

# CHARTER REVISION COMMISSION

Preliminary Report



2025

April 30, 2025



# TABLE OF CONTENTS

**03**

Letter from the  
Executive Director

**04**

Introduction

**23**

Housing

**53**

Elections &  
Voter Turnout

**65**

Nonprofit  
Procurement &  
Payment

**77**

Climate &  
Infrastructure

**83**

Modernizing the  
City Map

**88**

Endnotes





# LETTER FROM THE EXECUTIVE DIRECTOR

## Chair Buery and Commissioners:

New York is practically a religion. We are told, from the moment we understand that there is a New York, that it is the greatest city in the world. And why shouldn't it be? Every day, when we get a glimpse of our skyline, or see the Statue of Liberty in our harbor, our belief in the greatness of the city is reaffirmed.

In truth, much of what makes New York great is an inheritance. At the turn of the 20th century, New York made itself anew. In a few short decades, New Yorkers built the skyscrapers, brownstones, and apartment houses that define New York and its neighborhoods. New Yorkers built the Empire State Building in just over a year. They built hundreds of miles of subway. And as they transformed the city, New Yorkers transformed themselves: they escaped pogroms to ply a trade, left farms for a new middle class, and fled the South to spark a renaissance in Harlem.

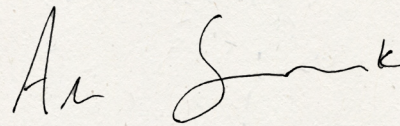
Starting in the latter half of the last century, something changed. Over years, sometimes intentionally and sometimes not, we made it harder and harder to build. Construction of new housing, transportation, and infrastructure slowed. In much of the city, the iconic apartment houses that most New Yorkers still call home were banned. Today, legions of lawyers, lobbyists, and consultants are needed before a shovel can hit the ground. Even the City itself, when it seeks to build affordable housing for New Yorkers on City-owned land, is tied in knots. As we fail to build, commutes worsen, rents soar to unrecognizable heights, and the opportunity that once defined the city feels like a fever dream.

At public forums across the city, New Yorkers have told us of a housing crisis that isn't treated like one. Of a climate crisis that isn't treated like one. Of a democratic crisis that has festered for decades. And of a crisis in government's basic ability to get things done.

At the same time, New Yorkers have made clear that they believe the city can work. And they want a government that can act with the urgency and scale that our challenges require.

Unleashing New York's ability to act again is a generational project. No one law or proposal will turn the tide. This Commission has the power to propose changes to the City Charter, but it is too early to say whether any changes will be proposed. If proposals are made, New Yorkers themselves will decide if they are adopted. And if they are adopted, only time will tell whether those changes lead to results.

But today, in the middle of this Charter Revision Commission process, we can say confidently that New Yorkers have an incorrigible faith in New York. On behalf of the staff of the Commission, I hope the ideas in this report reflect that conviction.



**Alec Schierenbeck**  
Executive Director  
New York City Charter Revision Commission



# Introduction

## About This Document

This is the preliminary staff report of the 2025 New York City Charter Revision Commission. Convened in December 2024, the Commission is charged with reviewing the entire City Charter to identify ways to make City government work better.

Over the past four months, the Commission has heard ideas for Charter reform from experts, practitioners, advocates, and New Yorkers from across the five boroughs. This report reviews what the Commission has heard and recommends areas to explore as the Commission continues its work. Importantly, these recommendations — which come from Commission staff — are not the final recommendations of the Commission or in any way binding on the Commissioners. This report is instead intended to inform the Commissioners and the public as the Commission continues its work.





## Background

The Charter of the City of New York functions as the local constitution and sets out the structure, powers, and responsibilities of New York City's government. The Charter establishes the institutions and processes of the City's political system and broadly defines the authority and responsibilities of city agencies and elected officials, including the Mayor, the City Council, the Comptroller, Borough Presidents, and the Public Advocate.

On December 12, 2024, Mayor Eric Adams established the 2025 Charter Revision Commission and appointed Richard R. Buery, Jr. as chair, and 12 other civic and community leaders to serve on the Commission. Under State law, the Commission is charged with reviewing the entire Charter. In creating the Commission, Mayor Adams asked, in particular, that the Commission examine whether the Charter can be amended to help tackle the housing crisis and promote fair housing across the five boroughs.



## Members of the Commission

The following distinguished New Yorkers serve as members of this Commission.



### **RICHARD R. BUERY JR. (Chair)**

Richard Buery was born and raised in East New York, Brooklyn, the son of Panamanian American immigrants. He is the CEO of Robin Hood, one of the nation's leading anti-poverty organizations. Before joining Robin Hood, he led the Achievement First charter school network and managed policy and public affairs for the KIPP Foundation. As New York City deputy mayor for strategic policy initiatives, Buery was the architect of Pre-K for All, which guarantees a free, full-day pre-K seat to every four-year-old in the city, increasing enrollment by 50,000 in a year and half while leading and managing a range of city agencies and initiatives. Earlier in his career, he founded Groundwork to support the educational aspirations of public housing residents in Brooklyn and cofounded iMentor, which matches high school students with committed mentors to guide students on their journey to college graduation. He previously served as president and CEO of the Children's Aid Society, one of New York's oldest and largest child welfare agencies, where he founded the Children's Aid College Prep Charter School.



### **SHARON GREENBERGER (Vice Chair)**

Sharon Greenberger is the 10th president and CEO of the YMCA of Greater New York, New York City's leading health and wellness nonprofit organization. Annually, the YMCA serves a diverse population of more than half a million children, adults, and seniors through programs and services that empower youth, improve health, and strengthen community. Under her leadership, the YMCA has focused on reimagining programs and services to meet communities' most pressing and ever-changing needs. Recent initiatives include expanding teen programming, addressing citywide aquatics safety, and providing greater access and assistance to all New Yorkers seeking to improve their personal health. Prior to joining the YMCA, Greenberger spent more than 20 years in the private and public sectors working to improve New Yorkers' health and livelihood and promote the development of New York City. She has served as senior vice president, facilities and real estate at New York-Presbyterian Hospital, chief operating officer of the New York City Public Schools, and president of the New York City School Construction Authority. Greenberger received her bachelor's degree from Wesleyan University and holds a master's degree in city planning from Massachusetts Institute of Technology.



## Members of the Commission



### **LEILA BOZORG (Secretary)**

Leila Bozorg serves as the executive director of housing in the New York City Mayor's Office, where she oversees the city's housing agencies and strategies. She has extensive experience with affordable housing and land use policies, having served as a commissioner on the New York City Planning Commission from 2021 to 2023, and as a deputy commissioner for neighborhood strategies at the New York City Department of Housing Preservation and Development (HPD) from 2016 to 2020. In her role at HPD, she co-led the creation of the city's first comprehensive fair housing plan, "Where We Live NYC." She was also a chief of staff at HPD from 2014 to 2016, and before that worked at the U.S. Department of Housing and Urban Development from 2010 to 2014, helping develop and launch the Rental Assistance Demonstration. From 2020 to 2023, Bozorg worked as the chief of strategy and policy at New York City Kids RISE, where she helped facilitate the citywide expansion of the Save for College program to every New York City school district and public elementary school. She holds a B.A. in Government Studies from Wesleyan University and a master's degree in city planning from the Massachusetts Institute of Technology.



### **GRACE C. BONILLA**

Grace Bonilla is president and CEO of United Way of New York City (UWNYC). Under her leadership, UWNYC has taken steps to drive lasting, systemic change to empower all New Yorkers with dignified access to tools and resources needed to thrive. Previously, she served as senior vice president for Latin America at Covenant House International (CHI), where her portfolio included services to homeless children in Guatemala, Honduras, Mexico, and Nicaragua and tackling the root causes of homelessness. At the height of the COVID-19 pandemic, in March 2020, Bonilla was appointed by former New York City Mayor Bill de Blasio to serve as the first executive director of the Taskforce on Racial Equity and Inclusion. Bonilla was also appointed by Mayor de Blasio, in February 2017, as administrator of the New York City Human Resources Administration. In this capacity, she was responsible for working alongside the commissioner of the New York City Department of Social Services in leading the largest local social services agency in the country. Bonilla also served as the president and CEO of the Committee for Hispanic Children & Families, Inc. She received her B.A. in Political Science from St. John's University, and her J.D. from Brooklyn Law School.



## Members of the Commission



### SHAMS DABARON

Shams DaBaron is a leader, writer, and changemaker dedicated to redefining homelessness and housing solutions in New York City. Having experienced homelessness as a child after being discharged from the foster care system at age 12, DaBaron has emerged as a powerful voice for his community and beyond. He gained widespread recognition during the public debate over the Lucerne Hotel, a temporary shelter where he lived during the pandemic, and has since led efforts to tackle housing and homelessness across the city. Drawing from his lived experience, DaBaron collaborates with impacted individuals, elected officials, faith leaders, and other stakeholders to champion policies and services that uplift vulnerable New Yorkers. His vision is to create a more inclusive, equitable, and vibrant New York City for all.



### ANITA LAREMONT

Anita Laremont is a partner at the law firm of Fried, Frank, Harris, Shriver & Jacobson LLP, where she practices in the areas of land use and real estate. Prior to joining Fried Frank, Laremont was the chair of the New York City Planning Commission and director of the New York City Department of City Planning, having previously served as its general counsel and executive director. At City Planning, Laremont was a principal architect of New York City's Mandatory Inclusionary Housing policy, and guided a number of significant neighborhood rezonings, including East New York, Greater East Midtown, and Soho/Noho. She also served for many years as general counsel at the Empire State Development Corporation. She received her bachelor's degree from Mount Holyoke College and her J.D. from New York University School of Law.



## Members of the Commission



### **DR. LISETTE NIEVES**

Dr. Lisette Nieves is the president of the Fund for the City of New York (FCNY) and a distinguished clinical professor at New York University. In her role at the FCNY, Dr. Nieves is responsible for leading innovation in policy, programs, practices, and technology to advance the functioning of government and nonprofit services in New York City and beyond. As a scholar, Dr. Nieves' research focuses on youth and the future of work. Prior to joining FCNY, she was the founding executive director of Year Up NYC and served in the Bloomberg administration as chief of staff at the New York City Department of Youth and Community Development. She also served as a start-up staff member for AmeriCorps under the Clinton administration. Dr. Nieves holds a B.A. from Brooklyn College, a B.A./M.A. from the University of Oxford, an MPA from Princeton University, and a doctorate with distinction in higher education management from the University of Pennsylvania. She has served as an Obama appointee on the White House Initiative on Educational Excellence for Hispanics and was a Biden administration and U.S. Senate-confirmed board member of AmeriCorps and the U.S. Navy's Education for Seapower Advisory Board.



### **ANTHONY RICHARDSON**

Anthony Richardson is managing director for New York Syndications at CREA, LLC, a national tax credit syndicator specializing in low-income housing tax credits. In this role, Richardson leads the expansion of CREA's New York footprint, serves as the primary contact with state and local government agencies, and facilitates multi-million-dollar investments in affordable housing in New York, as well as in other parts of the country. Prior to joining CREA, Richardson served over 13 years in various leadership roles in the City of New York, including as the executive vice president for development at the New York City Housing Development Corporation, and as the director of multifamily new construction programs at the New York City Department of Housing Preservation and Development. He currently serves on the boards of the New York Housing Conference, the Citizens Housing and Planning Council, and the New York City Housing Partnership. Richardson holds a Bachelor of Arts degree in Business Administration from Morehouse College, a Master of Public Administration (MPA) degree from Columbia University, and a MPA in Public and Economic Policy with merit from the London School of Economics and Political Science.



## Members of the Commission



### JULIE SAMUELS

Julie Samuels is the president and CEO of Tech:NYC, an organization representing New York's fast-growing, entrepreneurial tech industry, which she founded in 2016. She is also a venture partner at Hangar. She previously served as executive director at Engine, a nation-wide nonprofit focused on technology entrepreneurship and advocacy, where she remains a member of the board. She has also worked at the Electronic Frontier Foundation (EFF), where she was a senior staff attorney and the Mark Cuban chair to Eliminate Stupid Patents. Before joining EFF, Samuels litigated intellectual property and entertainment cases. Prior to becoming a lawyer, Samuels spent time as a legislative assistant at the Media Coalition in New York, as an assistant editor at the National Journal in D.C., and she worked at the National Center for Supercomputing Applications in Champaign, IL. She serves on the Boards of Engine, NY Forever, Chamber of Progress, 5Boro, and the Internet Education Foundation, as well as on various advisory boards. Samuels earned her B.S. in journalism from the University of Illinois at Urbana-Champaign and a J.D. from Vanderbilt University.



### DIANE SAVINO

Diane Savino currently serves as senior advisor at City Hall with a focus on state and city legislative issues. She previously served as executive director of the 2024 Charter Revision Commission. Born and raised in Astoria, Queens, Savino began her career in public service as a caseworker for New York City's Child Welfare Administration, providing direct assistance to abused and neglected children. She is the former vice president of the Social Service Employees Union Local 371. In 2004, she was elected to represent New York's 23rd State Senate District, which encompasses the North and East Shores of Staten Island and portions of Southern Brooklyn, including Bensonhurst, Brighton Beach, Coney Island, Dyker Heights, Gravesend, and Sunset Park. As state senator, Savino authored numerous laws protecting working-class New Yorkers, including the first in the nation Domestic Workers' Bill of Rights and the Wage Theft Prevention Act.



## Members of the Commission



### CARL WEISBROD

Carl Weisbrod is a senior advisor at HR&A Advisors. He has had a distinguished career guiding public agencies and leading public initiatives focused on revitalizing and developing New York City neighborhoods. From 1990 to 1994, he was the founding president of the New York City Economic Development Corporation. Starting in 1995, he was the founding president of the Alliance for Downtown New York, the nation's largest business improvement district, which was instrumental in transforming Lower Manhattan from a one-dimensional commercial district into a dynamic mixed-use business and residential neighborhood. From 2014 to 2017, Weisbrod served as chair of the New York City Planning Commission and director of the New York City Department of City Planning. Weisbrod has been a trustee at both the Ford Foundation and the Urban Land Institute, as well as a former board member of the New York State Metropolitan Transportation Authority. He currently serves on the boards of the Trust for Governors Island and at New York Public Radio. He is a graduate of Cornell University and New York University School of Law.



### VALERIE WHITE

Valerie White currently serves as senior executive director of LISC NY, where she leads the expansion strategy to promote LISC NY's statewide efforts to create an economic and community development ecosystem that addresses deeply rooted systemic inequities. White has more than 30 years of experience across private, public, and non-profit sectors. Before joining LISC NY in April 2020, White was executive vice president at the New York State Empire State Development, as well as executive director of the New York State Division of Minority and Women's Business Development. Previously, she was vice president at the Brooklyn Navy Yard Development Corporation and served as managing director at Standard & Poor's Global Ratings for over 17 years, leading the municipal finance structure securities and housing finance analytics business. In addition to her extensive professional experience, White maintains an active civic and community service agenda. She serves on the New York State Department of Financial Services Financial Innovation Advisory Board, and the City of New York Mayor's Minority & Women Business Enterprises Advisory Council. She is an inaugural board member for Embrace Partners, an advisory board member for the Fordham Urban Law Center, and a director of the Fordham Law Alumni Association. White holds a Bachelor of Arts and a law degree from Fordham University, and a Master of Science and Certificate of Organization Development from The New School.



## Members of the Commission



### KATHRYN WYLDE

Kathryn Wylde is president and CEO of the Partnership for New York City, a nonprofit organization whose members are global business leaders and the city's major employers. The Partnership is the primary liaison between business and local government, providing private-sector expertise and resources to public agencies and programs. Areas of focus include education, transportation, infrastructure, public safety, and economic opportunity. Prior to taking over as Partnership CEO in 2000, Wylde led the organization's citywide affordable housing, neighborhood revitalization, and business investment programs. She is an urban policy expert and a frequent spokesperson for the New York business community.

## Public Outreach and Public Participation

To this point, the Commission has made extensive efforts to solicit input from New Yorkers across the city and conduct a transparent, accessible public process.

- The Commission has held public input sessions in all five boroughs, including opportunities for virtual testimony. As of the date of publication, the Commission has heard more than 16 hours of testimony and more than 400 New Yorkers have attended the Commission's public hearings.
- All of the Commission's meetings and hearings have been public, and the Commission has made recordings of all meetings and hearings available online. The Commission has also posted official transcripts online, and it has partnered with the innovative open government tool [citymeetings.nyc](https://citymeetings.nyc) to provide the public with easily searchable clips of all public hearings.
- The Commission has published all of its hearing notices, press releases, resolutions, and transcripts on the Commission's website.
- The Commission has solicited written testimony, and as of the date of publication the Commission has received more than 450 written comments. The Commission has also published all written testimony, on a monthly basis, on the Commission's website.
- The Commission has offered translation services and provided sign-language interpretation at all public meetings and hearings.
- The Commission has sought to inform the public through the media, including special attention to New York City's community and ethnic media, as well as through Commission social media accounts.
- Commission staff have worked closely with elected officials and other stakeholders to promote awareness of public hearings and the Commission's work.



## Upcoming Public Hearings

Following issuance of this report, the Commission will undertake further efforts to solicit public input. A schedule of public hearings to come is available at [nyc.gov/charter](https://nyc.gov/charter). Currently scheduled public hearings include:

**MONDAY**

**MAY 19**

**2025**

**5-8PM**

**Medgar Evers College**

Founders Auditorium

1650 Bedford Avenue

Brooklyn, NY 11225

**WEDNESDAY**

**MAY 28**

**2025**

**5-8PM**

**Queens Borough Hall**

Helen Marshall Cultural Center

120-55 Queens Boulevard

Queens, NY 11415

**TUESDAY**

**JUNE 10**

**2025**

**5-8PM**

**Hostos Community College**

Café, Building C/East Academic Complex

450 Grand Concourse, 3rd Floor

Bronx, NY 10451

**MONDAY**

**JUNE 23**

**2025**

**5-8PM**

**Snug Harbor Cultural Center**

The Main Hall, Building B

1000 Richmond Terrace

Staten Island, NY 10301

**MONDAY**

**JULY 7**

**2025**

**5-8PM**

**Schomburg Center for Research  
in Black Culture**

Langston Hughes Auditorium

515 Malcolm X Boulevard

New York, NY 10037



## Executive Summary

The Charter Revision Commission is charged with reviewing the entire City Charter for ways to make government more transparent and responsive to the needs of city residents, with a particular focus on reforms to help tackle the housing crisis. In the Commission’s work thus far, Commission staff has identified a number of areas where Charter reforms may be appropriate: housing and land use; elections; climate resilience and infrastructure; procurement and payments; and modernization of the City Map.

## Housing and Land Use

New York City faces what may be the worst housing affordability crisis in its history. New Yorkers feel this crisis every day, whether they are struggling to pay rent, looking for a new home for a growing family, or saying goodbye to a loved one leaving the city. How New York responds to this crisis will determine what kind of city New York will be — and who it will be for.

One of the core causes of this spiraling housing crisis is a lack of housing production. In recent decades, New York has built far less housing than is needed to keep up with demand to live in the city, driving gentrification, displacement, segregation, and tenant harassment. At the same time, while some neighborhoods have seen transformative levels of growth, others have added scarcely any new housing. From 2014 to 2024, just 12 Community Districts added as much housing as the other 47 combined. That uneven production helps explain why, despite the City’s commitment to fair housing, integration, and anti-discrimination policies, the New York metropolitan area remains among the most racially segregated in the country.

Addressing the housing crisis requires a range of reforms: changes to tax policy, voucher support, public subsidy, investment in public housing, tenant protections, building codes, transportation infrastructure, and more. Many of



these changes are not within the City’s control. But zoning, which regulates what can legally be built, is among the most important drivers of limited housing production, is within the City’s power to change, and is closely linked to the City Charter. Beginning in the 1960s and in the decades since, New York City has implemented an increasingly restrictive set of zoning regulations that have reduced housing production and reinforced inequitable patterns of production. If the City is going to build the housing it needs, housing that is affordable and accessible, then many zoning rules must change — and the City Charter directly lays out the process by which these changes can be made.

Most land use changes are governed by the Charter’s Uniform Land Use Review Procedure, or ULURP. ULURP includes advisory recommendations from the relevant Community Boards and Borough Presidents, followed by binding votes by the City Planning Commission, and if approved, the City Council. The Mayor can veto a City Council approval, and the City Council can in turn override that veto with a two-thirds vote. On top of that Charter-mandated procedure is a defining feature of our City’s land use process that is nowhere in the Charter: a practice known as “member deference” in which the entire City Council defers to the local councilmember on land



use proposals within that district. At the time of writing, no housing proposal has been approved through ULURP without the support of the local councilmember in 16 years.

The Commission has heard considerable testimony suggesting tweaks and changes to ULURP. That the Commission has *not* heard significant testimony suggesting that ULURP be replaced wholesale is a testament to its enduring success over the last 50 years. The process has managed to incorporate meaningful public input from a variety of stakeholders, while clarifying and standardizing the application process and review timeline for land use changes. Nevertheless, 50 years of experience with ULURP have revealed certain unintended effects that impede the City’s ability to solve the housing crisis.

For one, the length, cost, and uncertainty of proceeding through ULURP means it almost never enables small changes. Because ULURP is one-size-fits-all, applying the same procedures to massive projects and modest ones, only large proposals — which will bring in enough revenue to justify years of costs prior to approval — are ever put forward. For another, because the local councilmember functionally has the final say on a project, proposals for land use changes are vanishingly rare in the districts of councilmembers who are known to be opposed to additional housing, irrespective of citywide need. And the process particularly limits the City’s ability to activate City-owned land for affordable housing, delaying badly needed projects and raising costs of construction.

Suggestions for how to address the housing crisis through Charter reform fall roughly into three categories: reducing “process costs” for land use changes or City-aided projects; elevating citywide needs and perspectives in decision-making processes; and better leveraging public land. None of the proposals would by themselves allow development. Instead, proposed reforms would change the *process* by which the City decides whether to permit land use changes. Similarly, no proposal would alter environmental review, building and construction standards, or protections for historic districts or landmarks.

## Reducing Process Costs

Decades of experience show that ULURP does not work for modest housing projects. Of 120 residential rezonings proposed by private applicants to facilitate housing over the last ten years, just *one* increased residential capacity by less than 40% and only *two* increased housing capacity in low-density areas without significant jumps to medium- or high-density districts. Because ULURP functionally requires significant costs and years of work before construction can even begin, it is only rational to go through that process for large projects that will bring in enough return to make up those costs. The Commission may explore reforms to enable modest zoning changes, which are virtually never proposed let alone approved under today’s system, as well as ways to streamline review of categorically beneficial projects, like 100% affordable housing. Approaches to accomplish this goal could include a “fast track” land use review process for certain kinds of projects, a “zoning administrator” office with the power to review certain defined categories of applications, or other smaller adjustments to streamline ULURP consistent with local input and democratic accountability.

## Elevating Citywide Needs

The Commission has heard considerable testimony arguing that the underproduction of housing, and the uneven nature of that production, is largely due to an institutional structure that gives parochial interests greater weight than citywide needs. In turn, the Commission has heard proposals to elevate the role of boroughwide and citywide perspectives. Suggestions include amending the Charter to require more comprehensive approaches to planning, as well as to enhance the role of officials like Borough Presidents and the Speaker of the City Council in the land use process.

## Leveraging Public Land

The Charter’s current procedure places particular limits on City government’s ability to activate City-owned land,





including process mandates that are arguably duplicative or unnecessary. At the same time, ULURP’s “one-size-fits-all” procedure forces the City to spend scarce time and resources on exceedingly modest changes like the sale of City properties that are mere inches wide, or the acquisition of small properties as part of redevelopment. The Commission may explore ways to streamline review for actions that activate public land and develop income-restricted affordable housing.

## Elections and Voter Turnout

Despite a vibrant civic life, New York City sees abysmal voter turnout in local elections. In 2021, just 23% of NYC registered voters participated in the general election, and some elections see even lower turnout. This problem is decades in the making: although turnout levels were consistently above 50% throughout the 1970s and 1980s, turnout has been below 30% in every mayoral election since 2009. Turnout is especially low among young people and in communities of color — illustrating that the New York City voting electorate does not fully represent the breadth and diversity of its people. There is wide recognition of this problem: at the time of publication, the Commission has received more written testimony calling for election reform than any other subject.

Any reform that the Commission pursues would build on a growing interest in improving voter participation. In 2019, New York State combined state and federal primaries, and in 2022, it shortened voter registration deadlines prior to elections. In 2023, New York State passed a number of measures to increase absentee or mail-in voting access, streamline early voting, and improve electoral education efforts and poll worker training. Though it would not change elections in New York City, the State also recently passed legislation moving town and village elections to even years in order to improve voter turnout.

In 2019, New York City voters approved the implementation of ranked choice voting (RCV) with the aims of saving time and money by avoiding run-off elections, and incentivizing candidates to broaden their bases of support. Early results are promising: the 2021 mayoral primary elections saw the highest turnout of mayoral primaries in decades, with the vast majority of voters ranking multiple candidates. Given these encouraging results, any potential election reforms should preserve ranked choice voting and build on its success.

## Even-Year Elections

Local elections in New York City are generally held on odd-numbered years, rather than even years when statewide or



federal elections are held. Even-year elections in New York see significantly higher turnout than odd-year elections — more than double, on average — and peer cities see significantly higher turnout in local elections held in even years. Indeed, other cities that have synchronized their local elections with the presidential election calendar have seen skyrocketing voter turnout. For that reason, the Commission has heard considerable testimony — including from the Brennan Center, Common Cause, and Citizens Union — calling for the City to move its local elections to even-numbered years.

In addition to increasing voter engagement, proponents of even-year elections argue that the shift would save taxpayer dollars. Consolidated elections save administrative time and public funds that can be reallocated to voter communication and outreach efforts. In New York City, an estimate by the Independent Budget Office suggests that the savings would total approximately \$42 million every two years.

Importantly, a shift to even-year elections is not entirely within the City’s control: it would require changes to both the City Charter and the State Constitution. The State Municipal Home Rule Law establishes that changes to terms of office must occur by local referendum approved by voters — which this Commission could put on the ballot — and the New York State Constitution requires that all city officers be elected in odd-numbered years. A Charter amendment could remove local-law rules requiring odd-year elections and establish new rules to govern even-year elections, which would come into effect should the State Constitution give New York City the power to move to even-year elections. In 2024, a statewide constitutional amendment that would give New York City the option to move its local elections to even-years passed the State Senate, but that state constitutional amendment would still require an additional citywide referendum approved by New York City to opt in and make the change.

Should the Commission explore this change, it may consider how the need for parallel state-level changes impacts a

potential city referendum. It may consider whether the appropriate even-year cycle would be a presidential year or gubernatorial cycle. And it may consider how to manage any potential transition, given the necessary one-time disruption to elected officials’ terms.

## Open Primaries

Another source of low participation in local elections may lie in the structure of our elections. New York City currently uses a “closed primary” system, in which voters must be registered with a specific party to vote in that party’s primary. As a result, more than 1 million unaffiliated voters are excluded from voting in primaries.

Jurisdictions across the United States conduct elections differently. In many states, party affiliation does not limit voters’ choices in primary elections. In some states, voters can choose which party’s primary to vote in without being registered as members of that party. Still others use “top-two,” “top-four,” or “jungle” primary election systems, which refer to primary elections in which candidates from all parties are listed on a single ballot.

The question of whether to reform New York City’s closed primary system has been considered by prior Charter Revision Commissions. The 2003 Charter Revision Commission proposed a “top-two” system with party labels; voters chose not to adopt this change. The 2010 Charter Revision Commission again examined this type of reform — noting that the number of unaffiliated voters had grown and the landscape of support had changed — but ultimately did not propose any changes to the primary system. In 2024, the Charter Revision Commission again considered these questions, but deferred action to a future Commission.

This Commission has heard a number of proposals for open primary reforms. One proposal, made by Citizens Union, would establish an all candidate, all voter open primary using



ranked choice voting, followed by a top-two general election. Many other models are available and may also be considered, including Alaska’s top-four system, which uses ranked choice voting in the general election. Any permutation can maintain and build upon the success of ranked choice voting, as well as preserve party identification on the ballot, given the important role that party identification plays in political life.

In examining any open primary reform, the Commission may consider a number of issues. It may be too soon after the implementation of RCV to enact another significant electoral reform. Open primaries have been shown to increase electoral competition and encourage candidates to appeal to a broad cross-section of voters, but opponents of open primaries argue that political parties should maintain greater influence over how party nominees are selected, and that changing the existing system would weaken parties’ civic engagement and voter-education roles. And crucially, the Commission must carefully consider the impact of any proposed change on minority and marginalized communities.

## Procurement and Payments

The City contracts with a variety of outside organizations to provide essential services to New Yorkers. From afterschool programs and childcare centers, to shelters and supportive housing, many of the most critical services that New Yorkers depend on are delivered by nonprofits that rely on City funding. Unfortunately, the City is frequently late in paying these vital partners for the work that they perform — putting both these services and the organizations themselves at risk.

This issue is not new. As far back as 1989, City and State commissions identified payment delays and proposed solutions, including the creation of the Procurement Policy Board (PPB) by the 1989 Charter Revision Commission. Today, the Commission has heard testimony that has identified on-time registration and problems with PASSPort, the city’s digital procurement platform, as major culprits in these payment

delays. Other factors, which are not necessarily within the purview of the City Charter or this Commission, are likely also responsible for payment issues.

There are a number of City bodies that play a role in efforts to promote timely payment: the Procurement Policy Board, which issues rules governing the contracting process, including soliciting bids and administering contracts; the Mayor’s Office of Contract Services (MOCS), which is responsible for overall oversight and facilitation of all city contracts across other agencies; the Mayor’s Office of Nonprofit Services (MONS), which was created in 2023 and acts as a liaison to nonprofits on city policies and opportunities; and the City Comptroller’s Office, which is responsible for the registration of contracts.

The Adams Administration has taken a number of steps to clear the backlog of late payments and otherwise help impacted nonprofits. These include “backlog” initiatives that have cleared billions in outstanding payments; the creation of the Mayor’s Office of Nonprofit Services; and Executive Order 47 of 2025, which mandates the development of a contract registration and payment dashboard and requires certain agencies to designate a Chief Nonprofit Officer. To assist nonprofit providers facing urgent cash flow issues, the City also manages the Returnable Grant Fund, which offers no- or low-interest loans to nonprofits waiting for contract registration, and facilitates contract advances of up to 25% for Health and Human Services (HHS) providers.

Nevertheless, chronic late payment issues persist. To date, the Commission has heard several proposals for reform to help address these issues.

## Elevating and Empowering MOCS

The Mayor’s Office of Contract Services currently exists by executive order. The Commission has heard testimony suggesting that it be incorporated into the City Charter and empowered to standardize agency invoicing and payment processes, as well as establish timeframes for contract processing and compliance.

## Contract Advances, Partial Payment, and Interest for Late Payment

The Commission has heard testimony suggesting reforms that would require advances on some categories of contracts, or partial payment of invoices from contractors in good standing. The Commission also heard testimony suggesting that existing rules regarding interest payments on late payments by city agencies be strengthened to incentivize prompt payment.

## PPB Reform

The Commission has heard testimony suggesting reforms to ensure that the Procurement Policy Board is required to meet more frequently or consistently, as well as reforms to promote transparency in PPB proceedings or to alter the membership of that appointive body.

## Discretionary Contracts

The Commission also heard testimony suggesting that discretionary contracts represent a growing bottleneck for some agencies, even as they represent a small share of the total value of all contracts. Some suggest reforms that would enable discretionary contracts to be treated as grants, which could help enable faster payments to nonprofits and clear backlogs that impact non-discretionary contracts. Here as elsewhere, the Commission may balance the benefit of faster payment with the need to safeguard taxpayer funds and ensure vendor performance.

## Additional Methods to Streamline Contracting

Finally, the Commission heard testimony suggesting that reforms to streamline contract renewal for contractors in good standing, as well as to facilitate the use of master contracts for pre-qualified vendors, can promote timely registration and payment.







## Climate and Infrastructure

The climate crisis is already affecting New York City, and its impact grows each day, from sea level rise and flooding events to extreme heat. The City has taken important steps to address this crisis and soften its impacts, but more must be done.

The City Charter received its last major update overhaul in 1989 — just one year after NASA scientist James Hansen first testified to the U.S. Senate about the existence of a “greenhouse effect.” It should be no surprise, then, that the Charter may not have been designed to address the climate emergency with the urgency it requires. Though major infrastructure and resiliency projects can naturally take a long time to plan and execute, some processes in the City Charter have unnecessarily slowed these vital improvements.

The Commission has heard wide-ranging testimony about ways that the Charter can be reformed to facilitate faster, more cost-effective resiliency and infrastructure projects.

As in the case of small housing proposals (described above), testimony has pointed out that existing Charter process can be a procedural barrier to important climate-related City actions, including street grade raisings and voluntary flood buyouts. The Commission has also heard that outdated provisions of the Charter may impair the City’s ability to build electric vehicle charging infrastructure at scale.

### Promoting Resiliency on Public Streets

One of the simplest ways to prevent coastal flooding is to raise the grade of a street or otherwise improve waterfront land. Today, however, these measures frequently require lengthy public review in a process that is a poor fit for the types of changes required. Many waterfront projects surface decades-old inaccuracies in the City Map — but any change to the City Map triggers ULURP, adding significant extra process to



necessary projects. Similarly, today raising an existing road by just a few feet will trigger lengthy public review, adding months or years and significant costs to a basic resiliency measure.

### Voluntary Buyout Programs

Today, the Charter requires a full ULURP when the City acquires almost any property, even if the City is seeking to buy out single-family homeowners of properties vulnerable to flooding. The result is a process that makes buyouts unpalatable or simply impossible for many who might like to move out of harm's way.

### Electric Vehicle Infrastructure

The Commission also heard testimony suggesting that outdated provisions of the Charter, such as those related to so-called revocable consents, make it difficult to build public curbside electrical vehicle charging infrastructure at scale, leaving far too many New Yorkers dependent on vehicles that run on fossil fuels. Relatedly, the Commission heard testimony suggesting that general rules around revocable consents and franchises can be reformed to promote efficiency and greater transparency.





## City Map

The City Map, the official street map of the City of New York, is a crucial tool in the city’s ability to create housing, deploy infrastructure, and address many of the city’s other challenges not outlined in the chapters above. However, in the century following municipal consolidation in 1898, a unified City Map of all five boroughs was never adopted, so today the City Map consists of five different sets of maps, one for each borough, totaling over 8,000 individual paper maps. The administration of the City Map is decentralized and archaic, and though many map-related processes exist outside of the City Charter, the Commission has heard testimony about ways the Charter could be amended to modernize this critical function.

### Alterations

The Charter assigns review and approval of any alterations of the City Map to the affected Borough President and the Borough Engineer employed by that Borough President’s Topographical Office. This function has become increasingly difficult to staff and sustain in Borough President offices as Borough Presidents’ other responsibilities have changed since the 1960s — resulting in significant and unpredictable delays for ministerial and otherwise relatively minor changes.

## Confirmations

A wide variety of housing and infrastructure projects require manual confirmation of the location, width, and legal grade of mapped streets. Similar to the alteration function, this process — largely unchanged for decades — can add significant delays to any project that requires City Map confirmation before the Department of Buildings can issue permits.

### Address Assignment

The function of tracking the unique addresses of properties is the backbone of many of the City’s permitting and property information systems. These systems are critical in the City’s administration of construction permitting, property tax assessment, and emergency services. However, after a City Map change, Borough President Topographical Offices are responsible for address assignment, and those offices’ practices are fragmented and inconsistent, adding another source of potential delay to housing and infrastructure projects.

The Commission may explore ways that City Map administration and related functions can be centralized and modernized, and whether there is a Charter role in digitizing the City Map. •



## 01

# The Housing Crisis and New York City

New York City faces what is likely the worst housing affordability crisis in its history. The effects touch every New Yorker and reverberate around the region, state, and country. Whether you are a lifelong New Yorker struggling to remain in your community, a young family looking to buy a home, or a newcomer seeking an apartment close to a job, the challenge of finding a safe, stable home seems to grow more difficult by the hour.



## The housing crisis shapes what kind of city New York will be.

It damages the local economy.<sup>1</sup> It hurts the city's standing on the national and international stage. And it undermines New York's promise as a city of strivers, creatives, and entrepreneurs, sapping the vitality that has made the city a world center of business, arts, and culture.

The crisis also shapes who New York City will be for. It drives gentrification, displacement, segregation, and tenant harassment. It forces working New Yorkers with full-time jobs into homelessness. Family, friends, and caretakers double up in overcrowded homes. Nearly every New Yorker has said goodbye to a loved one or neighbor leaving our city in search of a more affordable one.

New York has long understood that the root of its housing crisis is a shortage of housing. Since 1960, New York City has been in a declared "Housing Emergency," defined as when the vacancy rate is below 5%.<sup>2</sup> Today, the City suffers from a net rental vacancy rate of 1.4% — lower than almost any time since that emergency was declared.<sup>3</sup> Open houses for available apartments are met with lines down the block.<sup>4</sup> When applications for Section 8 housing vouchers opened last year, over 600,000 people applied to be added to the waitlist in a week.<sup>5</sup> For those lucky enough to secure a voucher, nearly 50% of families fail to find an apartment where they can use it.<sup>6</sup>

In many ways, New York City is a victim of its own success. Over the last few decades, a growing economy, coupled with historic decreases in crime and improvements in city services and amenities, has fueled demand to live in our city. But housing production has not kept up. From 2010 to 2023, for example, the city created more than three times as many jobs as new homes.<sup>7</sup>

That mismatch between the supply of housing and demand to live here creates a cruel game of musical chairs. Higher-income

households attracted to the city by jobs and amenities outbid lower-income New Yorkers for new and old housing alike. Under these conditions, the city's success in creating good-paying jobs and lowering crime simply drives rents up further, chipping away at wage gains for all workers and dulling the opportunity that should be the city's calling card. Today, more than half of New Yorkers pay more than 29.5% of their income towards rent. For New Yorkers making less than \$70,000 a year, the average family spends 54% of their income on rent.<sup>8</sup>

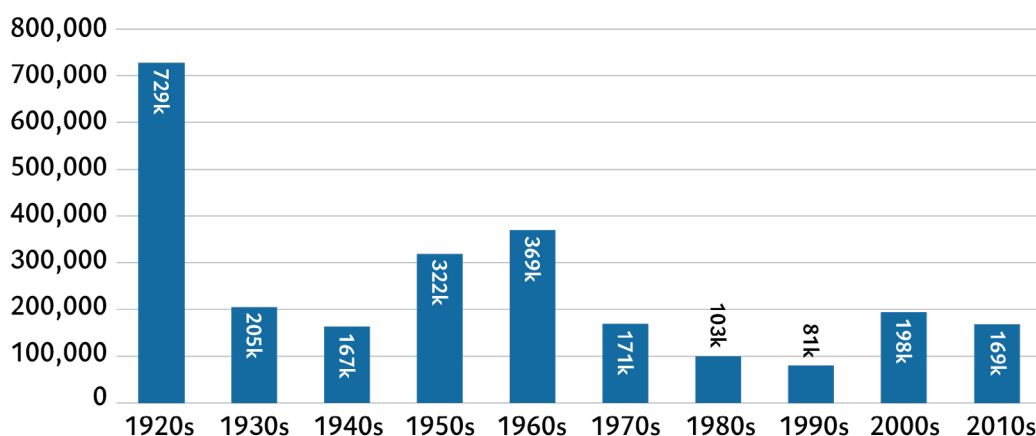
New York's housing shortage is especially acute, but the problem is national. And there is a virtual consensus among experts, from across institutions and disciplines, that a lack of housing production is a fundamental driver of this growing national housing crisis.<sup>9</sup> While calculating just how much housing New York City needs is an inexact science, multiple recent estimates have found that, over the next ten years, the city is about 500,000 homes short of a healthy housing market, where costs are stable, families and individuals have options, and the city and its economy have room to grow and change over time.<sup>10</sup> To put this number in perspective: In recent years the city has enjoyed relatively high housing production, but it still builds only about 25,000 homes per year — about half of its overall need.<sup>11</sup>

What's more, the housing that has been produced in recent decades is spread unevenly across the city. From 2014 to 2024, 12 community districts added as much housing as the other 47 combined.<sup>12</sup> While some neighborhoods see transformative levels of housing production, others — like portions of the Upper East Side, the West Village, and SoHo — have *lost* housing in certain years due to a combination of restrictive land use regulations and affluent New Yorkers combining apartments into larger homes.<sup>13</sup>

Despite these challenges, local government has much to be proud of. By many measures, the City does more than any other in America to build and maintain affordable housing.

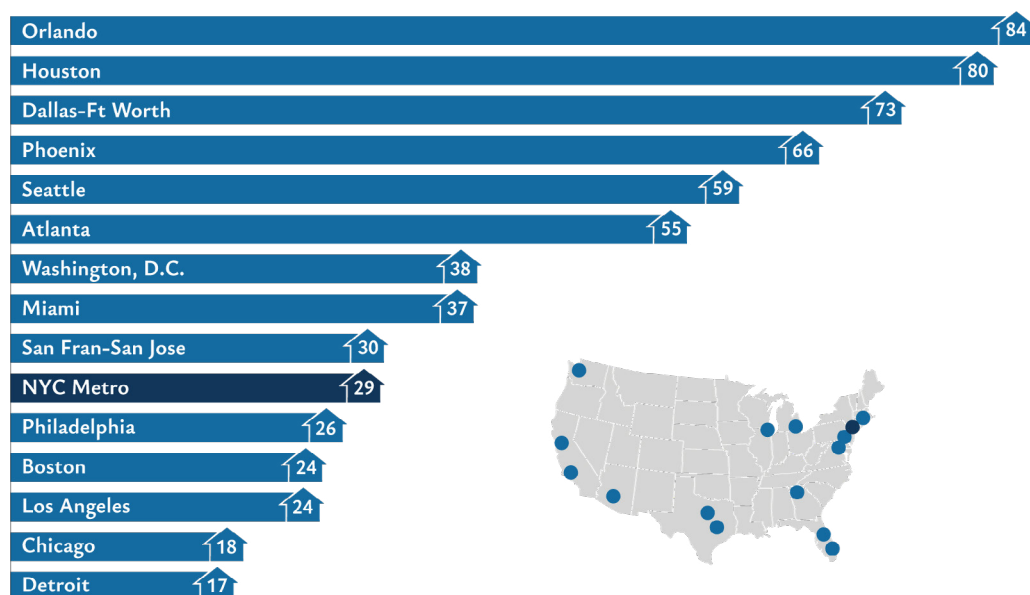
New York finances more affordable housing (~25,000 units per year) than many countries.<sup>14</sup> New York City’s public housing system (~177,000 units) is an order of magnitude larger than any other city, and New York remains committed to its system when other cities have abandoned the project of public housing altogether.<sup>15</sup> New York boasts some of the strongest tenant protections in the nation, and some one million rent-stabilized apartments provide a critical source of affordability.<sup>16</sup> The trouble is that New York’s housing shortage is so great that even these efforts cannot by themselves tame the crisis.

### New Housing Production by Decade



New York’s own history shows that it can grow while preserving housing affordability — in midcentury decades, it did just that. Other cities and metro areas are also successfully holding housing costs down — or even lowering them — by producing more housing than we do, even as their populations grow more quickly than New York’s.

### Housing Units Permitted per 1,000 Residents (2022), 2013 to 2022



Source: U.S. Census Bureau BPS Annual Files; NYC DCP Housing Database v22Q4; U.S. Census Bureau Population Estimates Program (PEP) 2022 Vintage; U.S. Census Bureau Delineation Files



In other words, both our own history and examples from around the country confirm that if we build more housing, we can meaningfully lower housing costs. But addressing the housing crisis is about more than lowering the rent. Today, the City’s failure to tackle the housing crisis threatens to worsen racial and economic segregation, sap economic dynamism, and diminish New York’s presence on the national stage.

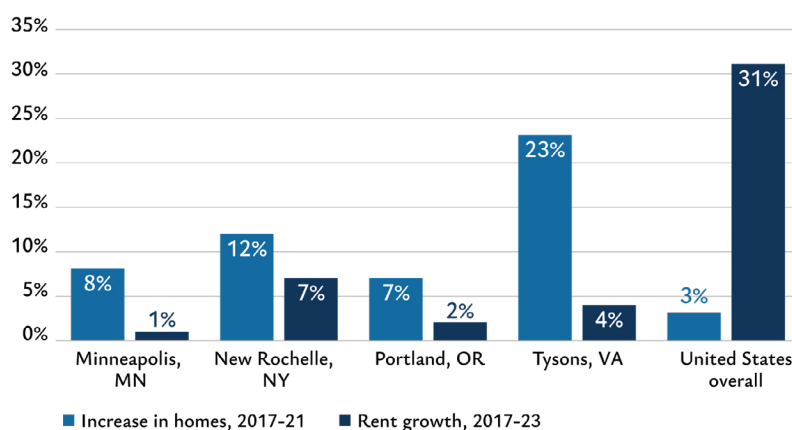
## A Segregated City

While New York City has made significant strides in promoting fair housing in recent decades, the city and surrounding region remain one of the most racially segregated major metropolitan areas in the country.<sup>17</sup> This segregation is in large part the result of government actions going back centuries.<sup>18</sup>

While New York City is incredibly diverse, many of its neighborhoods are not. Overall, no racial or ethnic group comprises more than roughly a third of the city’s population. But most neighborhoods have a clear racial or ethnic majority group, and only 5% of New Yorkers live in a neighborhood where all of New York City’s diversity has meaningful representation, with Asian, Black, Hispanic, and white New Yorkers each comprising at least 10% of the neighborhood.<sup>19</sup> Economic segregation, which is deeply interconnected with race, also persists. While poverty levels have fallen in some areas, most areas of concentrated poverty and wealth have remained consistent.<sup>20</sup> This segregation is not just in tension with our city’s ideal as a melting pot — it also has real-world, lasting consequences. Research indicates that the zip code a child grows up in is a determining factor in nearly every facet of their life.<sup>21</sup>

## Cities That Allow More Housing See Lower Rent Growth

Percentage change in homes, 2017-21, and median rent estimates, February 2017-February 2023

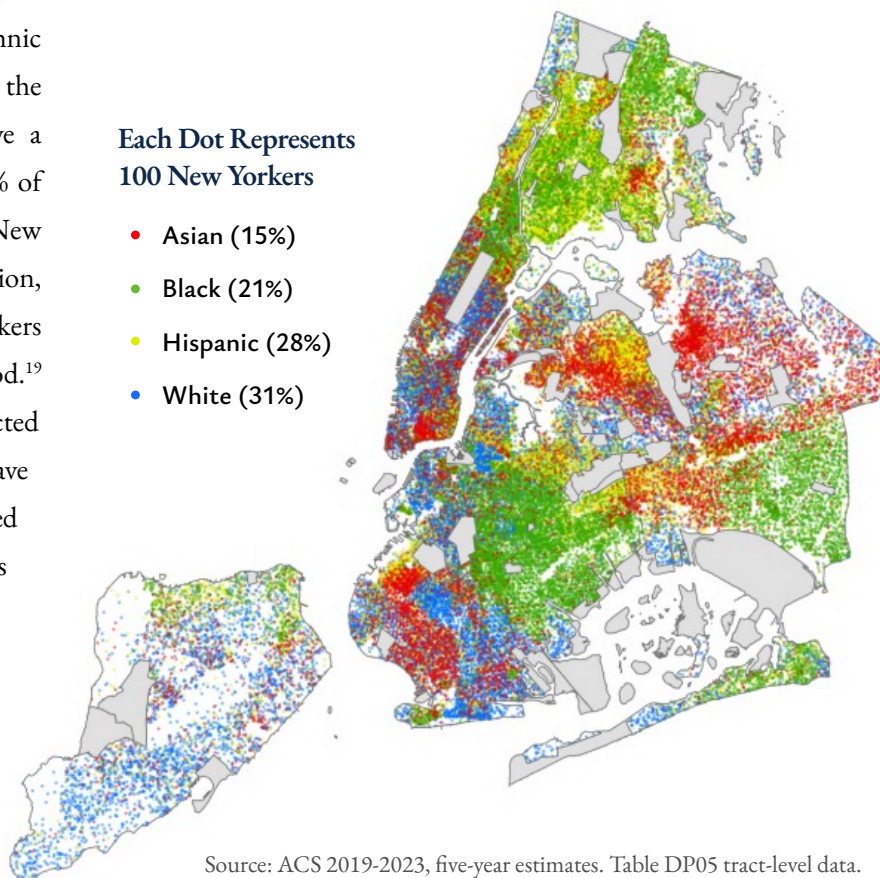


Note: The U.S. Census Bureau’s American Community Survey (ACS) data are one-year estimates, except for Tysons, for which only five-year estimates are available. The time frames are determined by data availability.

Sources: Pew’s analysis of housing unit data from the ACS and Apartment List Rent Estimate data downloaded on March 22, 2023 ©2023 The Pew Charitable Trusts.

## Each Dot Represents 100 New Yorkers

- Asian (15%)
- Black (21%)
- Hispanic (28%)
- White (31%)



Source: ACS 2019-2023, five-year estimates. Table DP05 tract-level data.

Our lack of housing options also fuels the city’s ongoing struggle with housing market discrimination.<sup>22</sup> Laws and policies to eliminate housing discrimination struggle to make a dent when the vacancy rate is one or two percent. Tight housing markets give landlords the ability not only to charge high rents, but also to discriminate based on race, family status, source of income, credit rating, justice-involvement status, or any other arbitrary whim of a landlord. When there are dozens or even hundreds of applicants for individual apartments, landlords have enormous power and discrimination is very hard to detect and enforce against, regardless of what the law says.

The development of new housing, and particularly affordable housing, is a critical tool for promoting integration and housing mobility. And because low-income, Black, and Hispanic New Yorkers are especially in need of affordable housing, developing more affordable housing preserves these communities’ ability to call New York home.<sup>23</sup>

But affordable housing cannot be built where it is illegal to build housing. Today, the neighborhoods that are most effective at preventing new housing also tend to be those that have little existing affordable housing. The community districts producing the most affordable housing are disproportionately Black and Hispanic, and the districts producing the least affordable housing are disproportionately white. These

patterns of development can entrench segregation and limit the housing choices that serve as the guiding tenet for the City’s Fair Housing policy.

## A Less Dynamic City

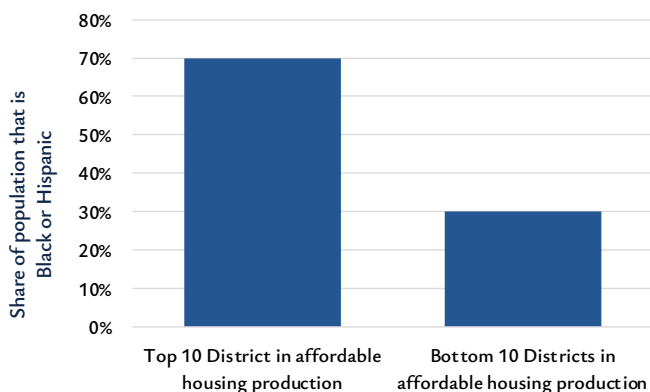
New York City’s housing crisis is felt most acutely by the low-income families that struggle to find shelter, but it ripples through the entire economy. The housing shortage makes it hard for employers to hire and retain talent in New York City. A recent estimate of the cost of the housing crisis for the New York Metro area found that it will cost the region nearly a trillion dollars in lost economic activity over the next 10 years.<sup>25</sup> Others have estimated nearly \$20 billion in annual gross city product lost due to the economic drag of limited mobility for workers.<sup>26</sup> When New Yorkers move, but keep their jobs in the city, the city loses hundreds of millions of dollars in income taxes.<sup>27</sup> Similarly, New York misses out on significant property tax revenues from properties that could be redeveloped, but instead sit fallow.

Meanwhile, quintessential New York City industries struggle to make do. Over the last decade, New York City’s fashion industry has declined by nearly 30% driven in part by the “high costs of living and doing business.”<sup>28</sup> New York City’s arts scene is still the most vibrant in the world, with more museums, theatres, and galleries than anywhere else, but new artists are struggling to find a place to get their start. Even the tech industry, with its relatively high salaries, struggles to recruit in New York due to high cost of living.<sup>29</sup> The *Theme from New York, New York*, “If I can make it there, I’ll make it anywhere” has never been more true.<sup>30</sup> Because it’s harder than ever to make it in New York.

## A Waning National Presence

Recent reports of New York City’s population decline have been exaggerated, but the city’s growth was slowing even prior to COVID.<sup>31</sup> That declining growth will have significant implications for New York City’s future on the national stage.

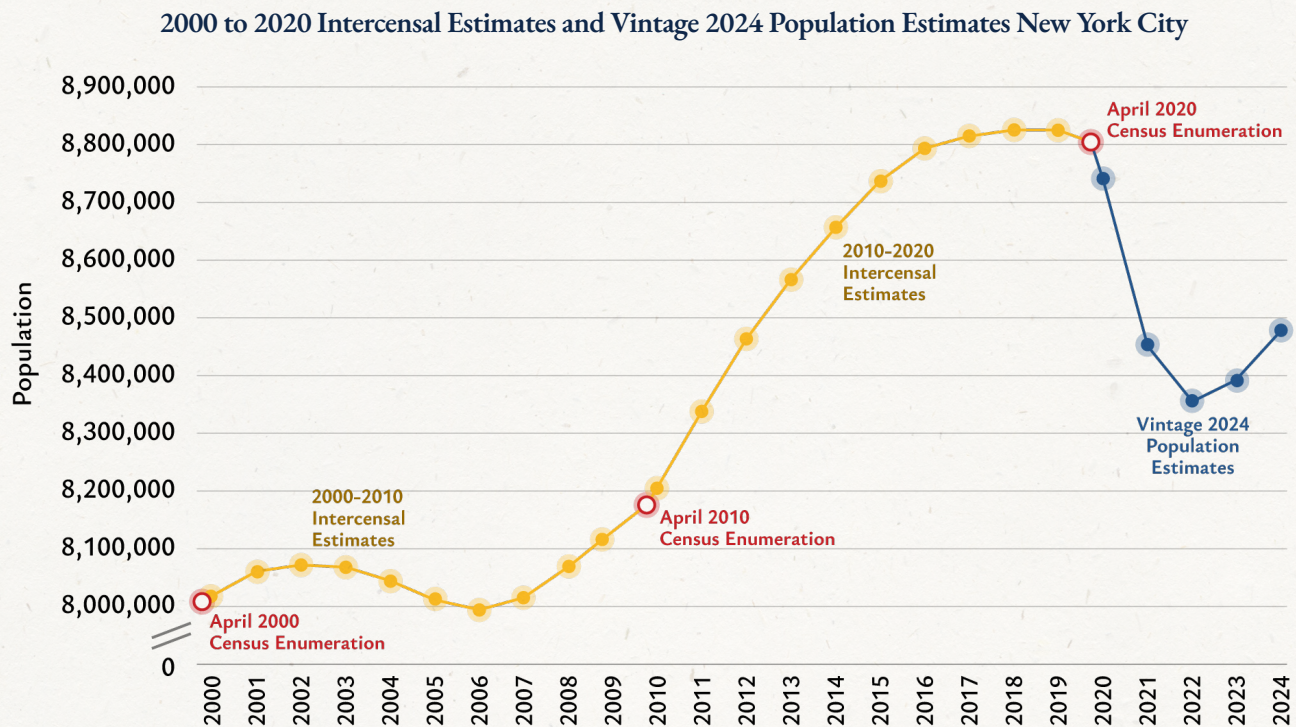
**Districts that produce the most affordable housing are primarily Black and Hispanic<sup>22</sup>**





In 1960, the last time New York City comprehensively changed its land use policy, New York voters elected 9.5% of the House of Representatives.<sup>32</sup> Today, New York elects only 6%, with recent population estimates suggesting New York will lose another two seats by 2030.<sup>33</sup> This trend highlights a broader shift in New York City's history, with the city growing more slowly than the country at large.

The result is a city with less and less say in our nation's capital. So long as the city continues to rely on the federal government for support — from investments in NYCHA, to new subway lines, health care, and more — maintaining a meaningful federal presence is critical. To retain its power on the national stage, New York City must embrace, and plan for, growth.



## Causes of the Housing Crisis

Many areas of policy affect our city's housing affordability crisis. But not all are within the power of local government to change or within the scope of the City Charter.

Tenant protections and the city's immense stock of rent-stabilized housing both play a critical role in maintaining affordability for New York families, but are largely creatures of state law. Property taxes — which affect homeowners, renters,

and builders alike — are similarly defined by state law and difficult to address through the Charter. Federal support (or the lack thereof) has played an enormous part in the development and maintenance of the City's affordable and public housing stock but likewise cannot be addressed through the Charter. In these and other areas, the City cannot always control its own destiny.

But zoning — which determines what types of housing we can build and where we can build it — is one of the most direct causes of the housing shortage, is fundamentally within the City’s control, and is closely linked to the structure of the City Charter.

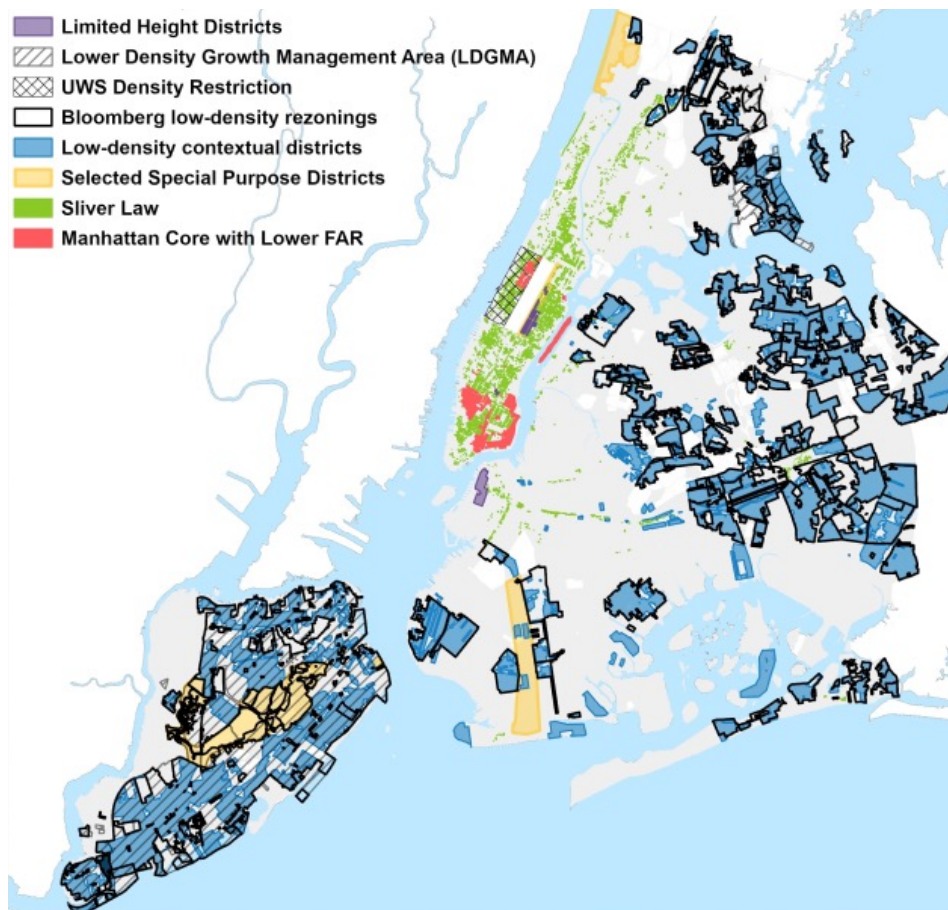
## Zoning and the Housing Shortage

The housing shortage is not a new phenomenon. It has evolved over decades through a series of policy decisions — large and small, witting and unwitting — that have limited our housing growth.

As in cities across the country, New York City policymakers enacted increasingly restrictive land use regulations in the latter half of the 1900s, steadily limiting how much New York could grow. The most dramatic restriction was the adoption of a new citywide Zoning Resolution in 1961, which significantly reduced how much housing could be built in nearly every part of the city. By one measure, looking at how many people could

theoretically be accommodated within the city, the 1961 update reduced the city’s population capacity from 55 million to 11 million.<sup>35</sup> In one fell swoop, the ubiquitous 6-story apartment building — a workhorse of affordable housing that defines the built context in countless outer-borough neighborhoods — was outlawed in most areas. In its place, in many neighborhoods the new zoning allowed only one- or two-family homes.

Subsequent zoning changes over the past 50 years tightened housing capacity further. The advent of lower density “contextual” zoning in the 1980s and decades of downzonings, including over one hundred in the Bloomberg Era, effectively ended housing production in low-density areas by the mid-2010s.<sup>36</sup> The steady march of “Limited Height Districts,” “Lower Density Growth Management Areas,” “Special Natural Areas Districts,” “Sliver Law,” and other arbitrary restrictions enabled wealthier and more politically powerful neighborhoods to use zoning as a shield against new development.





Landmarking and historic districting, while not zoning, has similarly evolved since its inception in 1965. Across all of New York City, fewer than 4% of properties have historic preservation protections, and in certain historic districts the conversion of office and commercial buildings into housing has increased the number of homes while maintaining and protecting the neighborhood's character. But about 30% of Manhattan lots are restricted by historic districting, and many of these higher-market areas have struggled to produce new housing.<sup>38</sup> Significant numbers of apartments have been combined, offsetting any gains from redeveloping non-historic properties and leading to housing loss in some areas.<sup>39</sup>

Although zoning is not the only factor that impacts the amount of housing New York builds, it is the clearest cause of limited housing production in recent decades and the one that the city has the most control over. Other cities and regions with more liberal zoning rules have seen much greater housing production than New York in recent years, despite facing similar economic conditions, including interest rates and tax environment. Just across the Hudson, Jersey City added nearly 26,000 units between 2010 and 2022, triple the per capita production of the New York metro area.<sup>40</sup> And while New York does face meaningful challenges, including the availability of land and rising construction costs, the fact that some parts of the city grow at a brisk pace while nearby areas languish under restrictive zoning shows that land use regulation today prevents housing construction where it would be feasible if it were only allowed.<sup>41</sup>

## Land Use Review Process and Member Deference

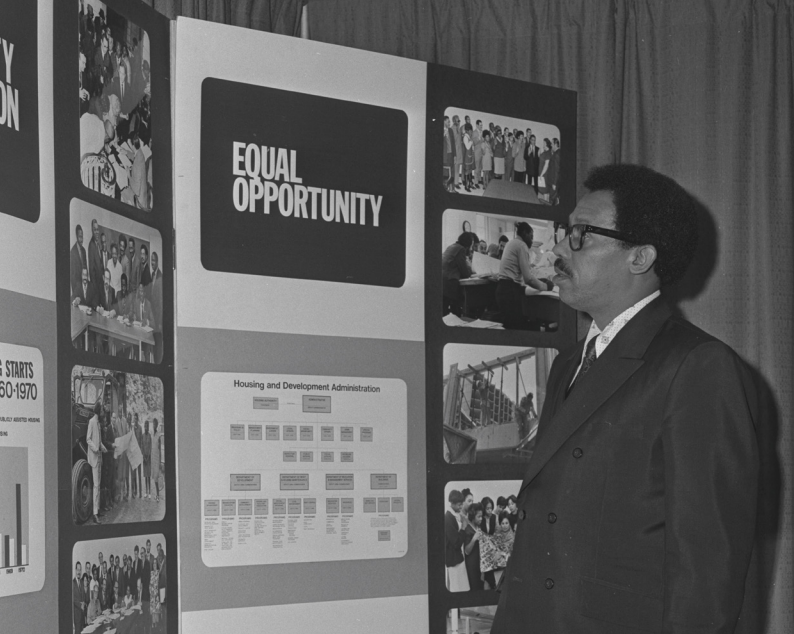
If New York is to reverse the underproduction of housing that has driven its housing crisis, the City must make it easier to build housing. Unfortunately, increasingly restrictive land use regulation has meant that more builders, both public and private, need to apply for zoning changes or other discretionary approvals to build.

Not coincidentally, the procedures to change zoning have gotten significantly more onerous and unpredictable over this same period. The process for *changing* zoning, which is set out in the Charter, is a key connection between the housing crisis and the Commission.

Calls for more community control and a turn away from central planning in the post-Urban Renewal era led to the creation of the Uniform Land Use Review Procedure (“ULURP”) by the 1975 Charter Review Commission, with formalized Community Boards representing affected neighborhoods at the beginning of the process.

Once begun, formal ULURP takes about seven months to complete. The process begins with an advisory opinion from affected Community Boards, followed by an advisory opinion from an affected Borough President. Then a land use application proceeds to review by the City Planning Commission (CPC), followed by review by the City Council, and ultimately the Mayor. If the Council rejects a land use application, the Mayor can technically veto the Council's decision, and the Council can overturn a Mayoral veto with a two-thirds majority.<sup>42</sup> In practice, the CPC and the Council are decisive — Mayoral vetoes are exceedingly rare, in part because the Council would, for institutional reasons, overrule any Mayoral veto.

Originally, ULURP ended with the Board of Estimate (BOE), a hybrid executive-legislative body comprising the Mayor (two votes), Comptroller (two votes), City Council President (two votes), and the Borough Presidents (one vote each). ULURP represented a move toward formal neighborhood participation in land-use decision-making, and a move away from the top-down master planning that characterized the Urban Renewal era. But the structure of the BOE encouraged a broad perspective on land use issues. Citywide officials held a majority of votes — six out of eleven — and the smallest jurisdiction represented was the borough.



This balance shifted after 1989, when the United States Supreme Court declared the BOE unconstitutional.<sup>43</sup> The 1989 Charter Commission, led by Frederick Schwarz, placed the City Council at the end of ULURP as part of a broader restructuring of a post-BOE city government. The newly empowered City Council became a districted legislative body with 51 members, each with a single vote. And the Charter Commission granted the Council review over the full range of land-use actions, big and small — from zoning map and zoning text changes to project-specific special permits and dispositions.

One of the most central features of the City’s land use process, however, is a practice known as “member deference” that is not in the Charter at all. Under member deference, the Council gives each councilmember the power to decide the fate of land use proposals in their district. If a local member decides against a proposal, other members of the Council will agree to oppose it, and the proposal will be rejected. If the local member opts to support the proposal, it will be approved. In essence, member deference is an agreement among councilmembers: each member will control land use in her district, and in return will not second guess the land use decisions of her colleagues.

To this point, member deference has been a significant focus of testimony before the Commission. Supporters of member deference argue it is vitally important that communities have

a mechanism to shape proposals for development, and that member deference helps ensure land use changes are informed by local views.<sup>44</sup> They maintain that member deference promotes political accountability in land use matters, with communities able to hold local members responsible for land use decisions and, if necessary, vote members out. They point out that members leverage their veto power to win concessions from those seeking land use approvals, including changes to the size of proposed developments, commitments to affordability, and various other community benefits.<sup>45</sup> And they note that while member deference is practiced on district-specific land use proposals, the City Council recently enacted a historic city-wide zoning reform — City of Yes for Housing Opportunity — that, because it impacted every district, was not subject to typical member deference dynamics and opened up possibilities for new housing even in districts where members opposed the changes.

Critics of member deference, including former Councilmember and current Queens Borough President Donovan Richards, charge that it is a form of “municipal feudalism” that treats the local member like “a feudal lord who gets to arbitrarily rule over public land as though it were a personal fiefdom” irrespective of citywide needs.<sup>46</sup> The overall result of member deference, critics argue, is a hyper-local planning process that deprives the city of sorely needed housing; drives inequitable patterns of development across the city; and, as Public Advocate Jumaane Williams has charged, perpetuates residential segregation.<sup>47</sup> Critics also argue that member deference thwarts democratic accountability by depriving the residents of every other district of a say on projects that would address a citywide housing crisis.

Whatever its merits, member deference is today a powerful force, especially in housing. According to research by Commission staff, the last time a district-specific housing proposal was approved through ULURP without the support of the local member was over 16 years ago.<sup>48</sup>



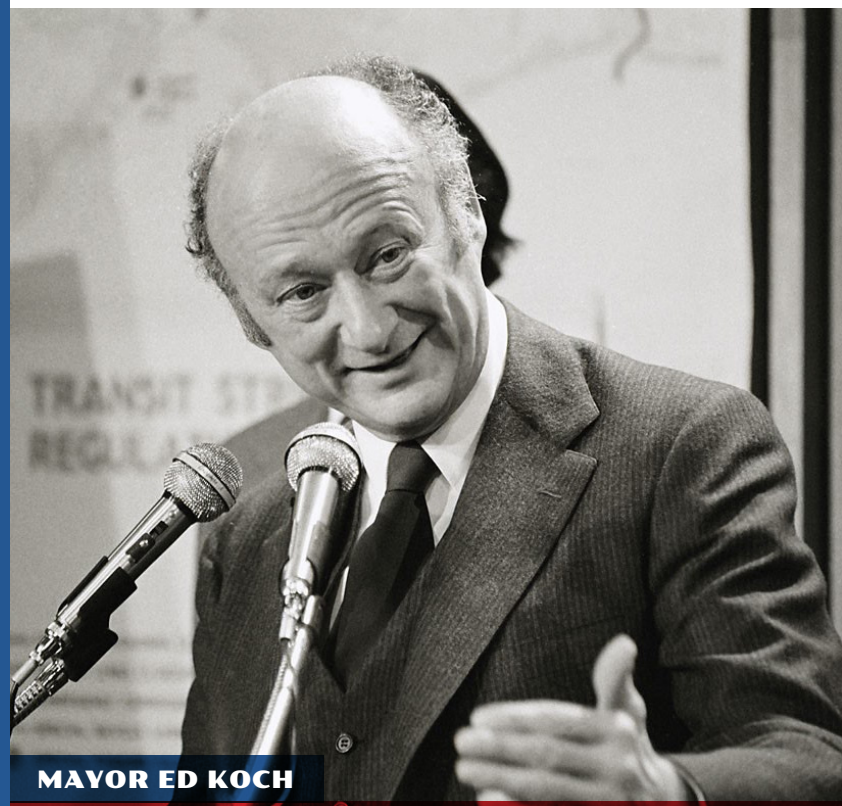
## The Evolution of Member Deference

During the 1989 Charter revision process, which was tasked with reenvisioning how land use review would work without a Board of Estimate, many feared that giving the City Council final say over land use matters would give rise to a practice of member deference and stymie important land use changes. As then-Mayor Koch warned that Commission:

“I fear that your proposal will give legislative legitimacy to the NIMBY reaction that now threatens to block any socially responsible land use policy. The legislative tradition of comity and deference, which grants one legislator, in essence, the power to determine the collective vote on matters affecting his or her district, means that any time a member of the City Council does not like a land use decision in his or her district, that member will have no difficulty mustering the required votes to take jurisdiction and vote it down. This is a sobering thought. We would run the risk of land use paralysis.”<sup>49</sup>

The New York Times Editorial Board expressed similar concerns, warning that the Commission’s proposal “makes an expanded and inevitably more parochial Council the final arbiter on most land-use issues.”<sup>50</sup> Eric Lane, the Commission’s Executive Director, similarly warned that “If you require council approval of [a zoning change] ... the Council member in whose district it would be would ... basically be able to stop the project ... [The legislature would] just give deference to the member whose district it is in.”<sup>51</sup>

In response to concerns about “land use paralysis,” the Commission had initially sought to give the newly empowered Council a role in broad citywide land use initiatives, like what would become City of Yes, but no role in particular, “project-specific” land use decisions. Ultimately, however, some members of the Commission felt that particularly controversial projects should receive political oversight from a legislative body, and numerous groups testifying before the Commission agreed.<sup>52</sup>

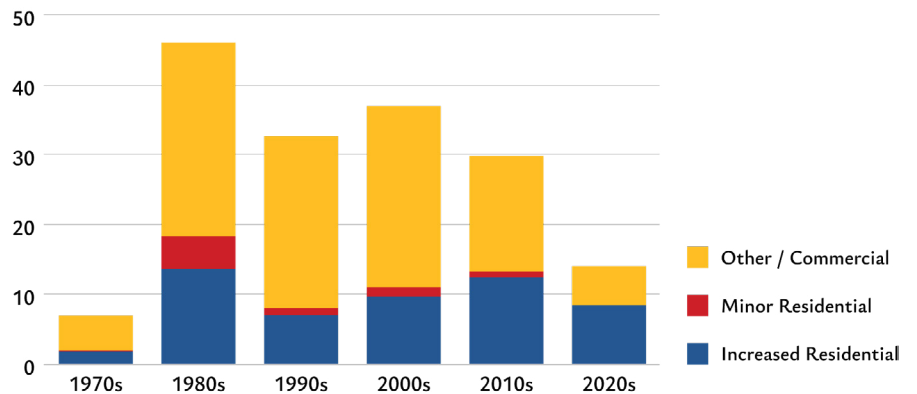


**MAYOR ED KOCH**

As such, the final Charter proposal reached a compromise, including both a “Fair Share” framework that would help evenly distribute undesirable municipal necessities (such as incinerators and garages) and the ability for the City Council to review any action under ULURP. Reflecting on that compromise in an appearance before this Commission, Executive Director Lane testified that he still regrets the 1989 Commission’s failure to include a “mechanism that would stop ... individual members” from vetoing land use projects.<sup>53</sup>

An analysis by the Citizens Housing & Planning Council (CHPC) suggests that the 1989 revisions led to an immediate drop in the number of rezonings approved in the immediate aftermath of Charter changes:<sup>54</sup>

**Number of Zoning Map Changes and Special Permits Completed Per Year (By Decade)**



In fact, the CHPC analysis found that “[d]espite an increasing share of housing-related ULURP applications, the volume of rezoning applications completed per year has never recovered to pre-1989 levels: so far this decade, rezonings are being approved at 61% of the pace during the 1980s, and the recent peak of the 2000s was still just 80% of the pre-1989 rate.”<sup>56</sup> These findings suggest that, all else equal, the 1989 reforms made zoning for more housing harder than it used to be.

At the same time, the newly empowered City Council did not immediately develop the practice of “member deference” as it functions today. Instead, through the 1990s, land use decision-making was firmly controlled by then-Speaker of the City

Council Peter Vallone, who supported multiple rezonings over the wishes of local councilmembers.<sup>57</sup> As the *New York Times* put it: “There are many more participants than before [in the land use process]. Yet the Council is much more firmly under the control of one person.”<sup>58</sup>

Around the turn of the millennium, the practice began to change, with members overruled fewer and fewer times. Some practitioners attribute this change to the introduction of Council term limits, to City Council rules reforms that may have weakened the Speaker’s ability to influence individual members, and to a change in general political attitudes toward new housing, as development pressures accelerated in the 2000s.<sup>59</sup>

#### Examples of Member Deference Being Over-Ruled in ULURP Actions Since 2000:<sup>60</sup>

Year	ULURP #	Description	Category	Year	ULURP #	Description	Category
2021	210351ZMM	New York Blood Center	Commercial	2007	20095400 SCQ	Maspeth High School	City Project
2009	090403 PSQ	New York Police Academy	City Project	2004	040217 ZSK	Watchtower Development	Residential / Mixed-use
2009	090184 ZSK	Dock Street Development	Residential / Mixed-use	2004	040445 ZSM	Harlem Park Hotel	Commercial
2009	090415 HUK	Broadway Triangle Rezoning	Residential / Mixed-use	2003	030158 PSK	NYCEM Headquarters	City Project
2009	090470 PPQ	College Point Corporate Park	Commercial	2002	010602 ZSM	Special Permit for a Manhattan Parking Garage (Upper West Side)	Other
2007	070315 (A) ZRQ	Jamaica Rezoning	Residential / Mixed-use	2001	M 820995	Hotel near La Guardia Airport	Commercial



Whatever the reason, after 2000, there are only a few major examples of members being overruled — typically non-residential projects like a police academy in Queens whose citywide importance were more legible. The last housing project to be approved through ULURP over the objection of a local member was in 2009 — 16 years ago.<sup>62</sup>

Today, member deference is firmly established. And because the views of the local member are decisive, the most critical phase in public review of a land use proposal has become the effort to win the local member’s support. In this way, member deference has come to serve as one of the foremost ways that local priorities — channeled through a community’s elected councilmember — shape proposals for development. In 2021, for example, then-Councilmember and now-Comptroller Brad Lander used his position to negotiate a broad set of neighborhood investments as part of the Gowanus Neighborhood Rezoning, including investments in local infrastructure and public housing, in return for his approval of a plan to add some 8,000 new apartments.<sup>63</sup>

Often, members use their power to reduce the size and scale of proposed development to respond to local concerns.

A proposal for housing at 80 Flatbush Ave. in Brooklyn — a project to add new housing, schools, and cultural space — was approved in 2018, but only after the local member negotiated changes that reduced the height of development allowed on the site, and, consequently, the amount of housing it would deliver.<sup>64</sup>

Elsewhere, councilmembers frequently use their power to block housing proposals altogether. The opposition of one former councilmember led to the withdrawal prior to a Council vote of three separate housing proposals in just ten months: 1880-1888 Coney Island Avenue<sup>65</sup>, 1571 McDonald Avenue<sup>66</sup>, and 1233 57th Street.<sup>67</sup> Together, these three projects would have created 397 homes, including 115 affordable homes, in a Council district that saw the creation of just 182 affordable units total from 2014-2023.<sup>68</sup>

These examples are a part of a broader trend. Based on an analysis of land use proposals that formally entered ULURP since 2022, at least 3,547 units overall have been lost as a result of Council modifications to the scale of housing proposals or the withdrawal of housing proposals in the face of opposition.<sup>69</sup>

Notably, every one of these projects was slated to deliver affordable housing under the City’s mandatory inclusionary housing policy, or other City policies.<sup>70</sup>

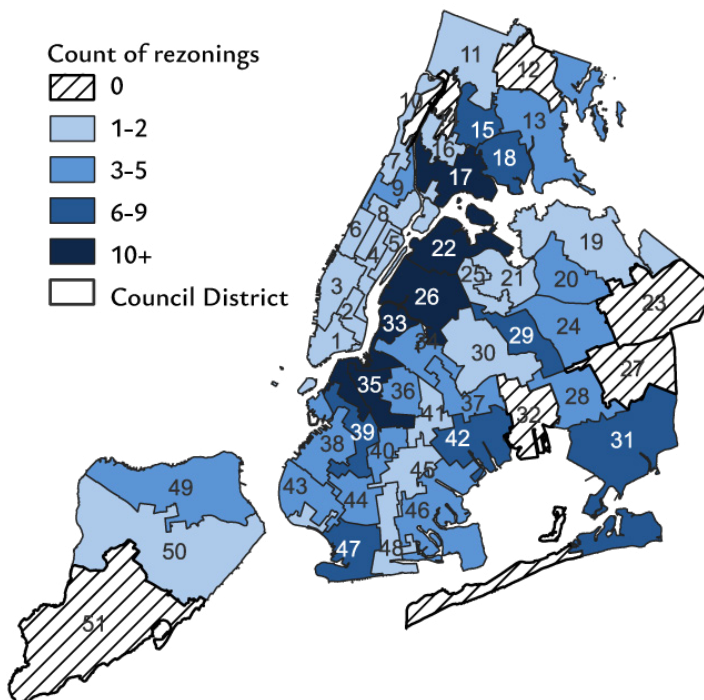
### Land Use Proposals to Begin ULURP Since 2022 that Were Withdrawn, Rejected, or Modified

		Units as originally proposed	Income-restricted affordable units proposed	Units approved	Affordable units approved
Projects certified and withdrawn, or voted down	9	1,790	678	0	0
Projects approved with modifications	18	11,493	3,067	9,736	2,820
Total homes lost, at least:				3,547	
Total income-restricted affordable homes lost, at least:					925

## The Housing That Isn't Built

The most significant consequence of member deference is, however, the most difficult to measure: the projects that are never even proposed. As the Citizens Budget Commission has explained, “it is impossible to estimate how many projects never g[et] proposed or fail ... to advance beyond informal conversations because of the cost, length, and uncertainty of the land use decision-making process.”<sup>71</sup> If a potential project is in a district where a local member is likely to be hostile to new housing, it rarely reaches the filing stage. The costs of moving through the land use process — including upfront costs like environmental review, consultants, attorneys, and lobbyists — are so high that it does not make sense to initiate a land use proposal if the odds of approval are remote.

Adopted ULURP map changes to facilitate housing projects brought by private applicants from 2014-2024 organized by 2013-2023 Council District



As Kirk Goodrich, President of Monadnock Development, a Brooklyn-based builder of affordable housing, has explained:

“If somebody calls me as a developer about a site ... to build affordable housing of scale, literally the first thing I do is I figure out who the councilmember is. Because if the councilmember is resistant to an entitlement or rezoning ... then it is dead on arrival. And no developer is going to spend time and money they can’t recover on an entitlement process when they know out of the gate that the councilmember is clearly opposed to it.”<sup>72</sup>



Or as Borough President Antonio Reynoso put it, there are “councilmember ... district[s]” where “they shut down every single project before it even starts.”<sup>73</sup> Indeed, an analysis of private applications for rezonings to enable housing over the last decade reveals that some City Council districts saw no applications at all, and only 5 of the city’s 51 Council districts averaged more than a single application per year.



Member deference deters so much housing production because councilmembers — whose jobs depend on the voters of their district and those voters alone — have powerful political incentives to reject new housing. Members have personally recounted to Commission staff that while they believed certain housing proposals were in the best interests of their constituents and the city, they could not vote to approve them for fear doing so would poison their relationship with important local constituencies and jeopardize their odds of reelection.

The account of former Councilmember Marjorie Velázquez, who testified before the Commission, underscores the often-extreme pressure that councilmembers face to reject housing. Velázquez testified that during public review of a housing rezoning proposal in her district, she received multiple death threats from opponents of a project, had her home burglarized, was forced to obtain police protection for herself and her staff, and even needed a panic button installed in her home to alert the NYPD of threats to her safety.<sup>75</sup> Both Velázquez and political observers broadly attribute her support for the housing proposal as the reason she was defeated at the following election. As Citizens Housing & Planning Council summarized:

“There are some elected officials who have taken heroic steps to approve housing and the zoning to enable it ... But if it takes heroes to get housing built, we will never build enough housing.”<sup>76</sup>

New York is not alone in having a system like member deference. In Chicago, which has a similar district-based legislative branch with a role in land use, the practice is known as “aldermanic privilege.”<sup>77</sup> In 2023, an investigation by the U.S. Department of Housing and Urban Development found that Chicago’s practice disproportionately harms Black and

Hispanic households, perpetuates residential segregation, and effectuates opposition to affordable housing based on racial animus.<sup>78</sup> These dynamics give credence to the warning of then-Councilmember and now Public Advocate Jumaane Williams, who argued that, by giving local legislators who represent segregated communities the power to block housing, “member deference ... continues the segregation of the city.”<sup>79</sup>

## Other Process Costs

Even before ULURP formally begins, there is a lengthy period known as “pre-certification” that is often far longer than ULURP itself. State law — namely, environmental review requirements — is the leading reason why pre-certification has become so long. Today, according to the most recent Mayor’s Management Report, only 61% of simple zoning actions entered public review within 12 months of starting pre-certification in Fiscal Year 2024 (FY24).<sup>80</sup> Of more complex projects requiring an Environmental Assessment Statement or EAS, only 32% entered public review within 15 months in FY24.<sup>81</sup> As for the most complex projects, requiring an Environmental Impact Statement or EIS, 89% entered public review within 22 months in FY24.<sup>82</sup>

In New York, as across the United States, policymakers began to create a process for environmental review of government actions during the 1970s. Following the federal passage of the National Environmental Policy Act (NEPA) in 1970, New York State passed the State Environmental Quality Review Act (SEQRA) in 1975, and the City built upon that with the establishment of City Environmental Quality Review (CEQR) in 1977.

These rules and processes have changed significantly in the last five decades, growing in scope and intensity, often in response to litigation.<sup>83</sup> It is now common for large projects to spend seven figures and multiple years on environmental review, covering categories that are far afield from “environmental issues” as commonly understood.<sup>84</sup> In this way, CEQR now frequently



Mayor Lindsay, community members and construction workers at St. Nicholas Avenue and West 118th to announce the rehabilitation of the Garden Court apartment building.

serves as a protector of the *status quo*, even when the *status quo* inhibits the city's ability to address and adapt to climate change, promote resiliency in flood-prone communities, expand clean energy, and build critically needed housing.<sup>85</sup> Because, however, environmental review is largely a creature of state law, not local law, the Commission's ability to reform this process is limited.

The growing length and cost of the pre-certification process mean that someone seeking land use changes in order to build housing must be able to withstand years of costs and payments to consultants or lawyers who are superfluous to the actual construction of the housing. Testimony before the Commission from the Citizens Budget Commission suggests that this dynamic increases the cost of a project by 11 to 16%, reaching over \$80,000 per new apartment.<sup>86</sup> These costs, like actual construction and labor costs, are ultimately carried through into the price of housing, and deter many projects from being proposed at all.

In practice, the costs of moving through the land use process means that applicants will only pursue land use changes if the end result will be a development large enough to make the years of pre-construction costs worth it. The result is that land use changes have become synonymous, in the eyes of many, with a particular kind of development: proposals for new housing that are large and luxe — because these are the only kind of projects for which ULURP is feasible.

This selection bias can be seen in the types of land use changes that private landowners have applied for. A staff analysis of rezonings over the past decade found that only *one* application in more than 120 private applications sought an increase in residential density of less than 40%. Only *one* additional application sought a change to a “low-density” district, defined as R5 or lower. Instead, the typical application seeks to double or triple residential density.



In short, because land use changes require a long and uncertain process replete with consultants and lawyers' fees, only large projects are ever proposed and built — creating more tension and conflict between communities and homebuilders, public or private, than necessary. ULURP and its associated process requirements have essentially disqualified the modestly sized buildings that were the backbone of outer-borough housing production through much of the 20th century. These processes also effectively prohibit the kinds of incremental change that would enable neighborhoods to grow organically over time; changes that could avoid some of the angst that often attends the more dramatic proposals delivered by ULURP as it stands today.

Even after a builder has completed ULURP and has the right to build, there is a further source of delay and cost: the process of applying for and receiving the permits and inspections needed to initiate and complete construction. Every new apartment building in New York City, even those constructed “by-right” without a zoning change, require critical permits from a variety of agencies including the Department of Buildings, Department of Environmental Protection, Department of Parks & Recreation, and the New York City Fire Department. These permits ensure fire-safety, compliance with the building code,

the state Multiple Dwelling Law, accessibility requirements, and many other key city priorities.

However, obtaining these permits can be a lengthy process. From 2010 to 2023 the average time to be granted a building permit for a new residential building of five or more units was 1.5 years. Ultimately, the total time between initial plan filing and building occupancy was four years.<sup>87</sup> New York City has examined this issue closely over the last few years as part of the *Get Stuff Built* initiative. *Get Stuff Built* identified 47 key reforms to improve the permitting process in New York City. However, only eight of those 47 reforms required a change beyond just operations within existing mayoral agencies and all were permissible via action by local law passed by the City Council.<sup>88</sup>

While further improvements to the permitting process are critical, following extensive internal discussions and consultation with stakeholders, Commission staff believes that this important subject is not amenable to effective intervention through the Charter. Instead, improvements in agency technology and coordination, as well as local law changes that do not require Charter amendments, are needed.



## Areas to Explore

The New York City Charter protects the foundational architecture of the land use process from ordinary politics, and so the only way for the City to reconsider and adjust key aspects of the Charter that govern land use is through a direct vote by the people.

The framers of the 1989 Charter showed remarkable foresight and civic wisdom in the land use arena, giving close attention to the balance between neighborhood perspectives and citywide needs, all in a procedure with guaranteed access and clearly defined timelines. To the wisdom of the 1989 Charter, we can now add some 36 years of experience. Decades have helped illuminate what ULURP and other Charter-defined structures and procedures do well, what they do less well, and what aspects may warrant reconsideration to address pressing challenges facing our city.

The Commission has heard significant testimony suggesting tweaks and changes to ULURP. That the Commission has *not* heard significant testimony suggesting that ULURP be replaced wholesale is a testament to its enduring success over the last 50 years at incorporating meaningful public input from a variety of stakeholders, while clarifying and standardizing the application process and review timeline for those, both public and private, who seek land use changes. Instead, the Commission has broadly heard two sets of concerns about the current New York City land use process:

First, the Commission heard from experts, practitioners, and members of the public who explained that ULURP has resulted in development patterns that are very uneven across the city. A few neighborhoods produce the majority of affordable housing, others build mainly market-rate housing, and some produce no housing at all. For the reasons discussed above, these dynamics contribute to rising costs, segregation, displacement, and gentrification.

Second, the Commission heard about the barriers New York

City agencies face in delivering valuable projects for New Yorkers. From building affordable housing on City-owned land, to partnering with private actors to build affordable housing on private land, agencies often contend with excessively complex and lengthy processes that hamper their ability to deliver change at scale.

Across these two issues the Commission was grateful to receive numerous opinions from elected officials, policy makers, academics, activists, and other members of the public. Their suggestions fell into three primary categories:

### Reducing Process Costs

The Commission heard from experts and the public who explained that ULURP does not work for modest projects, due to the costs associated with an application process that can take anywhere from two to five years, or even longer for complex projects. Today, ULURP frequently requires the same costly multi-year process of environmental and land use review for a new eight-unit apartment building as for an 800-unit apartment building. As such, ULURP applications tend to be for big changes rather than small ones, leaving lower density parts of the city practically ineligible for small scale residential development or modest zoning changes over time. Similarly, the Commission heard the importance of making sure that ULURP works effectively for City-aided projects, like publicly-financed affordable housing, many of which require multiple overlapping processes.

### Elevating Citywide Needs

The Commission heard testimony about the need to re-center citywide perspectives in areas of the city where ULURP manifestly fails to do that today. Many who testified before the Commission noted that, in certain geographies, the current process effectively gives not just a voice but a veto to



affected neighborhoods on issues of citywide importance. This dynamic exacerbates uneven and inequitable patterns of housing development and results in ever-increasing burdens on areas of the city that allow for new housing development. Experts testified that these patterns are even more pronounced for City-aided affordable housing projects.

## Leveraging Public Land

Finally, stakeholders testified to the Commission about challenges with activating public land to support affordable housing production in New York City, as well as challenges with other dispositions and acquisitions affecting residential property. In this area, experts identified areas of the Charter that could better promote the expeditious and efficient use of public land across the city.

## Reducing Process Costs

Today, ULURP simply does not work for more modest changes to zoning. Small projects cannot support two or more years of pre-application delay, environmental and land use review, and other associated costs. Only large projects, resulting in a doubling or tripling of capacity, can sustain the costs and risk associated with ULURP.

As a result, zoning on a given site is either frozen in place or subject to a doubling or tripling of capacity, leaving out a vast “missing middle” of more modest zoning changes that could help neighborhoods adapt and change organically over time, serving citywide imperatives without triggering the level of resentment and anxiety that large zoning changes frequently occasion today. And by limiting opportunities for smaller projects, ULURP serves as a significant barrier to entry for smaller builders, like minority-and-women-owned business enterprises. As Kirk Goodrich told the Commission, “the reality is that ... because it costs so much and takes so long, you can’t really expect anyone who is a fledgling developer or somebody who’s not a multi-generational developer to be involved in this

at all.”<sup>89</sup> Instead, ULURP favors a small number of large and well-capitalized firms who can secure the lobbyists, lawyers, and consultants needed to navigate the City’s labyrinthine process.

In the last ten years in New York City, there were over 120 rezonings by private applicants to increase residential density. While dozens of these doubled, tripled, or quadrupled residential capacity by rezoning to medium- and high-density districts (R6 to R10), only *one* of those rezonings increased residential capacity by less than 40%. Only *two* rezoned to a lower-density district (R1 to R5) when increasing housing capacity. The numbers are clear: for modest increases and changes within low-density areas, ULURP is broken.

To that end, and in light of the extensive testimony on this topic received to date, the Charter Revision Commission may wish to explore modifications to the Charter that can reduce process costs for modest projects.

The Commission has received testimony on several possible approaches to reducing process costs, all of which the Commission may consider in the months ahead. Broadly speaking, these approaches include: A less time- and cost-intensive “fast track” land use review procedure for defined categories of actions and projects; a “zoning administrator” function with the power to approve defined categories of actions and modest zoning changes administratively; and general small adjustments to streamline ULURP.

## “Fast Track” Land Use Review Process

One focus of testimony has been proposals to create a new “fast track” review for modest zoning changes and other land use applications that the time and money associated with ULURP effectively block today. Under this approach, ULURP would remain in place for most of the projects that go through ULURP today, but a more junior review would apply to more junior changes. A “fast track” procedure could also expedite particularly crucial or categorically beneficial applications and

projects that go through ULURP today but may not necessitate such extensive review.

On a fast track for more modest projects, the Commission has received testimony from the Municipal Art Society, the Historic Districts Council, and others suggesting an alternative process for projects below defined thresholds that would retain critical opportunities for public input, but could help facilitate projects that do not happen today.<sup>90</sup> The nature of the recommended thresholds has varied. Some have suggested absolute thresholds — for example, upzonings that remain within the low-density family of districts (R1 to R5), or that remain within certain height and density limits near transit, could access a modified land use review procedure that is less intensive than full ULURP. Others have proposed relative thresholds — for example, zoning changes of less than a certain percent increase in residential density could qualify for streamlined process. The Commission also received testimony that the Charter should align a fast-track land use review procedure with CEQR “Type II” projects, which are categorically deemed not to have impacts and thus exempt from environmental review.

Any of these proposals would create an avenue for modest zoning changes that are relatively rare today. As discussed above, only two private ULURP applications out of over 120 have resulted in the type of modest development that such a “fast-track” could enable.

In a similar vein, the Commission has received testimony that defined categories of other ULURP actions, such as special permits for residential projects, should be able to access a streamlined process. As above, ULURP would remain in place for many or most special permits that go through ULURP under the existing regime, but modest, crucial, or categorically beneficial projects could access a new pathway. This proposal echoes some of the discussion around special permits and other actions in 1989, when the Commission debated whether the City Council — as New York City’s legislature — should have jurisdiction over “adjudicative” project-specific approvals like

special permits or dispositions as opposed to “legislative” changes to the zoning map or text. The 1989 Charter Commission added these actions to the Council’s purview relatively late in the proposal development phase, owing largely to political calculation as opposed to specific policy considerations.<sup>91</sup>

The Commission has also received testimony recommending a “fast track” process for defined categories of projects, rather than defined categories of actions. The most popular suggestion, made by several parties testifying to the Commission as well as in written submissions, is to provide streamlined approvals for affordable housing projects. In that vein, the Commission received testimony from the Citizens Housing & Planning Council, the Regional Plan Association, and others that the Charter should create a Board of Standards and Appeals action action that would allow zoning waivers for Housing Development Fund Companies — regulated entities that build affordable housing — upon making certain findings.<sup>92</sup>

The nature of the process changes recommended for such projects varies. Some recommendations focused on whether City Council review is necessary for smaller zoning changes and land use applications unlikely to raise significant planning concerns. In those instances, input from Community Boards and Borough Presidents and review and approval by the City Planning Commission may be sufficient to ensure appropriate planning outcomes. Others have suggested preserving the City Council’s role while bypassing the City Planning Commission. Others have suggested giving Borough Presidents final say over defined categories of actions or projects.

In considering these and other potential approaches, the Commission may consider both the benefits of simplifying public review for certain categories of modest, crucial, or categorically beneficial projects, and the need to ensure that any new public process is transparent, responsive to both local and citywide needs, and consistent with principles of democratic accountability.



## Zoning Administrator

An alternative approach to streamlining the review process for defined categories of actions or projects is to introduce the role of zoning administrator, a recommendation made to the Commission by multiple parties. Zoning administrators are appointed individuals who have been a common element in the structure of land use administration in jurisdictions across the country since the advent of zoning over 100 years ago. The report that preceded the 1961 Zoning Resolution recommended adoption of a zoning administrator role within New York City’s land use decision-making structure. That aspect was not ultimately adopted and James Felt, City Planning Commissioner during the adoption of the 1961 resolution, would later write that “even more than before ... New York needs a Zoning Administrator.”<sup>93</sup>

While powers and duties of zoning administrators vary significantly among jurisdictions, they often have authority over classes of conditional and special use permits and other actions that in New York City fall under various certifications (which go to the Chair or the CPC), authorizations (which go to Community Boards and CPC), and special permits (which receive full ULURP). In some jurisdictions, zoning administrators have authority over defined categories of modest zoning changes. Also common are fact-finding roles that support zoning and planning commission actions, or enforcement or variance functions that in New York are assigned to the Department of Buildings or the Board of Standards and Appeals.

The Commission received testimony that the Charter should create the position of a zoning administrator with the power to administratively allow modest residential developments of up to 6 units and up to 35 feet in height conditioned on certain findings.<sup>94</sup> In response to testimony, the Commission may consider whether a zoning administrator function can serve a productive and appropriate role that could reduce process costs for certain classes of residential actions and projects that do not

require fuller public review in order to facilitate the kinds of projects that do not occur today.

## General Changes to ULURP

While most testimony focused on expedited approval procedures as an alternative to ULURP for defined categories of actions or projects, other testimony recommended general changes to ULURP for all actions and projects in order to reduce process costs across the board.

The most common recommendation has been to consolidate the advisory portions of ULURP — that is, Community Board, Borough President, and, when applicable, Borough Board — into a single review period. This suggestion would preserve an advisory role for the Community Board and Borough President, but could save meaningful time. Today, the Community Board review period is generally 60 days and Borough President and Borough Board review add another 30 days. Consolidation could thus reduce the overall review period from 90 days to 60.

The Commission may consider general changes to ULURP that address the process costs that effectively bar more modest zoning changes and create headwinds for the city’s efforts to address the housing shortage and other pressing contemporary problems.



## Other Land Use Procedures

The Commission has received testimony encouraging the Commission and its staff to consider excessive process costs associated with other land use procedures, such as approvals for projects on land controlled by Health + Hospitals. The Commission received testimony that projects like Just Home, which would build supportive housing on the H+H Jacobi Campus in the Bronx, have languished before the Council in the absence of definite time limits for Council action. As the Commission heard at its first public hearing:

“The process to get Just Home [a supportive housing project] across the finish line has taken years, and we still have no idea if and when it’s going to get approved. More than two years ago, Bronx CB 11 had a hearing about Just Home where my friends were harassed and faced threats of violence for simply being in favor of the project. More than one year ago, Just Home finally made it to the Council. But the Council has stalled on it because they are not bound to any time constraint.”<sup>95</sup>

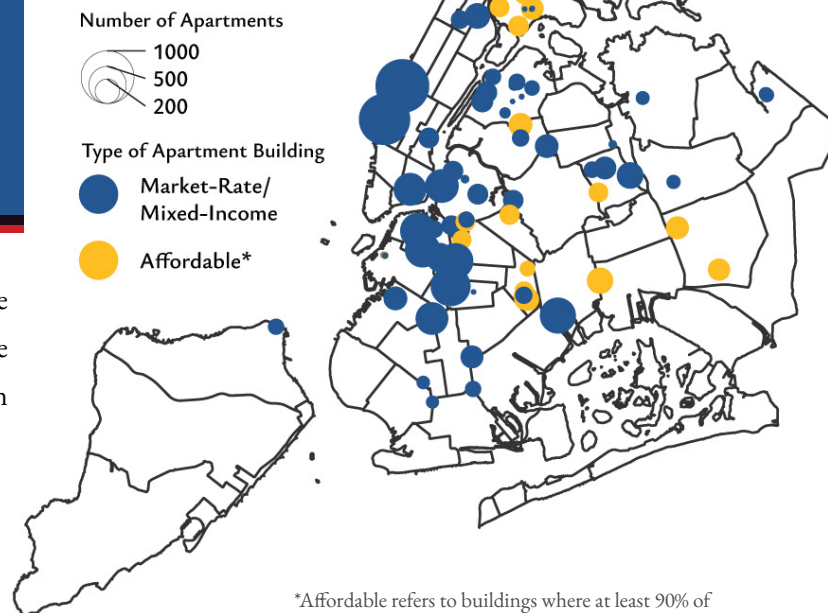
Mindful that many of these processes are structured by state law, the Commission may examine whether changes to the Charter can enable projects like these to get the consideration and ultimate decision — up or down — that they deserve.

## Elevating Citywide Needs

In the testimony received by the Commission so far, there is broad consensus that New York City is not building enough housing, that this truer in some neighborhoods than in others, and that the city’s current process for enabling housing growth is a major reason why.

Perhaps the leading complaint heard by the Commission is that the Charter process has come to give too little attention, and too little force, to citywide needs. Rezoning applications that would add housing are downsized, vetoed, or never proposed because the structure of ULURP gives decisive weight to the views of local councilmembers. The Commission also heard testimony that this parochial, locally focused system likely reinforces economic and racial segregation by precluding housing growth in some areas while concentrating it in others.

Permitted apartment buildings that resulted from a private rezoning application between 2014-2024



\*Affordable refers to buildings where at least 90% of the units are income restricted



Most reforms proposed to the Commission call for introducing new mechanisms to reinforce citywide priorities that would refine or sit alongside ULURP. One set of proposals involves comprehensive approaches to planning that would include a citywide assessment of how much housing is needed overall and how it should be distributed, with a modified review procedure for projects in line with those plans. Another set of proposals would attempt to give actors with citywide and boroughwide perspectives — such as the City Council Speaker, Borough Presidents, and the members of the City Planning Commission — more of a say to enable approval of worthy projects of citywide significance.

## Comprehensive Approaches to Planning

As outlined above, one leading set of reform proposals would establish a new comprehensive approach to planning that would, first, include a citywide assessment of how much housing is needed and how it should be distributed and, second, create an alternative public review procedure for projects in line with those plans.

At the heart of these proposals is the belief that the City will most effectively tackle the housing crisis if it considers its housing needs on a citywide basis, rather than through a

series of piecemeal projects that tend to be viewed through a hyperlocal lens. The City Council’s recent passage of City of Yes for Housing Opportunity — which authorized significant new housing across the City, including in districts where local members voted against the plan — lends significant support to the view that citywide planning offers a powerful avenue to unlock housing production and overcome otherwise stubborn roadblocks to needed housing.

Speaker Adrienne Adams’ “Fair Housing Framework” legislation — which received unanimous support in the City Council and was signed into law by Mayor Eric Adams — further suggests that there is a broad political consensus in favor of a more comprehensive approach to housing and planning.<sup>96</sup> That law, among other things, directs the Administration to assess the total number of housing units, affordable housing units, and other housing units needed across the city, and to propose district-level housing targets for each Community District every five years, with a particular focus on equity and the desire to advance housing opportunities in every community.<sup>97</sup>

One genre of reform proposed to the Commission would seek to build on the Council’s Fair Housing Framework by creating an enforcement mechanism for communities that fail to meet district-level housing targets.<sup>98</sup>



Because the Fair Housing Framework is an ordinary local law — which cannot amend the Charter’s land use review procedures — it can only promote disclosure and transparency around patterns of housing development but cannot directly affect those patterns. If a Community District fails to meet a target, nothing about the land use process changes. The New York Housing Conference, Open New York, the Fifth Avenue Committee, Enterprise Community Partners, the Thriving Communities Coalition, the Association for Neighborhood & Housing Development, and others have proposed amending the Charter to create a new, streamlined review procedure for some subset of housing projects that would apply if, and only if, a district failed to meet a target.<sup>99</sup> Ultimately, under any such approach, if a Community District meets a housing target in line with the Fair Housing Framework, nothing about the current ULURP process would change.

Any reform to establish mandatory housing targets must answer several critical questions, including: who would set the targets and how; how often targets would be updated; how progress toward targets would be measured; what kind of projects would qualify for streamlined review (including, potentially, affordability requirements or limits on size); and who would decide whether to approve projects in the streamlined review. The Fair Housing Framework enacted by the Council answers many of these questions, but if that framework were given real “teeth” in the Charter, some adjustments might be necessary. In considering such a reform, the Commission may look to models from jurisdictions across the country that impose “Fair Share” housing requirements on local jurisdictions, such as California, Oregon, and New Jersey.<sup>100</sup> The Commission may also examine how capital planning processes set out in the Charter may need to change to ensure investments in infrastructure, transportation, and neighborhood amenities are made in concert with new housing.

Others — including Comptroller Brad Lander and Borough President Antonio Reynoso — have proposed that the Charter

be amended to require that the City adopt a more ambitious “comprehensive plan” that would touch not only housing but other critical aspects of planning, including economic and workforce development, transportation, sustainability, schools, and access to open space. Other cities, including Seattle, develop comprehensive plans of this kind, frequently pursuant to state law.<sup>101</sup> Seattle’s plan does not by itself change land use rules (like allowing new housing on a particular lot) or dictate specific infrastructure investments. Nor is it a hyper-detailed, block by block and lot by lot, assessment of appropriate zoning, transit investments, and so on. Instead, the plan is used to help guide later decision-making over specific land use, infrastructure, and other proposals.

New York City once had a similar comprehensive planning requirement. Both the 1936 and 1961 Charters required the City Planning Commission to adopt a “master plan.”<sup>102</sup> In 1969 the Lindsay administration produced one such master plan — the “Plan for New York City.”<sup>103</sup> That sweeping five-volume plan touched everything from jobs, to transit, education, housing, industrial growth, open space, and more. But the plan was never adopted and “came to be viewed as a costly failure,” leading to the removal of “master plan” requirements from the Charter in 1975.<sup>104</sup> Today, Section 197-a of the Charter gives the City Planning Commission the power to adopt “plans for the development, growth, and improvement of the city” proposed by the Mayor, Borough President, Borough Boards, Community Boards, the City Planning Commission, or the Department of City Planning.<sup>105</sup> Likewise, Section 192(f) of the Charter requires the City Planning Commission to prepare, every four years, a “zoning and planning report.” But only one such report has been prepared, in 1993.<sup>106</sup> Previous Charter Revision Commissions have considered reintroducing a comprehensive plan requirement but have declined to forward a proposal to voters.<sup>107</sup>

Comptroller Lander’s proposal would task the City with developing a comprehensive plan, condition the adoption of



that plan on approval by the Council, revise the City’s 10-year capital plan requirement to reflect a comprehensive plan, and create a “streamlined and expedited 90-day ULURP clock for rezoning actions that comply with the Comprehensive Plan” that ends with the City Planning Commission.<sup>108</sup> Borough President Reynoso, for his part, argues that aligning the City’s capital plan with a comprehensive plan will give assurance to communities that housing growth will be accompanied by investments in infrastructure and replace the need for ad-hoc agreements on individual proposals, which are a mainstay of the current member-centered process.<sup>109</sup> Others including the Association for Neighborhood and Housing Development and Pratt Center for Community Development have emphasized the need for comprehensive planning to ensure broad equity goals that expand beyond just housing and to ensure sustained and meaningful community engagement in the development of such a plan.<sup>110</sup>

Reform along these lines would need to confront several critical issues, including how such a plan would be drafted; what subjects it would address; how it would be reviewed and approved; and what — if anything — would change about public review of actions that align with an approved plan. The Commission may consider whether a lengthy comprehensive planning process, if it does not result in adopted plans or does not trigger an alternative public review procedure for projects in line with the plan, would result in significant additional delay and

process costs for proposals to build housing and address other needs, exacerbating existing problems rather than ameliorating them. And the Commission may carefully consider whether burdensome state environmental review requirements would constrain the content, level of detail, and subsequent planning implications of a comprehensive plan, as well as the length of the process to develop a plan, and the potential that litigation challenging such a plan would introduce further delay and uncertainty in the planning process.

The Commission may also consider whether the complexity of New York City, which is an order of magnitude larger than other American cities that have embraced comprehensive planning, may make comprehensive planning difficult, and how such a comprehensive plan would interact with other, more focused, planning requirements in local law, including the above-mentioned Fair Housing Framework and the local law requirement that the City develop an Industrial Development Strategic Plan.<sup>111</sup> In doing so, the Commission may look to the City’s own history with master planning, and its decision to abandon its previous master planning requirement in 1975. Reforms in this arena would also require careful consideration of changes to the City’s multiple and overlapping capital planning processes, including its Ten-Year Capital Strategy, which pursuant to Section 215 of the Charter is prepared jointly by the Office of Management and Budget and the Department of City Planning.

## Empowering Boroughwide and Citywide Actors

An alternative set of proposals would attempt to give actors with boroughwide and citywide perspectives new power over projects of citywide significance. What animates these proposals is a view that the City’s current land use process wrongly gives determinative weight to the views of individual local members. Empowering officials with boroughwide or citywide perspective, it is argued, will make it more likely that consideration of land use proposals includes appropriate attention to citywide priorities, like addressing the housing crisis.



City history supports the idea that officials that represent broader constituencies are more likely to emphasize citywide needs. As recounted above, data suggests that in era where the Board of Estimate had final say in ULURP, the Board saw and approved more proposals to consider new housing,<sup>112</sup> even as that body continued to give significant consideration to advisory votes of Community Boards.<sup>113</sup> Strong leadership from Speakers of the City Council — from Speaker Vallone’s dominant approach to land use matters in the 1990s, to Speaker Adams’ forceful efforts to secure the passage of City of Yes for Housing Opportunity<sup>114</sup> — similarly suggests that Speakers can be a powerful force for ensuring citywide interests trump parochial concerns. Former councilmembers who have ascended to higher office personally report that representing a wider constituency has altered their perspective and given them the opportunity to take a broader view on land use matters.<sup>115</sup>

In this spirit, the Commission has received a wide range of proposals to empower citywide and boroughwide officials. Borough President Reynoso has suggested replacing Borough Presidents’ advisory vote before the Council with a material role *after* the Council, to ensure that proposals receive a “borough-wide view on how development should happen” rather than a “very local view.”<sup>116</sup> Borough President Gibson has similarly suggested that Borough Presidents should have “more of a final decision and say” in ULURP, given that they possess a “lens that extends beyond a local council district.”<sup>117</sup>

Along these lines, some have suggested that ULURP’s mayoral veto could be replaced with an appeal to a new three-official body including the Mayor, Council, and the relevant Borough President, with the agreement of two of the three officials needed to override a Council action. Still others have suggested that the Speaker should be given the power to call up actions to the City Council rather than relying on a majority vote of the Council in order to do so.

Taking a different tack, the Citizens Housing & Planning Council has suggested giving the Speaker an appointment to

the City Planning Commission, and then allowing the City Planning Commission to override or modify Council land use actions by a supermajority vote.<sup>118</sup> It argues that this new City Planning Commission override would newly empower Borough Presidents and the Speaker, as mayoral appointees to the Commission would be insufficient to constitute a supermajority without the agreement of some appointees of Borough Presidents and or the Speaker’s appointee. Similarly, the Citizens Budget Commission would create a new ULURP Appeals Board consisting of the City Planning Commission and the Speaker, which would have the ability to override the City Council upon the assent of 10 of the 14 members.<sup>119</sup>

Any reform to empower the Speaker, Borough Presidents, or the City Planning Commission will need to consider a number of important issues. ULURP governs review of many non-housing land use issues, and many of these reform proposals would alter how ULURP functions on critical non-housing matters. To focus reform more surgically on addressing the housing crisis, any new measure to empower citywide and boroughwide actors could reasonably be limited to proposals involving housing, or even a limited set of housing proposals, such as projects that meet certain affordability requirements, limits on size, proximity to transit, or labor standards. Likewise, Commission staff is mindful that any procedural change is likely to have unintended knock-on effects — like the emergence of member deference itself after the 1989 revisions — that must be carefully considered.

Any change in this domain should preserve meaningful opportunities for local input. The Commission may take care to ensure that any reform strengthens democratic accountability, namely by securing the power of majorities of city voters to influence land use decision making at the ballot box. Any reforms must also grapple with the reality that today member deference is one of the most important ways that local priorities — channeled through a community’s elected councilmember — shape proposals for development and secure community investments.



## Leveraging Public Land

As the city grapples with the ongoing housing shortage and affordability crisis, there is near-universal acknowledgment from elected and other government officials, advocates, practitioners, and members of the public that the City should be leveraging publicly owned, underutilized land to the greatest extent possible. The City exerts far greater control over property it owns than over property it does not, and that power gives the City greater latitude to ensure that land is developed in ways that address the city’s most pressing problems. The Commission has received extensive testimony on this topic and the rules that presently govern City activation of public land, including Charter procedures governing dispositions of City-owned property, as well as acquisitions, administration, and related procedures.

At the time that the 1989 Commission was evaluating the process for disposing of public land, the city had roughly 1 million fewer people and a massive portfolio of *in rem* properties acquired via abandonment and tax foreclosure in the aftermath of the City’s fiscal crisis and population decline in the 1970s. Compared to today, the City possessed a far larger stock of large and underutilized land appropriate for housing development, especially in low-cost neighborhoods. For decades, and especially during the Koch administration, the City’s affordable housing policy turned on putting these properties back to productive use, typically by selling or leasing them to affordable housing groups, neighborhood nonprofits, and “urban homesteaders” with affordability restrictions and for low- or no-cost.<sup>120</sup> (These “HDFCs,” or Housing Development Fund Companies, remain an important pool of affordable housing to this day.) The fruits of those efforts can be seen across the city, from the Nehemiah Homes in East New York and Brownsville, to rows and rows of formerly abandoned buildings on University Avenue in the Bronx that now bustle with activity. Many remain bastions of affordability in a city struggling to adapt to the housing crisis.

Because dispositions are project-specific rather than legislative in nature, the 1989 Charter Commission did not initially propose to subject them to automatic review by City Council. But critics pointed to the City’s largest, vacant properties, and argued that a city disposition of a tract of that size was “the functional equivalent of a zoning change” for poor communities and, as such, should be subject to full ULURP just as rezonings are.<sup>121</sup>

The Commission acquiesced but attempted to carve out an exception for “dispositions ... to companies that have been organized exclusively to develop housing projects for persons of low-income” — that is, HDFCs.<sup>122</sup> Under this exception, applications would go to City Council only if a majority of the Council voted to review it. In practice, this exception has been rendered irrelevant by City Council’s broader tendency to call up any application over which it has that authority, meaning that virtually all dispositions now go through full Council review. As a result, today’s procedure, which was intended to capture the largest outliers, instead captures *all* actions, no matter how small or how urgent. The result is a Charter that requires a multiyear process for dispositions to affordable housing nonprofits, even for projects that meet zoning requirements, or when the City seeks to sell unusable sliver lots to adjacent owners, impeding the City’s ability to leverage public property.

The 1989 Commission’s “one-size-fits-all” approach to ULURP also subjected other actions related to City-owned property to the full ULURP procedure, including acquisitions, part of a move late in that Commission’s process to eliminate gradations and tiers among project types in favor of a simpler approach that the Commission believed stood a better chance of being approved by voters. According to testimony received by the Commission, decades of experience since 1989 indicate that this regime makes many projects involving City property unnecessarily difficult, delaying or rendering infeasible affordable housing projects, new parks, and vital infrastructure (discussed more fully in separate sections below), among other projects.

To that end, and responding to the volume of testimony on this subject, the Commission may carefully explore modifications to the Charter that streamline applications involving City-owned property where appropriate. In particular, the Commission has heard recommendations for a less time- and cost-intensive process for dispositions generally or for dispositions meeting certain criteria, including exempting certain dispositions from an additional public auction process; and reduced procedure for acquisitions meeting certain criteria.

### Faster Dispositions

The Department of Housing Preservation and Development (HPD) handles the large majority of dispositions of city-owned property for housing in New York City under various sources of authority, including Urban Development Action Area Projects (UDAAP), Article XI dispositions under the Private Housing Finance Law, and a few lingering Urban Renewal Projects, all of which are subject to ULURP. Almost all housing facilitated by these dispositions is affordable, and dispositions are typically to Housing Development Fund Companies, organized under state law to provide affordable housing. Because the City generally tries to leverage its property to the greatest extent appropriate, dispositions usually happen in conjunction with other ULURP or ULURP-like actions such as tax exemptions, zoning map changes, special permits, and zoning text amendments to map Mandatory Inclusionary Housing.

After decades of dispositions for affordable housing, the largest sites that can support affordable housing without rezonings and other actions are largely gone. Much of today's disposition pipeline consists of creative uses of small, medium, or irregular sites. If these dispositions do not include other actions, then they are by definition dispositions pursuant to zoning, that is, dispositions that can only produce development that any other owner would be able to build as-of-right. Yet, the ULURP process designed for evaluation of complex changes in land use is applied to these projects, making it more

challenging to use public land for public use than it otherwise would be if it were privately owned.

The Department of Citywide Administrative Services (DCAS) handles dispositions involving residential property as well, though these dispositions tend to be considerably more modest than anything HPD handles. DCAS's main disposition pipeline is the "SAIL Away" program, which disposes to adjacent property owners city-owned slivers, accessways, and interior lots (hence the "SAIL" acronym) that cannot support independent development. Even though these lots are by definition too small, irregular, or otherwise encumbered to be of any possible use to the City — some slivers are just inches wide — they require the exact same public review process as the dispositions to facilitate Hudson Yards.<sup>123</sup>

The Commission has received testimony that at least some categories of dispositions involving residential uses should have access to a streamlined process. Several parties recommend a "fast track" for affordable housing dispositions.<sup>124</sup> In most instances, dispositions occur to a particular purchaser for a particular project. Under this approach, projects meeting certain affordability criteria could access the streamlined process while other dispositions would remain subject to ULURP. These criteria could be defined in terms of a percentage of affordable housing or by the nature of the purchaser. One approach could revisit the unsuccessful attempt of the 1989 Charter Commission to create a fast track for dispositions to HDFCs, which by definition exist to provide affordable housing. The Commission has received varied testimony on how the process should be modified, with some suggesting that such dispositions do not raise legislative or planning issues that require review by City Council, and others suggesting that narrowing the process to a Council vote best balances efficiency with adequate review. Others have suggested that the Charter should authorize subsequent rulemaking that would detail which types of dispositions require ULURP and which have access to a lesser procedure. The Commission may examine the full range of options.



Some testimony noted that a “fast track” already exists under state law for certain UDAAP projects. While UDAAP dispositions generally require ULURP, “accelerated UDAAP” projects have access to a faster process and go straight to City Council for a vote. These criteria are exceedingly narrow, however — they are generally available only to developments of up to four units or rehabilitation of existing buildings.<sup>125</sup> Nonetheless, “accelerated UDAAP” is a potential model that the Commission may examine closely.

The Commission also received recommendations to relieve some dispositions from full ULURP. Any such reform would presumably capture most dispositions under the SAIL Away program, which by definition is available only for lots that, due to size, shape, or other factors, are not capable of being developed independently. This proposal is similar to recommendations described above for zoning map changes, some special permits, and other actions that require ULURP regardless of magnitude. In the case of private applicants, these process costs simply mean that beneficial projects never get off the ground and do not happen. For public actions, like dispositions, the result is expended staff time on processes that do not improve outcomes and increase costs, making affordable housing projects cost more than they otherwise would and reducing the amount that can be produced.

### Additional Disposition Process

With the limited state-law exceptions, all dispositions of city-owned property require ULURP. Less understood is that ULURP is not the end of the process. Once the authority to dispose a site is granted via ULURP, the disposition must be effectuated by yet another process that can add another year or more to a project.

Different projects are subject to different processes. The most common process for HPD and Economic Development Corporation (EDC) projects for housing is a Request for Proposals (RFP), where potential partners compete to win City

business, followed by negotiations ahead of a closing. RFPs can technically happen before ULURPs for dispositions and any other land use actions, but HPD and EDC seek to complete any necessary actions before the RFP if possible. Otherwise, the time, uncertainty, and potential expense of subsequent actions will scare off many potential RFP applicants and result in a less competitive applicant pool. Overall, the process takes 2 to 4 months for the RFP offering, not counting preparation time, and 9 to 18 months of negotiations ahead of a closing.

In times past, DCAS dispositions required a public auction process under the Charter, which includes a public hearing, mayoral authorization, and a 30-day posting in the City Record. The public auction process added about a year on top of ULURP to the disposition process, even for sliver lots and other property that was undevelopable and useless to the City. In 2010, state legislation reduced process costs somewhat by relieving DCAS of a public auction requirement for sliver lots, accessways, and interior lots — authorizing a SAIL Away Program — though the process requires a public hearing, mayoral authorization, and a 30-day posting after ULURP. The legislature renewed this legislation for five-year intervals in 2015 and again in 2020, but it is set to expire at the end of 2025.<sup>126</sup>

Both HPD and DCAS may dispose of property to a “local development corporation” through a streamlined process in section 384(b)(4) of the Charter, which replaces the time-consuming auction process with a mandate for a price “in the public interest” as determined by appraisal. While some dispositions should remain subject to a public auction requirement, the Commission has received testimony that expanding dispositions to HDFCs and other dispositions for affordable housing should also be eligible for disposition without a public auction. These projects are generally already subject to ULURP review, often with an affordable housing developer already attached, minimizing transparency concerns. HDFCs must be separately constituted under state law for an affordable housing purpose, limiting potential recipients



An example of a residential sliver lot, outlined in yellow, that is eligible for the SAIL Away program.

to a highly regulated and purpose-driven entities. Reducing procedure has the potential to reduce costs and get affordable housing projects in the ground sooner.

The Commission has also received testimony that the SAIL Away Program should be made permanent and eligible for the 384(b)(4) process. These properties are those “that cannot be developed due to its size, shape, applicable zoning, configuration or topography, which factors, singly or in combination, render the development of such property economically impracticable or infeasible.” As such, they are useless to all but adjacent property owners, severely restricting potential purchasers and likely obviating the need for an extensive notice, hearing, and auction requirement. A faster process could save significant city staff time and get these lots back on the tax rolls sooner.

The Commission may examine these recommendations as part of a broader effort to reduce unnecessary process costs for modest projects and other categories, like affordable housing, where the public interest supports greater urgency.

## Acquisitions

While less common than dispositions, HPD and other agencies occasionally acquire property that the City intends to ultimately dispose for affordable housing. Often this happens simultaneously, through combined acquisition-disposition ULURPs; other times the actions occur sequentially and separated by time. Regardless of the eventual purpose to which the property will be put, and regardless of size or other criteria, all acquisitions must go through ULURP.

Acquisitions are another instance where the amount of public review required by the 1989 Charter was sized to the largest, most significant outliers rather than the far more modest acquisitions that are typical today. But acquisition is an increasingly important tool. In 1989, the City had a seemingly inexhaustible supply of *in rem* property acquired via abandonment and tax foreclosure that would serve as the main supply of land for the City’s affordable housing policy for years to come. Today, that supply is largely gone and, given the city’s resurgence, the need for affordable housing is as great as it has ever been, meaning City acquisition of additional land may play a greater and greater role in City-led development.

The Commission has received testimony recommending reduced procedure for acquisitions of modest size and for land that will be used for certain categories of projects, such as affordable housing and other acquisitions that support residential uses, such as parks, schools, and access easements. The Commission may carefully consider this testimony in advance of the Commission’s final report.





## Considerations

In exploring the issues laid out above, the Commission should foreground basic planning principles and keep the following considerations in mind.

Foremost is the necessity of land use procedure to support planning, oversight, transparency, democratic accountability, and public participation. The lessons and consequences of the Urban Renewal Era, with its emphasis on large-scale projects and dramatic land use changes without adequate oversight and public review, are everywhere in New York City and within living memory. But the goal of land use procedure should not be planning paralysis. As the 1989 Commission demonstrated, the goal in the land use process is to allow for change, while balancing competing goods, goals, and valid perspectives.

The Commission may also consider that the effects of changes to land use procedures are rarely straightforward. These processes exist within a dynamic political context that adapts and responds to new circumstances.

So, too, the Commission must recognize that the Charter exists within a broader structure of state and federal law that grant authority to the City but also limit it. The Commission should pay heed to these structures as it develops potential reforms. •



## 02

# Elections and Voter Turnout

New York City has a vibrant civic life. But voter turnout in New York City elections is abysmal. In 2021, just 23% of registered voters participated in the general election, even though every local elected official, including the Mayor, was on the ballot.<sup>127</sup> Indeed, while the city has over 4.7 million active registered voters, only around 1 million of them voted in the 2021 mayoral election.<sup>128</sup>

Some elections have even lower turnout. In the 2023 City Council elections, a member won a contested Democratic primary with just 2,126 votes<sup>129</sup> in a district with over 35,069 registered Democratic voters and approximately 146,495 total voting-age residents.<sup>130</sup> Just 6% of registered Democrats and 1.45% of all voting-age residents in that district selected the eventual councilmember.

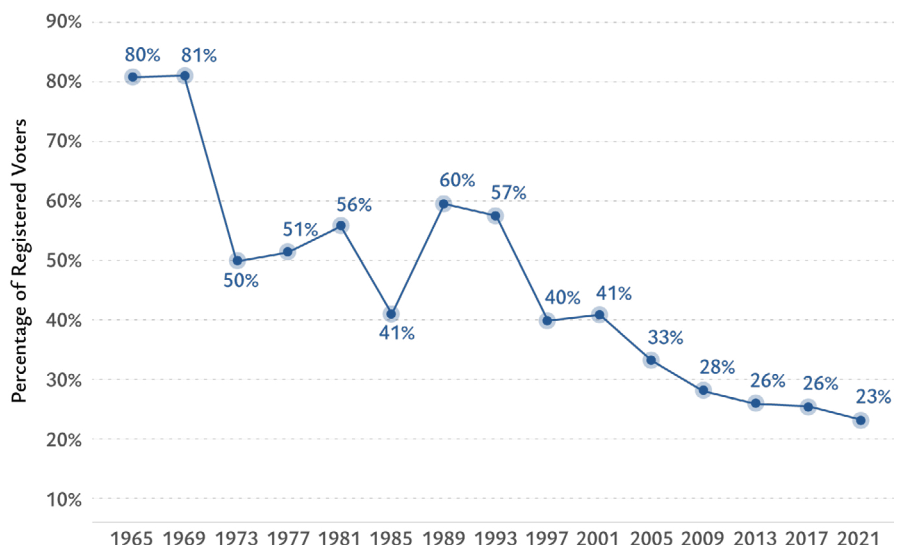




**This problem is not new. New York has, for decades, suffered from chronic voter disengagement.**

Although turnout levels were consistently above 50% throughout the 1970s and 1980s, participation has steadily declined since then. Registered voter turnout has not exceeded 40% in a mayoral election since 2001 and has been below 30% in every mayoral election since 2009.<sup>131</sup>

New York City Voter Turnout in Mayoral General Elections, 1965-2021



Source: NYC Board of Elections 2022 Annual Report

While many New Yorkers are registered to vote, few consistently turn out.<sup>132</sup> Turnout is particularly low among young people.<sup>133</sup> In the 2021 mayoral elections, turnout among eligible voters was lowest for the 18-29 age group and was only above 30% for individuals 60-69 and 70-79.<sup>134</sup>

Within New York City, turnout is especially low in minority communities. The ten Community Districts with the lowest turnout percentages in the 2021 primary election were all majority-minority (meaning a majority of voters are non-white). Comparatively, of the ten districts with the highest turnout percentages in the 2021 primary election, seven were majority white. And the top five highest turnout districts were all majority white. These dynamics illustrate that the New York City electorate does not fully represent the breadth and diversity of its people.

### Community District Profiles – Ten Lowest Turnout in 2021 Primary Election<sup>135</sup>

	Turnout %	% Asian	% Black	% Hispanic	% White
<b>BX01</b>	14.0%	0.4%	27.2%	67.9%	2.2%
<b>BX06</b>	14.1%	0.6%	30.3%	62.7%	3.2%
<b>BX02</b>	14.6%	0.4%	27.2%	67.9%	2.2%
<b>BX03</b>	15.0%	0.6%	30.3%	62.7%	3.2%
<b>BX05</b>	15.9%	4.6%	13.1%	73.1%	7.2%
<b>BX07</b>	16.9%	0.7%	30.3%	64.7%	1.2%
<b>BX04</b>	17.7%	1.6%	29.0%	63.7%	4.2%
<b>QN10</b>	17.9%	22.3%	13.9%	23.8%	19.5%
<b>BK13</b>	18.2%	13.1%	14.8%	19.4%	49.1%
<b>BK11</b>	18.4%	41.3%	1.6%	15.9%	38.9%

### Turnout by Age in 2021

	June Primary	November General
18-29	17.9%	11.1%
30-39	21.7%	16.3%
40-49	24.0%	22.1%
50-59	28.8%	28.7%
60-69	35.3%	35.5%
70-79	37.7%	37.9%
80 and up	23.2%	23.2%



### Community District Profiles – Ten Highest Turnout in 2021 Primary Election<sup>136</sup>

	% Turnout	% Asian	% Black	% Hispanic	% White
<b>BK06</b>	44.3%	8.8%	7.0%	14.0%	62.5%
<b>MN07</b>	41.6%	10.2%	6.8%	15.9%	61.7%
<b>BK02</b>	40.3%	10.2%	15.8%	12.1%	55.5%
<b>MN02</b>	37.6%	16.1%	3.7%	9.2%	65.8%
<b>MN08</b>	36.9%	11.5%	3.6%	8.9%	72.0%
<b>BK08</b>	35.4%	4.0%	44.5%	13.5%	30.7%
<b>MN06</b>	35.0%	19.2%	4.5%	7.9%	62.8%
<b>MN04</b>	34.3%	16.2%	5.6%	20.9%	51.5%
<b>BK07</b>	32.3%	24.6%	2.4%	40.7%	28.3%
<b>BK09</b>	32.2%	3.3%	46.9%	13.0%	28.6%



At the time of publication, the Commission has received more written testimony calling for election reform than any other subject. At hearings, experts and members of the public have made the case for several reforms intended to broaden participation in local elections. Some have called for moving New York City’s local elections from odd-years to even-years, when turnout is far higher. Others — citing models from California, Alaska, and much of the rest of the country — have called for moving to an open primary with a top-two or top-four general election in order to broaden participation across the electorate. In the coming months, Commission staff recommend that the Commission carefully consider whether to advance one or both of these proposals to voters.

New York State has signaled a growing interest in improving voter participation in recent years. In 2019, New York State combined state and federal primaries.<sup>137</sup> A law enacted in 2022 relaxed voter registration deadlines from 25 to 10 days prior to elections, reducing a considerable obstacle to voting.<sup>138</sup> A series of measures passed in 2023 bolstered absentee ballot and mail-in voting access, streamlined early-voting protocols, improved electoral education efforts at local correctional facilities and schools, and developed a robust training program for poll workers.<sup>139</sup> The State also passed legislation moving town and village elections outside New York City to even-years as part of a broader package of election reforms intended to improve voter turnout.<sup>140</sup>

At the local level, in 2019 New York City voters approved a significant change to the way the City’s elections are conducted: ranked choice voting (RCV). Beginning in 2021, RCV is now used for primary and special elections. RCV permits voters to rank up to five candidates in order of preference. If no candidate receives a majority of first-choice votes in the first-round, then the candidate with the fewest first-round votes is eliminated. Voters who cast their first-round votes for the eliminated candidate then have their votes transferred to any next-ranked choice among candidates that have not been eliminated. This process continues until a single candidate has a majority of votes.<sup>141</sup>

Until recently, elections in New York City were largely decided by a plurality system (“first-past-the-post”), as is common across much of the country. Certain high-profile citywide posts — including Mayor, Comptroller, and Public Advocate — used a distinct, hybrid approach in which the top two primary performers would progress to a run-off election if neither won over 40% of the vote.<sup>142</sup>

New York City’s transition to RCV in 2021 was expected to save time and money by allowing primary voters to select winning candidates without having to participate in separate, costly run-off elections. Perhaps even more consequentially, RCV aimed to encourage voters to select their preferred candidates, rather than cast their votes strategically in order to block undesirable



candidates from winning. Similarly, RCV allowed voters to support comparable candidates simultaneously instead of dividing their support and inadvertently improving the chances of alternative, less desirable candidates. RCV was also expected to incentivize candidates to broaden their bases of support and abstain from adversarial campaigning strategies.<sup>143</sup>

As the League of Women Voters of the City of New York testified to the Commission, the early results from RCV are encouraging.<sup>144</sup> The 2021 mayoral primary elections saw 26.5% of eligible New Yorkers turn out to vote, making it the mayoral primary with the highest turnout in decades.<sup>145</sup> 88.3% of voters ranked more than one candidate in at least one race<sup>146</sup> with 89.3% of Democrats and 56.6% of Republicans ranking multiple candidates.<sup>147</sup> 46.2% of Democrats utilized all five of their ranks in the mayoral contest, and just 13% ranked only one candidate.<sup>148</sup> Rates of ballot error were also much lower in the 2023 primary cycle than in 2021, suggesting that the public has become increasingly comfortable with the mechanics of RCV.<sup>149</sup>

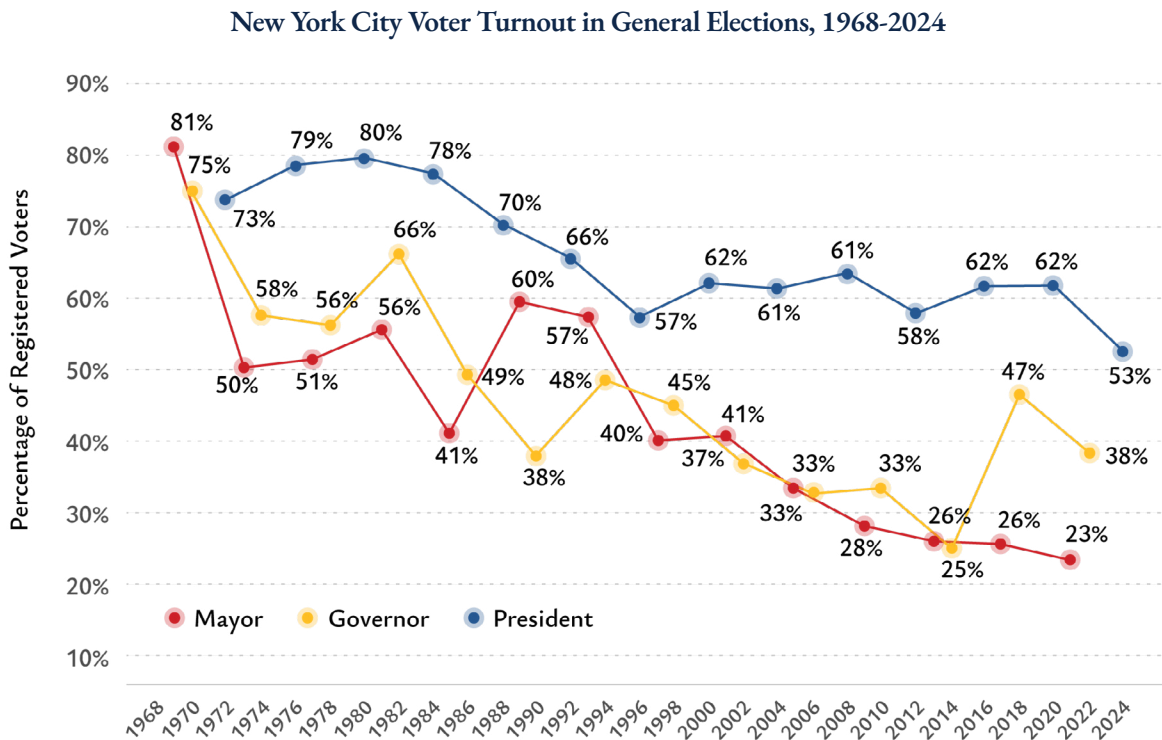
Given these promising early results, any proposed election reforms should preserve RCV and build on its success.

## Areas to Explore

The Commission has received thoughtful input from elected officials, policy makers, academics, activists, and other members of the public. Their suggestions fell into two major categories: even-year elections and open primaries.

### Even-Year Elections

Local elections in New York City are generally held in odd-numbered years that do not coincide with other state-wide or national races, yielding significantly lower turnout than even-year elections. 53% of registered voters cast a ballot in the 2024 presidential election, while just 23% voted in the 2021 mayoral election.<sup>150</sup> Indeed, turnout in the last three general elections for city office hovered between 23% and 26% of all registered voters, while turnout in the last three presidential general elections was between 53% and 62% — more than twice as high.



Source: NYC Board of Elections 2022 Annual Report & 2024 Election Survey Results Summary, NYS Board of Elections 2024 Enrollment Data



Voter turnout is consistently higher in municipalities with even-year elections. According to a study by Citizens Union,

**“The six largest U.S. cities that hold local elections in odd-numbered years see average mayoral turnouts of 10% to 38%, while the six largest cities that have their elections in even-numbered years see average mayoral turnouts that range between 50% and 75%.”<sup>151</sup>**

For example, compared to the 23% of registered voters who participated in the 2021 New York City mayoral election, 44.9% voted in Los Angeles’s 2022 mayoral election, and 78.9% voted in San Francisco’s 2024 mayoral election.<sup>152</sup>

Other cities have experienced significant increases in voter participation by synchronizing their local elections with presidential elections. Just 21% of registered voters participated in Phoenix’s final odd-year mayoral election, whereas 77.4% voted in the first even-year election in 2020 (a 266% increase) and 76.8% voted in 2024.<sup>153</sup> Likewise, turnout in Baltimore skyrocketed from 13% of registered voters in 2011 to over 60% after the city transitioned to even-year elections in 2016 (a 361% increase).<sup>154</sup>

Comparisons within New York City further support the conclusion that a shift to even-year elections would boost turnout. Turnout in State Assembly races, which occur in even-years, is often higher than in City Council elections in odd-years. For example, in 2023, City Council District 13 had a competitive election and turnout of approximately 13% of registered voters.<sup>155</sup> By contrast, the 2024 election in the mostly overlapping Assembly District 82 had 56% turnout.<sup>156</sup> Turnout was also higher in the 2022 gubernatorial even-year election in

AD 82 at 34%.<sup>157</sup> A similar phenomenon can be noted in City Council District 47, where turnout was approximately 20% in a competitive 2023 general election, much lower than the 56% turnout rate in the 2024 general election for the largely overlapping Assembly District 46.<sup>158</sup>

The Brennan Center for Justice, Citizens Union, Common Cause, Councilmember Gale Brewer, and others testified to the Commission in favor of shifting local elections to even-years in order to promote broader voter participation.<sup>159</sup> Supporters of shifting to even-years also emphasize the benefits for electoral participation among historically disadvantaged groups. As the Brennan Center for Justice testified to the Commission, “[e]lections in odd-numbered years also exacerbate disparities in participation for voters who have historically faced barriers to the franchise, including voters of color and young voters ... moving municipal elections to even-numbered years can make the city’s democracy more inclusive.”<sup>160</sup>

But proponents argue that increased turnout is not the only benefit.

Even-year elections would likely save taxpayer dollars. Odd-year races require cities and states to organize elections on an annual basis. Consolidated even-year schedules reduce the frequency of local elections, saving administrative time and public funds that can be reallocated to voter communication and outreach efforts. In New York City, an estimate by the Independent Budget Office suggests that the savings would total approximately \$42 million every two years — equal to nearly the Department of City Planning’s entire Fiscal 2026 budget (\$46,736,000).<sup>161</sup>

Although savings might be limited by the need to administer county-based judicial and district attorney elections in odd-years, such elections cost significantly less than those for municipal offices.<sup>162</sup> Moreover, a move to enable even-year city elections could encourage state-law changes to the election cycle for these positions as well.

Even-year local elections could also reduce the number of special elections in New York City, which arise when sitting elected officials run for and win other positions, forcing vacancies for their previous seats mid-term. The current election schedule enables sitting elected officials to run for offices on another election cycle while holding onto their existing role. When they win, it prompts a special election. Special elections can cost hundreds of thousands or millions of dollars, are prone to particularly low turnout, and leave positions vacant and constituents without representation for extended periods of time.<sup>163</sup>

Elsewhere in the country, when voters are given the opportunity to move to even-year elections, they overwhelmingly support such efforts. Election consolidation measures have passed by over 70% in Los Angeles, Phoenix, and Austin.<sup>164</sup> In fact, Citizens Union’s 2022 report on even-year elections found “no case nationally in which voters have voted down a proposition to consolidate local elections.”<sup>165</sup>

A shift to even-year elections would likely require changes to both local and state law. The New York City Charter establishes that elections for Public Advocate, Borough Presidents, and Comptroller must occur concurrently with the mayoral election.<sup>166</sup> Elections for City Council members are generally held every four years, at the same time as the mayoral election.<sup>167</sup> State Municipal Home Rule Law Section 23 subjects local changes to the terms of elective offices to mandatory referendum that must be approved by the voters.<sup>168</sup> At the same time, Article XIII Section 8 of the New York State Constitution requires that all city officers be elected in odd-numbered years.<sup>169</sup>

The prospect of state-law reform may be promising. In recent years, there has been considerable momentum behind transitioning to even-year elections across New York State. In 2023, the Legislature and Governor passed legislation to move many village and town elections to even years.<sup>170</sup> In 2024, a state-wide constitutional amendment that would give New York City the option to move its local elections to even-years passed

the State Senate, but that state constitutional amendment would still require an additional citywide referendum approved by New York City to opt in and make the change.<sup>171</sup>

As Councilmember Brewer testified, a Charter amendment could remove local-law rules requiring odd-year elections and establish new rules to govern even-year elections that would come into effect should the State Constitution give New York City the power to move to even-year elections.

In contemplating potential Charter amendments to move to even-year elections, the Commission may consider a number of issues. First, the Commission may consider whether the need for additional state action — namely, a state-wide referendum on a state constitutional amendment — should deter Charter changes at this time.<sup>172</sup> The Commission may also consider whether the appropriate even-year cycle would be a presidential year, during which turnout is typically highest, or a gubernatorial cycle. And the Commission may consider how best to effectuate a transition from odd- to even-year elections, given that any change will involve a one-time disruption to elected officials’ terms, which would either be longer or shorter than anticipated.

The Commission may consider whether aligning local elections with gubernatorial or presidential elections could detract from focus on local elections — a common justification for odd-year elections. The Commission must also carefully consider the impact of any proposed change on minority and marginalized communities. On this score, an analysis by the Harvard Law School Election Law Clinic suggests that the current system of odd-year elections “dilutes the voices of Black and Brown voters and young voters” in New York, and argues that a change to even-year elections would “decrease age and racial disparities in political participation, help make local democracy more inclusive, and City government more representative.”<sup>173</sup>

The Commission may also consider the extent to which moving local elections to even-years may lead to more complex





ballots and voter fatigue and confusion. According to reports by Citizens Union and Professor Christopher R. Berry of the University of Chicago, while evidence suggests that lengthier ballots do result in some “voter roll off” — that is, voters failing to complete their ballots — this effect is significantly outweighed by the number of additional voters participating in even-year elections.<sup>174</sup>

## Open Primaries

Another cause of low participation in local elections may lie in the structure of our primary and general elections. New York City currently uses a “closed primary” system (with RCV) followed by a general election. In a closed primary, voters must be registered with a specific party to vote in that party’s primary.<sup>175</sup> As a result, more than 1 million unaffiliated<sup>176</sup> New York City voters — those who are not registered as a member of any officially recognized political party — are excluded.<sup>177</sup>

Party enrollment deadlines, set far in advance of the primary election, also serve as a barrier to participation. Returning voters must change their party enrollment by February 14th in order to be eligible to vote in a different party’s primary that

year.<sup>178</sup> By contrast, voters registering for the first time have until ten days before the primary to register and be eligible to vote in that year’s primary.<sup>179</sup>

Jurisdictions throughout the U.S. run their primaries differently. In many states, party affiliation does not limit voters’ choices in primary elections. In some states, voters can choose which party’s primary to vote in without being registered as members of that party.<sup>180</sup> This system is used in Texas, Georgia, and Michigan.<sup>181</sup> Other jurisdictions allow unaffiliated voters to participate in partisan primaries. In Connecticut, political parties themselves can choose whether to allow unaffiliated voters to vote in their primaries.<sup>182</sup> In Colorado, parties must allow unaffiliated voters — though not voters affiliated with other parties — to vote in the primary election of their choosing.<sup>183</sup>

Other states use “top two,” “top four,” or “jungle” primary election systems, which refer to primary elections in which candidates from all parties are listed on a single ballot. In a top-two primary system, the two candidates with the most votes advance to the general election; in a top-four system, the four candidates with the most votes advance to the general election.

In these systems, some states list the party affiliations of candidates on the ballot, whereas others do not identify party on the ballot at all. California and Washington both use a top-two system, Alaska uses a top-four system, and Louisiana and Nebraska employ similar variations.<sup>184</sup>

New York City already has experience with open elections, as special elections to fill vacancies are conducted without partisan primaries. In 1988, New York City voters overwhelmingly adopted Charter revisions to conduct special elections to fill vacancies in this manner, rather than through appointment or succession.<sup>185</sup> The new special election process provided that empty positions would be “filled temporarily ... at specially called elections, with nominations by independent nominating petitions [without] party designations.”<sup>186</sup> In such elections, traditional parties are not used to designate candidates; instead, candidates use new party lines.<sup>187</sup>

Several Charter Revision Commissions have considered whether to propose open primaries. A top-two system was previously presented to the voters by the 2003 Charter Revision Commission, and it was rejected by a margin of ~70% in opposition to ~30% in favor.<sup>188</sup> The 2003 Commission had proposed a top-two system to address a wide range of issues with the City’s electoral system.<sup>189</sup> The Commission’s final report argued that closed primaries disenfranchised independent voters, created a low threshold for victory, narrowed debate on policy issues, protected incumbents, and incentivized voters and candidates who did not align with a political party to participate in that party’s primary.<sup>190</sup> Under the 2003 Commission’s proposal, candidates’ party affiliation would be listed on the primary ballot to preserve the important role of parties in signaling to voters candidates’ policy positions.<sup>191</sup> Opponents of the 2003 open primaries proposal argued that the change would make it easier for wealthy candidates to get elected and harder for minority candidates to get elected.<sup>192</sup> Ultimately, voters rejected the change.

Since 2003, subsequent Charter Revision Commissions have examined similar electoral reforms. The 2010 Commission noted that the landscape of support had changed significantly since the proposal was rejected in 2003 — good government groups including Citizens Union that had previously opposed the 2003 proposal had since come out in support of a top-two system, in part because of declining voter turnout.<sup>193</sup> But the 2010 Commission also highlighted research from the 2003 Commission that reported an inconclusive impact of such a system on turnout.<sup>194</sup> And the 2010 Commission received notable testimony in opposition, including a letter from the NAACP Legal Defense and Education Fund citing concerns on the proposal’s impact on minority voters.<sup>195</sup> The 2010 Commission ultimately did not propose any changes, opting to include other election administration reforms instead.<sup>196</sup> In 2024, the Commission considered different variations of open primaries, including top two, but concluded that the question should be deferred to a future Commission in light of the recent implementation of RCV.<sup>197</sup>

The Commission has heard testimony from many New Yorkers calling for open primaries. One notable proposal has been put forward by Citizens Union: an open primary, with RCV, followed by a top-two general election.<sup>198</sup> In Citizens Union’s proposal, RCV would be used at the primary stage to select the top two candidates to advance to the general election, and party affiliation would remain on the ballot as an important source of information for voters.<sup>199</sup> A similar model is used in Washington and for state-wide offices in California, although these jurisdictions do not use RCV.<sup>200</sup> Seattle voters recently passed a referendum to add RCV to city races; starting in 2027, Seattle will have a system with both top-two and RCV.<sup>201</sup> No city currently uses both RCV and top two at the same time in municipal elections. But Assemblymember Robert Carroll of Brooklyn has introduced state legislation that would establish such a system for local, state, and federal offices in New York.<sup>202</sup>



There are other variations on the top-two system that advance more candidates to the general election and use RCV. For example, Alaska has a top-four system.<sup>203</sup> In the primary, all candidates are listed on the same ballot with their party registration, and voters vote for one candidate in each race. The four candidates with the most votes move on to the general election, which is conducted with RCV. Preliminary research indicates that Alaska's top-four system with RCV resulted in higher turnout and increased electoral competition in the state's first top-four primary in 2022.<sup>204</sup>

There are several potential benefits to implementing an open primary in New York City. Research has shown that open primaries, including top two, increase electoral competition and encourage candidates to appeal to a broad cross-section of voters.<sup>205</sup> This system would promote the participation of unaffiliated voters. And it would reduce the negative impact of registration deadlines, which reduce participation and lead some candidates to spend significant time and energy registering voters in a political party rather than discussing local issues.<sup>206</sup>

An open primary could also increase the likelihood of competitive general elections, with two candidates who had both received significant support in the primary advancing to a head-to-head race. In our current system, while Democratic primary elections are often highly competitive, the winners are heavily favored to win general elections by significant margins. For example, in 2021, Curtis Sliwa won the Republican mayoral primary election with ~41,000 votes and consequently advanced to the general election ballot.<sup>207</sup> But Sliwa received far fewer first-round votes than four candidates who were eliminated in the Democratic primary election: Scott Stringer (~52,000 votes), Andrew Yang (~115,000 votes), Kathryn Garcia (~184,000 votes), and Maya Wiley (~200,000 votes).<sup>208</sup> The resulting 2021 general election was not competitive: Sliwa lost to now-mayor Eric Adams by a margin of more than 2-1.<sup>209</sup> In a top-two system with RCV, the 2021 general election may well have been different. While there is no way to know for

certain how that contest would have played out with an open primary, if the 2021 general election had featured the top-two vote getters across all party primaries, the November race would have featured now-Mayor Eric Adams and Kathryn Garcia.<sup>210</sup>

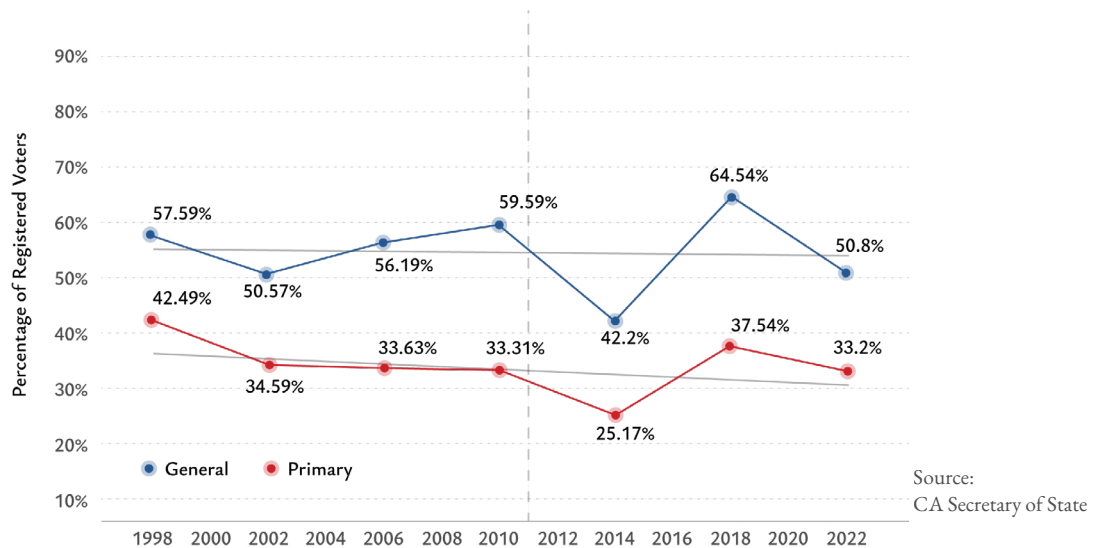
An open primary that employed RCV would also address an arguable gap in New York City's current system: today, while ranked choice voting applies in primary elections, it does not apply in the general election. As a result, in a fragmented general election field with multiple candidates, it is now possible for a candidate with a small share of support in the electorate to prevail. An open primary with top-two system would ensure that the two candidates who proceed to a general election emerge from a RCV primary, and that whoever prevails in the general election has garnered broad support. Indeed, a staff analysis of all jurisdictions with RCV could not find another locality (aside from New York City) that uses RCV in a closed primary.<sup>211</sup>



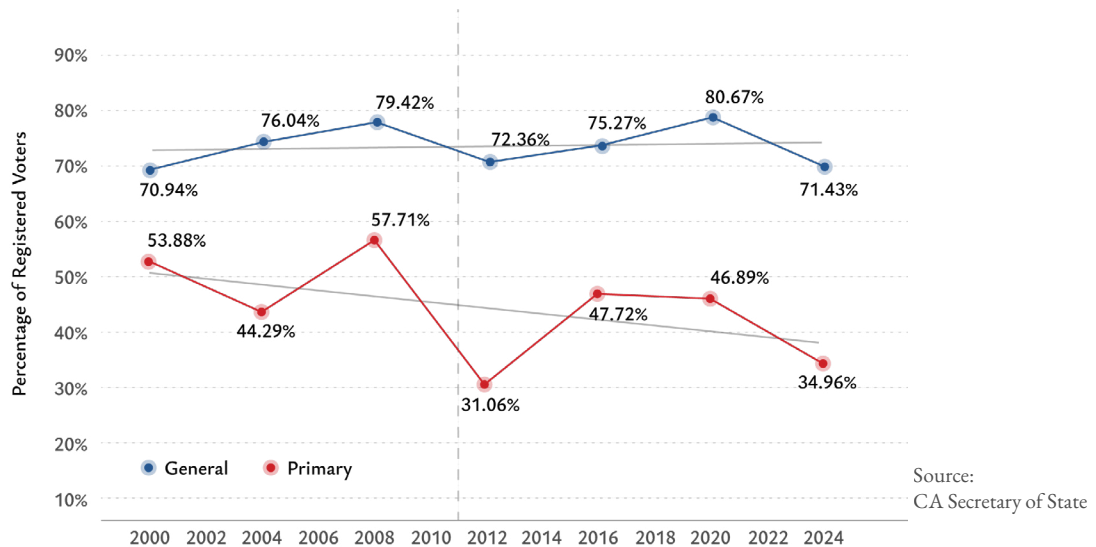
In contemplating potential Charter amendments to move to open primaries, the Commission may consider a number of issues.

The Commission may wish to compare the potential benefits of an open primary with top-two system, as Citizens Union has proposed, with alternatives like Alaska’s top-four system. The Commission may also consider the likely effect of any shift on voter participation. While New York City’s current system discourages participation by unaffiliated voters, experts note that despite California’s top-two system possibly leading to increased voter engagement among independents,<sup>212</sup> there has been no substantial increase in voter turnout or participation in primary or general elections in the 14 years following the state’s move to a top-two system.<sup>213</sup>

**California Voter Turnout in Midterm Election Years, 1998-2022**



**California Voter Turnout in Presidential Election Years, 2000-2024**





The Commission may also wish to consider the effect of reform on the role of political parties in New York City’s electoral system. Opponents of open primaries argue that political parties should maintain influence over how party nominees are selected, and they argue that open primaries will weaken parties’ ability to foster democratic participation and advance policy priorities.<sup>214</sup> That said, given the important organizing and signaling functions that parties continue to play in public life, any move to open primaries can preserve party identification on the ballot. The Commission should also evaluate whether it is too soon after the adoption of RCV to suggest a further significant change to the voting process. There has only been one mayoral election run with RCV since the 2019 amendment adding RCV was adopted. Given that voters may still be adjusting to the present use of RCV, it may be appropriate to delay adopting additional election system reforms, like a top-two or top-four system, to allow more time to study the impact of RCV, as well as to avoid voter confusion. As already stated, however, any move to open primaries can preserve and build upon the success of RCV.

Additionally, the Commission must carefully consider the impact of any proposed change on minority and marginalized communities. This issue was heavily discussed in the 2003 Commission’s final report, which concluded that although some academic evaluations have asserted that open primaries

could contribute to the under-representation of minorities, there is substantial evidence suggesting that open primary systems actually bolster Black and Hispanic candidates’ performances at the polls, in addition to empowering minority voters more broadly.<sup>215</sup> A case study by the 2003 Commission found that in Jacksonville, Florida, which adopted a “unitary” primary system<sup>216</sup> by referendum in 1992, Black candidates fared better than they had previously in partisan elections and there was no indication of negative impacts on minority voters.<sup>217</sup> The Commission’s conclusions were bolstered by an analysis which found that the proposed changes would not violate the Voting Rights Act because they would “not result in a retrogression of opportunity for minorities to participate fully in the political process and elect their preferred candidates.”<sup>218</sup>

Although the 2003 Commission’s analysis suggested the change would benefit communities of color, more than twenty years have passed since the Commission’s analysis was conducted and this Commission must freshly consider how any proposed reform might impact minority and marginalized communities. Proposed election reforms must also be assessed for consistency with the New York Voting Rights Act and may be subject to preclearance review by the New York Attorney General’s Office for an analysis of the impact of these changes on racial and language minority groups.<sup>219</sup> •





## 03

# Nonprofit Procurement and Payment

Nonprofits play a vital role in delivering essential services to New Yorkers. From afterschool programs, to childcare centers, to shelters and supportive housing, many of the most critical services that New Yorkers depend on are delivered by nonprofits that rely on City funding.





**Unfortunately, while the City relies on nonprofits to perform essential work, it does a poor job paying them on time for the work they perform.**

As a result, many of the City’s nonprofit partners suffer significant and unpredictable financial hardships. Some are forced to take out costly loans to cover operational costs. Other providers are forced to lay off critical staff. Some cease working with the City or decline to take on new work out of fear that payment delays will make performance impossible. And some close their doors altogether, in part due to financial challenges triggered or exacerbated by late payments.

This issue is not new. Over the last several mayoral administrations, a complex and burdensome procurement landscape has frequently delayed payments to nonprofit partners. One core challenge is that many contracts with nonprofit providers are not registered on time. According to data provided by the Mayor’s Office of Contract Services, in Fiscal Year 2024 (FY24) 31% of all health and human services (HHS) contracts were sent to the Comptroller for registration late. Even after registration, invoicing practices lead to further delays in payment.

The issue of payment delays results from challenges in the procurement ecosystem, including bottlenecks in PASSPort, the city’s digital procurement platform. Originally intended to streamline procurement services, technical limitations and breakdowns in PASSPort are a major source of delayed payments. PASSPort lacks important functionality. For example, providers cannot submit all their contract actions at once for approval, and providers cannot view the agency-side actions related to payments. Additionally, internal processes frequently differ between agencies, but PASSPort lacks both agency-specific customization and the level of detail present in internal city agency financial systems. Further compounding these issues is a shortage of staff to handle review, notwithstanding a substantial increase in the number of contracts registered within PASSPort, as well as an absence of clear timelines for procurement actions.

Together, these issues plague and distract a nonprofit sector that should be spending its time focused on delivering badly needed services, not navigating the procurement system. To this date, the Commission has heard compelling testimony from nonprofit partners across the city and experts in procurement. Staff at the Commission recommend that, in the coming months, the Commission carefully consider potential Charter amendments to help address this longstanding problem.

## Background

Delays in nonprofit contract registration and payment are a chronic issue in New York City. Expert testimony and reports from experienced stakeholders demonstrate that problems with timely registration and payment stretch back at least through the Koch Administration.

In 1989, a State Commission on Government Integrity studying potential procurement reforms found the City's procurement system "fragmented and chaotic" and "plagued by inordinate delays."<sup>220</sup> The 1989 State Commission observed that while "scattered attempts at reform have been made,"<sup>221</sup> "reform requires a political commitment which, to date, has not been made."<sup>222</sup> The report recommended bringing the nation's procurement experts to the City to help rebuild its system and celebrated promising changes coming from the 1989 Charter Revision Commission, which introduced the Procurement Policy Board.

In 2009, Mayor Bloomberg, facing "untenable" delays and demand for human services far greater than City systems could process, established the Strengthening Nonprofits Task Force.<sup>223</sup> In 2010, the Bloomberg Administration released a concept paper outlining contemporary procurement pain points, including many that were remarkably similar to those in the 1989 report, such as an overly complicated system and lack of interagency process consistency.<sup>224</sup> The 2010 report recommended that the City create a cross-agency prequalification process, eliminate backlogs, and foster greater interagency collaboration.

In 2013, the Bloomberg Administration announced the launch of the "HHS Accelerator," the City's first attempt at creating a streamlined, centralized digital nonprofit procurement process.<sup>225</sup> The HHS Accelerator was celebrated by many in the human services space for introducing a more efficient system, reducing costs, and creating pathways for communication between agencies and nonprofits.<sup>226</sup> However, significant

problems remained in the City's procurement system, including an "onerous and slow procurement process" and "considerable" payment lags.<sup>227</sup>

In 2017, the city launched PASSPort, which built on the HHS Accelerator by delivering a more sophisticated and streamlined platform. The HHS Accelerator was fully taken offline in July 2024.<sup>228</sup>

Unfortunately, despite over a decade of piloted solutions and task forces, delays in nonprofit payments have only worsened. Testimony before the Commission indicates that these delays cause severe operational issues for the nonprofits that partner with the City, hampering their ability to deliver critical services to New Yorkers.

Fred Shack, CEO of Urban Pathways, called City nonprofit procurement "fundamentally broken," citing a lack of transparency and accountability, inadequate technology, and staffing shortages.<sup>229</sup> Shack testified about a time-sensitive, critical initiative to serve veterans that a City commissioner personally asked him to undertake. Given the urgency associated with the program, Shack was promised that his contract would be registered in under three months and agreed to begin work immediately. Shack testified that the contract ultimately took 18 months to register, during which time Shack's team was providing services entirely without compensation. Other expert testimony recounted similar stories in which providers were promised speedy contract registration and agreed to begin critical work immediately, only to face extensive delays in receiving payment.

Testimony heard by the Commission detailed significant negative impacts that accompany delayed City reimbursements and grant payments. Providers testified about taking out high-interest loans while waiting for promised payments,<sup>230</sup> curtailing programming,<sup>231</sup> or even going out of business<sup>232</sup> in response to



payment delays. These costs are particularly painful for smaller community-based organizations, which lack the resources to weather delays. Michelle Jackson, Executive Director of the Human Services Council, testified that 60 providers surveyed by her network reported being owed a total of \$350 million by the City. These 60 organizations had taken out \$87 million in loans beyond the City’s loan fund, incurring an additional \$6 million in interest.<sup>233</sup> Kristin Miller, Executive Director of Homeless Services United, testified that 12 providers in the HSU network had over \$170 million in pending budgetary actions with the City dating back to 2018, and that delays threatened providers with insolvency.<sup>234</sup> Experts also testified that payment timelines are inconsistent across agencies, with some agencies providing payments faster than others.<sup>235</sup>

Technological issues at agencies are a continued source of delay. For example, PASSPort release 5 — an update to the system — took place in November 2023, and in January 2024, City agencies began migrating from legacy system HHS Accelerator to PASSPort. Testimony from experts like Jackson emphasized that, while PASSPort did not create the issues that have compounded today’s late payments, the City’s migration to PASSPort created significant delays as the agencies adjusted to the new technology.<sup>236</sup> Jackson recommended that providers be given the ability to conduct multiple actions in PASSPort

simultaneously, rather than needing to wait for approval in between.<sup>237</sup> Lauren Siciliano, COO of the Legal Aid Society, echoed this concern, noting that the inability to conduct multiple actions forces nonprofits into “unfair choices” between pursuing certain critical needs over others.<sup>238</sup> Shack suggested additional changes to PASSPort, like adding a dashboard to show providers the current status of their contract.<sup>239</sup>

Testimony heard by this Commission has also indicated that staffing shortages contribute to chronic late payments.<sup>240</sup> According to data provided by the Mayor’s Office of Contract Services, although the value of procurements has grown, the amount of active contracting staff at agencies has decreased over the past five fiscal years. There is also a low rate of retention among contracting staff at agencies, and there is a limited pool from which an agency can hire their Agency Chief Contracting Officer (ACCO).

Many of these issues, from technical shortcomings in the PASSPort system to staffing shortages at agencies, may not be amenable to resolution through Charter amendments. But given the persistence of nonprofit procurement challenges across multiple administrations, it is appropriate to ask whether structural changes to procurement and payment policy — which may be addressed through the Charter — are needed.



## Procurement Roles in Government

Several actors play a role in efforts to curb backlogs and promote timely payment.

### The Procurement Policy Board

The 1989 Charter revision created the Procurement Policy Board (PPB) to issue rules governing the contracting process, including “methods for soliciting bids or proposals and awarding contracts[,] the manner in which agencies shall administer contracts and oversee the performance of contracts and contractors[,] ... the time schedules within which city officials shall be required to take actions[,]... and time schedules within which city officials should take action pursuant to any other provision of law or rule regarding individual contracts, which rules shall specify the appropriate remedies, including monetary remedies, for failure to meet the terms of any applicable schedule for taking such action.”<sup>241</sup>

Additionally, the Charter gives the PPB authority to promulgate rules “for the expeditious processing of payment vouchers by city agencies and departments including ... a program for the payment of interest ... to vendors on vouchers not paid within the maximum amount of time [established by PPB rulemaking].”<sup>242</sup>

### The Mayor’s Office of Contract Services

The Mayor’s Office of Contract Services (MOCS) is an oversight and service office established by executive order in 1988.<sup>243</sup> Over time, it has taken on additional responsibilities and practices that reflect the complexity of today’s procurement process. MOCS is led by a Director who also serves as the City Chief Procurement Officer (CCPO), the person in charge of all mayoral procurement.

While City agencies manage their own procurement processes, MOCS is responsible for overall oversight and facilitation of all City contracts. MOCS performs its oversight through PASSPort, the online platform maintained by MOCS that facilitates all steps of procurement. MOCS also issues guidance about contracting to City agencies, coordinates with contracting teams at each individual agency, and helps agencies troubleshoot procurement problems. MOCS facilitates relationships with vendors and service providers, offering trainings and workshops. It also administers specific services to nonprofits, including interest-free loans and guidance for easier approval of cost-of-living adjustments.<sup>244</sup>

### The Mayor’s Office of Nonprofit Services

A more recent addition to this landscape is the Mayor’s Office of Nonprofit Services (MONS). In 2021, the City Council passed legislation establishing the office.<sup>245</sup> The office is tasked with acting as liaison to nonprofit organizations on City policies, regulations, contracting and funding opportunities, and programs and benefits affecting the nonprofit sector; working with agencies to refer nonprofits to City services that assist organizations in obtaining waivers, permits, registrations, approvals, or exemptions from agencies; and making referrals to State agencies and other organizations to aid in the incorporation or registration as nonprofits.<sup>246</sup> The office also works with MOCS and other agencies to simplify interactions between nonprofits and City agencies. MONS is also responsible for





developing a standing committee of nonprofits doing business with the City — the Mayor’s Nonprofit Advisory Council — to identify challenges affecting nonprofits, as well as encourage communication, collaboration, and consultation between the City and nonprofits.<sup>247</sup>

## The Comptroller

Pursuant to the Charter, the Comptroller is responsible for the registration of contracts, which is the final step in the procurement process after finalization of contract terms, and prescribing methods “...for preparing and auditing vouchers before payment, preparing payrolls, and recording, reporting and accounting” among agencies.<sup>248</sup> This authority has been implemented through various directives and memoranda by the Comptroller.

## Procurement Process

The contract registration and invoicing process has many steps that must be completed for a vendor to receive payment for services rendered. For non-discretionary projects, under most circumstances a competitive process — typically a Request for Proposals (RFP) when procuring human services — is issued to solicit proposals from potential vendors.<sup>249</sup> Following solicitation, the proposals are evaluated by the issuing agency and recipients are selected. Before an award is finalized, the contracting agency along with MOCS must typically hold a public hearing to solicit public feedback on any proposed contracts over \$100,000 in value that are solicited through a method other than competitive sealed bids (for which selections are solely based on lowest price).<sup>250</sup>

Once final awards are determined, the contract drafting and registration process begins. At this point, the contracting agency and an awardee must negotiate the specific terms of the contract — using the prior solicitation as a basis. This stage can include finalization of scope of services, reimbursement rates, and salary levels. The procurement process is reviewed by various

oversight entities including MOCS, the Office of Management and Budget (OMB), and the Law Department. MOCS verifies that proper procurement and contracting procedure is being followed. OMB ensures that there is sufficient funding for the contract in the relevant agency’s budget, and — if being funded via the city capital budget — that a given project meets capital eligibility requirements.<sup>251</sup> The Law Department confirms that the contract complies with all relevant laws, that its terms adhere to relevant citywide practice and also does not expose the city to unnecessary legal liability.<sup>252</sup> Each of these oversight stages can require significant back and forth between the oversight entity and the contracting agency — with the contracting agency having to confer with the vendor if the information requested by the oversight entity is not readily available.<sup>253</sup>

Following finalization of the terms, the contract is sent to the Comptroller’s Office for registration. The Comptroller’s Office has 30 days to either register the contract or return it to the agency in accordance with its Charter powers. If no action is taken within the 30-day timeframe, the contract is deemed registered.<sup>254</sup>

## Payment Process

Following registration, the vendor can begin submitting invoices for their incurred expenses to the contracting agency for payment. For most contracts, invoicing is conducted through PASSPort.<sup>255</sup> Prior to providing payment, the agency ensures all the claimed expenses fit within the terms of the contract and that all necessary documentation has been submitted.<sup>256</sup> If there are errors with an invoice, it must be corrected prior to a vendor receiving payment. For example, agencies may decline to pay an invoice absent adequate documentation of expenses, because the invoice seeks reimbursement for services not delineated in the contract, or because certain performance metrics were not met.<sup>257</sup> The specific terms of the contract with the agency dictate the intervals for invoices and payments.<sup>258</sup>

Once an invoice is confirmed, payment is processed by the contracting agency to the vendor. Typically, an invoice must be approved and final before a subsequent invoice can be processed — thus a single invoice can cause a bottleneck on payments for a provider. Compounding the complexity for providers is that many nonprofits receive multiple sources of funding including city, state, federal, and private monies. Each of these revenue streams can have different requirements, requiring organizations to parse out which costs are applied to each contract, adding time and complication to the invoicing process.<sup>259</sup> At the end of a fiscal year, payments due for outstanding invoices are reserved in an agency’s accrual budget so that payments can be made for services delivered in a fiscal year after the close of said fiscal year’s budget.<sup>260</sup>

## Recent Initiatives

Below are ongoing and recent initiatives intended to address the issue of late payments to nonprofit providers.

### Backlog Efforts

According to data from MOCS, as of January 2025, there were \$4.76 billion in unregistered contracts from FY23-FY25 across the health and human services agencies.

The Adams Administration has undertaken several efforts to reduce backlogs across health and human services agencies, including a 2022 “Clear the Backlog Initiative” that cleared \$4.2 billion for 451 providers through registering or sending 2,600 contracts for registration.<sup>261</sup>

In October of 2024, MOCS launched a Payment Backlog Initiative focused on FY23-25 payments for four agencies with the largest invoice payment backlog amounts: DHS, DSS/HRA, DOHMH, and MOCJ. When the initiative concluded in December 2024, over \$1 billion was disbursed and over 3,700 invoices were processed. This process involved identifying an appropriate invoice scope, regularly convening with agencies to troubleshoot, and monitoring and reporting progress.<sup>262</sup>

In January 2025, MOCS launched a new initiative to address the contract backlog with DHS, DSS/HRA, DOHMH, MOCJ and DYCD, with a scope totaling \$1.1 billion.<sup>263</sup>

### Executive Order 47 of 2025

On January 24, 2025, Mayor Adams issued Executive Order 47 (EO 47), which requires certain human services agencies to designate a Chief Nonprofit Officer to serve as a direct point of contact for nonprofits, in an effort to ensure their concerns are acknowledged and addressed promptly. EO 47 also mandates the development of a performance dashboard to track progress in contract registration and payment timelines.





## Timely Registration Initiative for Fiscal Year 2026 (FY26)

Each year, MOCS works in partnership with the health and human services agencies, OMB, and the Law Department in an attempt to ensure that contracts for the upcoming fiscal year are submitted to the Comptroller for registration on time as part of the Timely Registration Initiative. The FY26 Timely Registration Initiative kicked off in January, in coordination with the contract backlog push.<sup>264</sup> This initiative covers some 900 contract actions (including bids, contract renewals, negotiated acquisitions) anticipated for FY26, which is a 34% increase from FY25.

MOCS and City Hall monitor agency performance toward meeting contract milestones throughout the initiative. To help clear the path for contract submission, MOCS provides technical assistance and vendor outreach. MOCS has also provided delegation of certain procurement certification, and the Law Department has provided delegation for approval for certain contracts.

## Returnable Grant Fund and Contract Advances

There are two primary mechanisms in place to assist nonprofit providers who face potential cash flow issues due to delayed contract registration and invoicing difficulties. First is the Returnable Grant Fund (RGF), which was established in 1992. Operated by Fund for the City of New York (FCNY), the RGF offers no-interest and low-interest loans to nonprofit providers while they wait for their contract to be registered. These funds typically can cover up to three months of critical expenses, including rent, utilities, and payroll.<sup>265</sup> The RGF underwent changes in January 2024 to simplify its procedure and enhance its impact. These changes included streamlining and shortening the application, expanding eligibility for nonprofit and human services providers, reducing FCNY administrative steps necessary to approve loans, and the provision of eligibility and

compliance assistance. In Fiscal Year 2024, 186 providers took advantage of \$89 million through the Returnable Grant Fund to cover operation costs while awaiting contract registration.<sup>266</sup>

Additionally, HHS providers may receive 25% of their contracted value up front without needing to submit invoices. A provider is eligible to request the advance once the contract is registered and the budget is approved — with the goal of alleviating cash flow issues faced by providers either through delayed contract registration or delayed invoicing.<sup>267</sup>

Both the RGF and advanced payments can provide critical assistance. But both can also add further complications to the invoicing process. The advanced amount is recouped later in the year, normally by applying the amount due against the amount invoiced. Agencies have reported that some providers receiving loans and advances may be disincentivized from filing timely invoices for the final months of the fiscal year, since payment incorporates recoupment of those advances.<sup>268</sup>

## Interest Payments

Section 4-06(a) of the PPB Rules states that it “is the policy of the City of New York to process contract payments efficiently and expeditiously so as to assure payment in a timely manner to firms and organizations that do business with the City.” The section further provides that interest shall be paid on late payments. Late payment is normally defined as payments made more than 30 days after the receipt of a “proper invoice” (i.e., an invoice which contains all required information and documentation).<sup>269</sup> Interest payments are not required in a number of circumstances, most notably when “payment on the invoice is delayed because of a disagreement between an agency and a vendor over the amount of the payment and other issues concerning compliance with the terms of a contract.”<sup>270</sup> The prompt payment interest rate is set jointly by the City Comptroller and OMB; as of the publication of this report, it is currently 4.875%.



Contracting agencies are also required to make interest payments on contracts that are registered late. A contract is considered to be registered late for purposes of interest payments when the registration occurs more than 30 days after the start date of the contract.<sup>271</sup> The interest payment shall be “only to reimburse the vendor for interest actually incurred by the vendor pursuant to a loan taken out by the vendor; where such loan was used and interest incurred because of the untimely registration of a contract.”<sup>272</sup> Importantly, a provider is not eligible to receive interest payments on a late contract if the provider had been offered an interest-free loan in connection with the contract in question and declined it.<sup>273</sup> In Fiscal Year 2023, the net interest payments made by City agencies amounted to \$459,377.<sup>274</sup>

### Discretionary Contract Reform

Contracts funded with City Council and Borough President discretionary dollars, which do not have to be competitively bid and instead can be awarded directly to a nonprofit organization, have proven to be a particular and growing source of agency bottlenecks.<sup>275</sup> When distributing discretionary funds, elected

officials often seek to maximize the number of community organizations receiving these dollars even though the total amount distributed does not necessarily increase. Thus, there are numerous groups receiving relatively small sums of money for which a contract must nevertheless be drafted and registered.<sup>276</sup> Further, discretionary awards are not made until the beginning of the fiscal year in which the services are to take place. A scope of services must then be negotiated, exacerbating the difficulty of processing discretionary contracts in a timely manner.<sup>277</sup> These realities add to overall volume of contracts that must be processed.

For instance, in July 2023, the City announced a reform to allow multiyear contracting on Council discretionary contracts.<sup>278</sup> The multiyear contract reform allows organizations to enter one three-year contract per City agency. In years two and three of the contract, no registration process is necessary, and the amount of discretionary funding awarded is within the registered contract amount.<sup>279</sup> This discretionary contract reform was projected to reduce nine months of contract processing in years two and three of eligible contracts.<sup>280</sup>



## Areas to Explore

The Commission staff recommends that the Commission consider several reforms suggested by impacted nonprofits, members of the public, and subject matter experts.

### Elevating and Empowering MOCS

Several experts, including Jackson, Miller, and Louisa Chafee, Executive Director of the Independent Budget Office (IBO), testified in favor of incorporating MOCS, which currently exists by executive order, into the Charter.<sup>281</sup> A new Charter-mandated MOCS could be charged with a duty to standardize agency invoicing and payment processes, such as rules governing the partial payment of invoices. It could also be charged with establishing timeframes for contract processing and requiring reporting of compliance with timeframes to promote transparency and accountability.<sup>282</sup> These functions reflect both MOCS' current role — the oversight and facilitation of all city contracts, management of PASSPort, and the issuance of guidance to city agencies on procurement — and an effort to buttress its supervisory functions.

In reviewing whether to establish MOCS in the Charter, the Commission may consider a number of issues, including how a new Charter-mandated MOCS would interact with existing entities with roles in the procurement process, such as the PPB, Law Department, and the Office of the Comptroller. For example, in determining whether a Charter-mandated MOCS should establish timeframes for contract processing and payment, the Commission may consider how this power would interact with the PPB's existing authority to establish rules for "expeditious processing of payment vouchers by city agencies and department,"<sup>283</sup> and its power to set "time schedules" respecting registration and other contract actions.<sup>284</sup> The Commission may also weigh the benefits of MOCS' current existence — including the flexibility that comes from an entity governed by executive order — against the benefits of enshrining MOCS in the Charter.

### Contract Advances, Partial Payment, and Interest for Late Payment

The Commission also heard testimony proposing Charter amendments that would require additional contract advances, partial payment of invoices, or the payment of interest for late contract registration or delayed payments.

One reform proposed by Chafee of the IBO would mandate advances for some categories of contracts, such as human services contracts provided by vendors in good standing.<sup>285</sup> Advances offer a direct response to the problem of delayed payment, as they give providers earlier access to funding that can sustain performance while payment processing remains ongoing. At the same time, an advance is only available once the contract is registered, so it does not solve the problem of nonprofits performing work at risk and facing operational shortfalls while registration is pending.

Advances are an existing feature of some City practices. Today, HHS providers may receive 25% of their contracted value up front without needing to submit invoices.<sup>286</sup> In the realm of cultural grants, awardees are often able to access 80% of their total allocated funding up front.<sup>287</sup> At the same time, cultural grantees are subject to a rigorous financial and operational vetting as part of the Cultural Development Fund process, which helps to ensure vendor integrity and performance.<sup>288</sup>

In a similar proposal, Chafee suggested new rules requiring the City to partially pay a certain percentage of each invoice from a contractor in good standing, even as the remainder of an invoice faces continued review.<sup>289</sup>

In exploring these reforms, the Commission may consider the appropriate scope of any new advance or partial-payment policy, as well as whether it could be workably limited to vendors in good standing in order to safeguard taxpayer funds and promote contract performance. The Commission may weigh whether the administrative burden of managing a new

advance or partial-payment policy would further strain already-taxed agency capacity, exacerbating underlying performance issues. The Commission may also consider how to design a system that ensures advances or partial payments do not reduce a vendor's incentive to promptly and properly invoice.

Others recommend altering the rules governing interest payments by City agencies due to late contract registration and delayed invoice processing. As discussed above, PPB rules currently establish a limited mechanism for agencies to pay interest payments to vendors that incur interest fees on loans taken out as a result of delayed contract registration or late payment after submission of a proper invoice.<sup>290</sup> Proposed reforms include amending the Charter to include a more categorical requirement that the City pay interest on late payments, potentially paired with a requirement that agency budgets include appropriations to be used for interest on late payments in the event such payments are needed.<sup>291</sup>

Requiring the City to take responsibility for interest on late payments could help providers by defraying the cost of taking on loans while a payment is delayed, but it does not directly address the core issue of delayed payment itself, including the operational difficulties that arise from unpredictable and prolonged payment delays. Instead, the goal of late payment policy is to incentivize agencies to pay invoices on time, by requiring them to internalize the cost of delays.<sup>292</sup>

In examining this potential reform, the Commission may consider whether agencies would respond to a more categorical interest payment requirement by improving performance. The Commission may consider whether such a rule, if it hinges on the timeliness and completeness of vendor submissions, could lead to further friction and delay between agencies and vendors about whether and when submissions were properly made. The Commission may consider whether any such requirement, if it inflates overall program costs, would lead to a reduction in critical services for New Yorkers. And the Commission



may consider the extent to which the current contracting inefficiencies lie within City agencies, as opposed to other players and factors.

### PPB Structural Changes

The Human Services Council also proposed reforms to the structure of the PPB, such as mandating a minimum number of PPB meetings each year and requiring additional transparency into PPB proceedings.<sup>293</sup> Today, the Charter does not specify the frequency of PPB meetings, and public meetings of the PPB have historically been inconsistent. The Board's calendar archive lists 10 public meetings and hearings in 2024 and seven in 2023, but just one in 2022 and zero between 2020 through the end of 2022.<sup>294</sup> Separately, staff at the Commission heard proposals to alter the membership of the PPB, including by expanding the number of appointees on the body or requiring appointees with particular backgrounds or expertise.



In examining potential structural changes to the PPB, the Commission may consider how changes to the membership of the Board or structure of its meetings would affect decision making.

## Discretionary Contracts

Providers who hold human services discretionary awards have historically experienced significant delays in payments. Discretionary awards make up 40% of retroactive human services contracts, contributing to the overall contract backlog city-wide, even as they represent just 2% of the total value of human services contracts.<sup>295</sup>

To help alleviate delays in discretionary contract payment, staff at the Commission have received recommendations to permit the Department of Youth and Community Development (DYCD), the largest holder of human services discretionary awards, the authority to process City Council discretionary awards as grants under Charter Chapter 30. This new authority would vest the DYCD commissioner with the power to designate eligible community-based organizations who would then receive funding up to \$20,000 through a grant-based model, rather than traditional contract methods.

Treating City Council discretionary awards as grants could deliver simpler and more streamlined payment to nonprofits for services rendered. The Department of Cultural Affairs (DCLA) employs a similar process for discretionary awards for up to \$1,000,000. However, they also rely on a peer review panel to evaluate each recipient in addition to standard vendor integrity checks, which would be difficult to implement given the scale of vendors who currently receive funding up to \$20,000.<sup>296</sup>

In evaluating this proposal, the Commission may balance the benefits of a faster payment process for this category with the need to safeguard taxpayer funds and ensure vendor performance. If funds are to be distributed through grant awards, performance management must occur outside the

typical invoicing process, which may impose new demands on staff capacity and vendor integrity mechanisms. Limiting this option to a category of responsible vendors could help address concerns, but would also require a new process to determine which vendors are eligible. Finally, given the role of the Council in discretionary awards, the Commission may consider close coordination between the Council and agencies in vetting vendors, monitoring performance, and taking corrective action.

## Additional Methods to Streamline Contracting

Others have recommended ways to streamline contract renewal and facilitate master contracts for pre-qualified vendors.

The City spends extensive time renewing contracts year-over-year with responsible vendors. The renewal process is sometimes started late, even when City agencies know they intend to re-up their contract with the same provider, which can cause delays in service and payment. As a result, some, including Miller of Homeless Services United, have suggested that the Charter be amended to facilitate a swifter renewal process for responsible vendors.<sup>297</sup> Others have suggested reforms to promote the use of “master agreements” for pre-qualified responsible vendors, on the theory that master agreements could expedite the procurement and contracting processes by establishing a list of pre-qualified vendors and predetermined contractual parameters for specific categories of work. In exploring the possibility of automatic renewals and expanded use of master agreements, the Commission may evaluate the benefits of these alternatives in reducing contracting backlogs, while also considering the need to ensure agencies retain flexibility over vendor selection and program structure. The Commission may also consider whether these specific proposals are suitable for inclusion in the Charter or are better left to agency policymaking. •



## 04

# Climate & Infrastructure

New Yorkers are no strangers to the climate crisis. As a dense coastal metropolis, New York City is particularly susceptible to heat waves and coastal and inland flooding. This vulnerability was starkly evident in October 2012, when Hurricane Sandy hit New York's coastline at high tide, bringing a storm surge that killed 44 New Yorkers and displaced thousands, destroying approximately 300 homes across all five boroughs and damaging over 69,000 more.<sup>298</sup> Sandy has not been the only storm to impact the city: In 2021, the remnants of Hurricane Ida dumped over three inches of rain on the city in one hour, flooding inland neighborhoods, killing 13 New Yorkers who could not escape their homes, and causing damage to over 33,000 buildings.<sup>298</sup>





**Hot weather is already New York’s deadliest weather-related hazard, with high heat contributing to an average of about 570 deaths each year between 2017 and 2021.<sup>299</sup>**

Because of climate change, we could see as many as 54 days at or above 90°F per year in the 2030s — which is like adding almost two additional months of hot weather.<sup>300</sup> In 2024, the city had to contend with its first drought warning in 22 years. Dry conditions contributed to an unprecedented occurrence of brush fires in the city in October and November, with the Fire Department responding to 229 brush fires between October 29 and November 12 — the highest amount in a two-week period in the city’s history.<sup>301</sup>

The City has taken important steps to soften the blow of extreme weather, including investments in infrastructure, programs to support impacted residents, and improved warning and emergency response systems. But much more work must be done.

Today, thirteen years after Hurricane Sandy, the City is still building many of the coastal protection projects first conceived in the aftermath of that storm, including the East Side Coastal Resiliency<sup>302</sup> and Battery Park City Coastal Resiliency<sup>303</sup> projects. Others haven’t even entered construction, including the Red Hook Coastal Resiliency<sup>304</sup> and Rockaways Coastal Resiliency projects.<sup>305</sup> Some of these delays are a natural result of the process required to fund, plan, and publicly review massive undertakings involving every level of government. But with a climate crisis that is growing worse each day, and federal funding increasingly uncertain, speeding the delivery of these and similar projects will be lifesaving.

New York City needs more than coastal flood protection to withstand future extreme weather. Modernizing our infrastructure — from roads to buildings to sewers — is key to ensuring the city’s built environment can withstand extreme weather and serve New Yorkers. As flooding and storms become more frequent, it is increasingly necessary to flood-proof, or “harden,” buildings and infrastructure against water damage and its collateral effects. The City must expand the capacity of its sewer and stormwater drainage infrastructure, even as it adds expansive green infrastructure to capture stormwater. Sea walls, levees, and elevated roadways can protect New York’s buildings and infrastructure from coastal storm surges and flooding. Voluntary buyout programs can be a helpful tool to allow owners of at-risk homes and businesses to relocate. As parts of our city grow, we need to have the tools to scale our water and wastewater, sanitation, roads, and transit systems to serve larger populations and economic activity while protecting against extreme weather.

And the City must do all of this while addressing the major driver of climate change: greenhouse gas (GHG) emissions from fossil fuel combustion. To reduce emissions and slow the progress of climate change, we must work to convert natural gas and fuel oil-powered building systems to efficient zero-emission systems and increase the use of electricity from renewable sources like solar, hydropower, and wind. Modernizing these systems makes them work better and makes the air cleaner for people who live, work, and move through the city.

Land use laws in the Charter received their last major overhaul in 1989 — just one year after NASA scientist James Hansen first testified to the U.S. Senate about the existence of a “greenhouse effect.”<sup>306</sup> It should be no surprise, then, that our Charter was not designed to address the climate emergency with the urgency it requires. To date, the Commission has heard testimony highlighting several areas where the existing Charter may inhibit the ability of the City to quickly and efficiently promote resiliency, protect New Yorkers, and encourage electric vehicles.

## Resiliency projects

One simple but critical measure to promote resiliency in flood-prone communities is to raise the grade of a public street or incorporate resilient design into our right of way. But today raising an existing road by just a few feet, or acquiring small slivers of property adjacent to streets to incorporate resiliency features, triggers lengthy public review,<sup>307</sup> adding months or years and significant costs to basic resiliency projects. As a result, communities that could benefit from resiliency measures or road raisings are left vulnerable for years, and the City completes major projects without making resiliency improvements to avoid further delay.

## Voluntary flood buyouts

Today, the Charter requires ULURP when the City acquires almost any property, even if the City is seeking to buy individual homes and small commercial properties from willing sellers vulnerable to flooding.<sup>308</sup> The result is a process that makes buyouts unpalatable or simply impossible for many who want to move out of harm’s way.

## Promoting electric vehicle infrastructure

Outdated provisions of the Charter also make it difficult to build public curbside electric vehicle (EV) charging infrastructure to support zero emission transportation, leaving far too many New Yorkers dependent on vehicles that run on fossil fuels. Existing tools to build curbside EV charging are limited, and the processes that do exist are overly burdensome and incorporate outdated notice and review requirements that don’t recognize modern mechanisms for communication. These obstacles impede the deployment of charging infrastructure, discouraging New Yorkers from purchasing EVs and slowing our transition to clean vehicles.



For all the City’s planning and preparation, the climate crisis is here — the increased incidents of extreme heat, extreme precipitation, and coastal floods forecast by the New York City Panel on Climate Change (NPCC) are impacting New Yorkers now. Much of our existing infrastructure isn’t prepared, and time is running out to build new critical climate resilience and energy infrastructure. To ensure these projects are delivered with the urgency climate change requires, we need to bring them to fruition years sooner than we are.

## Areas to Explore

To date, the Commission has heard considerable testimony arguing that outdated and overly restrictive processes impair the City’s ability to execute climate projects. In the months ahead, the Commission may consider how several processes governed by the Charter could be streamlined for climate-related projects.

### Promoting Resiliency on Public Streets and Property

First, it is not uncommon for resiliency and other infrastructure projects to surface decades-old inaccuracies in the City Map and small slivers of property in and adjacent to the right of way that don’t have an owner of record. This is especially true along the waterfront, where coastlines have changed over time and property records can be spotty. Even minor map inaccuracies and small parcels that the City needs to acquire can trigger lengthy public process because acquisitions or changes to the City Map trigger ULURP,<sup>309</sup> regardless of how minor the map change, small the parcel, or crucial the project. The result is cost and delay for necessary projects.

Second, raising the grade of a public street can be a simple and effective way to promote resiliency in flood-prone communities. Unfortunately, as Manhattan Borough President Mark Levine testified to the Commission, today the City cannot elevate the grade of a street more than a de minimis amount without changing the City Map, triggering ULURP.<sup>310</sup> The need to undergo ULURP before raising a street’s grade as part of a flood protection project can make it more difficult to protect flood-prone communities with the speed the climate crisis requires. At the same time, to avoid the delay that comes along with ULURP, many road reconstruction, rehabilitation, or maintenance projects fail to incorporate resilient design measures into periodic state-of-good-repair work.



ULURP plays an important role in promoting public involvement in land use decision making. But when it is triggered by an issue as simple as street grade raising, the result is a public review process that does not advance sound engineering, consider the complete project design, or provide clarity about the project's benefits to the public. What is of most interest to the public — how public projects are designed and what benefits and impacts they will have on neighborhoods and the environment — is not what triggers public review, and ULURP consequently focuses on the technical question of road raisings, distracting from the holistic project the public wishes to consider. Accordingly, Borough President Levine proposes that street grade changes avoid ordinary ULURP, with approval by the City Planning Commission alone.<sup>311</sup>

Third, the Commission heard testimony that existing Charter-mandated processes slow down and impair resiliency measures, waterfront access, or other urgent infrastructure projects even when the City wants to use property it already owns or controls. The Charter requires capital projects that include a change in a property's use to go through a "site selection" ULURP.<sup>312</sup> Site selection occurs when the City changes the use of a property, even when that change is necessary for critical resiliency infrastructure or to build new public open space — projects that do not raise the issues that site selection requirements were intended at their core to address, like the siting of noxious uses. In turn, to avoid ULURP for site selection, City agencies may not incorporate resiliency elements into project design, or they may not site projects in the location that provides the greatest benefits.

## Voluntary Buyout Programs

The Commission also heard testimony that ULURP makes it prohibitively slow to purchase small homes and other properties from willing sellers in flood-prone areas, impairing the City's ability to take people out of harm's way and build resiliency infrastructure. With very few exceptions, the Charter currently requires acquisition of property by the City to go through ULURP, even small parcels, and the timeline causes delays in acquisitions for owners of homes and small businesses who want to sell to the City and need the proceeds to purchase a new home or building for their business. As a result, Charter-mandated processes slow individual flood buyouts now, and will impair the ability of the City to implement a workable voluntary buyout program on a broader scale in the future. Asking homeowners to wait for the completion of ULURP creates a significant disincentive to participate, frustrating the need for flexibility as participants consider relocation.

In addition to purchasing flood-prone properties from homeowners, the City may sometimes acquire properties to construct coastal resiliency infrastructure, to serve as drainage areas for blue belts,<sup>313</sup> or because properties lie behind or under planned levees and seawalls.

Existing Charter-mandated land use review processes can make all of these acquisitions more difficult. As the need for voluntary flood buyouts and other resiliency acquisitions grows, the Commission may consider whether amendments to the Charter can facilitate these important ends while promoting transparency and preserving public input.







## Electric Vehicle Infrastructure

The Commission also heard testimony that Charter-mandated processes currently frustrate the City’s ability to encourage electric vehicle (EV) chargers on streets and sidewalks. According to expert testimony, the source of the issue lies in two places. First, Charter rules that govern “revocable consents” do not create a pathway for developers to install chargers where they are most needed and best suited.<sup>314</sup> Revocable consents grant an entity the right to construct and maintain certain structures on, over, or under the inalienable property of the City, including streets and sidewalks. These structures include, among others, benches and trash receptacles, or fenced-in areas installed by adjacent building owners.<sup>315</sup> Current Charter provisions around revocable consents, such as rules linking revocable consents to adjacent property owners, may make it difficult to create thoughtfully planned public EV charging infrastructure because only revocable consents applied for by an adjacent property owner may be used for EV chargers. Allowing revocable consents for chargers in accordance with a City plan, and not only where there is a willing property owner, will make it easier to build this infrastructure at scale. The Charter could potentially be amended to facilitate revocable consents or other mechanisms to enable EV charging on public streets and sidewalks in accordance with a plan developed by the Department of Transportation.

Second, stakeholders have reported that existing provisions of the Charter respecting revocable consents and franchises — another potential but burdensome tool to facilitate curbside public EV charging — should be updated to promote transparency and efficiency.<sup>316</sup> Today, section 371 of the Charter, which sets out notice and hearing requirements for revocable consents and franchises, requires applicants to publish notice twice in a daily newspaper and in a weekly newspaper, to send separate notices to any affected Borough Presidents, Community Boards, and councilmembers, and often requires duplicative public hearings.<sup>317</sup> At the same time, numerous committees, boards, and government entities are required to conduct lengthy consecutive reviews of franchises that could potentially be streamlined.<sup>318</sup> Similarly, Councilmember Gale Brewer testified that present rules governing revocable consents are “encumbrances” to sensible uses in the public right of way.<sup>319</sup> The Commission may wish to consider reforms to the review, notice, and hearing process that will promote public input, ease burdens on applicants for revocable consents and franchises, and reduce attendant delays. •



## 05

# Modernizing the City Map

Another obstacle to housing production and infrastructure projects is the City's arcane and archaic administration of the City Map. The City Map shows the location and grade of streets, blocks, parks, and other features that define and limit where housing and infrastructure can be built, which agencies have jurisdiction, and what procedures must be followed. The map itself (a collection of thousands of paper maps) and its decentralized method of administration trace back to the pre-consolidation era in the late 19th century, leading to frequent delays for projects that require confirmation of, or updates to, the City Map. Decentralized administration can also pose problems for other aspects of the development process, including the obscure but essential task of assigning unique addresses needed for permitting and other property-identification systems.

According to testimony received by the Commission, these issues add time and money to urgent housing and infrastructure projects and reform to Charter provisions governing the City Map merits examination.<sup>320</sup>





## The City Map is the official street map of the City of New York.

It establishes the legally defined locations of street lines, widths, names, and legal grades, as well as the locations of mapped parkland and public places.<sup>321</sup> Changing the City Map, or “confirming” the City Map (i.e., establishing clear jurisdiction over mapped areas for purposes of building or reconstructing public or private infrastructure and housing), can be time consuming, costly, and highly complicated.<sup>322</sup>

New York is an old city whose current boundaries were created by the consolidation of the five boroughs of New York under one government in 1898. A unified City Map of all five boroughs was never adopted, so today the City Map consists of five different sets of maps, one for each borough, totaling over 8,000 individual paper maps. Each borough is divided into separate sets of Section Maps that cover every block. The maps for each borough are accessible in the Borough Topographical Bureaus within each of the five Borough President offices. These maps vary by scale, standard details, and in some cases different topographic “datums,” or elevations that serve as an official reference for measurements involving heights.<sup>323</sup>



## Alterations

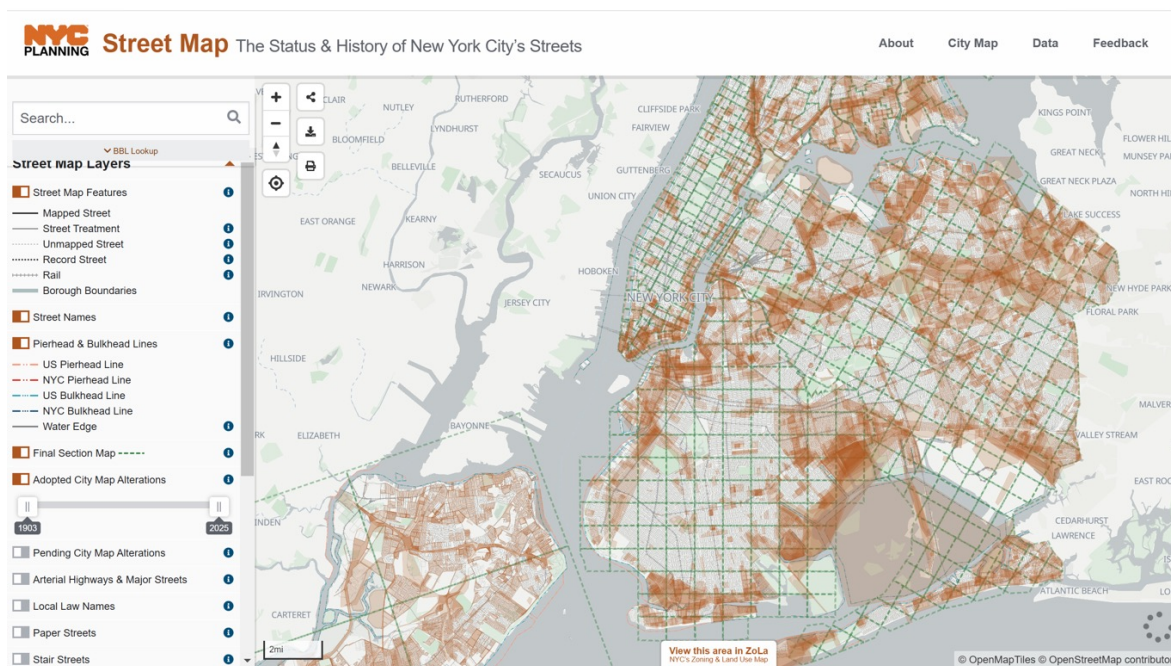
The Charter provides the Department of City Planning (DCP) with the authority to maintain the City Map, but the Charter requires the Borough Presidents to maintain a Topographical Bureau, responsible for reviewing and approving any alterations to the City Map.<sup>324</sup> Virtually all other land use functions formerly assigned to Borough Presidents have been centralized for over 60 years — since the 1962 Charter — and it has become increasingly difficult to staff Borough President Topographical Bureaus and sustain this function within Borough President Offices over time.<sup>325</sup>

Stakeholders have reported to Commission staff that diminished capacity within Borough President Topographical Bureaus means that some offices have the capacity to process only three or four City Map changes per year. As a result, routine alterations can take years to get to the starting line. The queue is also unpredictable, since priorities of the Mayor, Borough President, or other officials can skip to the head of the line. Even the Department of Housing Preservation and Development reports that a City Map issue can add six or more months to a project timeline, not counting any associated ULURP.

Borough Presidents themselves play a ministerial but essential role in applications for changes to the City Map, with their signoff needed on the application and again on any approved alteration map. In recent decades, stakeholders have reported that inattention to this minor non-discretionary signature requirement has delayed projects for months or even years.

## Confirmations

The City Map changes over time — as streets close or change, and new streets or parks are added — and Alteration Maps are prepared to illustrate these changes. Together, adopted Section Maps and Alteration Maps constitute the City Map and document the current status of the streets in the city. DCP has created an online archive of historic Alteration Maps, but aspects of the City Map must be confirmed by official documents accessible only from the respective Borough President Topographic Office.



An image of DCP's online archive of historic Alteration Maps



Confirming the location, width, and legal grade of mapped streets is necessary for a wide variety of housing and infrastructure projects. In some districts, permitted density and height depend on whether a street is “wide” or “narrow” — that is, more or less than 75 feet in width on the City Map. The grade of streets establishes the base elevation for allowable building height and determines location for points of access for vehicles and pedestrians. Grade also drives the design of below-grade infrastructure, such as utility lines and subways, which must have a minimum two feet of soil cover to protect them, but not so much that it compromises the structure or limits access. The slope of streets, a product of legal grade, determines the direction, drainage shed area, and sizing of our sanitation and storm sewer system. Street status letters are included in title reports, and address verification letters are often necessary to satisfy access requirements so that DOB can issue permits.

The above gives a partial sense of the universe of potentially affected projects. Given the analog nature of the official City Map and capacity issues in Topographical Bureaus, even projects that merely need to confirm the status of the Section Map for their parcel can face significant delays. In many ways,

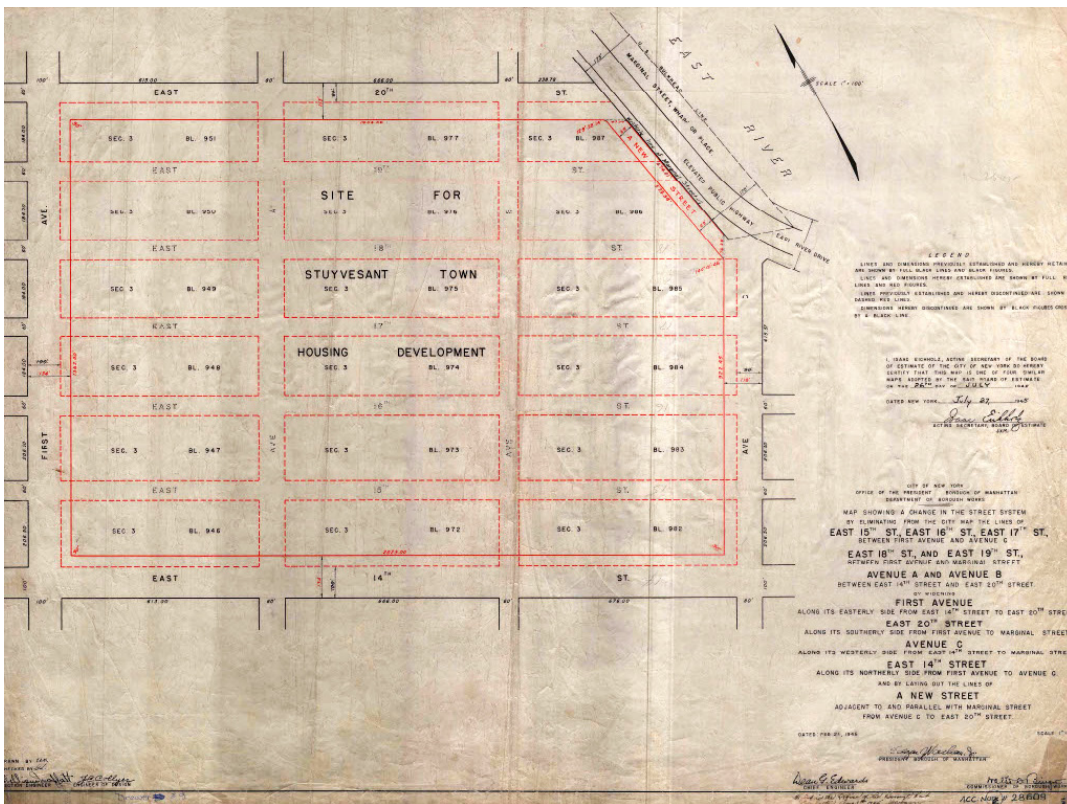
the process of confirming the status of the City Map via the relevant Section and Alteration Maps underscores the extent to which the system is stuck in the early 1960s. The process has remained largely unchanged since that time.

## Address Assignment

The ministerial (that is, non-discretionary) process of tracking the unique addresses of properties and buildings is the backbone of many of our permitting and property information systems. The process of changing property boundaries and identification can cause delays in the construction permitting process when data changes are not efficiently administered.

DCP maintains the Property Address Database System (PADS), GeoServices digital application, and Citywide Street Centerline dataset used by 40 agencies to locate buildings in New York City. The PADS database provides a geographic location for three unique identifiers: Borough, Block and Lot (BBL) number, street address number, and Building Identification Number (BINs). The tools are critical to the administration of construction permitting, property tax assessment, and emergency services.





1945 alteration map approved by the Board of Estimate and Manhattan Borough President noting the streets discontinued and closed for the construction of Stuyvesant Town.

The property identification data recorded in PADS is generated by multiple sources. Most of these, such as the Digital Tax Map overseen by the Department of Finance, are centrally administered. After a City Map change, however, addresses are assigned by whichever of the five Borough President Topographical Bureaus is responsible for the property.<sup>326</sup> Those bureaus vary in their practices, with some allowing email-based address requests and others requiring in-person, paper-based applications (often during brief, irregular windows of time) that are then physically forwarded to DCP. This fragmented process is another source of delay for housing and infrastructure projects.

## Areas to Explore

The Commission received testimony suggesting that the administration of the City Map and related functions should be centralized at the Department of City Planning.<sup>327</sup> The Commission may explore this suggestion, which could make administration of alterations, status confirmations, and address assignments, among other functions, more consistent and efficient than under the current decentralized process. As related above, it has been a challenge for some Borough President Offices to maintain this isolated and technical function that bears little relation to most other responsibilities of the Borough President offices. But these functions are core competencies of the Department of City Planning, which has a deep well of expertise and citywide jurisdiction. The Commission may also explore whether an amendment to the Charter would facilitate the digitization of the City Map, an advance that could revolutionize aspects of City Map administration that today can take months or years but have the potential to happen almost instantly in the future. •



## Endnotes

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Only the topographical bureaus, which had been important service bureaus serving the engineering needs of the other bureaus in the Borough Presidents’ offices, remained under the Borough Presidents. As the power of the Borough Presidents waned, their perceived need for the topographical bureaus also waned and consequently their interest in supporting the somewhat arcane functions of the topographical bureaus also waned. Over the last several decades, staffing has been radically reduced; junior staff has not been trained to take over and sustain the functions; and professional staff has not been replaced. As senior staff retires, the functions will largely disappear and the institutional memory necessary to revive them will be lost.
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