



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

**November 15, 2019 | 10:00 AM – 12:00 PM @ 1 Centre Street South
Religious Facilities Task Force (RFTF) Stakeholder Meeting #2 Minutes**

Goal of Stakeholder Engagement

- Provide information and connect to resources that can be useful to your communities.
- Hear from you about the issues you are facing.
- Hear about potential policy solutions that can address the challenges or opportunities you are facing.

Presentation by Landmarks Preservation Commission

Executive Director Lisa Kersavagae

- Went over the Landmarks Preservation Commission mission. Agency is divided into multiple departments, Research, Enforcement, Landmarks, Archeology and Environmental Review and small grant program.
- Designations: more than 37K in NYC. 100 historic districts.
- Religious Designations: About 500 religious properties. 175 are individual the remaining are in districts.
- We apply rigors standards but are sympathetic to religious institutions. Interiors are not considered in process.

Recently Designated Sites:

- First Hungarian Reformed Church, architectural, historical and cultural significance
- Central Harlem 130-132 Historic District. Franklin Baptist Church – close ties to MLK, Has architectural and historical significance.
- Providence Reformed Dutch Church of Flushing. This is a complex which we designate as well. Did not designate the church
- Cathedral Church of Saint John the Devine – Includes auxiliary building but not the adjacent developed site. The Cathedral his not finished the LPC issues a statement of regularly intent that the commission recognized the cathedral will evolve overtime.

Landmarking Application and Process Overview

- We receive 14K applications
- Only 3-6% go to review
- We do not proactively seek out properties. We do not compel owners to make changes. We do not get involved in sale. We don't regulate interior.

- Rules – were updated January 2019. Releasing new guidance related to those rules in the next few weeks
- Dedicated staff for buildings owned by religious institutions. They can offer expertise for these properties.

Case Studies

- Restoration and Renovation
 - Staff can approve exterior upgrades and offer technical expertise.
 - We understand Religious Institutions face deferred maintenance issues
 - St Patrick's, Comprehensive restoration
 - Eldridge Street Synagogue – went through comprehensive restoration
- Barrier Free Access
 - Entrances should be accessible and meet local ADA standards.
 - We review and approve work now that look for solutions to barrier free access.
 - Stained Glass: Commissioners approves removing stained glass for light and air requirements. We urge preservation but do allow for removal of stained glass. We can offer technical assistance for continued religious use or adaptive reuse
 - Baptist Church development – 140 west 81st street
 - Added residential use and stayed in the building. Commission had to think creatively about how to alter and enlarge the envelope but keeping the character of the original church
 - West End Collegiate Church
 - Demolished adjacent school building that was “non contributing” was approved in 2015 and heard in conjunction with the residential development
 - Church congregation was heavily involved in the development.

Adaptive Reuse

- St Ann's Brooklyn Heights Historic District. Additions were approved multiple times to accommodate growth
- Persian Jewish Center of New York

Funding Opportunities

- Modest historic preservation grant program \$10,000 to \$30,000. Money is received from HUD and bound to their rules.
- However, we can give money to religious buildings not used for worship.
- Stuyvesant – day care – funding stained glass restoration.
- Landmarks Conservancy Loans, Nonprofit in NYC. Have expertise in landmarks. Have a sacred sites program that allows them to give money to religious sites. Provide technical assistance and project management

Questions for LPC

- Transfer of development rights. City Code requires for it to be contiguous except for special districts. Some of us are concerned about how to unlock air rights. 7477 7479
 - There is some flexibility not just contiguous. East midtown we were supportive of freeing up those air rights a little more loosely.
 - The commission is supportive but that is a planning issue and the planning commission is the main arbiter of that
 - St Patrick's is trying to use the air rights to help renovate the cathedral. There has not been a transfer at this point but an optimistic
 - Brooklyn Atlantic avenue church (special permit being used)
 - Huge building next to MOMA. Took air rights from church on 5th avenue. 7479 Individual. Special Permit: 7411
- How do we get historic district extended?
 - We occasionally do that but those extensions would need to have the same architecture or cultural standards. We do them but not often.
- Landmarking can be a blessing and burden. Air rights – part of the education around the liberation of air rights. What would be the benefit – is there a database on the condition of religious landmarks that can be matched to available air rights?
 - LPC: We don't have a database of miniatous needs for religious institutions.
 - LPC: We are conducting site visits that fit our at risk category so we can make observations about the conditions of the sidewalks.
- Could the gentleman from St Pats talk about how they structured the air rights?
 - Part of the east midtown re-zoning. Was worked with council and city agencies. One of the stipulations was that the monies generated are used for air rights are exclusive to the maintenance of the church. Nothing else. The income came from TDR sales to those properties that were eligible.
- When LPC is involved in these projects. There are not requirements we have for how money is used. The requirements usually bring the property up to restoration and percentage of air rights is put in a fund that goes to ongoing maintenance. Not always the case that it needs to go to restoration.

Canon Law and Deconsecrating

Presentation by Canon Law Professionals, LLC

J. Michael Ritty, J.C.L., Ph.D.

- Secular law system focusses on justice over truth
 - Cannon law prioritized finding truth
- Definitions
 - Parish Closings – parishes are people
 - Church is the building where worship takes place
- Parish is the community of people. Generally speaking it's a group of people.
- Each parish has a Juridic personality (AKA a corporation in New York State).
- Church Building – regulated by canons (this presentation is available)

- Oratory – special place designated for special permission by bishop. There are a times when church buildings close was renamed as an oratory and was still under direction of parish.
- Private chapel is an individual place. Can be a home or a of home.
- Shrines – special place set aside by the particular name. Shrines have regulations that have to be dealt with.
- Suppression of a parish – no such thing. Usually though it is altered in some fashion. The territory of the parish is being marched with another etc.
- All assets and liabilities of one parish merge into the new entity
- This is important multiple buildings are merged with one parish and the diocese says we need to sell one of these buildings.
- Diocese needs to show the church can't be used in any other way. If it still can be used as a church it must take certain steps – it might have to have a removal of dedication or deconsecrating. The easiest way for these to happen is when there is a fire or bulldozing sites.
- Questions to Consider:
 - Is there sufficient reason for closing?
 - Have the people taken part in the process? Has the bishop looked at the benefactors. Large contributors have a right to be heard if there is a sale. A person gives a certain plot of land it must only be used for a church.
- When a Church building is sold the diocese does not get the money. It's the new parish that gets the money. They might have tax obligations for the diocese but the bulk goes to the new parish.
- The finances are proper to the community. Donors, benefactors and attentions. And people who have acquired rights.
- There are various permissions according to CL before building can be sold. There have to be reason shown. What is the impact. Will there be a grave harm to the souls? Monetary issues – sales over 5 million that sale has to have approval from Rome for it to occur. If those permissions are not sought it is possible any sale could be overturned.
- Religious communities (sisters and brothers) there buildings fall under same rules.
- These are the rules of the Catholic Church. But the same rules occur with eastern churches. And orthodox churches would fall under the Lutherans, Episcopalians etc.

Questions

- Who adjudicates to ensure process has been followed?
 - They do get adjudicated in civil court. Within church law if someone with standing can be adjudicated in Rome (two different courts).
- Who enforces these laws? And who guarantees they are followed?
 - Most diocese have cannon law departments.
 - There are state statute in religious corporation laws that need to be adhered to. Attorney General approves all sales go to Attorney General. A lot of civil law goes on the enforcement. Many laws go towards.
 - AG office defers to Arch Diocese in most circumstances

- There are exemptions that Roman Catholic church – can designate the use as profane.
- When a church is landmarked and stained glass
 - The commission has been in the supportive reuse. The approval of removing stained glass is routinely approved. In this case the church was getting ready for sale and for deconsecrating purposes.
- People don't understand they can use Canon Law to their advantage.
- I am working on project FutureChurch.Org outlies all the rights of parishes. If anyone has interest in defending themselves.

What other rules for other traditions?

- United Methodist Church – Has the book of discipline every four years. Trust clause. Currently we have 18 churches up for sale and we are losing congregations
- Does Cannon Law also apply to Schools?
 - Probably. Most schools are owned by parish. Some schools are owned by religious orgs or by the diocese. Depends how they are setup, but it is likely they fall under Cannon Law.
- In terms of the checklist of checking in with your congregation -how often are congregations consulted in the process.
 - Yes, it does happen. Some we have won and some we have lost. The big surprise is the money goes to the new parish not to the diocese.
 - The more community involvement the more likely it is the steps will be taken properly.
 - Isn't it true that the arch diocese gets 50% of the proceeds of a sale?
 - A reasonable tax can be placed on any sale. If that were too much I would seek an appeal.
 - There are instances for specific sales of a parish most money will go to that Parrish and the remaining will go to catholic charities etc.
- Only parish members have standing?
 - That is correct.
- In Jewish community the congregation has a lot of sway and input into sales.
- Kevin McKenna, Syracuse has written books that folks might be interested in.
- Where does the money go when the parish no longer exists?
 - It's likely that the parish just merged with another entity so their monies go with it.
- Civil courts tend to obtain from internal deliberations. Have you seen where proceeds of a sale that adjudicated by the civil court?
 - Usually done internally unless the church did not follow the rules.
- Affordable housing crisis – curious in a general way in how that comes into the discussion?
 - Yes, those would fall under appropriate uses for sales.
 - Cannon lawyers and secular lawyers would need to
 - Next month's meeting is affordable housing. 9am to noon on 12/13.