effects of this business on the City's economy. Information on retail sales, employment, wages, and other indicators of business performance and characteristics can be obtained online or in publications from the U.S. Census Bureau, the Bureau of Labor Statistics, the Bureau of Economic Analysis, and NYSDOL. Useful data sources available from the U.S. Census Bureau's Economic Census include the Census of Retail Trade, County Business Patterns, the Annual Survey of Manufactures, Non-Employer Statistics, and the Survey of Business Owners. Special economic reports are also available from the Census Bureau's Center for Economic Studies. In addition to data on employment in New York State, NYSDOL also provides industry projections and special, industry-specific reports.

DETERMINE WHETHER THE BUSINESS TO BE DISPLACED HAS AN IMPORTANT OR SUBSTANTIAL ECONOMIC VALUE TO THE CITY. Describe what economic value it has and the effects of its products and services. This analysis should consider who the customers are of these products or services and whether similar products or services would continue to be available to these customers. Describe location needs, if any.

***FUTURE NO-ACTION CONDITION***

For the project's build year, determine whether any factors would emerge that would affect the underlying economic base of the target area. This may include the influences of specific development projects, the enactment or expiration of relevant regulations and laws, and an assessment of underlying trends as identified above and in the land use analysis (see Chapter 4). Also, assess conditions related to the study area in the future to determine relocation opportunities. Relevant information may include: whether the available commercial or industrial space in the area is expected to expand or decrease within the City or trade area and whether rents are expected to increase or remain stable for comparable properties. This information is obtained from experts in the local conditions, through interviews with real estate brokers, and through coordination with the land use analysis (see Chapter 4, "Land Use, Zoning, and Public Policy"). The conclusions of the existing conditions analysis are then revised to include relevant information about the future No-Action condition.

WITH-ACTION CONDITION

The assessment of existing and future No-Action conditions provides a picture of the local economic base, changes that have occurred over the years, and changes, if any, that may be expected in the future. Qualitatively assess, based on historical patterns of development in comparable neighborhoods and the strength of the underlying trends, whether and under what conditions the project would stimulate changes that would raise either property values or rents and, if so, whether this would make existing categories of tenants vulnerable to displacement. This conclusion assumes that the businesses would be displaced by legal means. The analysis should also consider whether relocation opportunities exist for the affected categories of businesses. If the indirectly displaced businesses are of a category of businesses described above in Subsection 321.2 and could not be relocated within the trade area or the City, there may be a significant adverse impact.

332.3. Indirect Business Displacement Due to Retail Market Saturation

If the preliminary assessment identifies the potential for a proposal to create market saturation for particular categories of retail goods, a detailed assessment is necessary to determine whether the project may result in an increase in vacancy in retail store fronts, affecting the viability of neighborhood shopping areas in the study area.

EXISTING CONDITIONS

The detailed analysis of the potential effects of market saturation builds upon the preliminary assessment and is intended to identify retail areas that directly overlap with the proposed retail anchors. The following tasks may be appropriate.

- Develop a profile of the retail environment within the trade area. This involves locating key retail concentrations within the trade area; creating, usually through field surveys, an inventory of their retail uses; and, through visual observation or discussions with local realtors, development corporations, or merchant associations, developing an understanding of recent trends and overall conditions.
- Profile stores that provide goods similar to those of the project anchors. For example, in the case where the shopping center would be anchored by a supermarket, this profile should include the location, size, characteristics (*e.g.*, availability of parking, hours of operation), and sales volume of trade area supermarkets. These data can be collected through field observations (for availability of parking and hours of observation); through consultation with DCP (for detailed information from the New York State Department of Agriculture and Markets). The number of other food stores should also be identified though, because of their sheer number, a detailed profile may



not be necessary. Where there are other anchors, similar procedures may be followed. Key competitors can be identified and profiled.

FUTURE NO-ACTION CONDITION

For the project's build year, determine whether any factors would emerge that would affect conditions within the trade area. These may include projected increases in population that would provide a stronger base of shoppers, other projected retail developments, or anticipated store closings or rising incomes. Additionally, it should be acknowledged that New York City's commercial streets are dynamic and potential turnover due to changes in consumer spending, shopping trends, demographics, and population growth independent of the proposed project should be considered.

WITH-ACTION CONDITION

Add the proposed project to the baseline established in the future No-Action conditions. Assess impacts on local shopping areas. Consider the proposed project's effect on the demand for new retail businesses that could locate on the commercial street, based on increased purchasing power within the trade area resulting from a new population.

There may be a potential for a significant adverse impact on retail businesses if a project would result in decreased shopper traffic on neighborhood commercial streets that causes increased vacancy that would affect the economic viability of retail business in the study area. This should be considered likely if all of the following conditions are expected:

- The proposed anchor stores have the potential to affect the ability of stores selling similar categories of goods located on neighborhood commercial strips to capture sufficient sales volume to remain in operation;
- These stores draw a substantial share of shopper traffic to the neighborhood commercial strips or the street contains a concentration of businesses that sell the relevant categories of retail goods; and
- Limited demand for retail tenants is expected due to purchasing power in the trade area.

333. ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

EXISTING CONDITIONS

The key to understanding potential impacts on specific industries or categories of businesses is to develop an understanding of the relationship between the proposed project and the business conditions experienced by potentially vulnerable industries or categories of businesses. This may involve field observation and interviews with select business owners and other persons with relevant expertise. For non-location-specific actions, such as changes in regulations for particular industries, it is important to understand the relationship between the processes intended for regulation and the operation of the businesses. Again, this may involve either special research or interviews with potentially affected businesses.

Industries and categories of businesses may be affected by structural changes in the city, national, and global economies, altering the demand for the product or service they provide and the relative cost of doing business at their current location, compared with other possible locations where these industries or categories of businesses could operate. In addition, technological changes and tax or regulatory policies at the state and federal level may affect the operational characteristics of industries or categories of businesses. In a detailed analysis, it is important to develop an understanding of the underlying trends that exist independently of the proposed project.

***FUTURE NO-ACTION CONDITION***

Determine any factors that would affect the future operations of vulnerable businesses identified in the analysis of existing conditions. For example, it may be possible that technological advances may phase out the types of processes proposed for regulation.

WITH-ACTION CONDITION

Potential effects may range from changes in operations that may be of little overall consequence to the individual businesses, changes that may add costs but would not cause displacement or relocation, or changes that would result in displacement or relocation. For example, for changes in regulations that affect the basic processes conducted by a business, the analysis may consider whether that process is critical for the operation of the business, whether there are acceptable substitutes that would not materially affect the operations of the businesses, and whether relocation to other areas with less stringent regulations would be a more viable option. In some cases, the project may directly or indirectly affect businesses that support or interact with other businesses or industries in the area, which would then be secondarily affected. If there is potential for these businesses to be affected, this should be described and analyzed. A significant adverse impact may occur if it is determined that the proposed project would affect operating conditions for any category of business described in Subsection 321.2, above.

400. DETERMINING IMPACT SIGNIFICANCE

This section proposes specific thresholds to offer guidance on when a significant adverse impact may reasonably be expected. However, certain circumstances may warrant different thresholds. The lead agency should determine whether the specific circumstances of the proposed project warrant a determination of significant impacts, even if the impact thresholds in this section have not been reached.

410. DIRECT DISPLACEMENT**411. Residential Displacement**

Impacts of direct residential displacement are usually considered significant if they would markedly change the socioeconomic character of the study area by dislocating substantial numbers of lower-income households that could not relocate within the study area. Generally, if the number of low income residents to be displaced exceeds 5 percent of the primary study area population – or relevant sub-areas, if the displaced population is located within the subarea identified – and the displaced population could not be relocated within the study area, a potential significant adverse impact may occur. In these cases, mitigation should be considered.

412. Business Displacement

A situation in which businesses with the characteristics discussed in Subsection 321.2, above, would be displaced by the project and could not relocate into suitable space according to their reasonable vocational needs may be considered a significant adverse impact warranting consideration of mitigation.

420. INDIRECT DISPLACEMENT**421. Residential Displacement**

Generally, if the detailed assessment identified a vulnerable population potentially subject to indirect displacement that exceeds 5 percent of the study area – or relevant sub-areas, if the vulnerable population is located within the subarea identified – the project may substantially affect the socioeconomic character of the study area and a significant adverse impact may occur.



422. Business Displacement

Generally, if a proposed project would trigger a socioeconomic change that would result in displacement of a category of businesses with the characteristics set forth in Subsection 321.2; if those businesses are powerless to prevent their displacement; if they would not be likely to receive any relocation assistance; and, given the trend created or accelerated by the proposed project, they would not be likely to find comparable replacement space in their market area, the impact would be considered significant and adverse and mitigation should be considered.

423. Retail Market Saturation

If development activity creates retail uses that draw substantial sales from existing businesses to the extent that it results in increased and prolonged vacancies leading to disinvestment, thereby affecting the land use and economic viability of the neighborhood, the impact may be considered significant and adverse, and mitigation should be considered.

430. EFFECTS ON SPECIFIC INDUSTRIES

An impact of a project that would substantially impair the ability of a specific industry or category of businesses described above in Subsection 321.2 to continue operating within the City may be considered significant and adverse, requiring consideration of mitigation.

500. DEVELOPING MITIGATION

510. DIRECT DISPLACEMENT

511. Residential Displacement

For significant impacts that result from direct residential displacement, mitigation would consist of relocation of the displaced residents within the neighborhood. Possible measures include provision of relocation assistance, including lump sum payments, payment of moving expenses, payment of brokers' fees, and payment of redecorating expenses. When direct displacement would cause a significant impact, the mitigation may also be the creation or replacement of affordable units elsewhere in the study area to offset the effects of the project. The extent of mitigation may be limited by overall project feasibility. If all significant impacts cannot be feasibly mitigated, then an unmitigated impact should be identified.

512. Business Displacement

Mitigation for business displacement is similar to residential mitigation, but the opportunities can be more limited, depending on the nature and extent of the impact. Measures include helping to seek out and acquire replacement space inside or outside the study area; provision of relocation assistance, including lump sum payments, payment of moving expenses, payment of brokers' fees, and payment for improvements to the replacement space (if the new landlord is not providing for improvements). The extent of mitigation may be limited by overall project feasibility. In such cases, an unmitigated impact should be identified.

520. INDIRECT DISPLACEMENT

521. Residential Displacement

Similar to the mitigation for direct residential displacement discussed above, mitigation for indirect residential displacement would consist of creating housing within the study area with specific opportunities for residents identified as potentially vulnerable to indirect displacement. Mitigation measures for indirect residential displacement include: providing appropriate, comparable space as part of the project, either on-site or off-site



but within a reasonable distance of the current location of the units that would be displaced; creating new rent-regulated units through programs such as inclusionary housing, preservation of existing rent-stabilized units, or the development of new publicly assisted units within the study area. Full mitigation of an indirect residential displacement impact may not be possible given the difficulty of identifying the population affected by the project. In these cases, a partially unmitigated impact should be identified.

522. Business Displacement

Mitigation measures for indirect displacement of businesses include enactment of regulations and policy. Similar to direct business displacement, measures also include helping to seek out and acquire replacement space inside or outside the study area; provision of relocation assistance, including lump sum payments, payment of moving expenses, payment of brokers' fees, and payment for improvements to the replacement space (if the new landlord is not providing for improvements).

523. Retail Market Saturation

For adverse impacts on local commercial streets, mitigation includes funding for local commercial revitalization efforts and capital improvements or funding for efforts to attract new businesses in an effort to reduce vacancy. For example, funds that enhance the streetscape along a commercial strip may encourage patrons to continue shopping there, despite new shopping options.

530. EFFECTS ON SPECIFIC INDUSTRIES

For specific industries affected by changes in regulations, mitigation include financial assistance that reduces operating costs and offsets impacts or lifting of other regulations.

600. DEVELOPING ALTERNATIVES

610. DIRECT DISPLACEMENT

611. Residential Displacement

For a project that would result in significant impacts because of direct displacement of residences, a smaller project or an alternative configuration that avoided them may be considered if the residences to be displaced occupy only a portion of the study area. Another alternative could be to include appropriate housing units within the project. In some cases, particularly for public projects, different sites that would reduce or eliminate residential displacement may be considered.

612. Business Displacement

Similarly, for projects that would result in significant impacts because of direct displacement of businesses, a smaller project or an alternative configuration that avoided displacement may be considered if those businesses occupy only a portion of the project site. In some cases, particularly public projects, different sites that would reduce or eliminate business displacement may be considered.

620. INDIRECT DISPLACEMENT

621. Residential Displacement

For residential projects, alternatives that avoid indirect residential displacement would include a different housing mix as part of the project—for example, including more affordable units that replace those to be affected in the study area. A different mix of uses, or less dense uses, may also be considered. In some cases, particularly public projects, different sites may be considered.



622. Business Displacement

Where indirect displacement of businesses is at issue, alternatives are similar to those for indirect residential displacement: altered mix of uses, perhaps to include some space for those uses that would be indirectly displaced; less intense uses; or, if appropriate, alternative sites.

630. EFFECTS ON SPECIFIC INDUSTRIES

It is difficult to be specific as to alternatives in the case of impacts on specific industries, since the cases are so disparate. If the action involves promulgating regulations, a change to the regulations or to the timing may be an appropriate alternative. Other alternatives depend on the specific circumstances of each project.

700. REGULATIONS AND COORDINATION

710. REGULATIONS AND STANDARDS

711. Regulations Affecting Residents

As discussed above, residential tenants are afforded protection against displacement through state rent regulations, regulations guiding the conversion of rental units to co-operatives or condominiums, and provisions against the harassment of tenants. For those being displaced by a city project or from a property owned or managed by the City, relocation benefits are provided. These regulations are summarized below.

711.1. Rent Regulation

The New York State Division of Housing and Community Renewal (DHCR) administers both rent control and rent stabilization, two programs aimed at regulating the rents paid by tenants. Rent control covers tenants in rental buildings constructed prior to February 1947 who moved in prior to July 1971. Rent stabilization generally applies to buildings with six or more units constructed before 1974 or those buildings that receive benefits of a tax abatement program. Rent adjustments for rent-controlled apartments are made based on a determination of a maximum base rent, *i.e.*, the rent that would be required to operate the unit under prevailing cost conditions and to provide the owner an 8.5 percent return on the equalized assessed value of the building. Rents in controlled units may be adjusted to account for increases in heating fuel costs.

Rent stabilization also applies to single room occupancy (SRO) dwellings in buildings constructed before July 1, 1969 with six or more units and renting for less than \$350.00 per month or \$88.00 per week on May 31, 1968.

For information on the current permitted annual rent increases for rent-stabilized tenants, see the [Rent Guidelines Board web site](#).

The Department for the Aging administers the [Senior Citizen Rent Increase Exemption Program \(SCRIE\)](#), which regulates rents for tenants 62 years old and over whose household income is \$20,000 or less. For these tenants, annual rent payments cannot exceed 33 percent of annual income.

711.2. Co-op and Condominium Conversion

The conversion of rental units to co-ops or condominiums was a strong phenomenon of New York City's real estate market during the 1980's. Two routes to conversion are possible—eviction plans, which require the approval of 51 percent of the tenants in the building and which allow for the eviction of tenants who do not purchase their apartments once the conversion plan has been declared effective; and non-eviction plans, which require the approval of 51 percent of the tenants and which do not allow the eviction of tenants who do not purchase their units. Disabled persons and senior citizens are protected from eviction regardless of the kind of plan offered, their income level, or the length of



residency in the building. Since virtually all conversion plans in New York City have been non-eviction plans, co-op and condominium conversion activity does not pose a strong displacement threat to tenants.

711.3. Additional Protection for SRO Tenants

Since residents of SRO units have at times been subject to displacement (see Subsection 711.4, below), it should be noted that there are other provisions in the law (also administered by DHCR), other than rent stabilization, which provide an added degree of protection to SRO tenants. These cover the following: the provision of basic services, such as heat, hot water, janitorial services, maintenance of locks and security devices, repairs and maintenance, and painting; and evictions, including those required as a result of plans for demolition. In the case of demolition, the owner is responsible for the relocation of tenants to suitable housing at the same or lower regulated rent in a closely proximate area and for paying moving expenses.

711.4. Anti-Harassment Provisions

Despite the protection afforded tenants under rent control and rent stabilization, tenants can be forced out of their apartments through illegal activities, such as harassment by landlords. Both the New York City Department of Housing, Preservation and Development (HPD) and DHCR administer measures against harassment that, in the more severe cases, provide very strong penalties for persons found guilty of harassment and illegal eviction. With regard to SRO dwellings, no plans for demolition or alteration may be approved by the Commissioner of Buildings unless the Commissioner of HPD either has certified that there has been no harassment of lawful occupants within the 36-month period prior to the date of submission of an application for certification of no harassment or has issued a waiver of such certification.

- **LOCAL LAW 7 OF 2008.** This law creates civil penalties for certain types of tenant harassment. Some of the actions that qualify as harassment under this legislation include: use of force or threats against a lawful occupant; repeated or prolonged interruptions of essential services; use of frivolous court proceedings to disrupt a tenant's life or force an eviction; removal of the possessions of a lawful tenant; removal of doors or damaging locks of a unit; or, any other acts designed to disturb a lawful occupant's residence. The law also prevents similar actions by third parties working on the landlord's behalf.

711.5. Relocation Assistance for Direct Residential Displacement

If a city project results in the acquisition of properties containing residential tenants, HPD will offer relocation assistance to any site occupants in compliance with city and state law. For those who are to be displaced under an Urban Renewal Plan, relocation will comply with all applicable laws and regulations including, but not limited to, Section 505 (4)(e) of the Urban Renewal Law. If federal funding is involved, HPD will provide benefits and services under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), as amended (Uniform Relocation Act). If feasible, HPD will relocate families and individuals to be displaced into "decent, safe, and sanitary dwellings, which are or will be provided [on-site] or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment."

712. Regulations Affecting Businesses

Regulations, such as rent regulations, to prevent involuntary, indirect displacement, are not available to businesses. However, the City and State do offer incentives and payments in selected areas to help offset economic trends that may displace certain types of businesses. Eligible categories of businesses thus receive



some measure of protection against economic displacement. For information on specific incentive programs available to businesses, see Subsection 712.1, below. In addition, businesses directly displaced by city projects may receive benefits and services under state and federal law, as applicable.

712.1. City and State Commercial and Industrial Programs and Incentives

The City and State offer a number of programs and incentives to commercial and industrial businesses designed to help retain and expand such businesses at their current locations or in New York City. Most of the programs and incentives are administered by the New York City Department of Finance (DOF), New York City Economic Development Corporation (NYCEDC), and the New York State Economic Development Council (NYSEDC). Information on these programs can be obtained from [DOF's](#), [NYCEDC's](#), or [NYSEDC's](#) websites.

712.2. Relocation Assistance for Direct Business Displacement

If a city project results in the acquisition of commercial properties, HPD will relocate site occupants in compliance with state law. Businesses displaced under an Urban Renewal Plan will be relocated in accordance with all applicable laws and regulations, including, but not limited to, the State's Urban Renewal Law. If federal funding is involved, site occupants will receive benefits and services in compliance with the Uniform Relocation Act.

720. APPLICABLE COORDINATION

Socioeconomic conditions analyses often use information gathered for assessments in other technical areas. Similarly, data gathered for the socioeconomic analyses may be useful for other technical areas. Therefore, the lead agency should coordinate environmental review among those conducting the different technical analyses.

In addition, coordination with government agencies may be appropriate when their policies apply to the proposed project. These include the New York State Division of Housing and Community Renewal, which administers rent regulations, and the New York State Attorney General's Office, which regulates cooperative and condominium offering plans.

730. LOCATION OF INFORMATION

731. Census of Population and Housing and American Community Survey

- New York City Department of City Planning
Housing and Economic Development Division
Population Division
120 Broadway, 31st Floor
New York, NY 10271
<http://www.nyc.gov/html/dcp/>
<https://popfactfinder.planning.nyc.gov>
- U.S. Department of Commerce
Bureau of the Census
395 Hudson Street, Suite 800
New York, NY, 10014-7451
<http://www.census.gov>.
<http://www.census.gov/acs/www/>



732. Other Population, Economic, and Land Use Data

- *Annual Report on Social Indicators*. Provides summary data for the City, and, where available, for boroughs and community districts. **Source:** DCP, Housing, Economic, and Infrastructure Planning Division.
- *Consolidated Plan*, published annually. Provides information on specific programs and on available funding for government-assisted housing. **Source:** DCP, Housing, Economic, and Infrastructure Planning Division.
- *Housing Supply Report*. Annual reports and database for new housing completions. **Source:** Rent Guidelines Board, <https://www1.nyc.gov/site/rentguidelinesboard/index.page>.
- Data on the estimated number of protected housing units by study area. **Source:** New York State Division of Housing and Community Renewal, compiled by DCP's Housing, Economic, and Infrastructure Planning Division.
- Employment and unemployment data, number of firms, and total payroll. **Source:** New York State Department of Labor (NYSDOL), <https://www.labor.ny.gov/home/>
- Economic databases, as follows:
 - Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD Origin-Employment Destination Statistics or LODES) Data: Total employment at the Census block level. Data can be tabulated at the 2-digit North American Industry Classification System (NAICS) levels, broad age and income ranges, by race or ethnicity, educational attainment, and sex. Recent data are available by year. Economic Census Data: Census of Manufacturing, Census of Wholesale Trade, and Census of Retail Trade. The data are for New York City, each borough, and the United States, and include number of establishments, employment, annual payroll, average annual (and hourly for manufacturing) pay per employee, and a measure of value of output (sales, receipts, value added). **Source:** U.S. Census Bureau, <http://www.census.gov/econ/>.
 - Bureau of Economic Analysis Data. The Bureau of Economic Analysis CA05 Local Area Employment series, 1969 to most recent year, by industry division and type (wage and salary, self-employed, etc.) for New York City, each borough, the metropolitan area, and the United States. Data are for those working in New York City. **Source:** Bureau of Economic Analysis, <http://www.bea.gov/>.
 - The Bureau of Economic Analysis CA25 Local Area Personal Income series, 1969 to most recent year, by industry division and type (wages and salaries, transfer payments, dividends interest, rent, etc.), for New York City, each borough, the metropolitan area, and the United States. Includes overall per capita income as well as the sources of aggregate income. Data are for New York City residents in some cases, and those working in New York in other cases.
 - Current Employment Survey (Non-Agricultural Data). Annual average employment data. New York City and United States at the industry division level, 1958-present.
 - Current employment survey annual average employment data. New York City, the metropolitan area (by primary metropolitan statistical areas (PMSAs)), the Northeast (and each component state), and the United States at the industry division level, 1983 to present. New York City and the United States at the 2-digit SIC level, as far back as the 1987 SIC change will allow.
 - Monthly current employment survey employment estimates for New York City, 1987 to the present. Data are for total employment, private, government, and selected 2-digit industries.



Source: U.S. Bureau of Labor Statistics
Division of Current Employment Statistics
2 Massachusetts Avenue, NE
Washington, DC 20212-0001
<http://www.bls.gov/ces/>

- *Statistical Abstract of the United States*. Compendium of statistical tables at the state and national level. Includes information on online retail expenditures. **Source:** U.S. Census Bureau,
https://www.census.gov/library/publications/time-series/statistical_abstracts.html

- Integrated Property Information System (IPIS) property management data. Inventory of city-owned property.

Source: Department of Citywide Administrative Services
One Centre Street, 20th Floor
New York, NY 10007
<http://www.nyc.gov/html/dcas/html/home/home.shtml>

- Real estate publications.
- *NYC Housing and Vacancy Survey* conducted by U.S. Census Bureau for New York City every three years. Contains information on housing units, building and neighborhood conditions, and household and population characteristics.

Source: New York City Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038
<http://www.nyc.gov/html/hpd>

City Bookstore
Municipal Building
One Centre Street
New York, NY 10007
<https://www1.nyc.gov/site/dcas/about/citystore.page>

- *Dollars and Cents of Shopping Centers*, published by the Urban Land Institute.
- Assessed values and tax rates.

Source: New York City Department of Finance
66 John Street
New York, NY 10038

- Expenditure potential for retail goods, models for determining the direct and indirect jobs generated by given construction activity.

Source: U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230
<http://www.commerce.gov/>



- Information on relocation assistance.

Source: New York State Division of Housing and Community Renewal (DHCR)
Hampton Plaza
38-40 State Street
Albany, NY 12207
<https://hcr.ny.gov/division-housing-and-community-renewal>

New York City Economic Development Corporation (EDC)
One Liberty Plaza, 165 Broadway
New York, NY 10006
<https://edc.nyc/>

733. Information on Publicly Subsidized Housing

- New York City Department of Housing Preservation and Development (HPD)

100 Gold Street
New York, NY 10038
<http://www.nyc.gov/html/hpd>

- New York State Division of Housing and Community Renewal (DHCR)

Hampton Plaza
38-40 State Street
Albany, NY 12207
<https://hcr.ny.gov/division-housing-and-community-renewal>

- New York City Economic Development Corporation (EDC)

One Liberty Plaza, 165 Broadway
New York, NY 10006
<https://edc.nyc/>

- New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC)

633 Third Avenue
New York, NY 10017
<https://esd.ny.gov/>

- New York City Housing Authority (NYCHA)

250 Broadway
New York, NY 10007
www.nyc.gov/nycha

- U.S. Department of Housing and Urban Development (HUD)

Region II, Regional Office
26 Federal Plaza
New York, NY 10278
<http://www.hud.gov/>



- Human Resources Administration (HRA)

250 Church Street

New York, NY 10013

<http://www.nyc.gov/html/hra>