



Written Testimony Submitted to the Charter Revision Commission

June 30, 2025

Subject:

City of New York - Correspondence #1-1-2294017 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Diane Rose

Email: [REDACTED]

Phone: [REDACTED]

Comments: Diane Rose 4 City Council As an Independent Candidate, I can also envision reforms made to create a fairer system of running for office as a candidate. First all parties should be engaged in the same activities at the same time and have the same requirements. Independents are forced to require more and does so at a time apart from party elections. Finally, the onerous process of collecting signatures would be better spent campaigning on the issues vs just getting a persons signature. Requiring a fee to get on the ballot instead both generates revenue for the city and decreases albeit eliminate the onerous process of ensuring signatures authenticity and eliminates waste and threaten of airborne diseases passed on through handling paper between so many people. Finally, as a candidate getting on the ballot instead the primary rank choice voting enables voters to vote their hearts rather than just party alignment that get away from real needs and replaced it with ill equipped popularized voting

Subject:

City of New York - Correspondence #1-1-2036579 CRC Contact Form -
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From: agency@mail [REDACTED]
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Topic: Submit Written Testimony

Name: DianeRose

Email: [REDACTED]

Phone: [REDACTED]

Comments: Finally, there is a need to move the APS service back to Dept of Aging and bring an investigatory practice within the context of the agency when 80% of crimes committed against older persons are violent crimes by non family members ie neighbors other, internet hacking and illegal use, scams, and finally use of services ie, Medicare Medicaid, and other benefit steps. There could be a co-located unit with DOA vs a co located person in NYPD. Creates a necessary lens that broadens the context in which a problems are addressed.

Subject:

[EXTERNAL] Support Open Primaries

From: Elizabeth Maldonado [REDACTED]
To: CharterTestimony@citycharter.nyc.gov
Date: Thu, 29 May 2025 23:11:21 +0000

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I've been registered independent for over 10 years, and I have been forced throughout my life to enroll in a political party if I want my vote to matter. Neither of the two largest parties reflects my values and beliefs. I am excited to be supporting open primaries. This change will mean that I am no longer forced to make a choice that does not reflect my values.

Being able to vote in an open primary would mean that I could choose and rank the candidates who best reflect my values, regardless of their affiliation with a political party. Moving to this system will not only open primary elections to a larger electorate but also help diversify the kinds of opinions and candidates appearing on the ballot.

Elizabeth Maldonado
[REDACTED]

Subject:

City of New York - Correspondence #1-1-5126922 CRC Contact Form -
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From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: Fri, 30 May 2025 12:02:04 +0000

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Topic: Submit Written Testimony

Name: C. M. Pyle

Email: [REDACTED]

Phone:

Comments: I am very much OPPOSED TO LIMITING the CITY COUNCIL's ROLE in decisions taken by the Uniform Land Use Review Process (ULURP). The City Council is the PEOPLE's VOICE, and must not be limited, especially in Zoning Questions, which affect our neighborhoods and our own lives. This corrupt administration is at the end of its term, and should not be allowed to make any decisions affecting the future of our great City. The arguments for "affordable housing" have been used to disguise privileges given to wealthy real estate developers, a highly dishonest practice, which must not be continued. Real Estate developers are ruining our town!

ANTI-DISCRIMINATION CENTER, INC.

“One Community, No Exclusion”

TO: Alec Schierenbeck, Executive Director
NYC Charter Revision Commission

FROM: Craig Gurian, Executive Director
Anti-Discrimination Center

RE: Follow-up to testimony

DATE: May 30, 2025

Introduction

As you know, I delivered both oral testimony and written comments on behalf of the Anti-Discrimination Center at the Commission’s March 4, 2025 meeting. I write now with brief additional comments and with specific proposed charter-modification language.

First, I join many others in complimenting the Commission on the seriousness with which it has taken its task.

Second, as a preliminary matter, I want to urge the Commission once more, in order to streamline the process and to reign in narrow local concerns that undermine citywide interests, to follow through on proposals rely on borough presidents as a conduit for public comment and concern, rather than continue to rely on community boards.

Third, I also appreciate the Commission’s focus on land use procedures and its identification of continuing residential segregation as a consequence of failing to act boldly and decisively to solve the city’s housing crisis. I must note here, however, that, while measures the Commission apparently has under consideration (per its preliminary report) will be indirectly salutary from the perspective of reducing segregation, I was not able to find any proposal specifically directed at enhancing fair housing (including anti-segregation efforts). This is surprising given the first paragraph of the initial Dec. 12, 2024 press release¹ and the statement from the Commission Secretary contained in that release.²

¹ The commission “will be tasked with reviewing the New York City Charter and determining how to make New York City’s municipal government more transparent and responsive to the needs of city residents, *especially when it comes to promoting fair housing across the five boroughs*” (emphasis added).

² “Fighting our city’s ongoing affordable housing crisis and advancing fair housing is a moral imperative” (emphasis added).

Council Member deference

There are, of course, a variety of ways to approach ending this pernicious practice, including reducing the categories of actions that require Council approval. Independent of what is done in that realm, I would like to commend to your attention a proposal to shift the balance of power *while still retaining a Council voice in at least some subset of land-use matters*. I would accomplish this by changing the role of the Council from one where affirmative approval by a majority is needed to one where a project or action could only be stymied by an affirmative disapproval by a super-majority (75 percent). **See proposed amendment to Charter § 197-d(c), at page 5.** Doing so leave open the residual risk that 38 Council Members would join with a naysaying colleague to effect a veto, but that risk seems worth taking as the price of preserving some Council participation.

Fair Housing Plan – definitions, paragraph 2 modifications, new paragraph 3

I’ve spent most time on proposed modifications to Charter § 16-a. Principally, this is intended to make fighting segregation a central rather than elliptical or peripheral concern.

I’ve added definitions for “affirmatively furthering fair housing,” “segregation,” and “perpetuate segregation.” The terms can and should in other contexts have broader meanings, but it is important here to recognize the central role of race – most especially in terms of non-Hispanic Black New Yorkers – in shaping housing patterns. **See page 6.**

I’ve proposed adding as a mandatory goal and strategy combatting segregation. **See page 6**

I’ve proposed making Charter § 16-a(d)(2) clear that, to the extent that a community board fails to meet a target, the next cycle’s target needs to be set, and then the unmet part of the previous targets need to be added to that. **See page 6.**

I’ve proposed modifying the mandatory factors that the administering agency must consider when developing community district targets. Added are the number of NYCHA units in the community district and the extent to which the community district is segregated. As to the first, a quick look at a map of NYCHA developments shows how intentional decisions to defer to the discriminatory feelings of some ethnic groups led to the exclusion of public housing from large areas of the city and the disproportionate placement of public housing in other areas of the city.

I’ve proposed to remove the community district’s status as a “high-displacement risk area” because it is entirely unclear what that status is supposed to mean in terms of building.

One argument – quite popular until recently – was that new construction intensified displacement. Research from the past several years, on the other hand, shows that additional construction (when paired with strong protection for existing tenants) does not increase displacement and may reduce rents of existing apartments.

I’ve also proposed to eliminate the mandatory consideration of data related to neighborhood amenities and similar factors. The absence of infrastructure (whether transit, sewer, schools, or otherwise) has often been used (both in exclusionary suburbs and in exclusionary neighborhoods

in New York City) as an excuse to resist the building of new housing, especially new affordable housing. **See pages 7-8.**

Fair Housing Plan – new paragraph 3

I've proposed to add a new paragraph (3) to subdivision (d) – **see pages 8-9** – to make clear what the production targets should be designed to achieve. These are pretty much self-explanatory: reducing segregation, reducing concentration of affordable housing, encouraging development of mixed-income housing, encouraging neighborhoods that are integrated by income, recognizing the centrality of zoning in affirmatively furthering fair housing, and not allowing current lack of infrastructure to excuse a continuing cycle of failure to build. A brief word on three of those items

Mixed-income housing has a variety of advantages over 100 percent affordable housing. These include, depending on neighborhood, the availability of cross-subsidy from market-rate units, the presence of market-rate units acting as a built-in check against undesirable siting, and greater integration with the surrounding community and acceptance by the surrounding community.

One of the odder features of the neo-segregationist “it’s our community, not yours” contingent, is the desire to maintain the community as one of concentrated poverty (reflected in demands for affordable housing to match the existing household-income profile of a community district, rather than in demands for there to be more deeply affordable housing citywide). Proposed subparagraph (d) is intended to make certain that the administering agency rejects the neighborhood-is-only-for-poor-people approach (just as it must avoid the neighborhood-is-only-for-rich-people approach).

Subparagraph (g) intends to replace the mindset that housing production must live within existing infrastructure capacity to one recognizing that part of affirmatively furthering fair housing is building infrastructure capacity to support needed construction.

Fair Housing Plan – new paragraph 4 (segregation specific) and new paragraph 5 (non-exclusive enforcement mechanism)

This proposed new section – **see pages 9-10** – is intended to supplement and complement other housing target ideas, including, on the enforcement end, strategies like a builder’s remedy. It acknowledges the city’s past conduct in creating and perpetuating the segregation of non-Hispanic Black New Yorkers and seeks to address that with additional requirements for community districts that are: (a) least non-Hispanic Black; and (b) have not had very much deeply affordable housing built; and (c) are not among the community districts with already high numbers of NYCHA apartments. The acknowledgment is necessary in a federal judicial environment within which the Supreme Court subjects any race-conscious action to strict scrutiny. By making clear that this is a remedial benefit (and then by having the housing lottery open to all comers), the proposal is far more insulated from judicial rejection. Note that the end date of the acknowledgment (2013) is set in order to protect the city from having the process used to litigate timely claims, not because city actions perpetuating segregation stopped in that year. The history of city participation in actions that created, maintained, and otherwise perpetuated segregation is already known, including from statements of city officials, records of the city, research papers, and historical accounts.

The proposal requires a multiplier of the production target for these community districts and upzoning for these community districts. It also creates a new enforcement mechanism – that of a civil rights prosecutor, **see page 10** – which I will discuss in the next section.

Civil Rights Prosecutor – New Charter Chapter 40-a

For more than 30 years, power to investigate and prosecute pattern and practice violations of the New York City Human Rights Law has been vested in the City’s Law Department. *See Admin. Code, Title 8, Chapter 4.* Over that time, the Law Department has altogether failed to do the job. If the number of prosecutions is greater than zero, I haven’t heard about it.

This has been a critical failure across all of the contexts of discrimination covered by the city’s Human Rights Law, but nowhere more than in the realm of housing. Disparate impact and perpetuation of segregation claims – whether committed by a private or public actor – are precisely the kinds of claims with which Chapter 4 was intended to help deal. Likewise, the practice of housing providers to steer applicants of a particular protected class away from dwellings in some neighborhoods and towards dwellings in other neighborhoods. And the decades-long failure of some housing providers to make their building portfolios accessible to New Yorkers with mobility impairments. And the widespread practice of engaging in source-of-income discrimination.³

This proposal – **see pages 11-13** – would turn enforcement over to a newly created department of civil rights prosecutor. It would end not only the failure of the existing system but that system’s built-in conflict: having the department that defends the city against discrimination claims be the entity that brings claims against the city and other fair-housing violators.

The new civil rights prosecutor would very naturally fit into the role of overseeing and prosecuting any violation of city obligations relating to community-district production targets (including setting targets artificially low to undermine the proposed multiplier in specified segregated community districts).

Conclusion

Please consider these proposals and let me know if further information or discussion is desired.

³ These last two are perfect examples of where existing enforcement efforts on the individual scale have failed to change behavior industry-wide. In both areas, private attorneys, attorneys employed by advocacy organizations, and the enforcement bureau of the Human Rights Commission itself have focused on individual relief, not on creating a broader deterrent against the conduct. One may agree or disagree with that approach, but one cannot dispute the fact that housing providers continue to believe that the worst thing that will happen to them if they have been found to have violated an individual’s right to be free of source-of-income discrimination or that individual’s right to accessible premises is that the housing provider *will simply have to do in the end what it had been mandated to do years or decades earlier*. That is not much of a deterrent. Systemic prosecutions under Chapter 4 would, in contrast, be focused on systemic relief and penalties sufficient to induce change in industry conduct, not on the preferences of an individual plaintiff.

Text of proposed charter changes

Subdivision (c) of section 197-d of the charter is amended to read as follows:

c. Within fifty days of the filing with the council pursuant to subdivision a of this section of any decision of the city planning commission which pursuant to subdivision b of this section is subject to review by the council, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing, and the council, within such fifty days, shall ~~take final action on~~ have the opportunity to vote to submit proposed modifications to the commission pursuant to subdivision d of this section, approve the decision with modifications as permitted by subdivision d of this section, or to disapprove the decision. The affirmative vote of ~~a majority three-quarters~~ of all the council members shall be required to ~~approve, submit proposed modifications,~~ approve with modifications, or disapprove such a decision. If, within the time period provided for in this subdivision and, if applicable, in subdivision d of this section, the council fails to act or fails to act by the required vote on a decision of the city planning commission subject to council review pursuant to subdivision b of this section, the council shall be deemed to have approved the decision of the commission.

Subdivision (a) of section 16-a of the charter is amended by adding the following definitions:

Affirmatively further fair housing. The term “affirmatively furthering fair housing” includes as a mandatory feature taking meaningful, concrete actions that are designed to materially reduce segregation.

Perpetuate segregation. The term “perpetuate segregation” includes following a course of action or inaction that slows down the pace of desegregation compared with a feasible alternative.

Segregation. The terms “segregation” means a condition within a community district or other geography in which there is a significant overrepresentation or underrepresentation of persons of a particular race or ethnicity when compared to the city as a whole.

Subparagraph (a) of paragraph (2) of subdivision (b) of section 16-a of the charter is amended to read as follows:

(a) Combatting discrimination and segregation;

Subdivision (d) of section 16-a of the charter is amended to read as follows:

d. *Housing production targets.* No later than 1 year after the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall submit to the mayor and the speaker of the council and post on its website:

1. A 5-year citywide housing production target for each of the following housing types: total housing units; affordable housing units; deeply affordable housing units; housing serving formerly homeless households; and the preservation of housing units. In determining such targets, the administering agency shall consider, among other factors it deems relevant, the long-term housing needs assessment developed pursuant to subdivision c of this section.

2. For each community district, 5-year housing production targets for the following housing types identified in paragraph 1 of this subdivision: total housing units; affordable housing units; deeply affordable housing units; and housing serving formerly homeless households. For production targets submitted subsequent to the first set of targets, a new target shall be established for each community district, which target shall be by increased by the number of units set out in previous targets that turned out not to be produced. In determining such targets, the administering agency shall consider, among other factors it deems relevant:

(a) The total number of housing units, affordable housing units, deeply affordable housing units, and housing serving formerly homeless households produced over the previous 10 years;

(b) The number of New York City Housing Authority units that exist;

(c) The extent to which the community district is segregated;

(d) A community district's status as a limited affordability area or a high displacement risk area; and

~~(c) Relevant data from the equitable development data tool or other sources on access to transit, employment opportunities, open space, and other neighborhood amenities and public services; and~~

(de) Impacts associated with climate change.

3. Production targets established pursuant to paragraph (2) of this subdivision shall be designed:

(a) to overcome existing patterns of segregation to the maximum extent feasible and shall not create, maintain, or otherwise perpetuate segregation;

(b) to deconcentrate the location of affordable housing, including deeply affordable housing units;

(c) to encourage the development of mixed-income housing;

(d) to encourage a greater range of household incomes among the households living in a community district;

(f) with the recognition that liberalizing zoning beyond the currently existing rules is an essential component of affirmatively furthering fair housing; and

(g) with the expectation that increases in population resulting from the targets will be accommodated by greater access to transit, employment opportunities, open space, and other neighborhood amenities and public services.

4. In view of the city's decades-long participation in the segregation of non-Hispanic Black New Yorkers, participation which included intentional conduct, conduct materially influenced by the desire of some members of the public to maintain the segregated status quo, and conduct reflecting deliberate disregard of the natural and expected consequence of city policy – the existence of which conduct is acknowledged to have continued through 2013 – the city, supplementary to the requirements set forth in subdivision (e) of this section, shall take additional remedial actions in respect to community districts that have each of the following characteristics: (i) non-Hispanic Black population percentage (as determined by the most recent 5-year American Community Survey data, or, in the absence of such data, the most reliable alternative data as determined by the administering agency) that is among the lowest 15 of all community districts; and (ii) number of deeply affordable housing units produced in the most recent 10 years for which data is available that is among the lowest 20 of all community districts; and (iii) New York City Housing Authority units among the lowest 35 of all community districts.

(a) For each community district to which this paragraph 4 applies, the administering agency shall, not later than 6 months after the submission of a fair housing plan pursuant to subdivision b of this section, triple the target that has otherwise been set.

(b) For each community district to which this paragraph 4 applies, the city shall, not later than 18 months after the submission of a fair housing plan pursuant to subdivision b of this section enact such zoning changes as are necessary to enable the fulfillment of the modified target set pursuant to subparagraph (a) of this paragraph.

5. In addition to such other remedies as exist or may come to exist pursuant to the charter or the administrative code, the civil rights prosecutor shall have jurisdiction to investigate and prosecute violations of the city's obligations as set out in paragraphs (3) and (4) of this subdivision. For such prosecutions only, the demonstration of such a violation shall automatically be deemed to be a violation of section 8-402 of the administrative code. Upon such a determination by the fact finder, a court shall order such equitable relief as is necessary to remedy fully the city's breach of its obligations.

The charter is amended to add a new chapter 40-a, to read as follows:

Section 950. Office; civil rights prosecutor; vacancy.

a. There shall be a department of civil rights prosecutor, the head of which shall be the civil rights prosecutor.

b. Within 90 days following the adoption of this article, and, subsequently within 60 days following the occurrence of a vacancy in the office of civil rights prosecutor, the mayor shall submit to the council the name of the mayor's nominee for civil rights prosecutor. If the council disapproves a nomination while the office of the civil rights prosecutor is vacant, the mayor shall submit a new nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

c. The civil rights prosecutor shall serve for a term of 6 years and may be renominated for additional terms. The civil rights prosecutor shall only be removed for good cause shown at the instance of the mayor with the concurrence of a majority of the city council. The civil rights prosecutor shall not be removed prior to: (i) the mayor transmitting his or her reasons for removal to the city council; the civil rights prosecutor having had 30 days to submit objections to those reasons to the city council; and the council having voted to concur with the mayor.

Section 951. Personnel.

a. The civil rights prosecutor may appoint a first assistant civil rights prosecutor, and such other personnel as may be necessary within the appropriation therefor.

b. The first assistant civil rights prosecutor shall, during the absence or disability of the civil rights prosecutor, possess all the powers and perform all the duties of the civil rights prosecutor and in case of the death or the civil rights prosecutor or of a vacancy in that office shall act as civil rights prosecutor until the appointment and qualification of a civil rights prosecutor in accordance with law.

c. Any assistant civil rights prosecutor shall, in addition to the duties regularly assigned to him or her, possess such of the powers and perform such of the duties of the civil rights prosecutor as the civil rights prosecutor shall empower such assistant to exercise by written authority filed and remaining on record in the department.

Section 952. Offices.

The civil rights prosecutor may maintain an office in each of the boroughs or any of them.

Section 953. Powers and duties.

a. The civil rights prosecutor shall have the exclusive right and duty to investigate and prosecute violations of chapter 4 of title 8 of the administrative code as has heretofore been granted to the corporation counsel. The authority of the corporation counsel to act in such matters is terminated.

b. The right and duty to investigate and prosecute as described in subdivision (a) of this section includes potential violations of the city's obligations as set out in paragraphs (3) and (4) of subdivision (d) of section 16-a of the charter.

c. The civil rights prosecutor shall have the right and duty to investigate and prosecute violations of the city's rights by Westchester, Rockland, Putnam, Nassau and Suffolk Counties in New York, Bergen County in New Jersey, and Fairfield County in Connecticut,⁴ as well as by the municipalities within those counties, that arise under the Fair Housing Act, the state human rights law, and other federal and state statutes and case law and that are based on injury to the city caused by exclusionary zoning.

⁴ This list could alternatively be rendered as "by counties in the New York metropolitan area..."

Subject:

[EXTERNAL] Support Open Primaries

From: Marc Korashan [REDACTED]
To: CharterTestimony@citycharter.nyc.gov
Date: Mon, 02 Jun 2025 02:00:20 +0000

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I support moving New York City into an open primary system. Having recently adopted Ranked Choice Voting, it is time that we take the next step and move to a system of open primaries. An open primary would be more democratic and encourage more participation in elections than the current system, where party bosses can choose and push candidates forward. Open primaries would force candidates to be more candid about their positions and records as they could not rely on a party label to secure votes. It would complement the ranked choice system. This evolution will strengthen our democracy and bring more New Yorkers into the process.

Marc Korashan



**Written Testimony Submitted to the
2025 New York City Charter Revision Commission**

June 3, 2025

John Ketcham
Fellow and Director of Cities, Manhattan Institute for Policy Research


About the Author

John Ketcham is a fellow and director of cities at the Manhattan Institute for Policy Research.* He has authored a number of MI reports and op-eds on electoral reform, particularly in New York City. He holds a JD from Harvard Law School and BS in management information systems from Fordham University.

*The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as a Manhattan Institute scholar, the views represented today are solely my own, not my employer's.

Executive Summary

Chair Buery, members of the 2025 Charter Revision Commission (CRC), and Executive Director Schierenbeck, thank you for the honor and opportunity to testify on improving New York City's governance. My name is John Ketcham. I research and write on various issues affecting New York City in my capacity as a fellow and director of cities at the Manhattan Institute (MI), but I provide this testimony in my personal capacity as a lifelong and loyal New Yorker. This written testimony expands on my oral testimony on local electoral reform delivered at the April 9 Staten Island Public Input Session on Government Reform. As a preliminary matter, I would like to reiterate and second the recommendations offered by my colleague Eric Kober.¹

To make clear my recommendations at the outset, I respectfully urge the CRC to amend the New York City Charter in the following ways:

- Exercise the city's local authority under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law to adopt the following:
 - For citywide elections, a form of “top-two” voting that uses “bottoms-up” ranked-choice voting in a qualifying-round election open to all registered voters and candidates, regardless of party, which advances the last two remaining candidates to a general election. Party labels on ballots next to candidates' names should be retained, with internal party processes governing the selection of which candidate bears the party's endorsement in both the qualifying-round election and the general election.
 - For city council elections, a system of proportional representation (PR), such as open-list PR or mixed-member proportional (MMP) (but not the Single Transferable Vote). PR systems could eliminate council primaries in favor of nomination through internal party processes and a single general election, in which parties receive seats in proportion to their shares of the vote in a multi-seat council district.
- Amend Sections 4, 25, 81, and other relevant provisions to match the timing of New York City's local elections with the dates on which gubernatorial elections and midterm congressional elections are held (i.e., in 2030, 2034, etc.). This would allow for a “New York Election Year,” in which candidates for governor and mayor might cross-endorse each other and promise to cooperate on issues that require both state and local action. A combined

¹ See Eric Kober, *Testimony Before The New York City Charter Revision Commission* (FEB. 24, 2025), <https://manhattan.institute/article/testimony-new-york-city-charter-revision-commission>.

state-local election calendar would likely counteract concerns about the undue influence of federal elections held on the same day.

- In Section 25 (a), amend “year two thousand and one” and “two thousand three” to “two thousand forty two” and “two thousand forty four” to align the new calendar with the decennial redistricting process.

This package would accomplish several goals. It would open primaries to all registered voters and allow candidates to run in a single qualifying-round election, bolstering political competition. Retaining ranked-choice voting (RCV) in primaries would perpetuate the reform adopted by the 2019 Charter Revision Commission, slightly modified to the “bottoms-up” variety of RCV. This system would successively eliminate the lowest-performing candidate, redistributing that candidate’s ballots to the next ranked choice, until only two candidates remain. The Democratic Party used it successfully in five states during the 2020 presidential primaries.

Party labels should be retained on ballots. These cues provide voters with important information to help guide their decision-making. Internal party mechanisms should control who bears its on-ballot endorsement, not the candidates’ registration or self-reporting. Each party would select one candidate to receive its endorsement in the preliminary and general elections. A candidate would be eligible to receive more than one party’s endorsement, preserving the essential functionality of the fusion-voting system. This would give party institutions a stake in the reform, in exchange for opening primaries in the qualifying-round election. As a result, parties—perhaps including some new, local ones—could compete against each other and better coordinate voters, candidates, and ultimately, elected officials.

In city council elections, proportional representation systems would elect multiple members from geographically larger districts, matching the number of seats political parties receive in proportion to their shares of the district vote. This better balances neighborhood and citywide needs and would likely yield a legislative body more closely aligned with voters’ preferences. Parties nominate candidates, eliminating primaries (unless a party chooses to hold one) and incentivizing party leaders to nominate individuals with the greatest electability. Open-list and mixed-member proportional are two viable PR systems that allow voters to select candidates, not just parties.

Because no general election would use RCV under such a system, it would avoid the risk of confusing voters exposed to non-ranked voting systems in state and federal general elections. Many general-election voters do not participate in primaries, so those unaccustomed to RCV would be able to participate in general elections without learning a different voting system. And because these elections

would take place on even-numbered years concurrent with gubernatorial races, turnout would increase substantially relative to the status quo.

In short, such a system could see far higher democratic participation in more competitive general elections for citywide offices and for city council. Qualifying-round voters would still use RCV, though in a system with maximal openness and more institutional party input through control of the use of their party labels. General-election voters would simply select one of two candidates for citywide offices, and for their one preferred city-council candidate in a PR system. The mayoral candidate with more votes wins, and council seats distributed according to their shares of the district vote.

The State of New York City Local Elections in 2025

In 2019, New York City voters approved a revision to the Charter that introduced single-winner ranked-choice voting (technically known as instant-runoff voting (IRV) or the alternative vote (AV)) in primary and special elections for local offices.² IRV was integrated into the city and state's existing electoral architecture: single-member council districts, fully closed primaries, and elections held on odd-numbered years, which generally discourage political competition.

After two local elections using IRV—the 2021 mayoral and city-council primaries and the 2023 city-council primaries—New York City's electoral dynamics remain essentially the same. As the CRC's Preliminary Report noted, the 2021 mayoral primary, the first without an incumbent since 2013 and the first to use ranked-choice voting following the 2019 Charter amendment, saw a modest but noticeable increase in turnout.³ Even so, only 26.5 percent of eligible voters participated.⁴ In the 2013 mayoral primary, 23.3 percent of eligible voters participated.⁵ The city's general elections routinely suffer from low voter participation, as the CRC's Preliminary Report noted.⁶ This is partly the result of the uncompetitive nature of most general elections.

Nor has IRV, standing alone, spurred much more political competition. Today, one party still controls nearly 90 percent of city council seats and the three major citywide offices of mayor, comptroller, and public advocate.⁷ Political competition still occurs almost entirely between factions of the local Democratic

² New York City Board of Elections, *Learn about Ranked Choice Voting for NYC Local Elections*, <https://vote.nyc/page/ranked-choice-voting>.

³ 2025 NYC CHARTER REVISION COMMISSION PRELIMINARY REPORT 16–17, 53–57 (2025).

⁴ NYC VOTES, 2021–2022 VOTER ANALYSIS REPORT vii (2022), https://www.nycfb.info/pdf/2021-2022_VoterAnalysisReport.pdf.

⁵ *Id.* at 45.

⁶ 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 54–55.

⁷ N.Y.C. Council, *Council Members & Districts*, (last visited Jan. 5, 2024), <https://council.nyc.gov/districts/>.

Party.⁸ Worst off are the over one million registered city voters who do not affiliate with any political party.⁹ They cannot vote in any primary, nor can those affiliated with minor parties that do not hold primaries.

The city's modest results with ranked-choice voting are consistent with other findings in the academic literature. In a New America report discussing the results of 15 papers on the effects of ranked-choice voting, Lee Drutman and Maresa Strano found a pattern of "null to small" effects.¹⁰ Most of these papers suggest it is a modest procedural change, a "comparable or modestly better alternative" to plurality, or first-past-the-post, voting.¹¹ Their report sums up the matter succinctly:¹²

[R]eplacing FPTP with RCV without addressing the other structural drivers of America's hyperpolarized and inequitable two-party system, including single-member districts, is unlikely to bring about the large-scale change we need to repair our national political dysfunction. Put another way, adopting RCV will not hurt as much as you might fear, but it may not help as much as you might hope.

New York City's electoral system, therefore, does not create the conditions for robust political competition and broad voter participation. Its structural elements insulate the dominant political party from inter-party challenges and impede many voters from having a meaningful say.

Voters Across New York City Support Electoral Reform

Manhattan Institute polling conducted in April 2024 and January 2025 indicates that city voters across boroughs and partisan identity—Democrat, Republican, third-party, and unaffiliated—experience frustration with the city's electoral structure. Among all January 2025 respondents, 37 percent said that the political party they're registered with represents them poorly.¹³ Among Democrats,

⁸ See, e.g., Chris Sommerfeldt, *NYC's next comptroller, public advocate are progressives who could be thorns in Eric Adams' side*, N.Y. DAILY NEWS (Nov. 2, 2021, 9:56 PM), <https://www.nydailynews.com/2021/11/02/nycs-next-comptroller-public-advocate-are-progressives-who-could-be-thorns-in-eric-adams-side/>.

⁹ New York State Board of Elections, "NYSVoter Enrollment by County, Party Affiliation and Status." February 2024.

¹⁰ LEE DRUTMAN & MARESA STRANO, *EVALUATING THE EFFECTS OF RANKED-CHOICE VOTING 9* (2022), https://d1y8sb8igg2f8e.cloudfront.net/documents/Evaluating_the_Effects_of_Ranked-Choice_Voting.pdf.

¹¹ *Id.* at 7.

¹² *Id.* at 9.

¹³ Jesse Arm, *Assessing the Race: Polling the 2025 NYC Mayoral Election*, MANHATTAN INST. (Feb. 6, 2025), https://media4.manhattan-institute.org/wp-content/uploads/sites/5/MI_Electoral_Crosstabs_Canonical.pdf.

38 percent said likewise, and 23 percent reported that they're registered as a Democrat because "the Democratic candidate almost always wins the general election and I want my vote to count for something."¹⁴

Many New Yorkers also favor electoral reforms, evidenced by the volume of testimony and interest in this Charter-revision process. A 57 percent majority of voters that MI polled this January supports moving the city's local elections to even-numbered years.¹⁵ This majority support cuts across political lines, for both Democrats (54 percent) and Republicans (74 percent). Support has remained constant as well, with 61 percent of those polled in 2024 favoring local even-year elections.

When given a choice between an open (that is, not limited exclusively to party members) and closed primary, a majority (53 percent in 2024, 62 percent in 2025) of likely city voters believe that open primaries are better than closed primaries.¹⁶ Respondents also received a prompt that introduced a "nonpartisan primary" (a top-two primary used in California and Washington State, similar to New York City's proposed 2003 Charter amendment). After this prompt, a plurality of 33 percent in 2024 and 37 percent in 2025 preferred nonpartisan primaries to open and closed primaries.¹⁷

Voters likewise believe that open and nonpartisan elections encourage more people to vote than the current closed-primary system. Among 2025 respondents given a choice between open and closed primaries, 70 percent believe that open primaries encourage more people to vote, compared with only 15 percent who say the same about closed primaries, and 15 percent unsure.¹⁸ When nonpartisan primaries were added as an option, 36 percent reported that open primaries would encourage the most turnout, followed closely by 35 percent believing so for nonpartisan primaries. Only 14 percent reported that closed primaries would drive the most turnout.¹⁹ Evidence of the impact of primary reform on turnout in other jurisdictions supports their view.²⁰

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Jesse Arm, Polling *NYC Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crime, Migrants, and Electoral Reform*, MANHATTAN INST. (Apr. 18, 2024), <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>.

¹⁷ *Id.*

¹⁸ Arm, *supra* note 13.

¹⁹ *Id.*

²⁰ See, e.g., LEE DRUTMAN, WHAT WE KNOW ABOUT CONGRESSIONAL PRIMARIES AND CONGRESSIONAL PRIMARY REFORM 59 (2021), <https://www.newamerica.org/political-reform/reports/what-we-know-about-congressional-primaries-and-congressional-primary-reform/implications-for-top-fourfive-voting/> ("At best, open primaries increase participation by only 2 or 3 percentage points at best, and top-two primaries by about 6 percentage points.").

Given this broad support among New Yorkers, I encourage the Charter Revision Commission to amend the Charter to change the structure of the city's local elections and to move local elections to even-numbered years.

Options for Primary Reform

Several reasonable options for primary reform would improve the electoral status quo, each with varying tradeoffs. The components of electoral systems (e.g., the use of ranked-choice voting, primary openness, election timing, etc.) should always be considered in the context of the entire electoral system, not as parts that can be substituted between one system and another.

It is also important to note that local issues do not bifurcate along partisan lines. Land use, for example, mostly divides voters by interests (homeowners, tenants, etc.), not ideology. Nor do local issues lend themselves to neat ideological bundles of issues that voters would tend to support. One's stance on zoning has little bearing on whether one's preferences for policing, bike lanes, charter schools, small-business permitting, or any number of other local decisions. Although local issues are less ideological and partisan than national issues, the emergence of more local parties, perhaps centered around concrete local issues, would provide avenues for currently disaffected New Yorkers to identify with a group of likeminded candidates and voters.

Open to Unaffiliated Primaries

The least disruptive—and also the least transformative—primary reform would allow voters who are not affiliated with any political party to vote in one party's primary. Evidence from other jurisdictions suggests that this reform would offer some benefits, such as an uptick in turnout of up to five percent and a primary electorate that looks more similar to that of the general election.²¹ Evidence from New York City, however, suggests modest expectations. According to the CFB's 2024 Voter Analysis Report, "Unaffiliated voters in New York City have consistently recorded the lowest turnout compared to major and minor political party groups."²² Only 11.7 percent of unaffiliated voters participated in the 2021 city general election.²³

Allowing unaffiliated voters to participate in one party's primary would likely have only muted effects on political competition. Unaffiliated voters have complex motivations for identifying as such, but one common reason is a distrust of the party

²¹ See JOSHUA FERRER ET AL., THE EFFECT OF OPEN PRIMARIES ON TURNOUT AND REPRESENTATION 5, 22–23 (Bipartisan Policy Ctr. 2024).

²² NYC VOTES, 2024 VOTER ANALYSIS REPORT 82 (2025).

²³ *Id.* at 83.

system, particularly the two major parties.²⁴ They thus make for an awkward fit in party primaries. Far from a monolith, self-described independent and “moderate” voters often hold idiosyncratic or extreme views that vary widely.²⁵ Major-party primary candidates may find it difficult to appeal to these voters, thus reducing the impact of this reform.

Nor would this reform substantially improve the competitiveness of general elections. Lopsided voter registration would likely continue to make the winner of the Democratic Party primary proceed to an easy general-election victory.

Finally, allowing unaffiliated voters to participate in a party primary of their choice would eliminate the impetus for more far-reaching electoral reform. As you are well aware, many of those who have testified before the CRC have expressed frustration and anger that they are unable to participate in the primary process. This represents a key motivator for primary reform’s passage. Correcting the issue of access without addressing the larger structural deficiencies of the closed-primary system risks failing to deliver on improved electoral competitiveness. The popular energy behind electoral reform would likely dissipate in future Charter revisions, leaving the deficiencies of the status quo in place.

In short, because of the likely muted benefits and need for greater structural reform, I do not recommend only allowing unaffiliated voters to select a party primary in which to vote.

Nonpartisan Primaries

By definition, “[p]rimaries are elections that political parties use to select candidates for a general election.”²⁶ “Top-two” or “top-four” voting, in which the top-two or top-four vote-getters, regardless of party, advance to the general election, do not nominate a party’s candidate. Such voting systems therefore differ from a primary. Better termed a “preliminary” or “qualifying-round” election, top-two or top-four voting reduces the larger pool of candidates to a smaller, more manageable two in the general election.²⁷ (For clarity, hereinafter, I will use the term “qualifying-round election” instead of “nonpartisan primary.”)

²⁴ See SARAH GOFF, INDEPENDENT STATE OF MIND, 8–9 (Common Cause NY 2023).

²⁵ Drutman, *supra* note 20, at 54 (“More broadly, there is considerable evidence that self-identified moderate voters do not necessarily hold moderate views on policy. Many moderates hold a mix of extreme views that do not neatly fit into either liberal or conservative camps, leaving them with moderate as the only reasonable label.”).

²⁶ Federal Voting Assistance Programs, *Voting in Primaries What Are They?*, <https://www.fvap.gov/uploads/FVAP/Outreach-Materials/PrimaryElectionsFactSheet.pdf> (last visited May 24, 2025).

²⁷ JOHN KETCHAM, NYC ELECTORAL REFORM: HOW TO INCREASE POLITICAL COMPETITION AND REVITALIZE LOCAL DEMOCRACY 24 (Manhattan Inst. 2022).

States such as Washington and California have used the top-two variety for over a decade. Alaska adopted top-four in 2020, a variant of “Final Five Voting,” developed by Katherine Gehl and Harvard Business School Professor Michael Porter.²⁸

Compared with the status quo, top-two and top-four voting have several desirable features. Most importantly, they would allow all registered voters to participate in the qualifying-round election. They would also allow candidates from all parties or none to participate, boosting political competition and potentially opening avenues for policy innovation. General elections are much more likely to sport genuine competition between the two or four candidates that commanded the most votes in the qualifying round.

As Matt Germer and Ryan Williamson of the R Street Institute have noted in their analysis of top-two voting in Washington State, “Overall, top-two voting has provided Washington citizens with more options in primary elections, generating more competition and giving them more say in outcomes.”²⁹ “On the other hand,” they continue, “it has had little impact on voter participation and has occasionally resulted in races that left many voters feeling unsatisfied with their choices.”³⁰

The major drawback of top-two voting is its limitation to only two general-election candidates. This avoids any possibility for a spoiler effect and thus for a ranked-choice general contest. It also deprives general-election voters of a rich selection of candidates from which to choose, such as candidates from two different parties. The experience in Washington State has shown that these situations “have played out in high-profile races and with some regularity.”³¹ Given New York City’s voter registration statistics, it is likely that in many races, two Democratic candidates would face off in the general election. This would increase competition relative to the status quo, where only one Democrat effectively competes, but it may deter competition between parties.

Top-two voting’s effect on political competition—while likely a large improvement over the status quo or open to unaffiliated primaries—may thus be less disruptive than one might expect in New York City. Since its implementation in Washington State, top-two voting has not materially impacted the total number of competitive general-election races, but it has reduced the number of unopposed general elections by about 10 percent in the two elections following adoption.³² Germer and Williamson explain that one reason for this is “that contests featuring

²⁸ See KATHERINE M. GEHL AND MICHAEL E. PORTER, *THE POLITICS INDUSTRY: HOW POLITICAL INNOVATION CAN BREAK PARTISAN GRIDLOCK AND SAVE OUR DEMOCRACY* (2020).

²⁹ MATT GERMER & RYAN WILLIAMSON *THE GOOD, THE BAD AND THE IN-BETWEEN: WASHINGTON’S IMPLEMENTATION OF TOP-TWO VOTING*, R STREET 1 (2023).

³⁰ *Id.*

³¹ *Id.* at 14.

³² *Id.* at 9.

only one party shifted the competition from the primary election to the general, creating competitive general election races in previously uncompetitive districts and including the input of more voters.”³³

Top-two systems would, therefore, benefit from modifications that further enhance political competition. New York City already utilizes RCV, which can be incorporated into a top-two system to generate additional political competition and avoid spoiler effects in the primary.

Recommendation for Primary Reform in Citywide Elections

For citywide elections, I recommend eliminating the current closed-primary system in favor of a “top-two” system. A single qualifying-round election would feature all candidates and be open to all registered voters. Because ranked-choice voting is already used in local primary and special elections, I recommend retaining RCV and using the “bottoms-up” variant of RCV in the qualifying-round election. Bottoms-up successively eliminates the lowest-performing candidate, redistributing that candidate’s ballots to the next ranked-choice, until only two candidates remain, who would proceed to the general election.³⁴ The Democratic Party successfully used bottoms-up in five states during the 2020 presidential primaries.³⁵

As described in greater detail in the section below, each party, via internal mechanisms, should be allowed to endorse their preferred candidate and have those endorsements appear on both the qualifying-round and general-election ballots. This would help voters understand that a party has officially selected a candidate for citywide office to bear its banner—serving as an official stamp of institutional approval.

Party Labels on Ballots

The CRC Preliminary Report correctly acknowledges “the important role that party identification plays in political life.”³⁶ At the same time, party designations on ballots provide critically important information for voters. “Nonpartisan primaries,” however, present the question of whether to include party affiliations on ballots. Again, the CRC Preliminary Report correctly notes that “some states list the party affiliations of candidates on the ballot, whereas others do not identify party on the ballot at all” and that the 2003 Commission proposed to retain party affiliation, “to

³³ *Id.*

³⁴ Jack Santucci, *Variants of Ranked-Choice Voting from a Strategic Perspective*, 9 POL. & GOVERNANCE, 344, 346 (2021).

³⁵ *Id.*

³⁶ 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 18.

preserve the important role of parties in signaling to voters candidates' policy positions.”³⁷

As a general matter, political parties are a critically important part of the American governmental structure. Among other things, parties organize voters and interests into workable coalitions, help to recruit candidates, and, crucially, coordinate legislative and executive efforts after an election. The alternative is poorly coordinated governance.³⁸ Voters, moreover, are generally drawn to the team-like aspect of political parties, but many find that neither major party adequately represents their views. If New Yorkers had more local parties, they could develop more nuanced local policies. As Lee Drutman explains, “If there were more parties, the public would have more policy ideologies to choose from. . . . Most people do not have the time or inclination to develop a coherent political view independent of the political parties.”³⁹

The city's electoral system should thus encourage party cohesion and the emergence of local parties distinct from those at the national-level. One way of doing so is to retain party labels on ballots. The party cue serves as a heuristic, providing critically important information to guide voter decision-making.⁴⁰ This is especially significant for the many voters who do not research candidates' policy positions prior to casting their vote. As Yale Law School Professor David Schleicher writes:⁴¹

Where an election law system either encourages or does not discourage party systems developed at the national level to appear on ballots at another level of government, under-informed voters will use party preferences developed at the national level when voting at the local or state level as long as there is any correlation between their policy preferences at the two levels. As voters have little specific knowledge about individual politicians

³⁷ *Id.* at 61.

³⁸ Evidence of poor coordination can be seen in New York City's use of the Single Transferable Vote (STV) between 1937 and 1947, when weakened parties were often unable to control their members, making it difficult to hold parties together. Ultimately, this contributed to STV's repeal. See Jack Santucci, *Lessons from the History of Proportional Representation in America*, PROTECT DEMOCRACY (Sept. 13, 2023), <https://protectdemocracy.org/work/lessons-from-the-history-of-proportional-representation-in-america/> (“STV got repealed anyway because it made it hard to hold those parties together. Or, in New York City, the system made it hard to bind a coalition of parties. (New York was the only city with visibly multiparty politics.”)).

³⁹ LEE DRUTMAN, MORE PARTIES, BETTER PARTIES 66 (New America 2023).

⁴⁰ In fact, the information available to voters on ballots can be expanded to endorsements, such as from the mayor, comptroller, and local organizations and newspapers. These would appear alongside candidates' names on ballots and provide richer signals to voters to select the candidate most closely aligned with their preferences. For more on this proposal, see KETCHAM, *supra* note 27, at 19–20.

⁴¹ David Schleicher, *What If Europe Held an Election and No One Cared?*, OPINIOJURIS (Aug. 2, 2011), https://opiniojuris.org/2011/02/08/hilj_what-if-europe-held-an-election-and-no-one-cared/.

or what is going [on] in most legislatures, this is perfectly rational behavior – they vote based on what they know, and they know national parties. . . . [T]here is substantial evidence that knowing a politician’s national party membership tells us very little about her preferences about local policy. As a result, local elections do very little to translate voter preferences about local issues into governmental policy and local officials are not particularly accountable for poor performance.

Recommendation for Party Labels on Ballots

Assuming that party labels remain on ballots, who decides what label appears next to candidates’ names? In citywide elections, I recommend that internal party mechanisms select a candidate to receive the party’s endorsement in the qualifying-round election and general election (which would not have to be the same candidate in both elections). A candidate would be eligible to receive more than one party’s endorsement, preserving the core functionality of New York City’s fusion voting.

This would provide voters with a key signal that the party has approved a candidate and his or her policy platform. It would also encourage party cohesion, giving parties an incentive to support the Charter reform. Greater party-candidate cohesion would extend to the post-election legislature, reducing the risk that parties would suffer from defections by weakly aligned lawmakers that may imperil durable legislative coalitions.

Proportional Representation through Party Lists for City Council Elections

For city council elections, proportional representation (PR) electoral systems could eliminate primary elections altogether, unless a party chooses to hold a primary. PR electoral systems aim to reflect the composition of subgroups in the electorate within a legislative body, such as by matching the share of a party’s seats with the share of votes that the party receives in an election.⁴² Proportional representation would facilitate representation from the city’s many different racial, ethnic, and political subgroups. Parties would form and re-form coalitions on an issue-by-issue basis, negotiating compromises across wide local policy domains.

PR systems work by electing multiple members from a smaller number of geographically expanded districts. Because these districts encompass more neighborhoods, it is extremely difficult, if not impossible, to gerrymander these multi-seat districts. The number of candidates elected in each multi-member district can vary; with more candidates per district, each requires a smaller percentage of the vote to secure a seat. In a 51-member body, four or five members

⁴² FairVote, *Fair Voting/Proportional Representation*, <https://archive3.fairvote.org/reforms/fair-representation-voting/>.

per district would likely be small enough to encompass adjoining neighborhoods while allowing for better representation of political minorities.

“Open-list” PR is simple and intuitive for voters; they need only select their preferred candidate under the party that is closest to their views. Party committees or some other internal mechanism selects the candidates who appear under the party’s label on the ballot, (and, in some systems, candidates’ order of appearance). Each voter selects her preferred candidate under the party heading. For example, a single, non-ranked vote could count for both the candidate and his party.⁴³ Unlike with ranked-choice-based PR (called the Single Transferable Vote (STV)), in which voters exclusively select candidates, list-based proportional representation systems count votes at the party level, and parties receive seats in proportion to their shares of the vote.⁴⁴ Individual candidates who receive the most votes from the party’s list are elected first, and then in descending order, until all of the party’s seats are filled.

In fact, list-based proportional representation systems are the most common worldwide.⁴⁵ This popularity owes to its ability to balance party cohesion, competition, and voters’ ability to select candidates. Because parties maintain control over candidate nominations, it encourages coherent messaging from the party and its candidates. This can translate to greater caucus cohesion in the resulting city council, holding together parties’ political brands. As political scientist Jack Santucci writes, “Elections in list systems are fundamentally contests among parties.”⁴⁶

Another PR system, called mixed-member proportional representation (MMP), deserves consideration as well. MMP preserves traditional single-seat districts but also asks voters which party they prefer. The most common version of MMP gives the voter two votes: one for their district, then a second for a party. Single-seat districts usually compose most of the seats in the legislature, but not all; between a third to half of seats are set aside for party-list allocation (usually with parties selecting who will take the party seat). Candidates with the most votes in each district win. However, parties’ overall seat shares are determined by the party vote. After the district results are tallied, parties get additional seats from their lists until the overall result reflects the distribution of party preferences.

⁴³ Kevin R. Kosar, *What is the one-vote system? A Q&A with Jack Santucci*, AEIDEAS, Oct. 25, 2021, <https://www.aei.org/politics-and-public-opinion/what-is-the-one-vote-system-a-qa-with-jack-santucci/>.

⁴⁴ JACK SANTUCCI, MORE PARTIES OR NO PARTIES: THE POLITICS OF ELECTORAL REFORM IN AMERICA 7 (2022).

⁴⁵ FairVote, *How Proportional Representation Elections Work*, <https://fairvote.org/archives/how-proportional-representation-elections-work/> (“Over 80% of the PR systems used worldwide are some form of party list voting.”).

⁴⁶ *Id.*

Determining winners involves, first, using plurality voting to determine the winner of the district-level seats—the candidate with the most votes wins. Second, the party-list seats are distributed to each party in proportion to their vote shares earned in the party-level vote, taking account of seats already won in the districts. Party representation in the resulting city council would thus closely match the shares of the vote that the parties received.

Recommendation for City Council Elections

For city council elections, I respectfully recommend that the CRC adopt open-list proportional representation or mixed-member proportional representation. For a more thorough explanation of how open-list PR or MMP can be incorporated into New York City Council elections, please see my report, co-authored with Jack Santucci, in which we explain how each works in detail and the prospective benefits of PR for city-council races.⁴⁷

Even-Year Local Elections

Across the U.S., local elections held on odd-numbered years consistently generate far lower turnout than those held concurrently with federal elections on even-numbered years. This dampens political competition, increases the influence of special interests, and raises administrative costs, producing less representative and effective governance.

Special interests like public-sector unions, homeowners, business groups, and others routinely leverage low turnout in odd-year local races to help elect their preferred candidates. For example, Professor Sarah Anzia of UC Berkeley has found that teachers and firefighters receive higher compensation in localities that hold their municipal and school board elections on dates that do not coincide with state and federal elections.⁴⁸ These special interests can leverage their membership to extract concessions from elected officials—especially in a low-turnout, closed primary.

Ample evidence nationwide demonstrates that moving local elections to even-numbered years is the single most effective way to increase voter participation. According to research by the Citizens Union, in Austin, Texas, Baltimore, Maryland, and Phoenix, Arizona, turnout in mayoral elections increased between 240% and 361% after moving to even-numbered years.⁴⁹ Since 2000, gubernatorial

⁴⁷ JACK SANTUCCI AND JOHN KETCHAM, REFORMING BIG-CITY ELECTIONS (Manhattan Inst. 2025), <https://manhattan.institute/article/reforming-big-city-elections>.

⁴⁸ Sarah Anzia, *Election Timing and the Electoral Influence of Interest Groups*, 73 J. Pol. 412 (2011); SARAH ANZIA, TIMING AND TURNOUT: HOW OFF-CYCLE ELECTIONS FAVOR ORGANIZED GROUPS (Chicago: University of Chicago Press, 2013).

⁴⁹ CITIZENS UNION, MOVING MUNICIPAL ELECTIONS TO EVEN-NUMBERED YEARS 22 (2022).

election years that coincide with federal congressional midterms have seen turnout in New York City range between 37 and 48 percent.⁵⁰ For presidential election years, local turnout has been consistently higher still, between 58 to 62 percent.⁵¹

Importantly, the higher turnout figures that result from moving election years account for any roll-off (failure to participate in downballot races) that may occur from longer ballots. Political scientists Zoltan Hajnal, Vladimir Kogan, and G. Agustin Markarian note that, “Studies that focus on election timing have shown that adopting on-cycle elections typically doubles or triples overall turnout in local contests, even after accounting for potentially increased roll-off in down-ballot races.”⁵²

Higher turnout yields important second-order benefits. It dilutes the influence of special-interest groups by raising the cost of reaching a sufficient number of voters to win an election. A larger electorate is more likely to evaluate candidates on a broader array of considerations, too. As a result, even-year elections encourage local elected leaders to make decisions that better reflect the preferences of a majority of their constituents.⁵³

This closer representativeness does not come at the expense of one political party over another—it is not a pro-Republican, pro-Democratic, or pro-third party reform. Studies have found that moving to even-year elections has a negligible to no discernible partisan impact.⁵⁴ Candidates from all parties have a greater incentive to be more responsive to the preferences of an expanded and more representative electorate.

As the CRC Preliminary Report correctly notes, election consolidation can also conserve local resources.⁵⁵ The 2021 local election cost New York City about \$60 million.⁵⁶ Most of the costs of administering local elections could be conserved by “piggybacking” on elections for federal and state offices.

Moving the local election calendar to the same year as gubernatorial election years (coinciding with the congressional midterms) could ameliorate concerns that

⁵⁰ *Id.* at 12.

⁵¹ *Id.*

⁵² Zoltan L. Hajnal, Vladimir Kogan & G. Agustin Markarian, *Who Wins When? Election Timing and Descriptive Representation*,

⁵³ MICHAEL HARTNEY, REVITALIZING LOCAL DEMOCRACY: THE CASE FOR ON-CYCLE LOCAL ELECTIONS 5 (Manhattan Institute 2021).

⁵⁴ See, e.g., JUSTIN DE BENEDICTIS–KESSNER & CHRISTOPHER WARSHAW, THE ELECTORAL AND POLICY EFFECTS OF ELECTION TIMING IN CITY AND COUNTY GOVERNMENTS (2024), <https://scholar.harvard.edu/sites/scholar.harvard.edu/files/54/files/localtiming.pdf>; Zoltan Hajnal, *Too Many Elections*, Stanford Soc. Innovation Rev. (Jan. 8, 2025), <https://ssir.org/articles/entry/election-consolidation-voting-reform>.

⁵⁵ 2025 NYC CHARTER REVISION COMMISSION, *supra* note 3, at 58.

⁵⁶ CITIZENS UNION, *supra* note 49, at 44.

federal races and issues would overwhelm local ones if federal and local elections were held on the same day. In fact, a gubernatorial-mayoral “New York Election Year” could allow for creative collaboration. A gubernatorial candidate and a mayoral candidate might cross-endorse each other and promise to fix the many local issues that require state action. For example, New York City has a shortage of inpatient psychiatric beds, an issue that requires Albany to correct.⁵⁷ State-mandated environmental review adds years and extraordinary costs to housing development in the city, in exchange for relatively little public benefit.⁵⁸

Moreover, some opponents of even-year local elections claim that federal elections would take the focus away from local issues in favor of national issues. “New York Election Years” would undercut this objection by amplifying the importance of the mayor and governor’s roles in addressing the city’s challenges. This could even serve an educational purpose, informing New Yorkers about the unique city-state dynamics that affect policy outcomes.

Other Legal Considerations for Even-Year Local Elections

Since 1894, the New York State Constitution has required that general elections for New York City offices be “held on the Tuesday succeeding the first Monday in November in an odd-numbered year.”⁵⁹ Holding even-year city elections will thus require a constitutional amendment, which, in turn, will involve multiple years and securing a majority vote in a referendum to complete.⁶⁰ But the multi-year nature of the constitutional amendment process can allow city officials and voters to acclimate to the change through an educational campaign.

In addition, Chapter 2, Section 25 (a) of the Charter requires that councilmembers elected in 2001 and 2003 and every 20 years thereafter serve a

⁵⁷ See, e.g., Stephen Eide, *Bring Vision to Hochul’s Mental Health Plans*, VITAL CITY (May 9, 2024), <https://www.vitalcitynyc.org/articles/bring-vision-to-hochuls-mental-health-plans>.

⁵⁸ Kober, *supra* note 1 (“The primary time and cost issue with the land use process is environmental review, which this Commission can’t address – state legislation is needed.”).

⁵⁹ N.Y. Constitution Art. XIII Section 8, (“All elections of city officers, including supervisors, elected in any city or part of a city, and of county officers elected in any county wholly included in a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd- numbered year.”).

⁶⁰ *Id.* Art. XIX § 1.

term of two years.⁶¹ The local legislation that amended the Charter made clear that:⁶²

Without this [two-year] election, the redrawn lines under a four-year term in decades in which an election for Council is held in the first year of that decade, would not go into effect until the fifth year of that decade. Therefore, it allows for the timely redrawing of Council districts while also keeping Council elections on the same four-year cycle as citywide and borough-wide elections.

The problem with this approach can be seen in the results from 2023, which saw only elections for city council and judges. The June 2023 council primaries saw extremely low turnout—in or near the single digits for many districts.⁶³ Just 202,722 voters participated in the primary elections, or 7.2 percent, while 578,877 voters took part in the general election, or 12.8 percent.⁶⁴ As the Campaign Finance Board’s 2023 Voter Information Guide notes, “[M]ost of these races included incumbents running for re-election in uncompetitive races. This likely contributed to low turnout in the primary and the general elections.” Elections with such rock-bottom turnout potentially reflect unrepresentative and undemocratic outcomes.

Even-year elections will ameliorate this problem by making the two-year council elections fall on presidential election years (assuming the regular city-election calendar is moved to gubernatorial years), guaranteeing far higher turnout than under the present system. If, for example, local elections were held simultaneously with gubernatorial elections, the first council races to use districts based on the 2030 Census would be held in 2034.

If Section 25 of the Charter were not amended, an issue would arise in 2042, during the 2040 Census redistricting. The redistricting process would not likely be

⁶¹ NYC Charter § 25 (“[T]he council member elected at the general election in the year two thousand and one and at the general election in every twentieth year thereafter shall serve for a term of two years commencing on the first day of January after such election; and provided further that an additional election of Council Members shall be held at the general election in the year two thousand three and at the general election every twentieth year thereafter and that the members elected at each such additional election shall serve for a term of two years beginning on the first day of January after such election.”).

⁶² N.Y.C. Intro. 238 (2002) (Local Law 27 of 2002).

⁶³ See Jennifer Bisram, *Low Voter Turnout in NYC May Reflect "Lost Faith in the System"*, CBS NEWS NEW YORK (Nov. 7, 2023, 9:03 PM), <https://www.cbsnews.com/newyork/news/low-voter-turnout-in-nyc/>; Carl Campanile, *NYC's 2023 Primary Election Had Less than 200K Voters Cast Ballots — with Only 5% of Democratic Bronx Voters Showing Up: Analysts*, N.Y. POST (June 28, 2023, 6:55 PM), <https://nypost.com/2023/06/28/nycs-2023-primary-election-had-less-than-200k-voters-cast-ballots-analysts/>.

⁶⁴ NYC VOTES, 2023 VOTER ANALYSIS REPORT 18 (2024).

completed before the November 2042 council elections, making 2046 the first election to use the new districts—the sixth year of the decade.⁶⁵

To implement even-year elections, therefore, will likely require amending Section 25 (a) of the Charter. The simplest way of doing so would be to change the years in that section while retaining most of the other language.

Recommendation for Even-Year Local Elections

I respectfully recommend that the Commission match local-election timing to the state’s gubernatorial election cycle (i.e., 2030, 2034, etc.). The years in Section 25 (a) would be changed to “2042” and “2044” from the current “2001” and “2003.” Ensuring that the first election to use the new map ends in the year “4” would also allow the redistricting commission additional time to complete its work. This may expand the opportunity for public comment and deliberation.

⁶⁵ CITIZENS UNION FOUNDATION, NEW YORK CITY COUNCIL REDISTRICTING: BRIEFING AND RECOMMENDATIONS ON THE 2022 CYCLE 8 (2022).

Testimony of John Ketcham

Fellow and Director of Cities, Manhattan Institute for Policy Research

June 3, 2025

Follow-Up Testimony to Questions Presented at the April 9 Public Hearing

This follow-up testimony addresses several questions put to me by Commission members during my spoken testimony at the April 9 Staten Island Public Input Session on Government Reform.

1. Commission Member Anthony Richardson asked whether the potentially higher cost of reaching a sufficient number of voters to influence an even-year local election would have consequences for the New York City Public Campaign Finance System.

New York City's public campaign finance system is the most generous and expansive in the nation. With an 8-to-1 match of donations up to \$250 and relatively modest eligibility requirements, candidates for local office have extraordinary ability to mount an effective campaign through small-dollar donors. Councilmembers need only raise a minimum of \$5,000 through at least 75 distinct district resident contributors to qualify for matching funds.⁶⁶ This largesse comes at considerable public expense, however. The 2021 election cost local taxpayers approximately \$127 million,⁶⁷ about twice the cost of administering the primary and general elections. Of that figure, 37 percent (\$47 million) went to mayoral candidates, while 31 percent (\$40 million) went to city council candidates.⁶⁸

In a local election held on an even year, candidates for council, mayor, and other city offices would compete alongside candidates for state and federal offices engaged in their own campaigning. Adding local races to this election calendar might increase demand—and thus the price—of various advertising channels and other methods of reaching voters. This, however, has the advantage of making it more expensive for special interests to influence elections.⁶⁹ Candidates would need to adjust their campaign strategies to stand out in a more crowded electoral field. On the other hand, a larger engaged electorate might allow candidates to receive a greater number of small-dollar donations, thus maximizing the value of matching funds more readily. As mentioned above, candidates seeking state and federal offices might endorse local officials and thereby raise local candidates' profiles at essentially no financial cost.

⁶⁶ NYC Campaign Finance Board, *Limits & Thresholds 2025 Citywide Elections*, <https://www.nycfb.info/candidate-services/limits-thresholds/2025/> (last visited May 24, 2025).

⁶⁷ NYC Independent Budget Office, *How Much Did the City's Public Campaign Financing Program Provide to Candidates in 2021 & How Does It Compare With Past Years?*, (Feb. 2022), <https://ibo.nyc.ny.us/iboreports/how-much-did-the-citys-public-campaign-financing-program-provide-to-candidates-in-2021-how-does-it-compare-to-past-years-nycbtn-february-2022.html>.

⁶⁸ *Id.*

⁶⁹ See, e.g., MICHAEL T. HARTNEY, REVITALIZING LOCAL DEMOCRACY: THE CASE FOR ON-CYCLE LOCAL ELECTIONS 4 (2021), <https://media4.manhattan-institute.org/sites/default/files/MI-issue-brief-hartney-election-timing.pdf>.

It is difficult to estimate the magnitude of these effects without actual data from an even-year city election. The extraordinary generosity of New York City's current matching-funds program allows it to mitigate the financial consequences of moving local races to even-years for candidates. Given uncertainties regarding federal funding, tax revenues, an economic downturn and more, it would be fiscally imprudent to expand the local matching funds program. I therefore do not recommend expanding the program or making it more generous.

2. Commission Member Diane Savino asked which system I would prefer, either that used for the city's special elections (which uses a nonpartisan, ranked-choice election in which the candidates select a party label) or the state special-election system (which uses a plurality election in which candidates are nominated by internal party processes).

During my spoken testimony, I recommended retaining party labels on nonpartisan ballots and even allowing internal party processes to designate which candidate will bear the party's label. This recommendation was situated within a specific electoral context: a "nonpartisan primary" for New York City office, in which some number of winners would advance to an ostensibly competitive general election.

Between the two choices presented in Commission Member Savino's question, each presents different tradeoffs and challenges, making them not easily or directly comparable. Electoral systems should be considered in their entirety; each part of an electoral system operates not in isolation, but within a broader structure. Whether nomination by primary voters or nomination by internal party processes is superior must be analyzed in the context of how such a component operates within a broader electoral system.

The city's system for special elections—a single-winner ranked-choice election in which candidates designate their own ballot line names—has at least three notable drawbacks. Low barriers for candidates to enter allow for crowded fields, which can potentially confuse voters. The 2019 Public Advocate special election, for example, featured 17 candidates, each of whom selected their own ballot designations.⁷⁰ A large candidate field can overwhelm voter comprehension, especially in city-council elections with low information.

Second, the candidates' chosen designations do not refer to a formal affiliation to a party, but rather some sort of quality, objective, or aspiration, such as "Pay Folks More," "Common Sense," "Equality for All," and "No Amazon." Indeed, as footnote 187 of the Preliminary Report notes, the recent special election for the

⁷⁰ Katie Honan and The City, *The Mayor's Make-Your-Own Party Name: 'Safe Streets, Affordable City'*, THE CITY (Apr. 11, 2025), <https://www.thecity.nyc/2025/04/11/eric-adams-independent-party-election-november/>.

51st Council District included independent party labels such as “We The People,” “Common Ground,” and “SI Patriotism.”⁷¹ By contrast, some voters would likely consider a candidate who carries the Working Families Party’s endorsement as more viable than the same candidate who designated “Help Working Families” in a special election race.

Third, as I mentioned in my spoken testimony, ranked-choice voting imposes a relatively heavy information burden on voters, who are asked to know enough about up to five candidates to put them in an order of preference. This information burden contributes to ballot exhaustion and undervoting (ranking fewer than the maximum number of candidates), especially in large fields for low-profile council races with little media coverage.

The greatest merit of this electoral system is that it allows for a more competitive election than the ordinary closed-primary system. Voters have meaningful options between candidates offering different policies, priorities, and leadership qualities.

On the other hand, the state’s special election system presents different issues. Party nominees often go on to a general election that is uncompetitive—because of lopsided voter registration, gerrymandering, party-line voting, and other factors—so internal party processes can effectively determine the winner. This lack of meaningful general-election competition might lead to the dominant party nominating weak, poorly qualified, or unrepresentative candidates. In the city, this phenomenon has historical precedent in the election of loyal but poorly qualified candidates aligned with Tammany Hall. Progressive Era reformers sought to remedy this problem through primaries, which weakened party institutions. But the better corrective for this problem is robust political competition: having other political parties advance viable candidates in a contested general election.

My recommendation that citywide elections use a qualifying-round election retaining party labels on ballots, as determined by internal party processes, offers some improvements over both options presented by Commission Member Savino. Parties would endorse their preferred candidate in each of the “bottoms-up” RCV qualifying-round election and in the two-candidate general election. This would allow voters to readily understand which candidate best aligns with their preferences. It would maintain party dynamics in a system open to all candidates and registered voters, regardless of party. It preserves the 2019 Charter revision that introduced RCV. And, most importantly, it would facilitate more robust political competition.

Finally, list-based proportional representation systems for city council elections, which use multi-seat districts and party-nominated lists of candidates,

⁷¹ 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 97 (note 187).

also alleviate several problems. List-PR ensures that smaller parties—often representing political subgroups—gain representation in proportion to their vote shares. At the same time, list-PR alleviates voters’ information burdens. They need not rank candidates, and they need only know which party and party candidate they prefer.

3. Commission Chair Richard Buery asked me whether nonpartisan elections that advance two candidates from the same party would advantage one party over another.

A top-two nonpartisan primary (qualifying-round election) does not formally advantage one party over another. The top-two vote getters, regardless of party, advance to the general election, opening up greater choice for voters and political competition. That said, in many city elections, the likely practical effect of a top-two system, including under bottoms-up RCV, would be to advance two Democrats to the general election. These two Democrats would probably still represent factions within the party, such as a progressive and a more moderate, “establishment” type. This reflects the underlying voter composition that currently exists in New York City, where Democrats outnumber Republicans by roughly 6-to-1 and unaffiliated voters by approximately 3-to-1. Democrats are likely to win the top two positions in such a primary election. Two Democrats in a general election would represent more political competition than the closed-primary system, where only one Democrat advances.

Allowing parties to signal their endorsement on ballots would further enhance political competition. For example, the Republican Party’s endorsement of a candidate would likely signal a more conservative choice. Even in a two-candidate general-election race, the Republican Party would endorse the more conservative alternative, opening an opportunity for inter-party competition. Of course, the same dynamic holds for other parties; the Working Families Party’s endorsement would signal a candidate’s closeness to the city’s labor unions.

4. Commission Member Anita Laremont asked about the lack of partisan impacts of moving local elections to even years.

Research has demonstrated that moving local elections to even years does not consistently or systematically advantage one party over another. This reform is not intended to benefit Democrats, Republicans, or third-parties. According to Professor Zoltan Hajnal of the University of California San Diego, one of the country’s foremost experts on local election timing:⁷²

⁷² Avi Green & Zoltan Hajnal, Too Many Elections, Stanford Soc. Innovation Rev. (Jan. 8, 2025), <https://ssir.org/articles/entry/election-consolidation-voting-reform>.

Moving local election days to even years hasn't led to systematic shifts in partisan victories. Moving local elections to even years hasn't given Democrats or Republicans noticeable new advantages or disadvantages in their battles against each other. Instead, moving local elections on-cycle has just meant that candidates from both parties (as well as independent and third-party candidates) need to find ways to appeal to a broader, more representative electorate.

Research by Professor Justin de Benedictis-Kessner of Harvard University also examined the effects on the partisan outcomes of local elections after switching to even-years. Over a 30-year period, Democratic candidates were slightly more likely (about 1.5 percent) to win on even years than odd years.⁷³ But since the first Trump administration, these effects have disappeared. Today, therefore, even-year elections have no partisan impact on election outcomes. Professor Benedictis-Kessner concludes, "In recent years, we find no effect whatsoever of election timing on the partisan composition of the electorate. . . Switching to on-cycle elections also does not change the ideological preferences of the winners of city and county elections."⁷⁴

5. Commission Member Diane Savino asked whether it would be better to keep party labels on ballots to counter the effects of nationalization of local politics.

Because party labels effectively provide important information for voters, I strongly recommend that the CRC retain party labels on ballots. Many voters make their decisions based on their party affiliation; lacking such an identification on the ballot, some voters will not know which candidates best align with their concerns, priorities, and preferences. Troublingly, where candidates have no additional information like party labels to distinguish them, some voters will cast their ballot on a factor like the candidate's perceived race and gender, as signaled by the candidate's name.⁷⁵ Some studies also find that where candidates are listed alphabetically, candidates with surnames that begin with letters earlier in the alphabet tend to outperform those whose names begin later in the alphabet.⁷⁶

⁷³ DE BENEDICTIS-KESSNER, *supra* note 54, at 20.

⁷⁴ *Id.* at 2.

⁷⁵ See, e.g., Melody Crowder-Meyer, Shana Kushner Gadarian, & Jessica Trounstein, *Voting Can Be Hard, Information Helps*, 56 URBAN AFFAIRS REV. 127 (2020).

⁷⁶ See Barry Edwards, *Alphabetically Ordered Ballots Make Elections Less Fair and Distort the Composition of American Legislatures*, LONDON SCHOOL OF ECONOMICS PHELAN US CENTRE BLOG, June 9, 2015, <https://eprints.lse.ac.uk/62655/>.

If anything, voters need *more* information on ballots to help them make decisions, not less. As Professors David Schleicher and Christopher Elmendorf explain:⁷⁷

Virtually everything we know about these races indicates that voters are harmed by the lack of relevant party information. Turnout is lower in nonpartisan elections, and incumbents are stronger, suggesting that informed voting is costly and voters rely more on name recognition and familiarity when denied information about party. Voters deprived of easy access to partisan cues also give much more weight to candidates' race, ethnicity, religion, and social status.

Instead, party processes should determine which candidate will receive the party's endorsement, which would give party insiders a strong incentive to endorse viable, serious candidates. Giving parties a benefit in exchange for opening up the primary system would also induce parties to support the Charter reform. That would reduce the risk that electoral reforms enacted today are repealed tomorrow, as occurred in New York City and dozens of other cities that adopted the Single Transferable Vote in the 20th Century but then went on to repeal those systems—in no small part due to major-party pressure.⁷⁸

Conclusion

I greatly appreciate the opportunity to contribute this written testimony and for the Commission's attention to it. I hope that the Commission finds it helpful as it considers ways to make New York City's electoral system reflect the diversity of opinions that make our city the dynamic, vibrant place we are fortunate to call home.

⁷⁷ Christopher S. Elmendorf & David Schleicher, *Informing Consent: Voter Ignorance, Political Parties, and Election Law*, 2013 U. ILL. L. REV. 363 (2013).

⁷⁸ SANTUCCI, *supra* note 44, at 137–45 (2022).

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Topic: Submit Written Testimony

Name: Brooklyn Borough President Antonio Reynoso

Email:

Phone:

Comments: See attached - please use this version including a small correction.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

ANTONIO REYNOSO

Brooklyn Borough President

Members and staff of the Charter Revision Commission,

Thank you for your thoughtful work on this process so far. Addressing our city's housing crisis requires collaboration from all levels of government. I share your commitment to finding actionable steps we can take now to encourage development, especially in parts of the city that have not done their fair share. Though I was unable to attend the last Brooklyn hearing, I wanted to share my thoughts on some of the potential solutions discussed in your Preliminary Report:

First, regarding creating a "fast track" land use review process, I generally agree that ULURP takes too long and costs too much for many types of projects. To solve this, we need an agreed-upon set of principles that will guide when and how specific projects can be approved on a less intensive timeline. I would generally support creation of a "fast track" for 100% income-restricted housing development, resiliency projects as described in the report, and housing development in areas that have underproduced new housing. Conversely, I would not recommend allowing a "fast track" only for low-density projects, given that we don't want to incentivize low-density development, especially not adjacent to public transit.

Regarding disposition of public land, as a supporter of the Community Land Act and Intro 0078-2024 (aka the "Public Land for Public Good" bill) I believe strongly that public land is our best opportunity to create much-needed deeply affordable housing. Therefore, I would support an accelerated disposition process for developable public land outside of manufacturing zones only to mission-driven, non-profit developers for 100% income-restricted housing developments. Ideally these developments would also contain community amenities, as determined by public input, where possible.

The ideal "fast-track" option, in my opinion, would be for projects that comport with a citywide comprehensive plan. As you note in your report, I have long been advocating for creation of a citywide comprehensive plan. There is a misconception that comprehensive planning will be too time consuming and slow down development. However, the actual goal is just the opposite – to create a comprehensive vision for our city's future and to speed up projects that are in line with that vision, rather than having to consider every project individually. This also can help address an issue that could result from too many "fast track" projects in one area: lack of consideration for cumulative impacts. As you note, comprehensive planning, and especially tying that planning to the Capital Budget, ensures that development is balanced with other needs such as infrastructure and transit.

As an interim measure on the road to comprehensive planning, I would support the concept outlined in the report that would create a “fast-track” for compliance with fair housing targets. In practice, once the Fair Housing Framework targets are finalized, community boards should have one year to develop a plan for how to implement them in their districts; if they don’t, the City should develop that plan for them. Projects that are in line with the community board’s plan would then be fast-tracked.

So what does this “fast track” look like? Your report notes that the most common recommendation for streamlining ULURP is to combine community board, borough board, and Borough President review timelines. However, this suggestion disempowers communities, who understand their own neighborhood’s needs best. While I may not always agree with every board’s recommendation (especially as a boroughwide representative who is particularly interested in equitable development and fair housing), their opinions always inform mine, and my recommendations benefit from having their review done first. Instead, I suggest a process wherein the CPC can certify a project as “fast tracked” based on the set of principles outlined above. If a fast-tracked project receives a “yes” vote from the community board and the Borough President, it is approved. If the project receives a “no” vote from either or both, the City Councilmember would then be given the option to call it up.

Admittedly, this process does not necessarily solve for member deference, which as you note, can shrink or even stop proposals and may even deter developers from trying to add housing in certain parts of the city at all. I agree with the proposal outlined in the report wherein the Mayor, the Council Speaker, and the Borough President would have the option to call up a Council “no” with a two-thirds vote needed to override. In developing this idea, the Commission should consider two important questions: first, who has the power to initiate a call-up? I would suggest that all three members of this body should be able to do so. Second, what is the timeline for their review process and vote? It is important to acknowledge that ULURP provides the opportunity to negotiate for community benefits, so it will be necessary to balance expediency with the time needed for these negotiations. I would also note that this three-person body is a more appropriate option for a potential Council “no” override than a CPC supermajority, as suggested by CHPC. The CPC is appointed, not elected, so should not be given the power to override an elected body.

Finally, I want to address the report’s proposed changes to the City Mapping process. My office’s Topography division plays a very important role in the development process, including:

- Conducting technical review based on borough-specific standards;
- Rectifying any issues with underlying tax lots;
- Mapping and demapping streets;
- Assigning addresses (note: each borough’s addressing system is different based on its history, so consolidating and digitizing one City Map would be more difficult than is immediately apparent);
- Making discretionary decisions about vanity addresses (not a task I would recommend leaving up to a mayor) and coordinating with the Post Office to ensure our neighbors receive their mail accordingly; and

- Enforcing the use/display of addresses, which seems minor but is vital for first responders such as EMS and FDNY to quickly find Brooklynites who need help.

These procedures are complicated, yes, but they are necessary. Brooklyn has consistently been one of the fastest growing boroughs, and I am proud to say that our Topography division has been keeping pace with a growing and changing borough. Rather than slowing down development, as your report suggests, working with our Topography team can actually streamline the process. For example, developers of a large-scale project in eastern Brooklyn met with my team many times in advance of certification. My team helped them design their traffic plan and name their streets in advance, reducing their review time later. While I do think some consolidation of roles could be helpful (for example, the City could hire one or two engineers to consult with all five boroughs, saving both money and time), I will continue to advocate for the important and unique role that Brooklyn's Topography division serves.

Thank you again for the work you are doing on this Commission, and for considering the feedback that I am providing here. I look forward to continuing the conversation with you and your staff, and to working with you to clean up our processes and address the housing crisis together.

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Topic: Submit Written Testimony

Name: Yacov Pshtissky

Email: [REDACTED]

Phone: [REDACTED]

Comments: ULURP is one of the main ways that community members, and Community Board members can and should be involved in land use decisions. The opposed plan would diminish or eliminate public participation. Efforts to shut the public out of processes, dismantling civic structures of the community, including Community Board members that are representing the community and City council members that are making those decisions about the neighborhoods that matter need to stay in place otherwise a disregard is risky and dangerous.

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Topic: Submit Written Testimony

Name: Paul D. Selver

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see the attached testimony submitted on behalf of our client, Consolidated Edison Company of New York, Inc.



HERBERT SMITH
FREEHILLS
KRAMER

Alec Schierenbeck
Executive Director
New York City Charter Revision Commission
[REDACTED]

Herbert Smith Freehills Kramer (US) LLP



Date
June 10, 2025

Re: Consolidated Edison – Charter Revision Proposal

Dear Mr. Schierenbeck:

We are submitting this letter on behalf of our client, Consolidated Edison Company of New York, Inc. (“Con Edison”). Its purposes are:

- To inform the New York City Charter Revision Commission (the “Commission”) about the difficulties Con Edison has faced in securing the revocable consents needed to maintain, expand, upgrade, and modernize those portions of its energy delivery system on, over, or under New York City inalienable property in a timely manner; and
- To suggest how the Commission can address these difficulties through amendments to the revocable consent process in the New York City Charter (the “Charter”).

Revising the Charter to streamline Con Edison’s, and potentially other Public Service Commission (PSC) regulated utilities’, approval process is very much in the City’s interest because it will expedite development of an energy infrastructure for the twenty-first century—one that will increase its energy efficiency, its resiliency, and its capacity to service new technologies (such as electric vehicles), and importantly directly improve the ability of utilities to support the City in meeting their clean energy laws and climate goals. It will also reduce the cost of power to Con Edison’s customers in New York City, because a faster and simpler approval process means a lower cost of doing business, and therefore less costs passed on to ratepayers. And, by modifying the Charter to include this simpler approval process, it will give Con Edison a secure, long-term framework on which it can rely in planning the needed improvements, rather than one that is dependent on short-term political considerations.

Con Edison is a public utility that is regulated by the New York Public Service Commission. It delivers electricity, natural gas, and steam to 3.7 million residential and business customers in New York City and Westchester County and is proud that its customers receive the most reliable electric service in the nation. Providing that level of service requires Con Edison to make regular and substantial investments simply to keep its system, including power lines, transformers, substations, and other infrastructure, well-maintained and up-to-date.

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer.

In New York, we practice through both Herbert Smith Freehills Kramer New York LLP, a limited liability partnership registered in England and Wales with registered number OC375072 and Herbert Smith Freehills Kramer (US) LLP, a registered limited liability partnership organized under the laws of the State of New York with an office at 1177 Avenue of the Americas, New York, NY 10036. In Washington, D.C. and California, we practice through Herbert Smith Freehills Kramer (US) LLP. We use the word partner of Herbert Smith Freehills Kramer New York LLP or of Herbert Smith Freehills Kramer (US) LLP to refer to a member of those entities, or an employee or consultant with equivalent standing and qualifications.



Today, Con Edison is facing new challenges. Its growing electric infrastructure is an essential part of the City's efforts to fight the climate crisis. This transition will require additional and substantial investments by Con Edison in neighborhoods throughout the City.

Both Con Edison's existing work and its upcoming initiatives require work on City-owned property and are dependent upon the City's grant of revocable consents—that is, the right to use City-owned property for a private activity—authorizing work on such property. Unfortunately, the revocable consent process has been, as we will show below, more complicated and expensive than it needs to be. Given that the need for these consents will continue to grow as the demand for electrification grows, it is timely to look critically at this system and to explore whether it can be structured so as to allow utilities to do their work (and thus to deliver energy to New Yorkers) faster and less expensively.

The upcoming Charter revision is a unique opportunity to identify and remove impediments to Con Edison's upcoming initiatives and work on its existing system. Indeed, the Commission's Preliminary Report highlighted the need to update the process for approving revocable consents with a particular focus on impediments to developing electric vehicle (EV) charging infrastructure. But EV charging is just the tip of an iceberg of problems with the revocable consent process—problems that create barriers to Con Edison's maintenance, modernization, and development of all types of infrastructure and hinder Con Edison's efforts to ensure reliable electrical service to New Yorkers and to meeting the City's climate goals.

Con Edison faces delays, sometimes multi-year delays, due to the scheduling of public hearings and inter-agency review and other process requirements to obtain revocable consents. Much of the problem resides in the need for coordination among different City agencies that have jurisdiction or oversight over the relevant City properties. A recent example of delay was with the Yorkville Crossing project. The project involved an update of Con Edison's critical infrastructure that runs through the Crack is Wack Playground to add additional transmission lines and equipment to ensure system reliability. The approval process took three years, and likely would have been longer had it not been for an existing permit for electric transmission lines and related equipment at the site that had been granted in 2007. On a typical site, where there is no pre-existing permit that covers the facility, the completion of the project would suffer further unnecessary and expensive delays.

Nearly all of Con Edison's critical electrification projects going forward will have this issue and face similar delays, including the Idlewild project in eastern Queens. Idlewild involves the construction of a new substation complex to support the growing demand for power from the redevelopment of JFK Airport, the electrification of bus fleets at MTA bus depots, and customer electrification and reliability needs in the Jamaica network.

Con Edison is planning several major capital investments in the City to support the expected increase in electricity demand due to the transition to electric vehicles and building electrification, and also to enhance the resiliency of its network. The investments include:

- A clean energy hub in Brooklyn, which, among other things, will be built to accept future wind power.
- Our Reliable Clean City-LIC Transmission Line, a new transmission line that will connect the Vernon and Newtown substations in Long Island City, significantly improving service capacity and reliability.



The project will add 200 megawatts (MW) of capacity, enhancing electric supply and reliability for customers for decades to come.

- Our upcoming Utility Thermal Energy Network (UTEN) Projects, which also will require revocable consents. The Utility Thermal Energy Networks and Jobs Act is a statewide effort to reduce building greenhouse gas emissions through energy-company-scale infrastructure projects.

Delays cost money, in terms of escalating construction costs. New York City residents and businesses are the ultimate bearers of the costs resulting from these delays. Streamlining the revocable consent process—and controlling the costs—would help speed the delivery of projects that enhance climate resiliency, enhance system capacity, and improve service reliability, while reducing unnecessary costs to ratepayers. Con Edison therefore is asking the Commission to include in its package of proposed Charter amendments one that would allow a single “master” revocable consent to be granted by a single agency for all City property to be used by Con Edison. Specifically, we propose:

- An amendment of Section 364 of the Charter to allow for a master revocable consent that would cover all of a public service corporation’s facilities. Using this authority, the City could choose to grant a master revocable consent for all facilities within a particular borough, or for a particular type of infrastructure installation, or for all facilities that meet specified parameters. What is most important is that individual installations be able to proceed without undergoing a new revocable consent process. The specific facilities would be subject to the issuance of an individual administrative permit by the City agency with jurisdiction over the affected property. These permits would contain the specific requirements and protections applicable to that agency.

Notice of the public hearing for the master revocable consent would be provided in accordance with Section 371 of the Charter.

Specific proposed language for this amendment is contained in [Appendix A](#).

There is precedent for this type of approach—a master revocable consent, followed by individual work permits—in the revocable consent granted by the Department of Transportation (DOT) to Con Edison in 2014 covering transformer vaults throughout the City (attached in Appendix B). Under this revocable consent, each new vault requires a street-opening permit from DOT and a permit sketch, but a new public hearing is not required. However, this revocable consent is unique, and the approach has not been used elsewhere, suggesting that agencies do not have clear authority in this area. A Charter amendment would obviate the need to rely on the vagaries of agency interpretations by codifying the authority to grant such a master revocable consent for all inalienable City property, including property under the jurisdiction of other agencies.



HERBERT SMITH
FREEHILLS
KRAMER

New York City
Charter Revision Commission
Date
June 10, 2025

Thank you for the opportunity to comment to the Commission at this critical moment, as Con Edison plans for the City's energy future.

Sincerely,

Paul D. Selver
Counsel

Appendix A

Charter Revision – Proposed Language

[Added language shown as underlined text.]

Section 364. Revocable consents.

a. A revocable consent shall not be granted for a use that would interfere with the use of inalienable property of the city for public purposes, nor shall a revocable consent be granted for a purpose for which a franchise may be granted.

b. All revocable consents shall be revocable at any time by the responsible agency, shall be granted for a fixed term, and shall provide for adequate compensation to be annually provided to the city during the continuance of the consent.

c. Revocable consents, other than for telecommunications purposes, may be granted by the department of transportation with respect to property under its jurisdiction or by such other agency as may be authorized by law to grant revocable consents. Revocable consents for a public service corporation's facilities may be granted by an agency with regard to all city property in which such facilities will be located, on such terms and conditions as the agency may determine. Revocable consents for telecommunications purposes may be granted by the department of information technology and telecommunications. All revocable consents shall require the approval of the department of transportation.

d. Every petition for the grant of a revocable consent shall be filed with the department of transportation. Each petition shall state the location of the proposed revocable consent, or in the case of a public service corporation's facilities, the requirements for the grant of permits pursuant to revocable consent, and shall be in such form and contain such other information as the department of transportation and other responsible agencies, if any, shall require by rule. Petitions for each type of revocable consent shall be distributed to and reviewed by the agencies required to do so by local law or executive order of the mayor. If, in the judgment of the department of city planning, a proposed revocable consent has land use impacts or implications, the petition for the proposed revocable consent shall be subject to review and approval pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d.

e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to sections 19-160 through 19-160.6 of the administrative code.

Appendix B

DOT Master Revocable Consent for Transformer Vaults

RP#1056

THE CITY OF NEW YORK
DEPARTMENT OF TRANSPORTATION
55 Water Street
New York, New York 10041

REVOCABLE CONSENT AGREEMENT

Whereas, Consolidated Edison Company of New York, Inc. (the "Grantee" or "Con Edison") is a gas and electric corporation existing under the Laws of the State of New York providing electric, gas and steam service to customers within areas of New York City and Westchester County; and

Whereas, the City of New York (the "City"), in its capacity as owner of the inalienable property of the City of New York has the power to grant revocable consents in such property; and

Whereas, by agreement and associated letter agreement executed by the Grantee and by the City acting through the Department of Transportation ("DOT" or the "Grantor"), on November 1, 2004 the Grantor granted to the Grantee for a maximum term ending October 31, 2014, a revocable consent (the "Consent") for the use of the streets and public places in the City for the continued maintenance, operation, installation and removal of transformer vaults, transformers and associated equipment in vaults, on the sidewalk and public places and on poles and other overhead structures; and

Whereas, the Grantee in a petition to the Grantor requested renewal of the Consent agreement to expire on October 31, 2014 to use the public streets and public places in the City of New York for 1) the continued use and maintenance of transformer vaults heretofore constructed by or for the Grantee or predecessor companies under the streets and public places of the City of New York and maintained on October 31, 2014, and for the continued operation, removal, replacement, and maintenance therein of electrical transformers and associated equipment; 2) the construction, installation, use and maintenance by or for the Grantee within the City, of such additional transformer vaults under the streets and public places as the Grantee may require and for the operation, removal, replacement and maintenance therein of electrical transformers and associated equipment subsequent to October 31, 2014; 3) the continued use and maintenance of transformer vaults and associated equipment constructed by or for the Grantee or predecessor companies under sidewalks, outside the building line and within the curb line, of the City of New York and maintained on October 31, 2014 and for the operation, removal, replacement and maintenance therein of electrical transformers and associated equipment; 4) the construction, installation, use and maintenance by or for the Grantee within the City of such additional transformer vaults and associated equipment in, on or under sidewalks outside the building line and within the curb line, as the Grantee may require, and for the operation, removal, replacement and maintenance therein of electrical transformers and associated equipment subsequent to October 31, 2014; 5) the

continued maintenance and operation, removal and replacement of overhead transformers, heretofore installed by the Grantee or predecessor companies upon poles or other structures above the streets and public places of the City and maintained on October 31, 2014; and 6) the installation, removal, replacement and maintenance of such additional overhead transformers upon poles or other structures above the streets and public places of the City as the Grantee may require for the same purposes subsequent to October 31, 2014.

NOW IT IS HEREBY AGREED:

1. Definitions

The following words and expressions as and whenever used in this revocable consent agreement ("Agreement" or "consent") shall, except where by the context it is clear that another meaning is intended, have the following meanings, respectively:

1.1. The words "Associated Equipment" shall mean sidewalk vaults or portions thereof associated to Sidewalk Transformer Vaults that have been constructed and maintained by the Grantee or its predecessor companies or may be constructed and maintained by the Grantee in, on or under sidewalks, outside of the building line and within the curb line, in and under the streets and public places in the City of New York in which there is or may be installed associated equipment other than transformers for which permits have been or may be issued by the properly authorized department or departments of the City. The conditions imposed by the definition Vacant Sidewalk Transformer Vaults above shall apply in like manner to Vacant Associated Equipment.

1.2. The words "Additional Overhead Transformers" shall mean such overhead transformers as have been or shall be installed and maintained by the Grantee on and after November 1, 2014 on poles and other overhead structures above the streets and public places in the City of New York, for which permits have been or may be issued by the properly authorized department or departments of the City.

1.3. The words "Additional Roadway Transformer Vaults" shall mean such transformer vaults as have been or shall be constructed and maintained by the Grantee on and after November 1, 2014 in, on or under the roadway of the streets and public places in the City of New York in which transformers and associated equipment necessary to the use thereof have been or shall be installed, for which permits have been or may be issued by the properly authorized department or departments of the City.

1.4. The words "Additional Sidewalk Transformer Vaults" shall mean such transformer vaults or portions thereof as have been or shall be constructed and maintained by the Grantee on and after November 1, 2014 in, on or under sidewalks outside of the building line and within the curb line, under the streets and public places in the City of New York, in which transformers and associated equipment necessary to the operation thereof have been or shall be installed, for

which permits have been or may be issued by the properly authorized department or departments of the City.

1.5. The words "Present Overhead Transformers" shall mean overhead transformers installed and maintained by the Grantee or its predecessor companies on poles and other overhead structures above the streets and public places in the City of New York prior to November 1, 2014, for which permits have been issued by the properly authorized department or departments of the City.

1.6. The words "Present Roadway Transformer Vaults" shall mean transformer vaults constructed and maintained by the Grantee or predecessor companies in, on or under the roadway of the streets and public places in the City in existence prior to November 1, 2014, in which transformers and associated equipment necessary to the operation thereof are installed and for which permits have been issued by the properly authorized department or departments of the City.

1.7. The words "Present Sidewalk Transformer Vaults" shall mean transformer vaults or portions thereof constructed and maintained by the Grantee or its predecessor companies in, on or under sidewalks, outside of the building line and within the curb line, under the streets and public places in the City of New York, in existence prior to November 1, 2014, in which the transformers and associated equipment necessary to the operation thereof were installed, for which permits have been issued by the properly authorized department or departments of the City.

1.8. The word "Structures" shall have the definition set forth in Subsection 1.12. below.

1.9. The words "Temporary Transformer Vaults" shall mean such transformer vaults that have been constructed and maintained by the Grantee or its predecessor companies or may be constructed and maintained by the Grantee under and in advance of paving of the roadways of the streets and public places in the City of New York, prior to anticipated use for which permits shall have been issued or may be issued by the properly authorized officials of the City and in which the transformers and associated equipment necessary to their operation have not been installed and such transformer vaults shall have the status of Temporary Transformer Vaults. Temporary Transformer Vaults shall continue in such status until a permit is issued by the Grantor for the installation of transformers and associated equipment in the transformer vault at which time such structures shall become Additional Roadway Transformer Vaults.

1.10. The word "Transformers" shall mean any and all underground transformers and Present Overhead Transformers and Additional Overhead Transformers.

1.11. The words "Vacant Sidewalk Transformer Vaults" shall mean such transformer vaults or portions thereof that have been constructed and maintained by the Grantee or its predecessor companies or may be constructed and

maintained by the Grantee in, on or under sidewalks, outside of the building line under the streets and public places in the City of New York in which transformers and associated equipment necessary to the operation thereof are not installed for which permits have been or may be issued by the properly authorized departments of the City. Such sidewalk transformer vaults constructed but not placed in use shall have the status of Vacant Sidewalk Transformer Vaults and shall continue in such status until permits are issued for the installation of transformers and associated equipment in said vaults, at which time they shall become Additional Sidewalk Transformer Vaults. Such of the Present Sidewalk Transformer Vaults and Additional Sidewalk Transformer Vaults from which transformer and associated equipment shall be removed shall attain the status of Vacant Sidewalk Transformer Vaults only upon the issuance of a certificate to that effect from the Grantor.

1.12. The structures defined in subsections 1.1.-1.7, 1.9 and 1.11. shall be collectively referred to as the "Structures".

2. Consent Granted

The consent of Grantor is hereby granted to the Grantee to continue the use, operation, maintenance, alteration, repair, removal and replacement of Structures and associated equipment and/or to construct, install, use, operate, maintain, alter, repair, remove, and replace new Structures and associated equipment in the City of New York in, on, above and under inalienable property of the City of New York.

3. Term

3.1. This consent shall take effect as of November 1, 2014, irrespective of the date of approval or acceptance thereof, and shall continue only during the pleasure of the Grantor and shall be revocable by the Grantor upon one (1) year's written notice to the Grantee, but in no case shall it extend beyond October 31, 2034, and thereupon all rights of the Grantee in the streets and public places by virtue of this consent shall cease and terminate. The Grantee shall on or before October 31, 2033 notify the Grantor, in writing, of its intention or lack of intention to apply for a renewal of this consent. In the event the Grantee notifies the Grantor of its intention to apply for a renewal it shall, at the same time, file a petition therefor. Business terms of the renewal shall be subject to the mutual consent of the parties.

3.2. Notwithstanding the provisions of paragraph 3.1, the consent shall be revocable in whole or in part at any time by the Grantor if in the sole discretion of the Grantor the preservation of public safety so demands.

4. Annual Compensation

The Grantee shall pay into the Treasury of the City of New York annual compensation for the consent granted herein, computed as follows:

For the Period 11/1/2014 - 10/31/2015 Thirty-eight million five hundred and seventy thousand eight hundred and fifty U.S. Dollars (\$38,570,855.00).

4.1. The annual compensation for each subsequent year shall be increased at 2.176% over the previous year's rate, adjusted downward as provided below. The annual compensation is due and payable to the City of New York on November 10th of each year of the term of this Agreement.

4.2. On November 10th of each year of the term of this Agreement, Con Edison agrees to provide the Annual Report to DOT as defined in Section 20 herein.

Con Edison shall provide a current copy of the Transformer inventory with each report to verify the number of transformers.

4.3. If as of the date of such annual submission of the report of the number of Transformers maintained by Con Edison on, over and under the roadways and sidewalks of the City of New York is decreased by $\frac{1}{2}$ of 1% or more, or if the current year's decrease, added to all decreases in preceding years within the Term (as defined in Section 3.1) adds up to $\frac{1}{2}$ of 1% or more of the highest inventory reported in the annual report within the term, then the annual compensation shall be reduced by the actual percentage of such Transformer decrease and such annual compensation will be the basis for the next payment due on November 10th of that year.

4.4. The compensation as herein fixed shall continue and be paid up to the revocation or termination by limitation of this consent, and thereafter as hereinafter provided.

4.5. In the event the Grantee continues the maintenance, repair, alteration, replacement, use and/or operation of the Structures after and in spite of the termination or expiration of this consent, the Grantee agrees to pay to the City the compensation as set forth herein at the rate in effect at the time of such termination or expiration and in the manner set forth herein, together with any taxes it would have been required to pay had such maintenance and operation been duly authorized. Such payments shall not be deemed to constitute an extension of this consent and all of the City's rights shall remain in full force and effect notwithstanding such payments. Such rate of compensation shall continue up to the date of the restoration of the street after the removal (as per 9.1), or deactivation at the discretion of the Grantor, of the Structures. During the period of continued maintenance, repair, alteration, replacement, use and/or operation of the Structures, the Grantee shall be bound by all of the terms and conditions of this consent.

In the event that a future agreement for these Structures becomes effective subsequent to the expiration of this Agreement, all terms of such future agreement shall be retroactive to the expiration date of this Agreement for all

purposes, and it is understood and agreed that as a condition of such future agreement, Grantee shall be required to pay any deficiency between the amount Grantee has paid after the end of term of this Agreement and the payments required under the future agreement.

4.6 The compensation provided herein shall not be considered in any manner in the nature of a tax but shall be in addition to any and all other taxes of whatsoever kind or description now or hereafter required to be paid under any local law of the City by or by any law of the State of New York.

Commencing with the annual compensation payable on November 10, 2016, in the event that any annual compensation is not made by the date the payment is due, interest on the unpaid amount shall start to run from the date the payment is due. Interest shall be calculated at the rate in effect under Article 50 of the New York Civil Practice Law and Rules.

If the Grantee shall fail to pay such compensation or the interest thereon, if any, the Comptroller of the City may withdraw the amounts thereof from the security fund hereinafter provided for, if such fund shall not have already become the property of the City as hereinafter provided. If the amount owed exceeds the amount available in the security fund the Grantee shall be liable for the shortfall, and shall pay such to the City upon demand

5. Installation, Repair and Removal of Vaults and Equipment

The Grantee shall pay the entire cost of all its work, labor and material in connection with each of the Structures hereby authorized and particularly:

(a) construction, maintenance, repair, use, operation, installation, deactivation, alteration, replacement or removal (if applicable, as per 9.1) of the Structures ("The Work");

(b) the protection of all Structures which shall in any way be disturbed by The Work;

(c) if it is an underground Structure, any and all changes in sewers or other subsurface structures of the City necessitated by The Work, including the laying or relaying of pipes, conduits, sewers or other structures of the City;

(d) the replacing or restoring of the pavement in the affected street which may be disturbed during The Work;

(e) each and every item of the increased cost of the City for installation of any future structures of the City or repairs or alterations to any existing or future structures of the City caused by the presence in the street of the Structures; and

(f) the inspection of The Work during The Work as herein provided which may be required by the Grantor or any other governmental entity having jurisdiction.

6. Construction requirements.

Prior to the commencement of The Work, the Grantee shall obtain, at its sole cost and expense, any and all licenses, permits or other forms of approval or authorization which may be required by Grantor or any other governmental entity having jurisdiction. The Grantee shall perform all the duties which may be imposed by those agencies as conditions of such forms of approval or authorization, provided such conditions are not inconsistent with the provisions of this consent. The Grantee shall submit to the Grantor working plans in the form of a DOT permit sketch which shall include and show in detail the method of construction of the Structures and the presence of subsurface utilities; if applicable, Grantee shall make all necessary filings with the appropriate entities having jurisdiction, if Grantee seeks to make changes in any structures as a result of The Work.

If reasonably so ordered by the Grantor, all work in connection with The Work shall be carried on only at night or continuously for twenty-four (24) hours each day.

7. Notice required before work commences

Grantee shall give notice, in writing, to the Grantor and any other governmental entity having jurisdiction of its intention to begin the work hereby authorized at least forty-eight (48) hours before such work commences, except for emergencies. A permit taken out in advance of Work shall service as notice to the Grantor.

8. Relocations

If at any time the City determines it is necessary to replace or alter any structures of the City, or to construct any structures or lay any pipe for the City in a street or public place, the Grantee shall at its own expense, protect, alter or relocate (in accordance with 9.1(a), (b) or (c)) all or any portion of the Structures and equipment hereby authorized which may be in interference therewith, and in case of refusal or neglect of the Grantee so to do, the City shall have the right to break through or remove or relocate all or any portion of the Structures and equipment hereby authorized and the Grantee shall pay to the City the expense incurred by such removal or relocation. This clause shall not apply to any work done by the City for or on account of the New York City Transit Authority or the rapid transit system it operates.

The provisions of this consent with respect to the payment by the Grantee of the cost of protecting or relocating its Structures and associated equipment are in addition to and shall not limit the right of the City to require pursuant to law removal as per 9.1 of the structures herein authorized or the protection thereof, all at the Grantee's expense.

9. Removal or deactivation of Structures

9.1. Upon the termination by limitation or revocation of this Consent the Grantee, subject to such rights as it may have in the premises as reserved in

paragraph 18 hereof, shall cause the following "Restoration Obligation" to be completed: (a) the contents of the Structures hereby authorized to be backfilled in accordance with applicable DOT requirements, or if required for a City project, removal of such underground Structure, if necessary; (b) the overhead transformers to be removed, and (c) all streets and public places affected by this permission to be restored to their proper condition. The entire cost of such work shall be borne by the Grantee.

9.2. If Grantee fails to do so, after providing ten (10) days' notice to Grantor, Grantor shall have the right to cause the work to be done and shall recover the costs thereof from the security fund as provided for in this consent. If the costs exceed the amount available in the security fund, the Grantee shall be liable for the shortfall, and shall pay such to the City upon demand. Grantor's rights to recover the costs of said work and Grantee's liability and duty to pay for said work shall continue beyond the expiration, termination or revocation of this Agreement.

9.3. In case the Grantee desires to terminate the use and occupancy of any Structures or the use of any overhead transformer prior to the termination or revocation of this consent, it shall obtain the necessary permit from the Grantor. The Grantee shall thereupon promptly complete its Restoration Obligation and all rights of use and occupancy and all obligations as to the payment of compensation for the period after removal as per 9.1 with respect to such Structures or overhead transformer shall cease.

10. City's access paramount. The Grantee shall allow to the City a right of way under or above any part of the Structures for any and all structures which are now or may be hereafter placed in the affected street by the City, provided it does not unreasonably interfere with Grantee's Structures.

If the Grantor deems it necessary at any time to replace, alter or otherwise gain access to any Structures located in or on the street that is affected by the Structures, the Grantor shall have the right to break through or remove all or any portion of the Structures. The cost to the Grantor of breaking through or removing the Structures shall be recovered from the security fund as provided for in this consent. If the cost of breaking through or removal exceeds the amount available in the security fund, the Grantee shall be liable for the shortfall, and shall pay such to the City upon demand. Should the Grantor determine at its sole discretion that the breaking through or removal of the Structures should be performed by Grantee, Grantor shall have the option of requiring Grantee to break through or remove the Structures at its sole cost and expense as detailed in Article 5 herein.

11. Structures subject to City's supervision. The Structures and any fixtures laid therein shall be constructed, repaired, maintained, used, operated, deactivated, altered, and removed subject to the supervision, inspection, and control of the proper authorities of the City. The Grantee shall protect the Structures for which consent has been granted. Whenever such Structures is about to be disturbed by the regulating or grading of any street, the Grantee

shall, on the receipt of a written notice from the City or its contractor, remove or otherwise protect and replace its Structures, and all fixtures and appliances connected therewith or attached thereto, where necessary, under the direction of the Commissioner. All such removal, protection, replacement or related activities required by this section shall be at the sole cost and expense of the Grantee. The City will endeavor to provide a thirty (30) day notice of such requirements, but reserves the right to require action sooner in cases of emergency. The Structures shall be open at all times to the inspection of all the authorities having jurisdiction.

12. No rights conveyed. The Grantee acquires no right, title or interest in the space permitted to be occupied herein and it is expressly understood that said occupancy is considered temporary.

13. Maintenance of Structures

The Grantee, at its sole cost and expense, agrees to inspect and repair the Structures in accordance with the Public Service Commission's "Electric Safety Standards" applicable to such Structures.

14. No alienation of City's rights

It is expressly understood that the grant of this consent will not alienate or diminish the absolute right of the City to reenter into full possession of the street space described herein for any reason whatsoever, free of any encumbrance or obligation, upon the expiration of this consent or upon its revocation and cancellation.

15. Unconditional right of revocation. The Grantee expressly agrees that the Grantor may unconditionally revoke and terminate this consent at any time without liability. In the event of such revocation and termination, the Grantee shall remain liable for the due and full performance of all the terms, covenants and conditions contained herein to be performed up to the time of said termination, and the Grantee's obligation to pay compensation shall continue up to the date of the removal or deactivation of the Structures.

16. Restrictions against transfer of use of consent granted by this Agreement

This consent is for the exclusive use of the Grantee and solely for the purpose hereinabove mentioned and this consent for use shall not, either in whole or in part, be sold, assigned, leased or sublet in any manner, nor shall title thereto, or right, interest or property therein pass to or vest in any other person, firm or entity whatsoever, either by the acts of the Grantee or by operation of law, without the express written consent of the Grantor, which consent shall not be unreasonably withheld, conditioned or delayed by the Grantor.

17. Pre-existing rights of abutting property owners

a) The consent granted by this Agreement is subject to whatever pre-existing right, title or interest the owners of abutting property or others may have in and to the affected street.

b) In the event abutting property owners or other third parties seek permission from DOT to erect anything that may have the effect of not permitting Con Edison the beneficial use and enjoyment of a previously installed Structure, including such property owner's/third party's application for a revocable consent, the City shall enforce the General Conditions, which include protection of the clearances around transformer vaults, currently codified in the Rules & Regulations of the City of New York at § 7-06.

c) In the event that on or after November 1, 2014, third parties erect encroachments, without the permission of the City, that have the effect of not permitting Con Edison the beneficial use and enjoyment a previously installed Structures, upon notice from Con Edison that its use is being precluded, Grantor will use good faith efforts to assist Con Edison in requiring the third party to remove such unauthorized encroachments.

In the event that the Grantor becomes aware that a third party wishes to install equipment or materials not under the DOT's jurisdiction that would interfere with Con Edison's use of any of the Structures, Grantor will use good faith efforts to direct such third party to coordinate with Con Edison to minimize the potential impacts of such interference.

18. Nature of Consent

This Consent shall not be construed as a recognition on the part of the City of the existence of any other franchises or rights in the Grantee to exercise its business in the localities where the vaults or their contents or overhead transformers authorized hereunder have been or may be constructed, installed or maintained, or as a ratification of the construction, installation, operation or maintenance of such vaults or their contents or installation, operation or maintenance of such overhead transformers prior to the effective date of this and prior consents, or as a waiver of any rights of the City with respect thereto. The acceptance of this consent shall be without prejudice to, or a waiver of, such rights as the Grantee may assert after the expiration hereof (or after notice of revocation) with respect to the subject matter of this consent.

Nothing in this consent shall affect the rights of the City to require that the Grantee's electrical conductors be placed underground in accordance with the provisions of law.

19. Security Deposit.

19.1 Security in the total amount of Three Hundred Thousand dollars (\$300,000.00) now on deposit with the Comptroller of The City of New York shall remain on deposit with the Comptroller of the City of New York as security for (i) the faithful performance by the Grantee of all the terms and conditions of this

consent; and (ii) the faithful performance by the Grantee of all the terms and conditions of the prior consents issued to the Grantee and its predecessors relating to the transformers, structures and other equipment herein authorized.

19.2. In case of material default in the performance by Grantee of any of such material terms and conditions of this consent, the Grantor shall have the right to cause The Work to be done and the materials to be furnished for making the necessary changes or repairs, after ten (10) days' notice to the Grantee, and shall collect the cost thereof from the security fund, or in case of default in the payment of the annual charge or in the payment of any other default under this consent, the Grantor shall collect the same, with interest calculated in accordance with Section 4.6 above, from the security fund after ten (10) days' notice in writing to the Grantee.

19.3. In the event that Grantor draws down on the security fund in accordance with Section 19.2, the Grantee shall replenish the security fund to the original amount set forth in this Section within 30 days of Grantee's receipt of a written notice from Grantor requesting such replenishment. If Grantee defaults in the payment thereof, this consent may be canceled and annulled, at the option of the Grantor.

19.4. If the amount deposited in the security fund is insufficient to cover any costs to the Grantor owed pursuant to this consent or any sum of money due to the Grantor pursuant to this consent, the Grantee shall be liable for the shortfall and shall pay such to the City within twenty (20) days of receipt of the Grantor's demand.

19.5. Upon the termination or revocation of this consent, and at such time as the Restoration Obligation work required by Section 4.5 herein is complete, as determined in the reasonable discretion of the Grantor, Grantor shall promptly return any amount remaining in the security fund to Grantee without interest.

19.6. No action or proceeding or rights under the provisions of this section shall affect any other legal rights, remedies or causes of action belonging to the City.

20. Annual Report.

The Grantee shall file with the Grantor on or before November 10, 2014 and on or about November 10, in each and every year thereafter, a separate report with respect to Transformers in use and a list of Transformers removed as of September 30th of the preceding Agreement year, in such form and in such detail as the Grantor may reasonably prescribe, giving:

20.1. The approximate location and vault identification number with date of completion of installation of Present and Additional Roadway Transformer

Vaults, Additional Sidewalk Transformer Vaults, Vacant Sidewalk Transformer Vaults.

20.2. The approximate location, equipment code and serial number of all installed Overhead Transformers as of the reporting date, along with a letter certifying the number of online overhead transformers that were installed more than twelve (12) months prior to the current reporting period, and in use as of September 30th, and the number of online Additional Overhead Transformers added in the last twelve (12) month period, and in use as of September 30th.

20.3. Such other information as the Grantor may deem necessary for the proper determination and payment of the compensation as fixed herein.

21. Location Database

The Grantee shall give Grantor the data comprising the location and type of Transformers, Present and Additional Roadway Transformer Vaults, Additional Sidewalk Transformer Vaults, Vacant Sidewalk Transformer Vaults in the systems in which they are maintained at Grantee's offices. In the alternative, Grantee may provide this information electronically or by CD.

22. Compliance with applicable laws

This Agreement is granted on the further and express condition that Grantee shall strictly comply with all laws applicable to Grantee's Structures.

23. Discrimination prohibited

Pursuant to applicable laws prohibiting discrimination in employment, the Grantee agrees that it will not engage in any unlawful discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, down grading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment.

24. Indemnification, Responsibility for Safety, Injuries and Insurance

(a) To the fullest extent permitted by law, the Grantee shall indemnify, defend and hold the City, its officials, and employees (the "Indemnitees") harmless from, all liabilities, obligations, fines, damages, penalties, claims, charges and expenses relating to alleged or actual injury (or death) to any person or damage to any property (including, without limitation, reasonable attorneys' fees and disbursements) ("Damages") that may be imposed upon, incurred by or asserted against any of the Indemnitees arising out of The Work, by reason of any defect or deterioration of the Structure or otherwise in connection with this consent, whether or not the Damages are due to the negligence of the City, its officials, officers, agents, servants or employees. It is a condition of this consent that the Grantee shall indemnify the Indemnitees for whatever Damages may arise from this consent or any operations relating thereto, provided that if the facts or law relating to any of the foregoing would preclude any of the

Indemnitees from being completely indemnified by the Grantee, such Indemnitees shall be partially indemnified by the Grantee to the fullest extent permitted by law.

(b) The Grantee shall be solely responsible for the safety and protection of its employees, agents, servants, contractors, and subcontractors, and for the safety and protection of the employees, agents, or servants of its contractors, subcontractors, and sublessees.

(c) The Grantee shall be solely responsible for taking all reasonable precautions to protect the persons and property of the City or others from damage, loss or injury resulting from any and all operations under this consent.

(d) As between the City and Grantee, the Grantee shall be solely responsible for injuries to any and all persons, including death, and damage to any and all property arising out of or related to the operations under this Agreement, whether or not due to the negligence of the Grantee, including but not limited to injuries or damages resulting from the acts or omissions of any of its employees, agents, servants, contractors, subcontractors, sublessees or any other person.

(e) The Grantee waives all rights against the City, including its officials and employees, for any damages or losses to the extent that such damages or losses are covered under any liability insurance or self-insurance required under this Section 20 (and only up to the limits of subparagraph 24(g) herein). (f) Grantee shall conduct operations under this in compliance with, and shall not cause or permit violation of any and all federal, state or local environmental, health and/or safety-related laws, regulations, standards, decisions of the courts, permits or permit conditions, currently existing or as amended or adapted in the future which are or become applicable to operations under this consent (collectively "Environmental Laws"). Except as may be agreed by the City as part of this consent, Grantee shall not cause or permit, or allow any of the Grantee's personnel to cause or permit any Hazardous Materials to be brought upon, stored, used, generated, treated or disposed of on any property in connection with operations under this consent. As used herein, "Hazardous Materials" means any chemical, substance or material which is now or becomes in the future listed, defined or regulated in any manner by any Environmental Law based upon, directly or indirectly, its properties or effects.

(g) During the entire term of this consent, the Grantee shall maintain Commercial General Liability (CGL) insurance protecting the insureds from claims for property damage and/or bodily injury, including death, that may arise from The Work, the Structure, or any operations under this consent, provided by a company that may lawfully issue such policy and has an A.M. Best rating of at least A-/VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the City Corporation Counsel. This insurance shall be in the amount of at least Two Million Dollars (\$2,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate. Coverage shall be at least as broad

as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001.

The CGL insurance shall name the City of New York, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recent edition of ISO Form CG 2026.

In the event any of The Work is to be conducted near the property of any person who reasonably requires other types of insurance (for example, Railroad Protective Insurance for Work near a train track) or higher limits, the Grantee shall procure and submit proof of such insurance as a condition to this consent. Where appropriate, the City, together with its officials and employees, shall be named an Additional Insured thereon.

At the same time as the Grantee submits an executed version of this consent, the Grantee shall submit proof of the required insurance in a form acceptable to the Commissioner. This shall include (i) a Certificate of Insurance certifying the issuance and effectiveness of such insurance with the specified minimum limits and the company code issued to the insurance company by the National Association of Insurance Commissioners (the NAIC number), (ii) the additional insured endorsement(s) naming the City as an additional insured, and (iii) a duly executed Certification by Insurance Broker or Agent in the form required by the Commissioner, attached hereto. In addition, prior to the expiration date of all policies, the Grantee shall submit proof satisfactory to the Commissioner of either renewals of such policies or the issuance of new policies in compliance with the requirements herein.

Acceptance by the Commissioner of a Certificate of Insurance or any other action or inaction by the Commissioner or the Department does not waive Grantee's obligation to ensure that insurance fully consistent with the requirements herein is secured and maintained, nor does it waive Grantee's liability for its failure to do so.

The Grantee shall be obligated to provide the City with a copy of any policy of insurance required hereunder upon request by the Commissioner or the New York City Law Department.

The Grantee may satisfy its insurance obligations through a self-insurance program or with primary policies or a combination of primary and excess/umbrella policies, so long as such self-insurance program and/or all policies provide the scope of coverage required herein. At the Commissioner's sole discretion, the Grantee may satisfy its insurance obligations through a type of insurance other than Commercial General Liability insurance so long as such insurance provides materially the same level of coverage, both for Grantee and the City, as otherwise required herein. Where notice of loss, damage, occurrence, accident, claim or suit is required under a policy maintained in accordance with this consent, the Grantee shall notify in writing all insurance carriers that issued potentially responsive policies of any such event relating to The Work, the Structure, or any operations under this consent (including notice to Commercial General Liability insurance carriers for events relating to the

Grantee's own employees) as required by the applicable insurance policy with such notice advising that notice is being given on behalf of the City of New York as Insured as well as the Named Insured. Such notice shall also conform to other policy requirements. The Grantee shall simultaneously send a copy of such notice to the City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.

In the event the Grantee receives notice, from an insurance company or other person, that any insurance policy required under this consent shall expire or be cancelled or terminated (or has expired or been cancelled or terminated) for any reason, the Grantee shall immediately forward a copy of such notice to the Commissioner. Notwithstanding the foregoing, the Grantee shall ensure that there is no interruption in any of the insurance coverage required hereunder.

Policies of insurance required under this consent shall be primary and non-contributing to any insurance or self-insurance maintained by the City.

Wherever this consent requires that insurance coverage be "at least as broad" as a specified form (including all ISO forms), there is no obligation that the form itself be used, provided that the Grantee can demonstrate that the alternative form or endorsement contained in its policy provides coverage at least as broad as the specified form.

Under no circumstances shall the City be responsible for the payment of any self-insured retention (or any other aspect of a self-insurance program). Further, the Grantee shall ensure that any such self-insurance program provides the City with all rights that would be provided by traditional insurance under this consent, including but not limited to the defense and indemnification obligations that insurers are required to undertake in liability policies.

The insurance coverage required herein shall not relieve the Grantee of any liability under this consent, nor shall it preclude the City from exercising any rights or taking such other actions as are available to it under any other provisions of this consent or the law.

Provided that Grantee proffers evidence of self-insurance and assures coverage commensurate with the requirements herein, Grantee shall be permitted to self-insure the above stated amounts during the term of this consent. In the event that Grantee does choose to so self-insure, Grantee shall not be bound to any of the notice provisions related to cancellation and/or termination of insurance policies hereunder, however, should Grantee procure insurance for any of the coverage required hereunder, all such notice provisions shall remain in full force and effect.

25. Investigation Clause

Grantee shall comply with the City's investigation requirements as described in its Investigation Clause, attached hereto as Exhibit A.

26. No rights conveyed

(a) The Grantee acquires no real property or interest in the space permitted to be occupied herein and it is expressly understood that said occupancy is considered temporary.

(b) Nothing in this Agreement, express or implied, is intended to confer upon any person, or entity, other than the Parties hereto and their permitted assigns, any rights or remedies under, or by reason of, this Agreement.

27. Severability and Headings

The clauses and provisions of this Revocable Consent Agreement are intended to be severable. The unconstitutionality or unconscionability of any term, clause or provision shall in no way defeat the effect of any other term, clause or provision.

Section and other headings are inserted for convenience only and shall not be used in any way to construe the terms of this Agreement.

28. Advertising

No advertisement shall be placed on, affixed to, projected from, or in any way displayed on the Structures unless expressly authorized by this Agreement, for the purposes of this Section "advertisement" shall not include Grantee's logo, ID plate, manufacturer nameplate or similar identifications.

29. Modification, amendment and assignment

This Agreement constitutes the entire agreement between the parties hereto and no other representation made heretofore shall be binding upon the parties hereto. This Agreement may not be modified, amended or assigned except by written agreement executed by the parties hereto.

In Witness Whereof the parties hereunder have caused this revocable consent to be executed.

Grantor

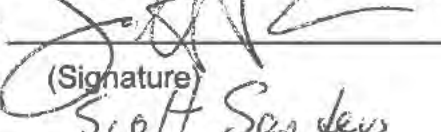
NYC Department of Transportation Division of Franchises, Concessions and Consents

By:  Date: Aug. 18, 2016
Michelle Craven
Senior Executive Director

Accepted and agreed to:

Grantee:

Consolidated Edison Company of New York

By:  Date: 8/4/2016
(Signature)
Scott Sanders
(Print Name of Signatory)
VP and Treasurer
(Title)


The foregoing consent is hereby approved

BILL DE BLASIO, MAYOR

By:  Date: 8/19/16
Michael Owh, Director
Mayor's Office of Contract Services

Approved as to form

Certified as to legal authority

By: 
Acting Corporation Counsel (BT)
JUL 28 2016
Date

In Witness Whereof the parties hereunder have caused this revocable consent to be executed.

Grantor

NYC Department of Transportation Division of Franchises, Concessions and Consents

By: _____ Date: _____

Michelle Craven

Senior Executive Director

Accepted and agreed to:

Grantee:

Consolidated Edison Company of New York

By: _____ Date: _____

(Signature)

(Print Name of Signatory)

(Title)

The foregoing consent is hereby approved

BILL DE BLASIO, MAYOR

By: _____ Date: _____

Acting Director, Mayor's Office of Contracts

Approved as to form

Certified as to legal authority

By: 

Acting Corporation Counsel (51)
JUL 28 2016

Date

Acknowledgment by Senior Executive Director

State, City and County of New York, ss.:

On the 18th day of August, in the year 2016, before me, the undersigned, personally appeared Michelle CAVEL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of whom the individual(s) acted, executed the instrument.


Notary Public or Commissioner of Deeds

GWENDOLYN MATTOCKS
Commissioner of Deeds
City of New York No. 2-13205
Certificate Filed in New York County
Commission Expires Oct. 01, 2017

116 85 106

Acknowledgment by Consolidated Edison Company

State, City, and County of New York, ss.,

On the 4th day of August, in the year 2016, before me, the undersigned, personally appeared Scott Smders, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of whom the individual(s) acted, executed the instrument.

Laurieann Silberfeld

Notary Public or Commissioner of Deeds

LAURIEANN SILBERFELD
Notary Public, State of New York
No. 02SI4984247
Qualified in Nassau County
Commission Expires July 15, 2019

Subject:

City of New York - Correspondence #1-1-7842975 CRC Contact Form -
Submit Written Testimony

From: agencymail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: Tue, 10 Jun 2025 19:06:18 +0000

Below is the result of your feedback form. It was submitted by
[REDACTED] on Tuesday, June 10, 2025, at 03:00:07 PM

This form resides at
[hxxxs://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Chris Walters - ANHD

Email: [REDACTED]

Phone:

Comments: Hello - I am submitting additional testimony from ANHD in response to the Commission's Preliminary Report and deliberations, thank you for your consideration.



Testimony Before the New York City Charter Revision Commission

June 10, 2025

Thank you Chair and Commissioners for the opportunity to testify again before this Charter Revision Commission. My name is Barika Williams and I am the Executive Director for The Association for Neighborhood & Housing Development (ANHD). ANHD is a membership organization of NYC neighborhood-based housing and economic development groups, including CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development advocates and service providers. Our mission is to build community power to win affordable housing and thriving, equitable neighborhoods for all New Yorkers. We believe housing justice is economic justice is racial justice.

ANHD also convenes the Thriving Communities Coalition (TCC) - a citywide movement of grassroots organizing, advocacy, policy, and technical assistance groups working across issue areas and neighborhoods. ANHD and TCC are united in the belief that our current ad-hoc approach to planning and land use in New York City does not effectively deliver for most New Yorkers, and that we need meaningful reform to ensure a more equitable distribution of development and investment to truly overcome inequality, exclusion, and displacement.

ANHD and TCC have long called for a comprehensive planning approach for NYC that aligns and coordinates existing plans, centers racial, economic, health, and climate equity alongside intentional, robust, and representative community engagement to help build trust and work to achieve fairer, more informed, more democratic decisions and outcomes citywide and in our neighborhoods. We shared a proposal with this Commission in February to amend the charter to mandate that NYC create a comprehensive plan on a recurring timeline and we continue to urge you to include this in the ballot questions you put before voters this November.

However, even if this Commission is not prepared to advance comprehensive planning at this time, we believe this is still an opportunity to advance one key component and outcome of comprehensive planning by better aligning land use and budget decisions to achieve the targets set by the Fair Housing Plan (Charter, Section 16-a). This aligns with a crucial goal and consideration of this Commission to move certain discretionary housing proposals on a faster timeline through public review, while ensuring that these proposals are advancing a more equitable distribution of new housing units, and particularly new affordable housing units, throughout the city.

The focus of our testimony today will be on this proposal.

We agree with the Commission's goal of expediting certain housing proposals but want to stress that any fast-tracking of housing needs to be done following a plan, and specifically a plan rooted in equity. We have that plan in the form of the Fair Housing Plan, an equity-focused plan that is already enshrined in the Charter (Section 16-a) following passage by the City Council after careful crafting, consideration and deliberation, including in coordination with City agencies. Expediting certain housing proposals that match the Fair Housing Plan follows the model we are trying to promote with comprehensive planning: do upfront, equity-focused planning and then allow proposals that match the plan to move on a faster timeline.

For both planning and legitimacy purposes it is important for this Commission to tie any expedited housing proposals to the Fair Housing Plan. Reforms such as these will be more secure when they are built upon something the Council has already enacted. Though this plan was created by the Council, it is specifically designed to be led by City agencies - reflecting in its very nature a good mix of citywide and local considerations. The Fair Housing Plan already includes clearly defined targets and considerations in thinking about how to more equitably distribute housing. This includes setting targets at the Community District level for housing units, affordable housing units, deeply affordable housing units, and supportive housing units, while taking into consideration their level of displacement risk, existing affordable housing, and current level of housing production. Lastly, the timeline for the Fair Housing Plan aligns well with the timeline for this Commission - with the plan due in October of this year (2025) and the targets due October 2026.

ANHD calls on this Commission to send voters an amendment to the charter for an amended Fair Housing Plan that:

- 1. Requires the City Council to vote on the targets set by the City**
 - a. As one package, with a majority vote needed for approval**
- 2. Empowers community boards to create community plans to outline how to reach the targets**
- 3. Expedites housing that meets the targets provided projects are:**
 - a. 100% affordable, or**
 - b. Mixed income affordable in certain clearly defined neighborhoods**
- 4. Ensures the capital budget details how it is responding to the Fair Housing Plan**

We provide more details on each of these components below.

1. Require the Council to vote on the targets set by the City

- a. Once the targets have been set and released by the City, the City Council would vote to approve them - they would be taken up as one package, with a majority vote needed for approval
- b. We would see this as an up down vote - meaning that the Council could not amend the targets or exclude any Community Districts
- c. We believe this step is important to get majority Council approval and buy-in upfront on the targets that the plan establishes

2. Empower community boards to create community plans to outline how to reach the targets

- a. Community Boards should be empowered to create local land use plans outlining their vision for how to reach the Fair Housing targets in their Community Districts
- b. This is a vitally important step that would increase community participation and proactive community planning by providing communities the opportunity to lay out how they best think these targets can be met through land use changes
 - i. This offers communities a good-faith way to engage if they are not happy about the possibility of expedited proposals - allowing a process where they can put forward their plan for where projects, and land use changes to meet them, are most appropriate
- c. These plans could then serve as guiding documents for where proposals should be sited (like a 197a plan with more teeth) or they could move forward through ULURP as a neighborhood rezoning
 - i. If the plan would credibly meet the targets they should automatically be approved for certification and a fast-tracked ULURP process
- d. It is important that this proposal include language ensuring adequate resources for Community Boards to carry out this role
- e. The intention of these community plans is not to stall development - rezonings (expedited or otherwise) and as-of-right development would continue to move forward while these plans are being created
- f. The ability to create these plans should be available for all Community Districts, but as a further measure to ensure a more equitable distribution of housing and particularly affordable housing development, this Commission could consider requiring that Community Districts that aren't meeting their targets are required to create these plans

3. Expedite housing that meets the targets, provided projects are:

a. 100% affordable

- i. This definition should be crafted in a way that gets at developments using the deepest HPD term-sheets - we don't want 100% affordable that is primarily at very high AMIs - our goal is have as many 30-40% AMI units as possible
 - 1. In addition to specifying that this applies to 100% affordable, mission-driven development, this could mean including a weighted AMI average or dictating that a certain percentage of units need to be deeply affordable

b. Mixed income affordable in certain clearly defined neighborhoods

- i. Expediting these types of developments should only be allowed in certain neighborhoods that aren't doing their part today, specifically those that are defined as:
 - 1. "Low-displacement risk" as per the definition in Section 16-a of the Charter
 - 2. "Limited affordability" as per the definition in Section 16-a of the Charter
 - 3. That have not been hitting their housing targets
- c. It's important to have some guardrails and to keep the ability to expedite housing proposals focused specifically on affordable housing development, both 100% affordable and mixed-income
 - i. ANHD believes this is appropriate as increasing the supply of affordable housing is the best way to address the dire housing need in the city
 - ii. There are other mechanisms - like expanding the geography for ADUs - to try to get at as-of-right lower density development
 - iii. In addition, just because a neighborhood hasn't produced *any* housing that shouldn't further let them off the hook for producing regulated affordable housing
- d. Proposals that meet either of these criteria could forego automatic Council review by requiring a supermajority of Council to call them up, giving the City Council Speaker the sole authority to call them up
 - i. This Commission could also consider that these expedited ULURP proposals end with a City Planning Commission (CPC) vote, with Council having representation at the CPC hearing and vote

4. Ensure the capital budget details how it is responding to the Fair Housing Plan

- a. This should include detailing how it will address the obstacles to increasing the amount of “neighborhood equity investments” in underserved areas identified in the Fair Housing Plan’s strategic equity framework
- b. It’s important that planning include more than just zoning changes
- c. This recommendation would increase transparency around what investments are happening to help meet the Fair Housing Plan
- d. This would not require that Capital Budgets fully meet the plan, simply that they detail where agencies are making investments to help met the Fair Housing Targets

ANHD believes that our full comprehensive planning recommendation remains the best way to move New York City away from a land use and zoning regime that not only has held back equitable housing production but has deepened inequity across a variety of issues that impact every New Yorker. But in the absence of a more robust comprehensive planning proposal we believe our recommendations to better align land use and budget decisions to achieve the targets set by the Fair Housing Plan will have a powerful impact.

We urge this Commission to advance our four recommendations to strengthen the Fair Housing Plan and to send them before voters this November. These recommendations can advance the Commission's goal to move certain discretionary housing proposals on a faster timeline through public review, while ensuring that these proposals are advancing a more equitable distribution of new housing units, and particularly new affordable housing units, throughout the city, while empowering local communities to have a proactive role in this process. Thank you.



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the 2025 Charter Revision Commission
Moving City Elections to Even-numbered Years
Bronx Public Input Session
June 10, 2025

Dear Members of the 2025 Charter Revision Commission.

My name is Grace Rauh, and I am the Executive Director of Citizens Union. Thank you for the opportunity to testify today. I'm here to speak in strong support of the proposal to move New York City's municipal elections to even-numbered years, and provide more details on this issue. The Commission's well-researched report lays out the significant benefits this reform would have on voter participation and raises several key issues worth addressing.

The Need to Amend The New York City Charter

For years, New York State has been consolidating local elections with higher-turnout elections to address declining voter participation. From school board elections in Buffalo to village elections in Onondaga County and runoff elections in New York City, policymakers are acknowledging the negative impact of off-cycle elections.¹

In 2022, state lawmakers empowered courts to consolidate local elections with higher-turnout contests to combat voter disenfranchisement.² By 2023, nearly all county and town elections in the state had been shifted to even years.³ In 2024, the State Senate passed a constitutional amendment removing the requirement that cities hold elections in odd years. Additional amendments are pending and close to passage.

This trend is not going to stop. As turnout continues to fall, New York will continue to transition away from turnout-depressing election calendars. As will other places—in the two months that have passed since we last testified on this issue before this Commission, West Virginia enacted a law moving all

¹ See for example: Chapter 561 of 2019 moved Buffalo school board elections from May to November; Local Law 215 of 2019, a Charter revision adopted by the voters, abolished run-off elections to avoid the drop in turnout and replaced them with Ranked Choice Voting.

² Ch. 226/2022, the John R. Lewis Voting Rights Act of New York

³ Ch. 741 2023

municipal elections to statewide elections⁴, and the Miami City Commission scheduled a vote on to do the same⁵. New York City should prepare now.

If a constitutional amendment enabling New York City to control its election calendar passes in 2027 (a referendum after two successive legislative approvals), a city charter commission would then be needed in 2028. That would delay a voter referendum on the issue until late 2028, when many affected candidates are already campaigning for the 2029 election. Delaying this reform risks it becoming entangled in active political campaigns, undermining its credibility. If a charter commission is not convened in 2028, or if the Legislature proceeds with a statewide referendum in 2028, the reform could be delayed by up to seven years. That's why 2025 is the ideal time to move forward.

A statewide constitutional amendment requiring all cities to hold their elections in even years would also achieve this goal, making a City Charter change moot. But such a change is unlikely to pass in the state legislature without significant public momentum. A referendum in New York City would help generate public debate and support to the issue.

Voters Would Support Moving to Even-Year Elections

Consolidating elections is a popular policy with voters across political, demographic, and geographic groups. This reform appeals to voters because it reduces “voter fatigue” and gives people a break from campaign ads, mailers, learning about candidates, and finding time to go to the polls. An April 2024 survey of New York City voters found strong support for moving NYC’s elections, with nearly three-to-one approval rates regardless of age, race and ethnicity, education, or party affiliation.⁶ A Siena College poll conducted in June 2023 found that statewide, New Yorkers support this policy by a margin of two to one, with the highest support coming from NYC voters.⁷ New York is not an outlier - every survey that has examined views on election timing has found that a clear majority of Americans favor aligning local elections with federal contests. In a divided political climate, it is rare to find reforms with such broad bipartisan support.

In fact, nearly every time this question was put before voters, it has passed with high margins. Data collected on the outcome of vote in 36 municipal ballot questions on election timing found that in 35 of those 36 referenda, voters approved consolidated elections. That approval was met with high margins -

⁴ <https://news.ballotpedia.org/2025/05/11/west-virginia-enacts-bill-aligning-municipal-election-dates/> (this bipartisan bill was passed by a unanimous vote in the West Virginia Senate and near unanimous vote in the state house),

⁵ [Will Miami skip upcoming election? Commission votes next week | Miami Herald](#)

⁶ Polling NYC Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crime, Migrants, and Electoral Reform. *Manhattan Institute*, Jesse Arm, 18 April 2024, <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>

⁷ NYers Oppose Using SUNY Dorms to Temporarily House New Migrants to New York, 54-33%. *Siena College Research Institute*, 28 June 2023, <https://scri.siena.edu/wp-content/uploads/2023/06/SNY-June-2023-Poll-Release-FINAL.pdf>

average support in those referenda was 72 percent, with relatively little variation in support across states.⁸ See details in appendix 1. These are very high rates of voters' approval rarely seen on any issue.

People Running for Office in Odd-Numbered Years Support Moving to Even Years

This reform would impact not only voters, but also candidates. And our research found it is supported by the very candidates it would affect. Citizens Union surveyed candidates running for office in the 2025 NYC municipal election and reviewed candidates' positions on this topic, and found that overwhelming majority of candidates support moving New York City's municipal elections to even-numbered years.

87% of the 54 City Council candidates surveyed by Citizens Union expressed support for the reform, including candidates and incumbents running in 26 Council Districts across the five boroughs. 7 out of 8 Mayoral candidates and all of the Comptroller, Public Advocate, and Manhattan Borough President candidates we surveyed expressed support. See appendix 2 for further details.

This data demonstrates that moving local elections to even-numbered years isn't some radical idea supported by one political faction—it's a common sense reform that enjoys broad support among the candidates who would be affected by it – candidates who are currently running on odd years.

Timing of the Shift: Presidential or Gubernatorial Cycle?

The Commission's report raised whether a particular even-year election cycle should be chosen. Citizens Union takes no position on whether the shift should align with presidential or gubernatorial (midterm) elections, and there are arguments for either path. We note that turnout benefits are consistently and significantly higher in presidential years; the benefits in a gubernatorial year depend on the competitiveness of the race for governor or the control of the U.S Congress. Most large cities that have gone through this process chose to align their local elections with the presidential cycle, although Los Angeles have aligned with gubernatorial cycles and saw a dramatic turnout boost as well. Austin and San Jose are two examples of cities that transitioned to presidential cycles after already holding their local elections during the gubernatorial cycle.

It is important to note that city council terms are staggered in many cities; elections for council members are then held in every even-numbered year (gubernatorial and presidential).

New York State has taken a flexible approach without naming the specific cycle localities must transition to. The 2023 Even Year Election Law and pending legislation to move city elections allow for different transition paths depending on a locality's current election calendar. For example, New York City, Buffalo, Albany, Syracuse, and Rochester—whose elections currently occur the year after a presidential election—would shift to presidential years. Yonkers, whose elections are held the year after the gubernatorial election, would move to gubernatorial years.

To retain flexibility and prepare for future state changes, we recommend the charter language refer to “even-numbered years” rather than specifying a presidential or gubernatorial cycle.

⁸ Data collected and provided by Professor Zoltan Hajnal of the University California San Diego. See appendix for details.

Transition From the Odd-Year Calendar to Even Years

Cities that move to on-cycle elections typically consider whether to extend or shorten terms to adapt to new election calendar, whether sitting officials will be affected, and how long the process takes. Citizens Union reviewed transitions in other cities and states and found varied approaches.

We believe a key element in transition between election calendars is to allow elected officials who are in office during the enactment of the policy (through a referendum or otherwise) to finish their regular term, so that another odd-year election would be held after, in which officials are elected for a transition term. Voters should know that they are voting for someone for a non-ordinary transition term as they head to the ballot box, and candidates should know the length of their prospective term when they decide to run.

The 2023 Even Year Election Law and the current pending legislation uses a similar, gradual transition mechanism. Local jurisdictions in which elected officials are completing their term in 2025, will hold elections this year for a truncated term to sync up with the next even year. In those localities where incumbents have yet to complete their term in 2025, another election for a truncated term will be held in 2027.

Addressing Concerns: Ballot Length and Drop-Off

The Commission's report asked to consider the extent to which moving local elections to even-years may lead to more complex ballots and voter fatigue and confusion. Citizens Union appreciates these valid concerns and takes them seriously.

The evidence from cities that have consolidated their elections suggests that the votes gained from moving elections on-cycle far exceed the votes lost to ballot drop-off in an extended ballot. In other words, significantly more voters cast ballots for contests at the bottom of an even year ballot than voters who participate at all in odd-year elections.

Baltimore's example is illustrative. In its first consolidated election in 2016, 221,063 voters cast ballots for City Comptroller, compared to just 42,181 in the prior off-cycle election. 18,391 people "dropped off" the ballot in 2016 – significantly lower than the fivefold overall participation increase. In Phoenix, ballot drop-off rate increased from 0.36% in 2015 to 13.6% in 2020, while overall turnout increased from 20% to 77%.⁹

Even today, ballot propositions during even-numbered years in New York City, which appear on the reverse side of the ballot, receive more attention and votes than the mayoral contest during off-cycle elections. In 2024, proposition 1 to amend the New York State Constitution saw a 51% voter turnout in

⁹ Citizens Union. December 2022. Policy Report: Moving Municipal Elections to Even-Numbered Years. https://citizensunion.org/wp-content/uploads/2023/01/Moving-Municipal-Elections-to-Even-Numbered-Years-Citizens-Union-report_FINAL.pdf

New York City.¹⁰ The 2021 election for the Mayor of New York City saw less than half that turnout. More people vote for down ballot races on even years than for the mayor of the largest city in the United States. See appendix 3 for further details.

Addressing Concerns: Focus on Local Issues

The Commission's report also asked whether election consolidation could detract from focus on local elections. Historically, that was the theory behind odd-year municipal elections. Although voter knowledge is difficult to measure, existing research does not indicate that voters who vote in consolidated, even year elections are less aware of local issues.¹¹

In fact, aligning municipal elections with the high-information environments of presidential and gubernatorial election cycles—when more voters pay attention to electoral politics—elevates the importance of local issues within the electorate. Over time, this would create a larger, more informed voter base for issues related to city government.

Research shows that increasing turnout in local elections - through intense mobilization - leads newly mobilized voters to become much more informed about local politics. Greatly increasing turnout among low propensity voters does not lead to an overall lower level of knowledge among voters.¹²

Impact of Proposed Change on Minority and Marginalized Communities

The Commission's report asked to consider the impact this change would have on the voting rights of protected classes of voters, including voters of color. All research on this topic has indicated that the voting electorate in the current odd-year election calendar does not reflect the overall demographic makeup of New York City and tends to skew whiter than that of even-year elections.

Research by the Election Law Clinic at Harvard Law School presented to the New York City Council¹³ concluding that although voters of every race turn out at significantly higher rates in presidential years compared to midterm and odd-year elections, the increase in turnout is especially dramatic for minority voters. A separate comparison of odd- and even-year elections conducted by Citizens Union found that

¹⁰ Citizens Union Memorandum of Support for City Council Resolution 189-A 2024 (Ung), December 4, 2024 <https://citizensunion.org/wp-content/uploads/2024/12/CU-Memo-of-Support-Reso-189-A-2024-for-Gov-Ops-12.4.24-hearing.pdf>

¹¹ See studies on local school boards elections in California detailed in Citizens Union's 2022 Policy Report: Moving Municipal Elections to Even-Numbered Years.

¹² Shineman, V. A. (2018). If You Mobilize Them, They Will Become Informed: Experimental Evidence that Information Acquisition Is Endogenous to Costs and Incentives to Participate. *British Journal of Political Science*, 48(1), 189–211. doi:10.1017/S0007123416000168

¹³ December 3, 2024 written testimony submitted to the New York City Council Committee on Governmental Operations, State & Federal Legislation <https://static1.squarespace.com/static/60a559b59cfc63389f67f892/t/674f8d5c29915c7b8d59c005/1733266780394/Letter+to+NYC+Council+re+NY+Election+Alignment+vF.pdf>

the sharpest turnout gains occurred in minority-majority assembly districts, with Latino-majority districts seeing increases of up to 250%.¹⁴

The Commission must consider this potential impact in light of the John R. Lewis Voting Rights Act of New York, which prohibits voter dilution and establishes a preclearance mechanism for covered jurisdictions. We welcome the Commission's plan for a rigorous voting rights impact study, and look forward to seeing its results.

¹⁴ Analysis in Citizens Union even year election report, page 38-42.

APPENDIX 1: RESULTS OF REFERENDA TO MOVE TO ON-CYCLE ELECTIONS

City	Vote in favor	Did the measure pass?
Arcadia	67%	Yes
Austin	67%	Yes
Austin	76% (2012) 66% (2021)	Yes
Boulder	63%	Yes
Burbank	81%	Yes
Chandler	91%	Yes
Compton	64%	Yes
Dallas	66%	Yes
El Paso	50%	Yes
Fort Collins	76%	Yes
Gainesville	71%	Yes
Glendale	83%	Yes
Inglewood	75%	Yes
Jersey City	58%	Yes
Long Beach	75%	Yes
Los Angeles	77%	Yes
Modesto	67%	Yes
Pasadena	83%	Yes
Phoenix	73%	Yes
Pomona	75%	Yes
Redwood	87%	Yes
San Francisco	71%	Yes
San Jose	56%	Yes
San Mateo	81%	Yes
Santa Fe	80%	Yes
Scottsdale	90%	Yes
St Paul	61%	Yes
St Petersburg	70%	Yes
Takoma Park	76%	Yes
Temple City	77%	Yes
Tucson	42%	No
Data collected and provided by Professor Zoltan Hajnal, The Yankelovich Center for Social Science Research, The University of California, San Diego		

APPENDIX 2: SUPPORT FOR MOVING NYC’S ELECTIONS TO EVEN-NUMBERED YEARS AMONG CANDIDATES RUNNING IN THE 2025 NYC MUNICIPAL ELECTION

Office	Surveyed	Yes	%
Mayor	8	7	88%
Public Advocate	2	2	100%
Comptroller	3	3	100%
Manhattan Borough President	2	2	100%
City Council (candidates surveyed by CU plus incumbent cosponsors of even-year resolution)	54	47	87%
All candidates surveyed, except for mayoral candidates	61	54	89%
All candidates surveyed	69	61	89%

A full list of candidates who indicated they support this reform:

Mayoral Candidates: Adrienne Adams, Michael Blake, Andrew Cuomo, Brad Lander, Zellnor Myrie, Jessica Ramos, Whitney Tilson

Zohran Mamdani did not submit a questionnaire; Scott Stringer did not express support for the reform.

Public Advocate: Jumaane Williams, Jenifer Rajkumar

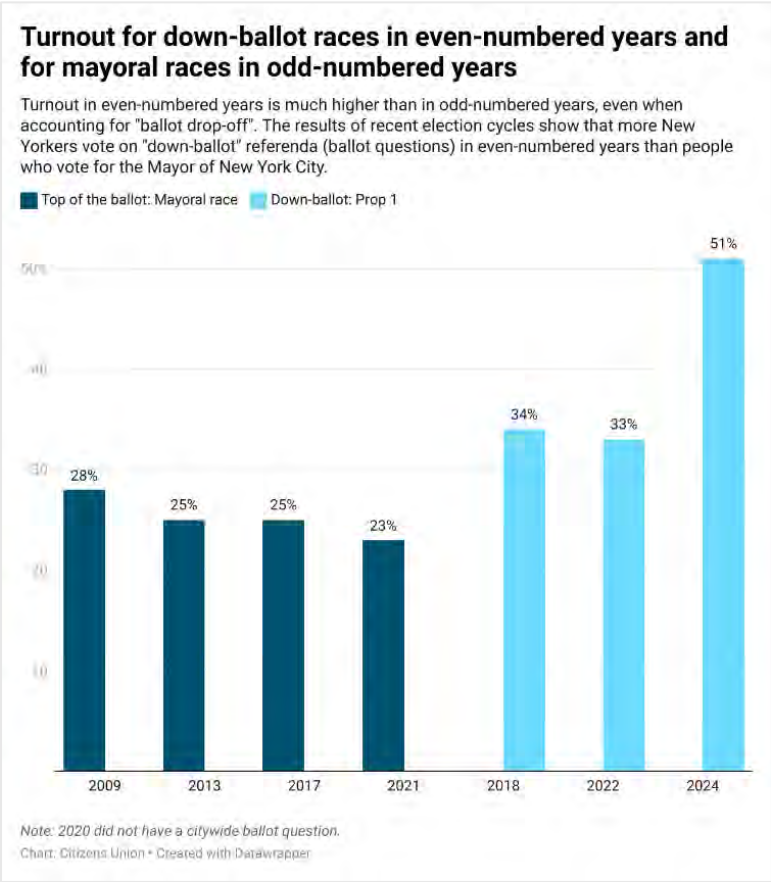
City Comptroller: Mark Levine, Justin Brannan, Ismael Malave Perez

Manhattan Borough President: Brad Hoylman-Sigal, Keith Powers

City Council: Jess Coleman (CD1), Andrea Gordillo (CD2), Harvey Epstein (CD2), Sarah Batchu (CD2), Allie Ryan (CD2), Benjamin Wetzler (CD4), Faith Bondy (CD4), Rachel Storch (CD4), Vanessa Aronson (CD4), Virginia Maloney (CD4), Collin L. Thompson (CD5), Julie Menin (CD5), Gale Brewer* (CD6), Clarisa Alayeto (CD8), Elsie Encarnacion (CD8), Raymond Santana (CD8), Wilfredo Lopez (CD8), Rosa Diaz (CD8), Bryan Hodge Vasquez (CD14), Pierina Ana Sanchez (CD14), Antirson Ricardo Ortiz (CD17), Elvis Santana (CD17), Justin Edward Sanchez (CD17), Jasmine Uribe (CD17), Alexander J. Caruso (CD19), Sandra Ung* (CD20), Erycka Montoya (CD21), Sandro Navarro (CD21), Yanna M Henriquez (CD21), Tiffany Cabán* (CD22), Shekar Krishnan* (CD25), Natasha Williams* (CD27), Japneet Singh (CD28), Tyrell Hankerson (CD28), Dermot Smyth (CD30), Selvena Brooks Powers* (CD31), Mike Lopez (CD31), Crystal Hudson* (CD35), Sandy Nurse* (CD37), Alexa Aviles (CD38), Ling Ye (CD38), Maya Kornberg (CD39), Shahana Hanif (CD39), Darlene Mealy (CD41), Chris Banks* (CD 42), Susan Zhuang*, Farah Louis* (CD45)

*Incumbent Councilmembers running for re-election who have co-sponsored City Council Resolution 189-A 2024 in support of even-year municipal elections.

APPENDIX 3: COMPARING VOTER TURNOUT FOR DOWN-BALLOT PROPOSITIONS ON EVEN YEARS AND MAYORAL ELECTIONS ON ODD YEARS



Subject:

City of New York - Correspondence #1-1-4975344 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: Tue, 10 Jun 2025 19:46:55 +0000

Below is the result of your feedback form. It was submitted by
[REDACTED] on Tuesday, June 10, 2025, at 03:46:17 PM

This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Frank Morano

Email: [REDACTED]

Phone: [REDACTED]

Comments: Supplemental Testimony of Frank Morano Charter Revision Commission Hearing - June 10th, 2025 Chair, Commissioners, and members of the public: Thank you once again for the opportunity to testify. I want to follow up on a critical issue that could fundamentally reshape democracy in New York City: the structure of our elections. Specifically, I urge this Commission to reject the flawed models of "Top Two" and "Top Four" elections, and instead adopt a simple, effective, and proven alternative—single-round, nonpartisan elections with Ranked Choice Voting, as we already use for special elections in New York City. Let me be clear: Top Two is a disaster. There's a reason no other state has followed California's lead on this. It has narrowed the political playing field, disadvantaged independent and third-party candidates, and actually entrenched the dominance of the two major parties. In practice, Top Two often results in two candidates from the same party making the general election ballot, leaving entire ideological communities with no real choice. That's not reform—it's regression. Top Four, while marginally better, is still deeply flawed. It creates a confusing two-step process, introduces unnecessary complexity for voters, and erects even more procedural barriers for candidates who aren't backed by political machines

or flush with cash. There is no compelling evidence that Alaska's model has improved voter turnout or trust in government. In fact, it's created a Rube Goldberg machine of political mechanics—one that New Yorkers neither asked for nor deserve. We already have the model we need. Special elections in New York City are nonpartisan and use Ranked Choice Voting. Why complicate what's working? Here's why the single-round, nonpartisan RCV model makes sense:

- It's simple. One election. One ballot. Voters rank candidates in order of preference. No primary. No runoff. No double the expense, double the confusion, or double the turnout drop-off.
- It's fair. Candidates of every political stripe—Democrat, Republican, third-party, or independent—compete on a level playing field. Voters don't have to worry about wasting their vote.
- It's familiar. New Yorkers already use RCV in special elections. They understand how it works, and it's been implemented without chaos or controversy.
- It strengthens democracy. It incentivizes candidates to appeal to a broad swath of voters—not just their partisan base—leading to more civil, inclusive, and representative campaigns.

Some of the proposals under consideration seem to be solutions in search of a problem. Let's not reinvent the wheel with experimental systems that have failed elsewhere. Let's double down on what's already working—nonpartisan, single-round, ranked choice elections. Anything else is a step backward. And the people of New York City deserve better than that. Thank you. Councilman Frank Morano 51st District

Testimony on Voting Rights and Electoral Reform
New York City Charter Commission, June 10, 2025
From Rob Richie, Co-Founder of FairVote & [President of Expand Democracy](#)

Thank you for this opportunity to share my insights about potential changes to improve elections in New York. My congratulations for your detailed preliminary report.

My name's Rob Richie. In 1992, I co-founded the nonpartisan organization FairVote and ran it until 2023, becoming known as a national authority on ranked choice voting (RCV). I am now president of Expand Democracy, a nonprofit seeking to catalyze conversation about pro-democracy ideas. While consulting for groups like FairVote, Reinvent Albany and Unite America, I speak only for myself today.

Let me start by ranking reform options without factoring in legal and political considerations.

- 1st choice: Hold a single RCV election in November, with [three-member districts](#) for city council and a short turnaround mayoral runoff if no candidate earns 40% of first choices.
- 2nd choice: Hold an Alaska-style Top Four primary system, with RCV in November.
- 3rd choice: Adopt Maine's model of RCV in the primary followed by RCV in November.

Turning to your decision, I'll note that RCV was debated for years before finally earning consensus support for its use in primaries, including from the 2019 charter commission and then 74% of voters. While all-candidate primaries have also been long debated, I don't yet see a similar consensus for change.

Proposing semi-open primaries may be an easier first step to tackling the problem of more than a fifth of your registered voters being unaffiliated and unable to vote in primaries, including more than a third of Black and Latino men under age 30 – a number to soar with automatic voter registration. Democratic-run legislatures this year passed semi-open primaries in New Mexico and Nevada, and, paired with RCV, it earned landslide approval in Washington, D.C. in 2024, when voters backed it by a greater than two-to-one margin in every single city council ward.

But if you instead propose an all-candidate primary that winnows the field, I would strongly counsel Alaska's model of Top 4 elections. My reasons are as follows.

- **Make use of the RCV instrument you have created:** New York City and its Board of Elections should be commended for how it has implemented RCV. It's not been flawless, but 99.7% of voters in 2021 cast valid ballots and nearly 90% ranked candidates. Voters like RCV and it would allow them greater voter choice in November.
- **Avoid the perception of boosting billionaires:** The most likely attack against all-candidate primaries is that they boost wealthy donors. Going to Top 2 makes that attack more credible. It will take more money to advance from the primary, while independent expenditures are most impactful in highly negative campaigns. Top 4 would make it easier to advance, and reduce negativity by avoiding "zero sum" politics.

- **Give emerging candidates a longer runway:** Primary turnout will remain far smaller and less representative than in November. Former Alaska Congresswoman Mary Peltola won in 2022 after finishing 4th in the primary, and the popular new mayors of Portland and San Francisco likely would have advanced from a Top 2 primary despite ultimately winning comfortably with RCV. Rather than this year's race becoming a 5-month runoff between Cuomo and Mamdani, you could have others in the mix.
- **Have a system that encourages a larger reform coalition:** Republicans likely would be denied the November ballot in a citywide contest with Top 2. With Top 4 and RCV, Republicans, independents and others reflecting your city's pluralism would have a fair shot at advancing from the primary.
- **Top 4 RCV could have sensible provisions:** In my written testimony, I offer specific provisions that would strengthen Top 4 RCV, including on when to cancel primaries, the value of allowing write-ins and showing endorsements, and relying on three rankings.

Thank you for your time.

Appendix on following pages:

- Details on proposed policies to go with Top 4 RCV
- Data on Independent expenditures and their heightened role with Top Two
- Simulations from 2021 Democratic primary for mayor and from other cities
- How ballot association could be shown on the ballot with endorsements

APPENDIX

Details on proposed policies to go with Top 4 RCV:

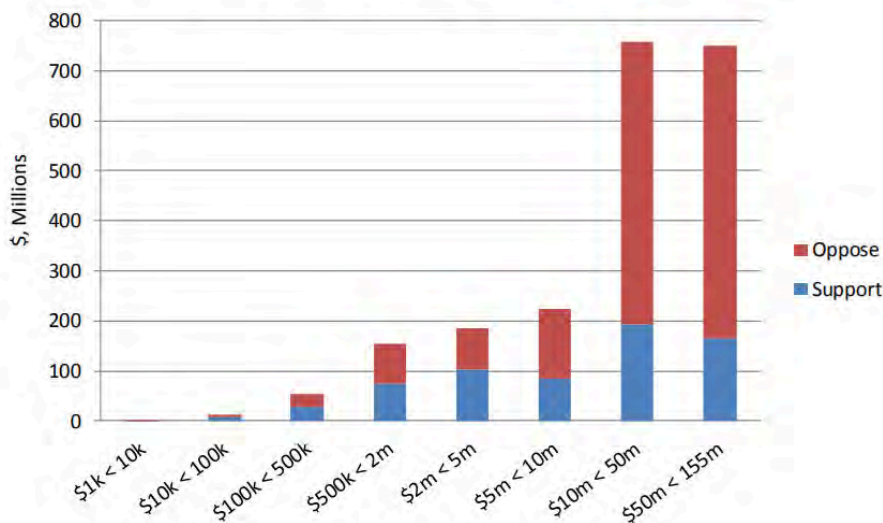
- ***When to cancel primaries:*** As done in Massachusetts and Utah cities with a two-round system, only hold a primary if more than four candidates file. That would reduce public financing costs as well.
- ***Write-ins:*** Allowing write-ins in the primary and general would increase voter choice and avoid an unpopular result in the event of death or scandal involving a frontrunner candidate or if a candidate withdraws after the primary.
- ***Show endorsements:*** Allowing candidates to list confirmed endorsements from parties and organizations would uphold freedom of association and give voters helpful information. It would also be a substitute for disaggregated fusion, which I do not see as feasible to maintain in city elections with any all-candidate primary system. (See more below on this recommendation.)
- ***Use RCV in both rounds with three rankings:*** Using RCV in the primary only to reduce the field to four in the primary would allow a “rank up to three” ballot that would be the same ballot design and number of rankings with four candidates in November.
- ***Consider making all elections special:*** My ideal proposal would be to eliminate the primary altogether. Every city using RCV in the United States has a “one and done” system, with most of those elections held in higher turnout elections in November. Such a change would be like your special election system, with perhaps a quick turnaround runoff for mayor if no candidate wins 40% of first choices. A single November election is the most straightforward way to use RCV and one that I hope will be considered if determined to be legal.

Data on Independent expenditures and their heightened role with Top Two:

Independent expenditures thrive on negative attack ads - and have soared in California in its Top Two primary era (one that also overlaps with the aftermath of Citizens United, but California apparently has far higher IE spending in state legislative races than in New York).

From [Bipartisan Policy Center paper, 2017](#): IE spending is heavily negative

Figure 21. Super PAC Independent Expenditures by Tone and Amount



Growth in IE spending in California

Congressional elections in 2024 - [Outside groups are spending millions in California's swing U.S. House races. Will it make a difference?](#) - From CalMatters

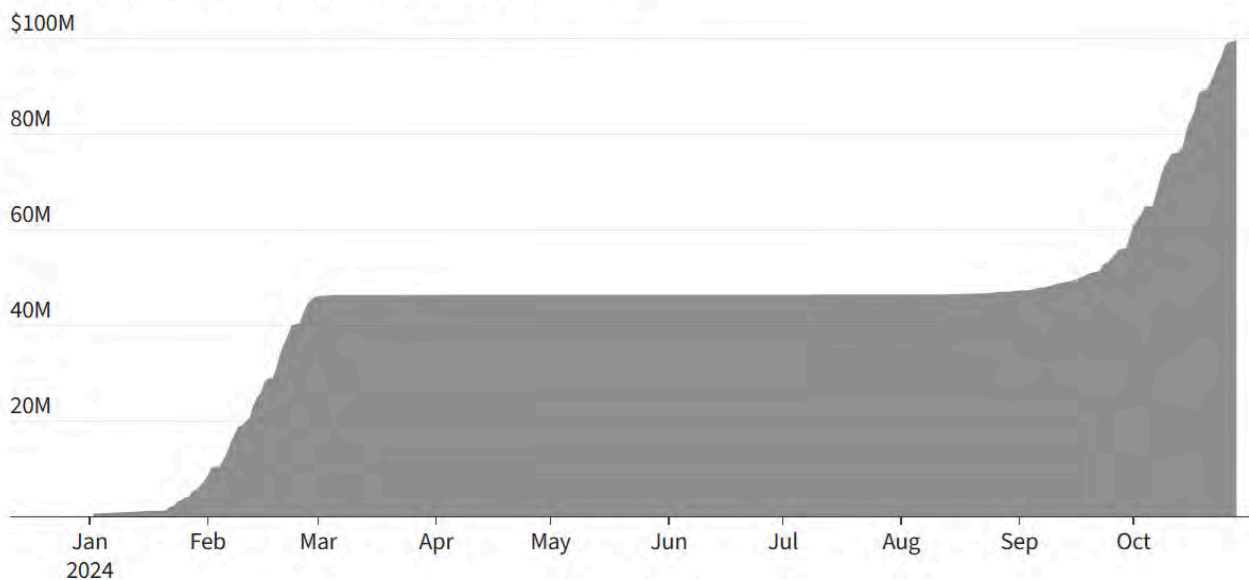
Outside political organizations, independent from candidates' campaigns, are buying airtime and [driving the spending war](#) between Democratic and Republican candidates in five of [California's tightest congressional races](#), campaign finance records show. In those close contests from the Central Valley to Southern California, outside groups spent a total of \$71 million as of Thursday — almost twice the amount candidates themselves have spent this election, according to data from OpenSecrets, a Washington, D.C.-based campaign finance watchdog group.

Nearly \$100 million has been spent this year by corporate- and labor-funded committees in California legislative races, including more than \$42 million in just the last month.

These independent expenditure committees are becoming a bigger financial force in legislative campaigns across the state: Since Sept. 1, they have invested \$51.5 million. That's 29% more than over the same period in 2022, when the \$40 million spent was 25% more than in 2020 and nearly twice as much as 2018.

Nearly \$100 million has been spent by independent expenditure committees since January

Running total of outside spending by expense date



From [Open Secrets](#): Patterns of IE spending for attack ads in 2024 federal races.

Select A Cycle:

2024

Filter By Type Of Race:

All races

FILTER BY SPENDER: [Excluding Party Committees](#) | All Groups

Filter results

Race	Total	For Dems	Against Dems	For Repubs	Against Repubs
Presidential	\$2,091,234,588	\$756,253,880	\$628,558,862	\$444,148,538	\$227,177,002
Ohio Senate	\$309,629,343	\$26,635,536	\$113,909,179	\$76,240,999	\$92,751,129
Pennsylvania Senate	\$238,320,553	\$21,017,659	\$109,564,259	\$29,608,004	\$78,130,631
Montana Senate	\$162,777,027	\$17,331,521	\$62,659,776	\$18,108,925	\$64,632,459
Michigan Senate	\$143,446,871	\$25,801,424	\$53,138,615	\$25,385,843	\$39,120,989
Wisconsin Senate	\$119,481,252	\$8,775,615	\$50,027,687	\$9,701,569	\$50,479,881
Nevada Senate	\$100,872,717	\$10,032,165	\$30,323,896	\$16,069,655	\$44,447,001

IE's and Ted Cruz's comeback win in primary runoff for U.S. Senate in 2012

[Super PACs help tea party candidate win Senate runoff in Texas](#) - Center for Public Integrity

- *In the Texas primary and runoff for U.S. Senate, more than a dozen super PACs and other outside spending groups spent \$14.5 million on ads and other independent expenditures, with about 75 percent of them negative.*
- *Super PACs supporting victor Ted Cruz spent nearly as much as his campaign raised. The campaign brought in \$10.2 million as of July 31, while the super PACs supporting him spent about \$8 million.*

In a Texas-sized spending battle that attracted more than \$14 million in outside money, Ted Cruz upset the party establishment favorite Lt. Gov. David Dewhurst in the state's contentious Republican primary runoff election for U.S. Senate. Cruz, a tea party favorite and former Texas solicitor general, beat Dewhurst 56.8 percent to 43.2 percent according to election returns as of Wednesday morning. The race was easily the most expensive congressional primary fight this election.

Dewhurst, owner of an energy company, outraised Cruz 3-1, having brought in more than \$33 million — \$25 million from his own pocket. Of that sum, Dewhurst gave his campaign about \$8.5 million just in the last three weeks of the runoff. Cruz raised \$10.2 million, with \$1.4 million coming from the candidate.

But super PAC and other outside spending was more balanced and arguably made the difference. Pro-Cruz groups spent about \$8 million while pro-Dewhurst groups spent roughly \$6.5 million this election cycle. Cruz and Dewhurst are fighting for the seat being vacated by Republican Sen. Kay Bailey Hutchison.

Simulations from 2021 Democratic primary for mayor and from other cities: In 2024 mayoral elections with RCV in November, Daniel Lurie won in San Francisco and the similarly late-surging Keith Wilson won in Portland. Both would likely have been eliminated in a Top Two primary to more traditional, better known candidates. Here is an example of polling in San Francisco.

[VIEW ALL GROWSF PULSE POLLS](#)

July 2024 Mayoral Poll Results

Last Updated: July 24, 2024

How each round of voting plays out

GrowSF built a ranked choice voting simulator to model the election. The simulator uses the poll data to simulate how votes transfer from one candidate to another in each round of RCV.

Note: "Exhausted" votes are ballots where all the ranked candidates were eliminated. These ballots won't be counted in subsequent rounds.

Round 1

Candidate	% of Active Ballots	% of All Ballots
Breed	30%	24%
Farrell	26%	21%
Lurie	20%	16%
Peskin	16%	14%
Safai	8%	7%
Undecided or exhausted		18%

Round 3

Candidate	% of Active Ballots	% of All Ballots
Breed	41%	31%
Farrell	32%	24%
Lurie	26%	20%
Undecided or exhausted		25%

New York City Mayor - 2021 and 2025: The 2021 mayoral election in New York City also is helpful for thinking through the choice between Top Two and Top Four. Here are the actual results when the Democratic primary was reduced to four candidates. With Top 2, Maya Wiley and Andrew Yang get eliminated. With an all-candidate primary and all voters being able to participate, it's unclear who would have joined Adams in the Top Two, but with Top 4, Adams very likely would have been joined by Wiley, Garcia and Curtis Sliwa.

Note that the “access percentage” needed to advance is functionally much higher with Top 2. In this example, Wiley would not advance in Top 2 despite having 29% support when the field is reduced to three. With Top 4, the final candidate advancing would generally be able to do so with some 12% of the vote and no more than 20% under the most extreme example. This year, an all-candidate primary would likely have advanced Andrew Cuomo and Zohran Mamdani if limited to two. With a Top Four, candidates like Eric Adams, Scott Stringer, Curtis Sliwa, and Adrienne Adams would likely be in the mix, deepening voter choice and offering voters a possible compromise choice in November.

Democratic Primary for Mayor, June 2021

Candidate ↕	Round 6		Round 7	
	Votes ↕	% ↕	Votes ↕	% ↕
Eric Adams	317,092	34.6%	354,657	40.5%
Kathryn Garcia	223,634	24.4%	266,932	30.5%
Maya Wiley	239,174	26.1%	254,728	29.1%
Andrew Yang	135,686	14.8%	Eliminated	

How ballot association could be shown on the ballot with endorsements:

Here is a rough example of how a ballot could show endorsements, as I would recommend as good policy in any nonpartisan or primary election as a tool to help voters negotiate crowded fields.

RCV Ballot, with Association

Special Instructions: Rank candidates for this office in order of choice; 1st, 2nd and 3rd.

Indicating a 2nd choice candidate and a 3rd choice candidate will not count against your 1st choice candidate.

- To vote for your 1st choice candidate, fill in the oval to the right of the candidate's name in the **1ST CHOICE** column.
- To indicate a 2nd choice candidate, fill in the oval to the right of the candidate's name in the **2ND CHOICE** column. Do not select the same candidate you selected as your 1st choice.
- To indicate a 3rd choice candidate, fill in the oval to the right of the candidate's name in the **3RD CHOICE** column. Do not select the same candidate you selected as either your 1st or 2nd choice.
- To select a candidate who is not listed on the ballot, write the candidate's name in the **WRITE-IN SPACE** provided. Fill in the oval indicating how you ranked this candidate.

You may select ONE 1 st choice	You may select ONE 2 nd choice (Must be different than your 1 st choice)	You may select ONE 3 rd choice (Must be different than your 1 st and 2 nd choices)
David Smith, Registered Democrat <i>Endorsements: Democratic Party, Working Families Party</i>		
Jill Torrez, No party registration <i>Endorsements: Citizens Union, Public Service Retirees</i>		
Ryan O'Leary, Registered Republican <i>Endorsements: Republican Party, Conservative Party</i>		
Anita Thomas, Registered Democrat <i>Endorsements: DSA, DC 37</i>		
Write-in:		



Testimony to NYC Charter Commission on Government Reform
Bronx Public Input Session

New Data on NYC Voter Demographics Show Young People of All Races Much More Likely to be Unaffiliated

Plus, Support for Semi-Open and Open Primaries Using Ranked Choice Voting

June 10, 2025

Thank you for accommodating our request to again comment remotely during these final days of the state legislative session. Reinvent Albany advocates for transparent, accountable New York government and fact based public policy. Our staff experts have drafted and passed dozens of city and state bills, and are frequently called upon by journalists and elected officials.

This Commission's [preliminary staff report](#) emphasized long-standing concerns about very low voter turnout and noted that 1 million NYC voters are unaffiliated and cannot vote in party primaries. Today, Reinvent Albany is sharing Professor John Mollenkopf's [new estimate](#) of the party affiliation of New York City voters by age, sex and racial group, which he calculated at our request. [Professor Mollenkopf](#), the Director of the Center for Urban Research at the CUNY Graduate Center, based his estimate on data from voter rolls and the American Community Survey, and will produce an update using more sophisticated statistical methods later in 2025. A detailed description of Mollenkopf's methodology and sources are in Reinvent Albany's written testimony.

We encourage the Commission and public to draw their own conclusions from Professor Mollenkopf's data, but Reinvent Albany will highlight the following:

1. Regardless of sex or race, younger voters are significantly more likely to be unaffiliated with a political party than older voters.
2. Black 18-29 year-olds are more likely (27.3%) than white 18-29 year-olds (25.5%) to be unaffiliated.
3. Men are more likely to be unaffiliated than women, with Asian men least likely to be in a party followed by white, Hispanic and Black men.
4. Young women are more likely than older women to be unaffiliated.
5. The gap between the share of voters ages 18-29 and 70-79 who are unaffiliated differs widely by race (see chart below). By far the biggest difference is between young and older Black voters. The share of 18-29 Black male voters that are unaffiliated is 294% higher than 70-79 Year old Black voters. The share of 18-29 Black female voters that are unaffiliated is 318% higher than 70-79 year-old Black voters. By comparison, the share of

unaffiliated younger white male voters is 78% higher than older white male unaffiliated voters. The share of unaffiliated younger white female voters is 67% higher than older white female unaffiliated voters.

Reinvent Albany Recommendations for Open Primary

Given NYC's very poor voter turnout and what we believe is a clear trend towards new voters choosing to be unaffiliated from a political party, we strongly support major changes in the NYC voting process. However, we are very mindful that Ranked Choice Voting passed in New York City because there was plenty of time for extensive community outreach, education and consultation. More public outreach and consensus building reduces political risk and is fundamental

In an ideal world, we would choose a Vote Once system like San Francisco's that holds one Ranked Choice election in November and has no primary. However, we believe doing that in New York City would require state legislation, which we do not see as politically viable.

Reinvent Albany recommends the Committee consider these four options for improving voter turnout and empowering unaffiliated voters.

1. **Even-Year Elections**, which would vastly increase voter turnout in local elections.
2. **Semi-Open Primary** in which unaffiliated voters can vote in the party primary of their choice. Involves the fewest and simplest changes for voters and the political system to absorb and is the least politically difficult while offering substantial benefits.
3. **Top Four RCV General Election for Citywide offices based on RCV open primary**. Others are describing benefits of this approach, which is used in Alaska.
4. **Top Two General Election based on RCV open primary**. We believe this is clearly superior to the status quo, but not as good as Top Four because it will be as politically difficult to pass, without all of the benefits. We are concerned that winnowing to two intensifies the power of Independent Expenditures funded by special interests.

Reference

Percentage by which share of unaffiliated 70-79 year-olds is exceeded by share of unaffiliated 18-29 year-olds

Race	70-79 Male	18-29 Male	Difference	70-79 Female	18-29 Female	Difference
White NH	16.4%	29.2%	+78%	13.5%	22.6%	+67%
Black NH	8.0%	31.7%	+294%	5.8%	24.2%	+318%
Hispanic	11.0%	34.9%	+217%	8.5%	26.9%	+215%
Asian NH	19.0%	37.6%	+98%	17.4%	29.7%	+71%
All	13.8%	31.7%	+129%	10.9%	24.5%	+125%

For example: 78% means the share of 18-29 white males who are unaffiliated is 78% larger than white males age 70-79 who are unaffiliated

Sources and Methodology

Sources

Voter registration file, NYC Board of Elections February 2025 (for age, gender, party) and American Community Survey 2018-2023 (for racial composition of voting age population at the block group level)

Professor Mollenkopf's Methodology

Using the age cohorts used by the NYC Campaign Finance Board, Mollenkopf categorized all voters' races based on the plurality racial group among the voting age citizens at the block group level.

Where group shares tied, Mollenkopf allocated the block group plurality racial group using the 2020 Census count of VAP by race at the block level for the blocks on which the voters resided. This is imprecise, since block groups' CVAP is not 100 percent racially segregated. However, Mollenkopf believes the various errors offset each other and the overall estimate is close to the truth.

Party of Registration by Age, Sex, and Plurality Race of Block Group York City 2025 (active voters, row percentages)							New
Sex	BG Race	Age	Democrat	Republican	No party	Other party	Total
Male	NH White Males	18-29	57611	22735	34280	2839	117465
			49.0%	19.4%	29.2%	2.4%	100.0%
		30-39	105912	24665	46711	5019	182307
			58.1%	13.5%	25.6%	2.8%	100.0%
		40-49	78493	22047	35670	4854	141064
			55.6%	15.6%	25.3%	3.4%	100.0%
		50-59	65485	24969	28465	4819	123738
			52.9%	20.2%	23.0%	3.9%	100.0%
		60-69	65890	26124	22200	4451	118665
			55.5%	22.0%	18.7%	3.8%	100.0%
		70-79	55006	19420	15180	3116	92722
			59.3%	20.9%	16.4%	3.4%	100.0%
		80+	32579	11601	7486	1934	53600
			60.8%	21.6%	14.0%	3.6%	100.0%
		Total White M	460976	151561	189992	27032	829561
			55.6%	18.3%	22.9%	3.3%	100.0%
	NH Black Males	18-29	31680	3163	16827	1397	53067
			59.7%	6.0%	31.7%	2.6%	100.0%
		30-39	50509	3996	16879	2438	73822
			68.4%	5.4%	22.9%	3.3%	100.0%
		40-49	42774	3823	11805	2457	60859
			70.3%	6.3%	19.4%	4.0%	100.0%
		50-59	44347	3519	8552	2102	58520
			75.8%	6.0%	14.6%	3.6%	100.0%
		60-69	52385	3367	6711	1893	64356
			81.4%	5.2%	10.4%	2.9%	100.0%
		70-79	35197	2121	3347	964	41629
			84.5%	5.1%	8.0%	2.3%	100.0%
		80+	18164	1014	1249	357	20784
			87.4%	4.9%	6.0%	1.7%	100.0%
		Total Black M	275056	21003	65370	11608	373037
			73.7%	5.6%	17.5%	3.1%	100.0%
	Hispanic Males	18-29	26967	4935	17787	1343	51032
			52.8%	9.7%	34.9%	2.6%	100.0%
		30-39	41656	6354	17734	2155	67899
			61.3%	9.4%	26.1%	3.2%	100.0%
		40-49	33803	5502	12197	2042	53544
			63.1%	10.3%	22.8%	3.8%	100.0%
		50-59	35529	5617	9532	1808	52486

			67.7%	10.7%	18.2%	3.4%	100.0%
		60-69	41031	5751	7685	1608	56075
			73.2%	10.3%	13.7%	2.9%	100.0%
		70-79	28031	3600	4023	903	36557
			76.7%	9.8%	11.0%	2.5%	100.0%
		80+	14418	2012	1600	345	18375
			78.5%	10.9%	8.7%	1.9%	100.0%
		Total H M	221435	33771	70558	10204	335968
			65.9%	10.1%	21.0%	3.0%	100.0%
	NH Asian Males	18-29	10085	2746	8056	541	21428
			47.1%	12.8%	37.6%	2.5%	100.0%
		30-39	13746	3269	8353	792	26160
			52.5%	12.5%	31.9%	3.0%	100.0%
		40-49	11867	3281	6921	799	22868
			51.9%	14.3%	30.3%	3.5%	100.0%
		50-59	12825	3857	5865	779	23326
			55.0%	16.5%	25.1%	3.3%	100.0%
		60-69	15154	4272	5582	801	25809
			58.7%	16.6%	21.6%	3.1%	100.0%
		70-79	12431	3192	3785	527	19935
			62.4%	16.0%	19.0%	2.6%	100.0%
		80+	6670	1958	1762	301	10691
			62.4%	18.3%	16.5%	2.8%	100.0%
		Total Asian M	82778	22575	40324	4540	150217
			55.1%	15.0%	26.8%	3.0%	100.0%
	Total Males	18-29	126528	33628	77101	6131	243388
			52.0%	13.8%	31.7%	2.5%	100.0%
		30-39	212181	38357	89852	10422	350812
			60.5%	10.9%	25.6%	3.0%	100.0%
		40-49	167205	34709	66718	10172	278804
			60.0%	12.4%	23.9%	3.6%	100.0%
		50-59	158424	38032	52550	9520	258526
			61.3%	14.7%	20.3%	3.7%	100.0%
		60-69	174729	39594	42265	8767	265355
			65.8%	14.9%	15.9%	3.3%	100.0%
		70-79	130878	28375	26399	5525	191177
			68.5%	14.8%	13.8%	2.9%	100.0%
		80+	71930	16617	12121	2945	103613
			69.4%	16.0%	11.7%	2.8%	100.0%
		Total Males	1041875	229312	367006	53482	1691675
			61.6%	13.6%	21.7%	3.2%	100.0%
Female	NH White	18-29	93070	16492	32815	2966	145343

Females		64.0%	11.3%	22.6%	2.0%	100.0%
	30-39	141358 67.2%	20848 9.9%	43084 20.5%	5126 2.4%	210416 100.0%
	40-49	99092 62.7%	20137 12.7%	34330 21.7%	4584 2.9%	158143 100.0%
	50-59	82474 59.5%	24106 17.4%	27724 20.0%	4414 3.2%	138718 100.0%
	60-69	84094 61.6%	26156 19.2%	22358 16.4%	3961 2.9%	136569 100.0%
	70-79	79450 65.6%	22306 18.4%	16355 13.5%	3077 2.5%	121188 100.0%
	80+	55445 67.1%	15989 19.3%	9020 10.9%	2231 2.7%	82685 100.0%
	Total White F	634983 63.9%	146034 14.7%	185686 18.7%	26359 2.7%	993062 100.0%
NH Black Females	18-29	52053 70.9%	2111 2.9%	17751 24.2%	1531 2.1%	73446 100.0%
	30-39	82952 77.2%	3437 3.2%	18395 17.1%	2618 2.4%	107402 100.0%
	40-49	74244 80.1%	3349 3.6%	12873 13.9%	2268 2.4%	92734 100.0%
	50-59	76833 84.4%	3309 3.6%	9170 10.1%	1748 1.9%	91060 100.0%
	60-69	86566 87.8%	3402 3.4%	7349 7.5%	1316 1.3%	98633 100.0%
	70-79	61264 89.9%	2169 3.2%	3941 5.8%	786 1.2%	68160 100.0%
	80+	38551 92.0%	1297 3.1%	1731 4.1%	335 0.8%	41914 100.0%
	Total Black F	472463 82.4%	19074 3.3%	71210 12.4%	10602 1.8%	573349 100.0%
Hispanic Females	18-29	45290 65.8%	3470 5.0%	18542 26.9%	1503 2.2%	68805 100.0%
	30-39	63213 69.9%	5295 5.9%	19578 21.6%	2370 2.6%	90456 100.0%
	40-49	53476 72.8%	4903 6.7%	13153 17.9%	1926 2.6%	73458 100.0%
	50-59	53621 76.3%	4992 7.1%	10101 14.4%	1532 2.2%	70246 100.0%
	60-69	60864 80.2%	5428 7.2%	8398 11.1%	1225 1.6%	75915 100.0%
	70-79	44815	3927	4626	782	54150

			82.8%	7.3%	8.5%	1.4%	100.0%	
		80+	28177	2495	2207	367	33246	
			84.8%	7.5%	6.6%	1.1%	100.0%	
		Total H F	349456	30510	76605	9705	466276	
			74.9%	6.5%	16.4%	2.1%	100.0%	
		NH Asian Females	18-29	16068	1614	7705	523	25910
				62.0%	6.2%	29.7%	2.0%	100.0%
			30-39	18889	2638	8942	764	31233
				60.5%	8.4%	28.6%	2.4%	100.0%
			40-49	16045	2957	7594	724	27320
			58.7%	10.8%	27.8%	2.7%	100.0%	
	50-59		16384	3577	6537	705	27203	
			60.2%	13.1%	24.0%	2.6%	100.0%	
	60-69		18627	4179	6183	672	29661	
			62.8%	14.1%	20.8%	2.3%	100.0%	
	70-79	15797	3588	4192	509	24086		
		65.6%	14.9%	17.4%	2.1%	100.0%		
	80+	10008	2572	2184	267	15031		
		66.6%	17.1%	14.5%	1.8%	100.0%		
	Total Asian F	111818	21125	43337	4164	180444		
		62.0%	11.7%	24.0%	2.3%	100.0%		
	Total Females	18-29	206799	23722	76957	6535	314013	
			65.9%	7.6%	24.5%	2.1%	100.0%	
		30-39	306861	32265	90172	10895	440193	
			69.7%	7.3%	20.5%	2.5%	100.0%	
		40-49	243170	31396	68069	9517	352152	
			69.1%	8.9%	19.3%	2.7%	100.0%	
		50-59	229600	36049	53644	8412	327705	
			70.1%	11.0%	16.4%	2.6%	100.0%	
		60-69	250454	39229	44371	7188	341242	
			73.4%	11.5%	13.0%	2.1%	100.0%	
	70-79	201595	32057	29161	5161	267974		
		75.2%	12.0%	10.9%	1.9%	100.0%		
	80+	132338	22394	15177	3206	173115		
		76.4%	12.9%	8.8%	1.9%	100.0%		
	Total Female	1570817	217112	377551	50914	2216394		
		70.9%	9.8%	17.0%	2.3%	100.0%		
Total M & F	NH White All	18-29	151346	39272	67342	5844	263804	
			57.4%	14.9%	25.5%	2.2%	100.0%	
		30-39	247681	45566	89943	10172	393362	
			63.0%	11.6%	22.9%	2.6%	100.0%	
		40-49	177691	42216	70096	9443	299446	

		59.3%	14.1%	23.4%	3.2%	100.0%
	50-59	148012	49101	56242	9240	262595
		56.4%	18.7%	21.4%	3.5%	100.0%
	60-69	150015	52313	44613	8416	255357
		58.7%	20.5%	17.5%	3.3%	100.0%
	70-79	134499	41754	31582	6197	214032
		62.8%	19.5%	14.8%	2.9%	100.0%
	80+	88042	27602	16525	4166	136335
		64.6%	20.2%	12.1%	3.1%	100.0%
	Total White	1097286	297824	376343	53478	1824931
		60.1%	16.3%	20.6%	2.9%	100.0%
NH Black All	18-29	84177	5293	34774	2968	127212
		66.2%	4.2%	27.3%	2.3%	100.0%
	30-39	133728	7444	35366	5081	181619
		73.6%	4.1%	19.5%	2.8%	100.0%
	40-49	117105	7188	24717	4734	153744
		76.2%	4.7%	16.1%	3.1%	100.0%
	50-59	121223	6833	17754	3854	149664
		81.0%	4.6%	11.9%	2.6%	100.0%
	60-69	138982	6775	14079	3212	163048
		85.2%	4.2%	8.6%	2.0%	100.0%
Hispanic All	70-79	96490	4297	7295	1750	109832
		87.9%	3.9%	6.6%	1.6%	100.0%
	80+	56722	2311	2984	692	62709
		90.5%	3.7%	4.8%	1.1%	100.0%
	Total Black	748427	40141	136969	22291	947828
		79.0%	4.2%	14.5%	2.4%	100.0%
	18-29	72559	8419	36477	2866	120321
		60.3%	7.0%	30.3%	2.4%	100.0%
	30-39	105009	11665	37365	4538	158577
		66.2%	7.4%	23.6%	2.9%	100.0%
	40-49	87319	10420	25386	3971	127096
		68.7%	8.2%	20.0%	3.1%	100.0%
	50-59	89167	10616	19649	3341	122773
		72.6%	8.6%	16.0%	2.7%	100.0%
	60-69	101907	11185	16098	2834	132024
		77.2%	8.5%	12.2%	2.1%	100.0%
	70-79	72868	7536	8661	1685	90750
		80.3%	8.3%	9.5%	1.9%	100.0%
	80+	42604	4511	3809	713	51637
		82.5%	8.7%	7.4%	1.4%	100.0%
	Total H	571433	64352	147445	19948	803178

			71.1%	8.0%	18.4%	2.5%	100.0%
NH Asian All	18-29		26219	4374	15817	1065	47475
			55.2%	9.2%	33.3%	2.2%	100.0%
	30-39		32686	5922	17351	1560	57519
			56.8%	10.3%	30.2%	2.7%	100.0%
	40-49		27933	6257	14549	1524	50263
			55.6%	12.4%	28.9%	3.0%	100.0%
	50-59		29235	7455	12436	1485	50611
			57.8%	14.7%	24.6%	2.9%	100.0%
	60-69		33810	8482	11803	1475	55570
			60.8%	15.3%	21.2%	2.7%	100.0%
Total	70-79		28264	6804	8011	1037	44116
			64.1%	15.4%	18.2%	2.4%	100.0%
	80+		16688	4534	3954	568	25744
			64.8%	17.6%	15.4%	2.2%	100.0%
	Total Asian		194835	43828	83921	8714	331298
			58.8%	13.2%	25.3%	2.6%	100.0%
	18-29		334805	57442	154706	12766	559719
			59.8%	10.3%	27.6%	2.3%	100.0%
	30-39		519913	70717	180373	21387	792390
			65.6%	8.9%	22.8%	2.7%	100.0%
	40-49		410629	66187	134992	19707	631515
			65.0%	10.5%	21.4%	3.1%	100.0%
	50-59		388163	74140	106329	17945	586577
			66.2%	12.6%	18.1%	3.1%	100.0%
	60-69		425286	78900	86763	15965	606914
			70.1%	13.0%	14.3%	2.6%	100.0%
	70-79		332603	60500	55660	10691	459454
			72.4%	13.2%	12.1%	2.3%	100.0%
	80+		204312	39031	27331	6153	276827
			73.8%	14.1%	9.9%	2.2%	100.0%
	Total All		2615711	446917	746154	104614	3913396
			66.8%	11.4%	19.1%	2.7%	100.0%

Sources: New York City Board of Elections (February 2025) and U.S. Census American Community Survey 2019-2023. Active voters cast at least one vote since 2011 or registered after 2021. Voters not geocoded or where sex not determined not shown. John Mollenkopf, Center for Urban Research, The Graduate Center, City University of New York

Subject:

City of New York - Correspondence #1-1-4494685 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 11, 2025 at 01:18 AM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Wednesday, June 11, 2025, at 01:17:36 AM

This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Kimberly Cruz

Email: [REDACTED]

Phone:

Comments: "that government of the people, by the people, for the people, shall not perish from the earth" Alice Paul rose up during The Great War so Women could be at the table. Do not dilute "women, gentile, and Jew" to mean open primaries when there are a plethora of issues that are not being addressed, specifically for the future generations to exist with New York City pride. I humbly ask that you listen to dedicated, informed, citizens who actually Rise For NYC every day as it is Our Home: The United States of America.

To whom it may concern,

My name is Kimberly Cruz of Queens. Benjamin Franklin once said: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." I was a Congressional Candidate in 2024. I am a walking and talking example of why our democracy is a clear failure to any reasonable citizens on this land. Primary Source: Hindsight is 2020: The Tree and Key to Democracy.

These demographics we are talking about are people from a national, state, city, and local level ARE DIFFERENT but we do not have a local government to regulate our city bounds the way we deserve. Just because you share the color of my skin does not mean you are not a vampire. Bad yeast, false prophets, bad leaders can come from all across the city and they can create roots to justify their existence in NYC. New York City Strong. However, true New Yorkers know when a number two is presented like Gold. Discern All. Please Discern.

Voter turnout needs an engaging and informed body to have a healthy democracy.

Senator Liu has been in a NYC office from 2002, 2014, and still here in 2025. That is 23 years of service but does it mean it is actual service?

Congressman Meng allowing gerrymandering in 2024 neglecting what many civic organizations with the League of Women Voters stated at the People's Hearing on Youtube <https://www.youtube.com/watch?v=nNP86Ajjk2g> February 20, 2024 @ 6:00 pm - 8:00 pm

City Council Ung allowed unregulated vehicles in 2023. The unregulated nurses that are entering the homes of our elderly. The vendors used by landlords that are not regulated in the courts who provide work orders and become ammunitions for tenants who are then allowed to legally get hurt by those that are already harassing many tenants around the city of New York.

"Nearly a decade and a half later, however, in December of 1882, the esteemed Roscoe Conkling told the justices the Fourteenth Amendment was also written to protect the rights of corporations like his client, the Southern Pacific Railroad Company." From We The Corporations by Law Professor Adam Winkler

Pg 20 from the Charter's Preliminary report 2025

"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 decadesold 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. "

Pg 21 from the Charter's Preliminary report 2025

" 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.”

History on Shea Stadium, Citi Field, and Our 2025 Problem

The origins of Shea Stadium go back to the [relocations](#) of the [Brooklyn Dodgers](#) and [New York Giants](#) in 1957, which left New York without a [National League](#) baseball team.

Prior to the Dodgers' departure, [New York City](#) official [Robert Moses](#) tried to interest owner [Walter O'Malley](#) in the site as the location for a [new stadium](#), but O'Malley refused, unable to agree on location, ownership, and lease terms. **O'Malley preferred to pay construction costs himself so he could own the stadium outright. He wanted total control over revenue from parking, concessions, and other events.**

New York City, in contrast, wanted to build the stadium, rent it, and retain the ancillary revenue rights to pay off its construction bonds.^[8] Additionally, O'Malley wanted to build his new stadium in Brooklyn, while Moses insisted on Flushing Meadows.

In [1960](#), the National League agreed to grant an expansion franchise to the owners of the New York franchise in the abortive [Continental League](#), provided that a new stadium be built. [Mayor Robert F. Wagner Jr.](#) had to personally wire all National League owners and assure them that the city would build a stadium.

Unlike O'Malley, the owners of the franchise that would eventually become the Mets felt Queens was the logical home for their new team's ballpark. From the outset, they wanted to secure the loyalties of both Dodgers and Giants fans, and feared a team in Manhattan or Brooklyn would be seen as a *de facto* revival of the respective borough's former franchise, thus possibly alienating fans in the other borough. A club playing in Flushing Meadows (located roughly the same distance from Manhattan and Brooklyn) would not only likely avoid the same perception, but presumably capture the loyalty of fans in Queens as well, thus potentially confining support for the [New York Yankees](#) of the [American League](#) to their home borough of [The Bronx](#) on the mainland.

Nevertheless, Moses and [William A. Shea](#), the New York lawyer who had led the effort to bring [National League](#) baseball back to New York, faced a problem. New York state law of the time did not allow cities to borrow money in order to build a stadium. The only way for the city to finance a stadium would be to demonstrate that the stadium could pay for itself. With this in mind, Moses and Shea proposed to have the new team pay substantial rent in order to pay off 30-year bonds. This provision would come back to haunt the Mets years later; they would never live up to that monetary commitment, and the ensuing financial woes would be an albatross around the team for years.^[9]

On October 6, 1961, the Mets signed a 30-year stadium lease,^[10] with an option for a 10-year renewal. Rent for what was originally budgeted as a \$9 million facility was set at \$450,000 annually, with a reduction of \$20,000 each year until it reached \$300,000 annually.

In their inaugural season in [1962](#), the expansion Mets played in the Polo Grounds, sharing the facility with the [New York Titans](#) of the upstart [American Football League](#) which had begun play in 1960. The original plans were for both teams to move to a new stadium in [1963](#). In October 1962, Mets official Tom Meany said, "Only a series of blizzards or some other unforeseen trouble might hamper construction."^[11] That unforeseen trouble surfaced in a number of ways: the severe winter of 1962–1963, along with the bankruptcies of two subcontractors and labor issues. The result was that both the Mets and the football team (by then renamed the Jets) were forced to play at the Polo Grounds for one more year.

It was originally to be called "Flushing Meadow Park Municipal Stadium"^{[12][13][1]} – the name of [the public park](#) within which it was built – but an ultimately successful movement was launched to name it in honor of Shea

After 29 months of construction and \$28.5 million spent, Shea Stadium opened on April 17, [1964](#),^[15] with the [Pittsburgh Pirates](#) beating the Mets 4–3 before a crowd of 50,312.^{[16][17][18][19]} There were no prior

exhibition games or events, and the stadium was barely finished in time for the home opener. Because of a jurisdictional dispute between Local 3 of the [International Brotherhood of Electrical Workers](#) and Local 1106 of the [Communications Workers of America](#), the telephone and telegraph wiring was not finished in time for opening day.^{[14][20]} The stadium opened five days before the [1964–65 New York World's Fair](#), across Roosevelt Avenue. Although not officially part of the fair grounds, the stadium sported steel panels on its exterior in the blue-and-orange colors of the Fair, the same team colors of the Mets. The panels were removed in 1980.

In accordance with New York City law, in 2009 Shea Stadium was [dismantled](#), rather than [imploded](#).^[21] The company with the rights to sell memorabilia was given two weeks after the final game to remove seats, signage and other potentially sellable and collectible items before demolition was to begin. The seats were the first (\$869 per pair plus tax, a combination of '86 and '69, the team's two World Series championship years),^[22] followed by other memorabilia such as the foul poles, dugouts, stadium signage, and the giant letters that spelled out "SHEA" at the front of the building.

After salvaging operations concluded, demolition of the ballpark began on October 14, 2008. On October 18, the scoreboard in right field was demolished, with the [bleachers](#), [batter's eye](#) and [bullpens](#) shortly thereafter.^[23]

By November 10, the field, dugouts and the rest of the field level seats had been demolished.^[24]

Plaque commemorating the location of Shea Stadium's home plate, now in Citi Field's parking lot

On January 31, 2009, Mets fans all over New York came to Shea Stadium for one final farewell.

Citi Field was designed by the company [Populous](#). The \$850 million baseball park was funded with \$615 million in public subsidies,^[10] including the sale of New York City [municipal bonds](#) that are to be repaid by the Mets with interest. The payments will [offset property taxes](#) for the lifetime of the park.

The first game at Citi Field was on March 29, 2009, with a [college baseball](#) game between the [St. John's Red Storm](#) and [Georgetown Hoyas](#).^[13] The Mets played their first two games at the ballpark on April 3 and 4, 2009 against the [Boston Red Sox](#)^[14] as charity exhibition games. The first regular-season home game was played on April 13, 2009, against the [San Diego Padres](#). Citi Field hosted the [2013 Major League Baseball All-Star Game](#), marking the second time the Mets have hosted the event (the first being in [1964](#), the inaugural season of Shea Stadium).^[15]

The [naming rights](#) were purchased by [Citigroup](#), a New York financial services company, for \$20 million annually

Currently, Mets owner [Steve Cohen](#) is trying to build a park, casino and entertainment complex at the site, called [Metropolitan Park](#), which has the support of the [New York City Council](#) and mayor [Eric Adams](#), but is pending approval by the [New York State Legislature](#) and the [New York State Gaming Commission](#).^{[29][30][31]}

Overall POV of Kimberly Cruz of Queens

1. Thug landlords will contract vendors with zero oversight from any agency or courts. Undocumented or workers with a criminal record could be used to make repairs. The police will not do anything to criminals who commit crimes if they are not caught on camera. There are legal loopholes that these landlords and developers are using in the court system to use these unregulated vendors. These are crimes going unreported, hurting children, the elderly, and All Americans who live under our Grand Old Flag.
2. Public land is being taken under our noses when there should be more oversight and power Of The People when negotiating whether projects do bring the promised revenue especially after COVID showed us our severe reliance on real estate. Even the MTA has a

real estate department. The city charter and the finances of the city are tied to these large projects. Where is the oversight when The People of Queens are saying NO.

3. Political participants in this whole commission process should be reviewed. Senator Liu who has been in city politics since 2002 is sponsoring a bill to take park land, a Congresswoman of NY-6 who allowed the blatant gerrymandering of Jackson Heights with a very diverse population that the HUD reported as the most diverse district of this nation, and a city councilwoman who allowed unregulated vehicles when multiple reports and emails to meet were not met when Latin American politics is at the front of this whole debacle. In Colombia, a respected senator was [shot at a rally](#) over the weekend, someone who declared themselves against the current president. Latin American politics are diluting our understanding of democracy.
4. Today, we should not be silent about what is happening to our sister city— Los Angeles. In LA, there are protestors who are fighting because a union leader was arrested by ICE, I am not all for undocumented people being here without regulation, I am a Purple Patriot and recognize the harms of open borders, and I also recognize the extreme racist rhetoric around this administration. We need security, we need legitimate accountable safe communities where citizens can call their local precincts for real protection and not wait for the wave of politics to run its steam.
5. **Protect New York City and Do Not Bend The Knee.**

These demographics from a national, state, city, and local level are different but we do not have a local government.

<https://www.electionatlas.nyc/maps.html>

Finally,

You have a former State Senator on your commission. Please look at their record when they speak up about open primaries.

She represented State Senate District 23 and in 2024 these new lines made this small territory consumed into State Senate District 26:

Bay Ridge is a diverse neighborhood in Brooklyn with a substantial foreign-born population and a high percentage of residents who speak a language other than English at home. The neighborhood has a large Arab American community and is considered a Naturally Occurring Retirement Community (NORC) with a significant elderly population.

[Here's a more detailed look at Bay Ridge demographics:](#)

- **Racial and Ethnic Composition:**

In 2023, Bay Ridge had a mix of residents, with the largest groups being White (51.0%), followed by Asian (22.6%), Hispanic (18.2%), and Black (2.7%).

- **Foreign-Born Residents:**

A large portion of the population is foreign-born, with 34% of residents being born outside of the United States.

- **Language Diversity:**

A significant 52% of residents speak a language other than English at home, including Arabic, Chinese, Greek, Italian, Polish, Russian, and Spanish.

- **Arab Community:**

Bay Ridge is home to one of the largest Arab communities in New York City, with 10% of the population being of Arab ancestry.

- **Age Distribution:**

The neighborhood is described as a NORC, with a sizable population of longtime residents aged 65 and older who have aged in place.

Look at maps below (gerrymandering and then these open primaries conversations are correlated in nefarious ways— respect the laws The People of New York asked for)

**New York State Senate District 23
until December 31, 2022**

Click a district to compare boundaries.



**New York State Senate District 23
starting January 1, 2023**

Click a district to compare boundaries.



**New York State Senate District 26
until December 31, 2022**

Click a district to compare boundaries.



**New York State Senate District 26
starting January 1, 2023**

Click a district to compare boundaries.



Subject:

City of New York - Correspondence #1-1-3480548 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 11, 2025 at 12:17 PM

Below is the result of your feedback form. It was submitted by
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This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Brendan Griffith

Email: [REDACTED]

Phone: [REDACTED]

Comments: The New York City Central Labor Council, AFL-CIO, which represents over 300 unions and more than one million union members across the five boroughs, urges the Commission not to move forward with proposals to introduce so-called open or "jungle primaries." These ideas aren't new, and they're not neutral. While some who support this idea may be well intentioned, jungle primaries have also always been backed by the same kinds of interests: billionaires and corporate groups that want to weaken labor unions, community organizations, and political parties that speak for working people. When this kind of proposal was pushed more than 20 years ago, it came from wealthy interests frustrated that working-class New Yorkers, through their unions and community groups, had too much influence. Even today at this Commission, it is concerning that there is not a single member appointed specifically to represent the interests of the Labor Movement and working people. Unions and community groups are how everyday New Yorkers get a voice in the political process. We help working people understand the issues, talk to each other about candidates, and get to the polls. Labor is one of the most effective civic institutions NYC has, because of our decades of organizing experience. When turnout increases,

it's because unions, community organizations, and political parties are out talking to people. As Labor organizations we knock on the doors, we make the calls, we talk to our members in their workplaces and in their communities. Member-to-member outreach and direct voter contact are proven tools to bring working New Yorkers into the democratic process. If the Commission is serious about increasing voter turnout, we join our partners in encouraging you to consider aligning city elections with even-numbered years, when voters are already showing up for federal and state races. That is a change rooted in data and in reality. But we cannot support proposals that would effectively sideline Labor and other organizations from the process. Primary elections are one of the most important opportunities union members have to meaningfully shape the direction of their city. Replacing them with a process that rewards massive outside spending and candidate self-branding would not create more democracy. It would make it easier for the wealthiest New Yorkers to buy the outcomes they want, while shutting working people out. Thank you for the opportunity to testify on this issue.

**Testimony of Brendan Griffith, Chief of Staff
New York City Central Labor Council, AFL-CIO**

**New York City Charter Revision Commission
Tuesday, June 10, 2025**

Good evening, Commissioners. My name is Brendan Griffith, and I'm the Chief of Staff of the New York City Central Labor Council, AFL-CIO, which represents over 300 unions and more than one million union members across the five boroughs.

We urge the Commission not to move forward with proposals to introduce so-called open or "jungle primaries." These ideas aren't new, and they're not neutral. While some who support this idea may be well intentioned, jungle primaries have also always been backed by the same kinds of interests: billionaires and corporate groups that want to weaken labor unions, community organizations, and political parties that speak for working people.

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Thank you for the opportunity to testify this evening.

Subject:

City of New York - Correspondence #1-1-5771978 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
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Below is the result of your feedback form. It was submitted by
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Topic: Submit Written Testimony

Name: Cormac Slade Byrd

Email: [REDACTED]

Phone:

Comments: I have attached my Testimony from 02/11/2025 as well as supporting evidence for CRC consideration. Thank you for your work in improving our City's Charter. Yours, Cormac Slade Byrd

Testimony on NYC Council ULURP Member Deference

Cormac Slade Byrd

February 11, 2025

Good afternoon. My name is Cormac Slade Byrd. I urge this commission to take bold action to reform the charter for a more prosperous New York City.

For decades, our city has been mired in a housing emergency, a crisis declared year after year with little to no real change.¹ For over 50 years², we have simply hoped that the emergency would fix itself, but housing remains as unaffordable as ever. This failure exposes our inability to address the root cause: insufficient new housing supply.³

Here are two proposals that can help break this cycle. To help contextualize these proposals a little bit they are working on the member deference problem that Howard Slatkin eloquently brought up earlier.

First, we must reform the city council's role in land use decisions during a housing emergency. Today, the council can block or dilute new housing proposals with a simple majority vote, repeatedly stifling projects essential to increasing our housing stock. What if instead, during a declared emergency, the council's power to disapprove land use decisions be raised to a supermajority threshold. This change to section 197-d would force the council to take its own emergency declaration seriously, ensuring that only proposals with near-unanimous opposition can be blocked.

Second, we need to reshape the council's composition so that it represents the entire city rather than narrow, local interests. With 51 district-based members, our current council is often paralyzed by parochial pressures.

Let's add 10 citywide, at-large seats to chapter 2 of the charter. This would inject a broader perspective into the legislative process. These representatives, accountable to all New Yorkers, would focus on metropolitan-wide issues and help counterbalance localized resistance to progress.

Consider the transformative potential of these reforms. In the early 1900s, New York built over 700,000 housing units in less than two decades.⁴ This construction boom stabilized rents and created vibrant, diverse neighborhoods. This historical example shows that bold, supply-driven policies can reshape a city's housing market.

¹Here you can see the original text declaring the emergency and the most recent renewal in the charter: <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-47299>

²Article about this: <https://www.city-journal.org/article/nycs-perennial-housing-crisis> "the city has regularly declared a housing 'emergency' since 1971", the most recent time the council passed this: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6582770&GUID=DOC10F31-B3F0-4392-8AAD-1B909227E9F1&Options=&Search=> in April of 2024

³There are so many studies on this, one classic example from NYC: The Great Rent Wars: New York, 1917–1929 <https://www.jstor.org/stable/j.ctt5vm2r3>

⁴Both The Great Rent Wars: New York, 1917–1929 <https://www.jstor.org/stable/j.ctt5vm2r3> and Urban Castles: Tenement Housing and Landlord Activism in New York City, 1890–1943 <https://cup.columbia.edu/book/urban-castles/9780231114035> estimate 700-800k units built from 1900-1920.

As a great NYC politician once declared, "Far better is it to dare mighty things, to win glorious triumphs, even though checkered by failure."⁵ This spirit of daring innovation has been lacking here in NYC. While the recently passed "City of Yes" was a step in the right direction, it was significantly watered down and pales in comparison to what we could be doing.

Just this week, Cambridge, Massachusetts, passed zoning reforms which eliminated outdated single-family restrictions and now allows six-story buildings to be built citywide.⁶ It is now more restrictive to build in Brooklyn than it is in Cambridge⁷, a disparity that must change.

In summary, these two reforms work in tandem to break the cycle of inaction that has defined New York City's housing policy for far too long. By imposing a supermajority requirement for blocking new housing during an emergency and by expanding the council to include citywide voices, we can set New York on a path toward real, rapid change—ending a housing emergency that has persisted for generations.

Thank you to Chair Buery and the charter revision commission.

⁵This quote is from Theodore Roosevelt, though he was speaking about national politics, not specifically NYC housing policy.

⁶Cambridge city council (composed of only at large members) voted for citywide zoning reform: <https://www.thecrimson.com/article/2024/12/6/Cambridge-zoning-feature/>

⁷This claim is supported by detailed analysis in the evidence section of this document.

Evidence Supporting Testimony

What NYC Can Learn from Cambridge Zoning

In my recent testimony to the Charter Revision Commission I made the claim that "It is now more restrictive to build in Brooklyn than it is in Cambridge". I had looked at the two zoning maps and it seemed pretty clear that this was true, but this is worth a deeper dive. This article examines how Cambridge, a city that was once just as restrictive as New York, reformed its zoning laws and what NYC can learn from its approach.

Why it Matters

I'm not sure if you've heard, NYC housing is expensive. So expensive that the NYC Council has declared⁸ a public housing emergency every single year for over 50 years.⁹ Despite NYC being one of the hottest housing markets on the planet it has constructed surprisingly little housing per capita. On a per capita basis Austin has built almost 5x as much, Houston 3x, Dallas 2.8x, Denver 2x, Atlanta 2x, Minneapolis 1.6x, Seattle 1.5x, DC 1.2x, and for context Chicago .5x.¹⁰ New York City has only built twice as much housing as a city that has been shrinking, Chicago has lost 8% of its population the last 20 years, and 27% of its population in the last 70 years.¹¹

If new construction can sell for so much in NYC, why is relatively so little of it being constructed. There are a myriad of reasons, but the biggest one is zoning. The majority of the city is zoned to be effectively impossible to densify "Currently, 39% of the city's residential buildings are above their respective allowable FARs, and 63% are above or within 25%"¹². It's hard to justify tearing down a 4 story building to build a 5 story building, and that's at best the case for 63% of the city.

What We Can Learn From Cambridge

Before last week, Cambridge had an astonishingly restrictive Zoning Ordinance. So restrictive that the Cambridge Council calculated that "A full 85%+ of the neighborhoods were nonconforming, meaning that most of the buildings in the current city are illegal to build under current zoning (never mind adding new units)" and that over the next 15 years they expect to construct housing for 750 additional people in a city of 118,000.¹³ That is fewer new people than how much Cambridge gained from 1810 to 1820, when it went from 2,323 to 3,295 people.¹⁴

⁸You can see the original text declaring the emergency as well as the most recent renewal in the NYC charter: <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-47299>

⁹Article about this: <https://www.city-journal.org/article/nycs-perennial-housing-crisis> "the city has regularly declared a housing 'emergency' since 1971", the most recent time the council passed this: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6582770&GUID=DOC10F31-B3F0-4392-8AAD-1B909227E9F1&Options=&Search=> in April of 2024

¹⁰<https://constructioncoverage.com/research/cities-investing-most-in-new-housing>

¹¹US Census data shows Chicago's population decline over these periods.

¹²From Welcome to the FAR Dome: By How Much is Gotham Allowed to Grow? <https://buildingtheskyline.org/floor-area-ratio-4/> Well worth a read if you want a quick history of NYC zoning and maximum housing that can be built.

¹³The Cambridge City Council's Primer on Cambridge's Multifamily Housing Zoning: <https://docs.google.com/document/d/1frmIjXVm-DXKKXu7D3xMA71kicVjXeD0GrzQeXydsWQ/edit?tab=t.0>. As well as their more in depth slides.

¹⁴US Census historical data for Cambridge, Massachusetts.

The Cambridge City Council decided this was unacceptable, and On February 10 Cambridge passed their Multifamily Housing Zoning.¹⁵ Now, six story residential buildings are legal to build anywhere in Cambridge. It's one thing to debate zoning reform in theory, but Cambridge just proved that a city can rewrite its rules to prioritize housing. NYC could do the same, if we had the political will.

FAR, a Quick Definition

Floor Area Ratio is the most common and widespread way to define how much can be built on a lot. Think of FAR as the 'budget' for building space: if you have a FAR of 2 on a 1,000-square-foot lot, you have 2,000 square feet to 'spend' across floors, much like a financial budget. You could have a 2 story building covering the entire 1,000sf lot, or you could have a 4 story building with 500sf per floor, or an 8 story building with 250sf per floor, etc.

Cambridge removed residential FAR maximums, and instead has a maximum number of floors and a 30% open space requirement. We can convert this into the effective FAR maximum by multiplying the number of floors times .7. If there's a 30% open space requirement you can only construct on 70% of the lot. So, a 6 floor maximum corresponds to maximum FAR of $6 \times .7 = 4.2$.

The Data

The Brooklyn Data comes from NYC Open Data Zoning GIS Data: Geodatabase¹⁶, Cambridge Data come from their Zoning Ordinance Maps¹⁷, and then manually updated to the new zoning update based on the text of the 2 official zoning updates¹⁸.

First we have an interactive map where you can see the various residential FAR maximums zoned in Brooklyn:

[Interactive map of Brooklyn zoning available [here](#)]

And Cambridge:

[Interactive map of Cambridge zoning available [here](#)]

I used the same maximum FAR shading scheme in both and you can already see the difference. Large Swathes of Brooklyn have a FAR cap between .5 and 1.35, while the smallest FAR cap in Cambridge is 4.2. Let's take a look at the distribution of FAR maximums across all the potentially residentially zoned land in Brooklyn and in Cambridge:

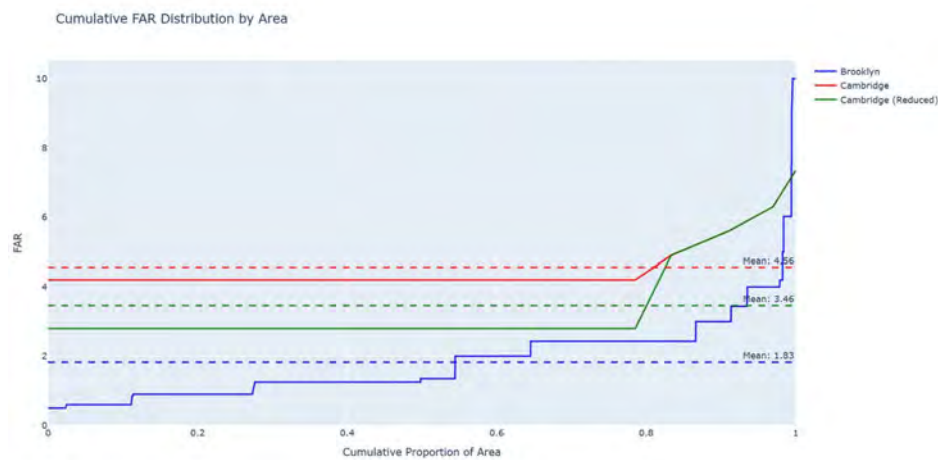
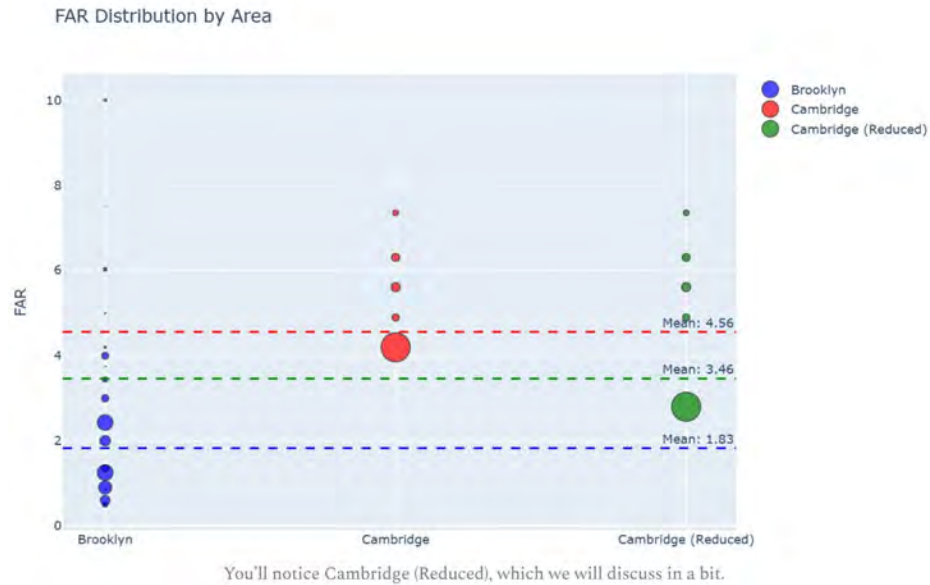
The mean square mile of commercial or residentially zoned land in Brooklyn has a FAR cap of 1.83, compared to 4.56 in Cambridge. Even the lowest residential FAR cap anywhere in Cambridge (4.2) is significantly higher than the average in Brooklyn. Let's take a look at another way to represent this data:

¹⁵Meeting details of the February 10, 2025 Cambridge Council meeting where ORD 2025 #1 and #2 were passed: https://cambridgema.igmp2.com/Citizens/Detail_Meeting.aspx?ID=4634

¹⁶https://data.cityofnewyork.us/City-Government/Zoning-GIS-Data-Geodatabase/mm69-vrje/about_data

¹⁷<https://www.cambridgema.gov/CDD/zoninganddevelopment/Zoning/Maps>

¹⁸https://www.cambridgema.gov/-/media/Files/CDD/ZoningDevel/Amendments/2024/multifamilyhousing/multifamzoningpetition_pt1_aspassedto2ndreading.pdf and https://www.cambridgema.gov/-/media/Files/CDD/ZoningDevel/Amendments/2024/multifamilyhousing/multifamzoningpetition_pt2_aspassedto2ndreading.pdf



Here we've sorted all the land in each city from lowest to highest FAR cap. This shows us that **27% of Brooklyn is zoned Under a FAR cap of 1**, 27% of lots couldn't even have a single story building on it covering the entire lot. **54% of Brooklyn Has a FAR cap of 1.35 or less. 86% of Brooklyn has a FAR cap of 2.43 or less.** Compare that to Cambridge with **78% now being zoned with an effective FAR cap of 4.2**. Cambridge has made it legal to build new housing almost everywhere. NYC, despite its desperate housing shortage, has not.

Cambridge is a city of 118 thousand and a population density of 16k people per square mile. Brooklyn is the most populous Borough, with 2.7 million people living in it. Brooklyn is the second most densely populated borough with 39k people per square mile, about half of Manhattan's 75k people per square mile.

The core problem here is how constrained further construction is in Brooklyn. The vast majority of buildings in Brooklyn are sitting at or above the maximum size the lot is zoned for. These numbers aren't just disappointing, they're an indictment of a system that actively prevents the

housing market from functioning properly.

Cambridge (Reduced)

For many of the lots zoned to potentially 6 stories in Cambridge there is a big requirement, if they want to build more than 4 stories they must "comply with the Inclusionary Housing Requirements in Section 11.203".¹⁹ Section 11.203 basically boils down to 20% of total dwelling floor area must be "Affordable Dwelling Units". This means you can either build a 4 story building with 4 stories of market rate units, or a 6 story building with 4.8 stories of market rate and 1.2 stories of Affordable Dwelling Units. Affordable Dwelling Units are defined as units that can only be occupied by households making 50%-80% of the local AMI (area mean income) with rent being at most 30% of gross household income.²⁰ Let's take a look at this table to see what those AMI values are for a two bedroom:

Housing Program Income Limits*

Cambridge Community Development Department | May 1, 2024

Below are the current income limits that are used by the Community Development Department and other agencies to determine eligibility for housing assistance programs.



	City 50% of Median	HUD 50% of Median	HUD 60% of Median	HUD 80% of Median	100% of Median	City 120% of Median
1 person	\$52,100	\$57,100	\$68,520	\$91,200	\$104,200	\$125,080
2 persons	\$59,550	\$65,300	\$78,360	\$104,200	\$119,100	\$142,940
3 persons	\$67,000	\$73,450	\$88,140	\$117,250	\$134,000	\$160,810
4 persons	\$74,450	\$81,600	\$97,920	\$130,250	\$148,900	\$178,680
5 persons	\$80,400	\$88,150	\$105,780	\$140,700	\$160,800	\$192,970
6 persons	\$86,350	\$94,700	\$113,640	\$151,100	\$172,700	\$207,270
7 persons	\$92,300	\$101,200	\$121,440	\$161,550	\$184,600	\$221,560
8 persons	\$98,250	\$107,700	\$129,240	\$171,950	\$196,500	\$235,860

<p>Maximum for:</p> <ul style="list-style-type: none"> CHA Housing Choice Voucher (Section 8) Program 	<p>Maximum for:</p> <ul style="list-style-type: none"> CHA Elderly & Family Housing Programs Home Improvement Program FTHB Downpayment Assistance Most private & non-profit affordable housing 	<p>Maximum for:</p> <ul style="list-style-type: none"> Home Improvement Program (for NRSAs) ***
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<p>Inclusionary Housing Rental Program**</p>	<p>Homeownership Resale Pool</p>	<p>Homebridge</p>	<p>Middle-Income Rental Housing Program</p>
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* Income limits are calculated by HUD (U.S. Dept. of Housing and Urban Development) for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area, with the exception of the City median income limits which are calculated by the City with information from the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area. All income limits are subject to change.

** Inclusionary Housing Rental Program income guidelines are waived for households with Section 8 mobile rental vouchers.

*** NRSA is a Neighborhood Revitalization Strategy Area. These are designated areas where regular HUD income limits can be increased. [Click here](#) to view a map of Cambridge NRSAs.

If we look at a two-person household we see that a median household income between \$59,550 and \$104,200 would qualify for a 2 bedroom. Given that rent will be set based on the income of the

¹⁹From 5.40.2a in the recently passed Multifamily Housing Zoning Petition: https://www.cambridgema.gov/-/media/Files/CDD/ZoningDevel/Amendments/2024/multifamilyhousing/multifamzoningpetition_pt1_aspassedto2ndreading.pdf

²⁰From Sections 11.203.2-11.203.4 in the Cambridge Zoning Ordinance: https://library.municode.com/ma/cambridge/codes/zoning_ordinance?nodeId=ZONING_ORDINANCE_ART11.000SPRE_11.200INZOINH0

tenants, my guess is that \$90k seems like a reasonable guess at what the average combined income will be for the tenants that end up getting picked. This comes out to an average rent of \$2,250 for 2 bedroom Affordable Dwelling units.²¹ From some quick googling and looking at some listings it looks like median 2 bedroom rent in Cambridge is around \$3,500.²²

The important question is whether developers will choose to build from 4 stories to 6 under this affordable requirement. If building those 2 additional floors makes less money than it costs to build then these zoning requirements are secretly 4 story maximum instead of 6. My guess is that it does pencil out to build an additional 2 floors of which .8 can be rented market rate and 1.2 can be rented for 65% of current market rents. Especially since we would expect market rate rents to come down as more new construction comes online, making the affordable units closer in price to market rate.

Let's still consider the case where the affordable requirements to get from 4 to 6 stories don't pencil out. I conservatively assume that 100% of the land zoned for 6 story buildings requires inclusionary status to get the last 2 stories. This isn't the case, but it's much simpler than me trying to figure out which of the special zoning districts do or don't give 6 stories regardless of inclusionary status.

This is the "Cambridge (Reduced)" data from above. In this case the 78% of Cambridge zoned for 4.2 FAR is instead zoned for 2.8 FAR, which is still comfortably above the 86% of Brooklyn which has a FAR cap of 2.43 or less. Even in this reduced case Cambridge has a mean FAR cap 90% higher than Brooklyn (compared to 150% higher without this reduction.)

What Should We Take Away From This?

Bold action absolutely can be taken. Just like NYC, Cambridge has had increasingly unaffordable rents year after year. This brings us to the fundamental question: If a city as small as Cambridge recognized its zoning laws were a roadblock to growth, why is NYC still stuck in outdated policies?

The Cambridge City Council is entirely at-large members representing the interests of the entire city. Instead of getting caught up with trying to zero sum optimize the situation of their local district at the cost of others, the Council was able to see the big picture and take action to drastically improve the situation of the city as a whole.

NYC too could have at-large members representing the entire city. In fact, up until 1983 there were 2 members per borough representing the interests of the borough as a whole. These members were ruled unconstitutional due to giving greater voting power to someone living in a less populous borough than someone living in a more populous borough.²³ This voting power concern isn't an issue for fully citywide at-large members of the City Council.

There is no reason that our zoning regulations have to line up to almost exactly our current built housing. Just because our zoning has been this way doesn't mean it has to be. New York City's zoning code is 3 thousand pages long, full of arcane rules that make it nearly impossible for small developers to build. Cambridge's reform is proof that simplifying these regulations isn't just possible—it's necessary. We should have a zoning resolution where small time builders can easily build, instead of a system so cumbersome that only the largest developers can successfully navigate their projects through years of review and special dispensations.

²¹\$90k*.3/12 = \$2250

²²Based on current rental listings and market data for Cambridge, Massachusetts.

²³<https://law.justia.com/cases/federal/district-courts/FSupp/528/246/1765010/>

Cambridge's zoning overhaul happened because the city government recognized the need for change. In NYC, our leaders have acknowledged the housing crisis for decades yet our zoning rules still reflect a city from 1961. We don't have to accept this broken status quo. Cambridge took action, and so can we. NYC's housing crisis is a choice, one we can undo by embracing real zoning reform.

Methodology Details

For the Brooklyn data I excluded all Manufacturing zoned districts as well as parks. You will definitely notice this in parts of Williamsburg, Red Hook, and southern Brooklyn. Commercially zoned districts in NYC basically all have an equivalent corresponding residential zoning designation that you can build to if you want to build residential in a commercial zoned district. I used those residential values for all the commercial zones in NYC.

One of the complaints in the Charter Revisions Commission hearing on housing was that there is quite a bit of trapped FAR in NYC, meaning that there are lots where there does not exist a building that could legally be built that uses the entire FAR allowed by the lot. NYC has extremely complex zoning regulations and there are lots where the various combination of setback, back yard, height, etc combine to make building up to the zoned FAR impossible. NYC's extremely complex and convoluted (3k pages long) zoning resolution is part of the reason smaller developers without a legal department whose entire job is to find ways through the zoning resolution struggle compared to behemoth developers. NYC has a ton of overlapping zones, which I definitely did not perfectly account for. It can be hard to tell which relevant overlapping zone is most or least restrictive.

My Cambridge Zoning Map is slightly incorrect because I used the data Cambridge had which is only up to date as of April 3 2023, I then manually updated the residential height (and corresponding FAR) for each type of zoning district. However some districts have changed shape since 2023. In cases where districts changed shape or new districts were created I always updated the heights conservatively. My map should be equal to or more restrictive than the actual map.

Cambridge has a couple other requirements like front and back setbacks, but my understanding is all of those requirements contribute to the 30% open space requirement so I didn't worry about them. There might be edge cases where they have a larger impact than the 30% open space requirement.

Original testimony article: <https://ascendantnewyork.substack.com/p/on-new-york-city-council-ulurp-member>

Cambridge zoning analysis: <https://ascendantnewyork.substack.com/p/what-nyc-can-learn-from-cambridge>

Video of testimony and Q&A: <https://youtu.be/Npf0asrhmgg?si=QOVDDOKIuKS9fsPl&t=9907>

Testimony on NYC Charter Section 197-c Reform

Cormac Slade Byrd

February 24, 2025

My name is Cormac Slade Byrd. I am here today to speak on reforming ULURP, specifically the very first step: certification by the Department of City Planning. There are many good ideas for shortening ULURP that I support, such as combining the community board and borough president review into one step. However, the single longest step is DCP certification, so improving it is crucial.

The combined maximum time limit of all steps after DCP certification is 205 days. Certification by DCP has a 180 day limit. Even if they hit that limit, the applicant then has to file an appeal to the city planning commission. The appeal can take 60 days before the applicant is given either certification, or a statement in writing of what further information is necessary. After 8 months, a full month and a half longer than the entire rest of the process, the applicant could get handed a list of further requirements they must submit. For some applicants this portion of ULURP takes years.

In every other step of the procedure if the relevant authority fails to take action it can get referred to the next level of review. An applicant could reach the city council if all previous levels fail to act within their time limits. There is no such timer on the DCP certification step.

We are in a housing emergency. Year after year rents keep going up and year after year we fail to make any changes. The City Council has been declaring a public emergency for decades. Emergencies require action to fix.

Certification by DCP need not be an endless time suck, casting doubts on project timelines. I have written up a [proposed amendment](#) to section 197-c of the charter to change the DCP certification process for applications that meet 2 requirements: One, that we are in a housing public emergency as defined in sections 26-501 through 26-520 of the New York City Administrative code, and two that the application increases residential development.

For qualifying applications, DCP would have 90 days to either certify or state what further information is necessary. If they fail to do this within 90 days the application would be considered certified and automatically proceed to the next section of review, similar to how subsection j of section 197-c functions for all other ULURP steps.

This deadline-driven approach is not without precedent. In California, the Housing Accountability Act's Builder's Remedy has long allowed developers to bypass local zoning restrictions when a city lacks a certified housing element, forcing local agencies to act in a timely manner. Similarly, New Jersey has seen judicial interpretations that empower developers to move forward when local governments fail to meet their obligations.

These examples demonstrate that when deadlines are enforced, it can prevent protracted delays and boost housing production, exactly the goal we need during a housing emergency. By adopting

this 90-day rule, we not only reduce unnecessary administrative delays but also create a clear, accountable framework that aligns New York City with other jurisdictions that have successfully expedited approvals.

Thank you to Chair Buery and the charter revision commission.

Proposed Amendment to NYC Charter Section 197-c

Section 197-c. Uniform land use review procedure.

a. Except as otherwise provided in this charter, applications by any person or agency for changes, approvals, contracts, consents, permits or authorization thereof, respecting the use, development or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure in the following categories:

1. Changes in the city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine;
2. Maps of subdivisions or plattings of land into streets, avenues or public places pursuant to section two hundred two;
3. Designations of zoning districts under the zoning resolution, including conversion from one land use to another land use, pursuant to sections two hundred and two hundred one;
4. Special permits within the jurisdiction of the city planning commission under the zoning resolution, pursuant to sections two hundred and two hundred one;
5. Site selection for capital projects pursuant to section two hundred eighteen;
6. Revocable consents pursuant to section three hundred sixty-four, requests for proposals and other solicitations for franchises pursuant to section three hundred sixty-three, and major concessions as defined pursuant to section three hundred seventy-four;
7. Improvements in real property the costs of which are payable other than by the city pursuant to section two hundred twenty;
8. Housing and urban renewal plans and projects pursuant to city, state and federal housing laws;
9. Sanitary or waterfront land-fills pursuant to applicable charter provisions or other provisions of law;
10. Sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city, including the sale or lease of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law;
11. Acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law; and
12. Such other matters involving the use, development or improvement of property as are proposed by the city planning commission and enacted by the council pursuant to local law.

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of

determining whether an environmental impact statement will be required by law, and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. The department shall not certify an application unless (1) each affected borough board, borough president and community board has received from the department, at least thirty days before certification, a pre-certification notice containing information specified by the city planning commission, which shall include the project location, the purpose of the proposed actions, and a description of the proposed actions, sufficient to put such borough board, borough president and community board on notice of the substance of the application, and (2) the application is substantially consistent with such notice. The department shall publish such notice on the department's website within five days of the transmission of such notice to the affected borough board, borough president and community board. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

(1) The term "rental emergency expedited application" shall refer to any application under this section that is filed during an active rental emergency as defined in § 26-520 of the administrative code and that relates to increasing residential building development or mixed building development as defined in ZR §§ 12-10.

(2) Notwithstanding the certification period set forth in subdivision (c), if an application qualifies as a rental emergency expedited application, then the department of city planning shall within ninety days from the date of filing, either certify the application or state in writing what further information is necessary to complete the application. If the department fails to act within the ninety-day period, the application shall automatically be deemed certified and shall proceed to the next level of review.

d. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board and each affected borough president shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

e. (1) Except as otherwise provided in paragraph two of this subdivision each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section,

(a) notify the public of the application in a manner specified by the city planning commission

pursuant to subdivision i of this section, and

- (a) either (i) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or (ii) where authorized by this charter, submit a written waiver of the right to conduct a public hearing and to submit such written recommendations to the commission and the affected borough president.

(2) Where an application has been certified during the month of June, the affected community board shall provide notification pursuant to subparagraph (a) of paragraph 1 of this subdivision and conduct a hearing or, where authorized, submit a waiver of the right to conduct a public hearing pursuant to subparagraph (b) of paragraph 1 of this subdivision not later than ninety days after receipt of such application or, where such application is certified during the period of time from and including July 1 to and including July 15, not later than seventy-five days after receipt of such application.

f. A copy of a recommendation or waiver by a community board pursuant to subdivision e of this section that involves land located within two or more community districts in a borough shall also be filed with the affected borough board within the same time period as specified in subdivision e. Not later than thirty days after the filing of a recommendation or waiver with the borough board by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough board may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the city planning commission.

g. Not later than thirty days after the filing of a recommendation or waiver with the borough president by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of citywide administrative services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

i. The city planning commission shall establish rules providing (1) guidelines, minimum standards, and procedural requirements for community boards, borough presidents, borough boards and the

commission in the exercise of their duties and responsibilities pursuant to this section, (2) minimum standards for certification of applications pursuant to subdivision c of this section, and (3) specific time periods for review of applications pursuant to this section prior to certification.

j. If a community board, borough president or borough board fails or waives its right to act within the time limits for review pursuant to subdivisions e, f and g of this section, the application shall be referred to the next level of review. If the city planning commission fails to act on an application within the time limit specified in subdivision h of this section, the application shall be deemed to have been denied unless the application (i) is pursuant to paragraph three or four of subdivision a of this section, in which case the application may be forwarded to the council for review pursuant to the provisions of subdivision b of section two hundred, if applicable, or (ii) is pursuant to paragraph eight of subdivision a of this section, in which case the application shall be referred to the council for review and action as provided by state law.

k. Notice of any hearing on an application by the city planning commission shall be published in the City Record at least ten days immediately prior to the date of the hearing, and a copy of the notice shall be mailed to all community boards or borough boards affected by the application.

l. The commission shall establish by rule procedures for advance posting of notices of commission hearings on applications. Such notices shall be posted at the location of the land involved in such manner and with respect to such types of applications as the commission deems appropriate. Failure to post any such notice shall not affect or impair the validity of any decision of the city planning commission, the council or other agency or official pursuant to this chapter.

m. A community or borough board may review an application which is subject to the uniform land use review procedure pursuant to this section but does not involve land so located as to require reference to such board for review, if in the board's judgment the application might significantly affect the welfare of the community district or borough served by such board. In such a case the application and the related materials submitted to the affected board or boards by the city planning department shall be submitted also to such board upon the request of such board, and such board may hold its own public hearing thereon if it so desires and may submit its own written recommendations in regard thereto to the city planning commission for consideration at any time before the city planning commission takes action thereon.

Original testimony article: <https://ascendantnewyork.substack.com/p/change-nyc-charter-section-197-c>

Video of testimony: https://youtu.be/PX1_G5LynqY?si=A7UugaTWF8LQl0fa&t=9400

Testimony on NYC Development Capacity

Cormac Slade Byrd

June 10, 2025

Good evening, Vice Chair Greenberger and Commissioners.

My name is Cormac Slade Byrd. I'm a Brooklyn resident, data scientist, and for my Third testimony I am discussing the hard ceiling we've placed on by-right housing.

I analyzed all 857,000 New York City tax lots using the Department of City Planning's PLUTO data set. Here is what the data showed:

Only 27% of city lot area could hold a building even twice the size of what stands there now. Landmark protections, transferred air rights, and 90 special zoning districts cut that to about 20% city-wide, and just 12% in Manhattan. On four-fifths of our land you are looking at the largest building that is economically feasible by-right.

Now imagine a miracle: every economically feasible, by-right lot is built to its maximum size by 2030. Total citywide floor area would rise by less than one-quarter, nowhere near what an emergency demands. That optimistic scenario also assumes no tenant buy-outs, easy financing, and perfect lot geometry. Meanwhile, New York State is on track to lose three congressional seats in 2030 because we are zoning people out of the state. Even under this "build-everything" miracle we would merely keep us the same number of congressional seats

The council has renewed the housing emergency every year for half a century. Your preliminary staff report shows you deeply understand the depth of the problem. The executive director's letter spoke to me and, frankly, it should move every New Yorker. I have suggested specific fixes before, but tonight my ask is simple:

Think big. Draft charter amendments that make room for the next million New Yorkers instead of daring them to live elsewhere.

Thank you for your time.

Evidence Supporting Testimony

How Much of NYC is Actually Feasible to Build on?

There's lots of discussion going around about zoning and other regulatory barriers to constructing buildings in NYC. One bottleneck that now gets deserved attention is the [Uniform Land Use Review Procedure](#)¹ (ULURP). ULURP is slow and, thanks to the practice of "member deference," any single Council-member can effectively veto a project in their district.

However, you only have to go through the ULURP process if you want to build larger than what you are allowed to build under the existing zoning laws. To understand today's true development capacity we first have to ask: **How much property is already entitled to build bigger by-right, and is it even feasible to use that entitlement?**

How Much Has Been Built

The main constraint is the Floor-to-Area Ratio (FAR) assigned to each lot. A 1,000 ft² lot with an FAR of 3.0 may host up to 3,000 ft² of total building floor area. A structure that already contains 2,000 ft² has therefore consumed 67% of its allowable FAR. If you aggregate this across all lots in NYC, you can find what portion of the total allowable FAR has been used across the city, a given community district, etc.

Using the Department of City Planning's Primary Land Use Tax Lot Output (PLUTO) dataset which keeps track of lots of information about every single tax lot in NYC we find that **62.24% of the City's FAR has been used**, and 74.26% of Manhattan's FAR has been used.

What Could be Built

However this doesn't tell the whole story, just because the FAR exists doesn't mean it's possible or feasible to use. Nobody is going to demolish a 5,000 ft² building just to add another 500 ft². It is occasionally possible to add extra floors to existing buildings but that is frequently extremely hard to actually pull off, especially in an aging building stock where 54% of units pre-date 1947.²

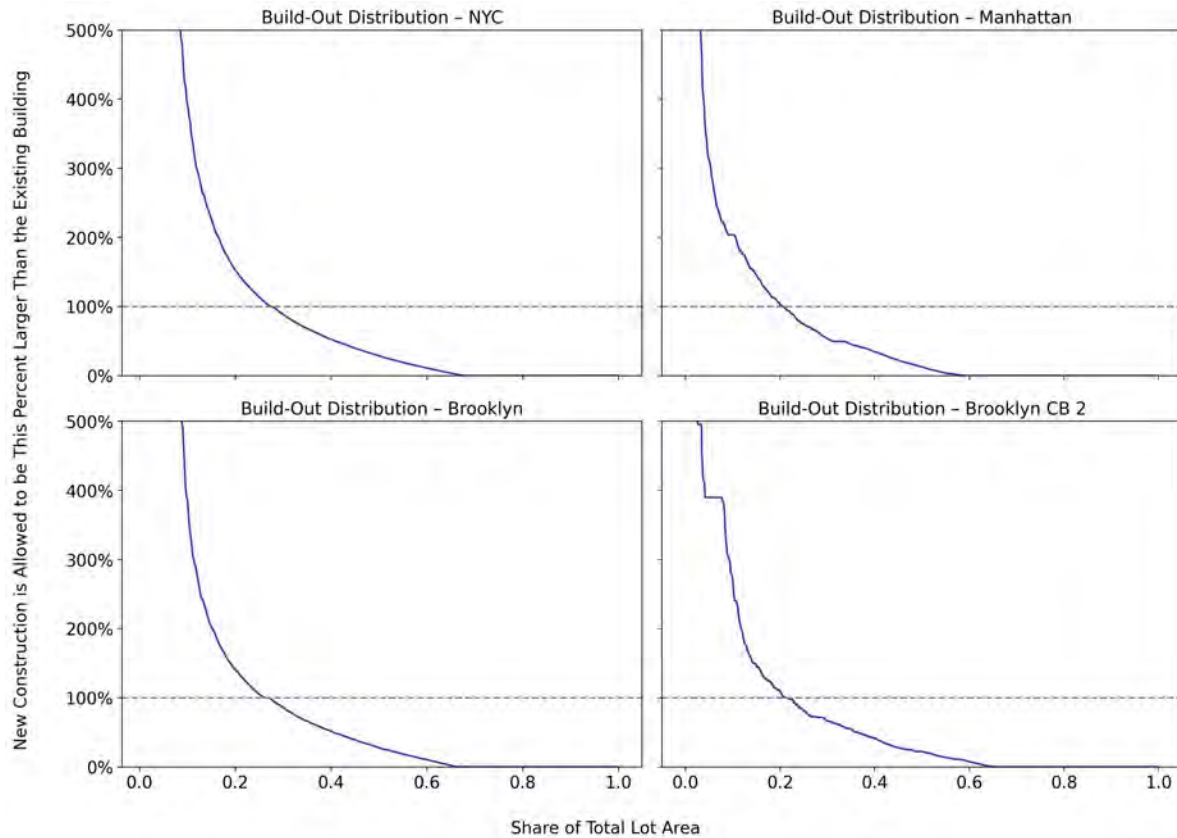
Let's take a look at every tax lot and try to see how much more can be built on that tax lot. The way we will do this is by comparing the gross built floor area to the maximum possible floor area computed with the lot size and the max FAR. For example, a 1000ft² lot with a 2000ft² building on it and zoned for a maximum FAR of 3.0 would be a lot that could construct a building that is 50% larger than the existing building. We then do this for every lot in the city³.

We can see that around 35% of lot area in the city is at or above its FAR maximum and could not build a building larger than the existing building. To approximate feasibility, I flag a lot as

¹For more information on ULURP process, see <https://ascendantnewyork.substack.com/p/how-much-of-nyc-is-actually-feasible#footnote-1-163580783>

²On page 3 of 2023 New York City Housing and Vacancy Survey: "More than 3,000,000 units or four out of every five units were in buildings built before 1974, including 2,017,000 (54 percent) in buildings built before 1947" <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

³With some exclusions, which we will discuss later.



"developable" only if a new building could be at least **100% larger** than what stands there today⁴.

Only **27% of city lot area** meets that test. By borough:

- Manhattan: 20%
- Queens: 18%
- Brooklyn: 26%
- Bronx: 39%
- Staten Island: 40%

My own district—Brooklyn CB 2—comes in at 21%.

Layer of Constraint #1: Landmark Status

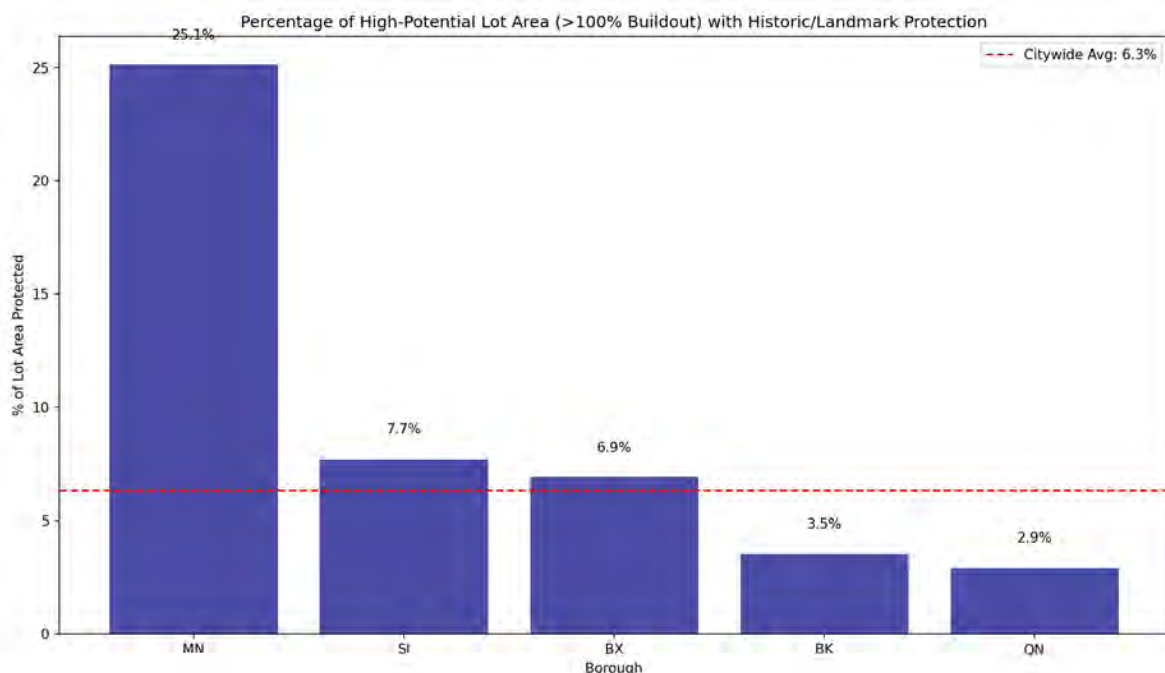
Just because a lot is zoned such that someone could build a building twice as big as the existing building doesn't mean there aren't other considerations that prevent construction on that lot.

⁴This is just my very rough guess, this is probably a topic that could take its very own post and would be interesting to think through.

Around 38,000 lots in NYC are landmarked⁵, either because the individual building has been landmarked or because the lot is inside of a landmarked historic district. This accounts for roughly 4% of all lots in NYC.

It is almost impossible to build a building twice as tall as existing building on landmarked lots. Before a new building can be constructed on a landmarked lot it needs a Certificate of Appropriateness from the Landmarks Preservation Commission. The Commission decides in each specific case whether the height, massing, materials, and design are appropriate for the district. While the city charter makes it very clear that the LPC does not have any authority to regulate the height or bulk of buildings, the LPC makes decisions entirely at its own discretion and "any significant modification of the existing bulk or envelope of a building shall be a violation"⁶. What this means in reality is they reject almost any proposal that materially increases envelope size.

Let's look at what portion of the economically feasible construction area in the city is landmarked:



Of citywide lot area that is zoned to be economically feasible to construct on, 6.3% of it is landmarked. Stripping those lots from the "developable" pool cuts the city-wide share from 27% to 24%. Manhattan plunges to 15.5%; CB 2 drops to 12%.

Layer of Constraint #2: Sold FAR "Air Rights"

In NYC Owners may transfer unused FAR ("air rights") to adjacent parcels or, for landmarked structures, across a wider radius. As a local example [172 Tillary Street sold its air rights in 2007](#)⁷, so despite the fact that this is a 38,250sf lot zoned for an FAR of 10.0 such that it appears that a

⁵ According to the [Landmarks Preservation Commission's site](#)

⁶ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-45840>

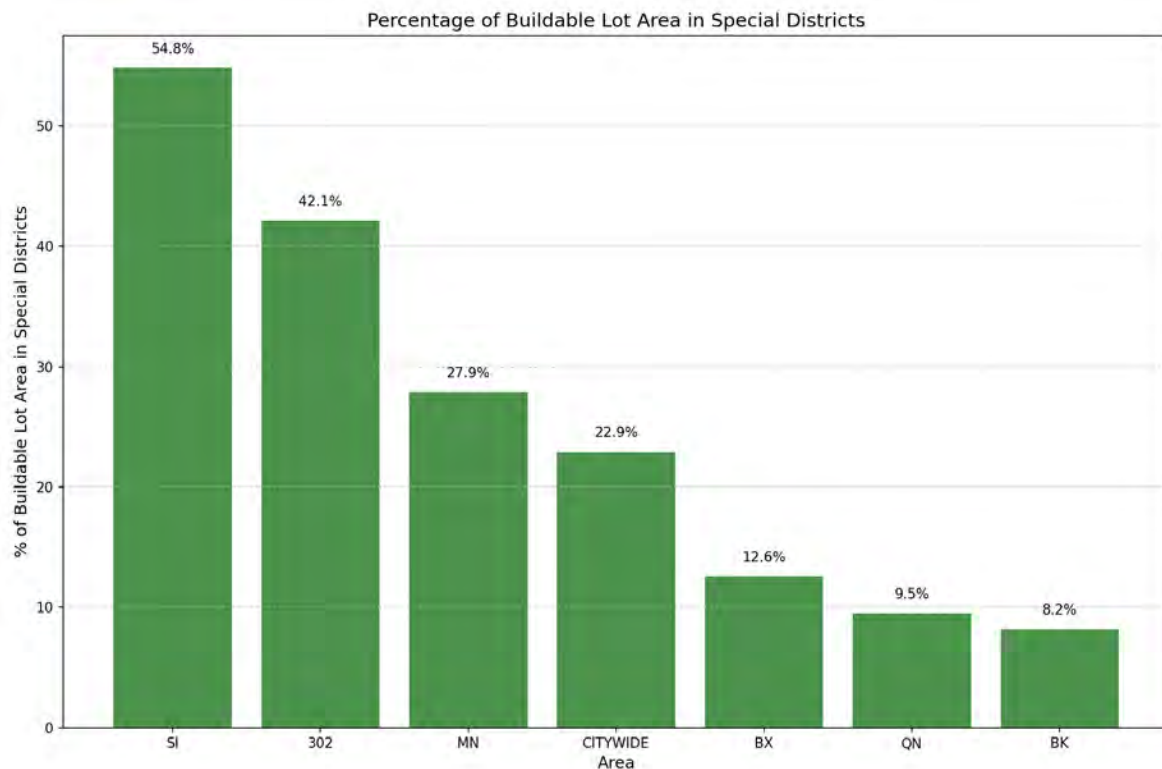
⁷ <https://www.citylandnyc.org/air-rights-deal-in-downtown-brooklyn-approved>

building 665% larger⁸ could be constructed, in actuality that lot is at its maximum size after selling its air rights.

What is important to us in this analysis is we are unable to fully account for sold air rights in our data. We can partially attempt to do so by using Chris Whong's 2020 data⁹ which found a good number of these but only catches a portion of cases. It for example doesn't find the 172 Tillary air rights sale. After accounting for this dataset, the citywide buildable land doesn't drop much, Manhattan has the largest drop going from 15.5% to 15.1%. If I estimate¹⁰ this approach only catches 1 in 3 cases we can estimate 14.3% of Manhattan.

Layer of Constraint #3: Special Purpose Zoning Districts

NYC has approximately 90 special zoning districts. Of the 14 Articles in the NYC Zoning Resolution, 7 of them are exclusively dedicated to special districts¹¹. Most of these special districts layer extra limits. Let's take a look at what portion of the remaining developable lot area is inside a special purpose zoning districts:



If we pessimistically assumed that every remaining lot inside a special district is capped below our 100% threshold we would find that only 18% of all lots citywide are developable. This isn't a realistic

⁸<https://zola.planning.nyc.gov/1/lot/3/134/6?search=true#17.71/40.695463/-73.981662>

⁹Chris Whong's air rights data from 2020, referenced in original article

¹⁰On a manual spot check of famous air rights sales it missed Citadel/Vornado/Rudin 350 Park Ave super-tower, missed JPMorgan 270 Park Ave HQ, missed SL Green One Vanderbilt, hit Hines 53 W 53 (MoMA Tower), hit JDS/PMG – 111 W 57th, hit Extell Central Park Tower, missed Westbrook/Atlas St. John's Terminal, missed the sale from 172 Tillary, missed Related + Oxford Hudson yards. For a total of 6 misses and 3 hits.

¹¹Directly from the [NYC Zoning Resolution](#)

assumption however, since not all special purpose zoning districts are more restrictive and not all properties in a more restrictive special district are restricted below the 100% feasible to build level. The true number will be somewhere between.

Takeaways

After all of these considerations here are the final values:

Portion of Lot Area That is Economically Feasible to Build on

Citywide, and by borough



Chart: Created by Cormac Slade Byrd • Source: [Department of City Planning Primary Land Use Tax Lot Output](#) • [Get the data](#) • Created with [Datawrapper](#)

Stacking the three measurable constraints leaves **18–24%** of New York’s land area where a developer could add at least twice the existing floor area before the softer obstacles below are considered. Manhattan falls to **10–14%**.

By combining all of the various ways new construction is regulated we end up with extremely limited ability to actually build more in the current equilibrium. But what if we somehow managed to magically construct the maximum sized building on every single lot in the entire city in which it is economically feasible to build. How much more building area would be built?

If we somehow built to the max on every single feasibly developable lot, the city’s total floor area would rise from around 5.6 billion ft² to 6.7–7.0 billion ft². We can use the current population density per built square feet to calculate out how many more people would live in NYC if we built out every single feasible lot:

The population of New York city would go from around 8.5 million people to somewhere between 10.1 and 10.6 million people, for **an increase of around 20-25% above the current population**. This might seem like a lot, but this is actually barely enough for New York state to keep track with the rest of the country. With current projections New York State is on track to [lose 3 electoral college seats](#)¹². The current estimate of the population per house seat in the 2030 census is around 775k people per house seat. If we magically constructed all possible feasible housing and there were no more lots that were economically feasible to construct in all of NYC we would as a state lose 0 electoral college votes, instead of losing 3. New York City’s consistent systematic barriers to new construction and therefore growth is continuing to reduce the national relevance of the state.

How much would rents change if every single economically feasible to construct lot was constructed? Well they’d certainly go down, a 25% housing supply shock would decrease the cost of housing. How

¹²Due to [losing 3 House seats](#)

Built Floor Area vs Feasible Untapped Capacity

Citywide, and by borough.

- Existing Built Area
- Untapped Capacity (not in a special purpose zoning district)
- Untapped Capacity (restrained by special zoning districts)



Units are square feet

Chart: Created by Cormac Slade Byrd • Source: [Department of City Planning Primary Land Use Tax Lot Output](#) • [Get the data](#) • Created with [Datawrapper](#)

Population Increase After All Feasible Construction

NYC, Citywide

- current population
- additional population from fully feasible construction
- further additional population from otherwise feasible construction in a special district



Chart: Created by Cormac Slade Byrd • Source: [Department of City Planning Primary Land Use Tax Lot Output](#) • [Get the data](#) • Created with [Datawrapper](#)

much is a very complex problem, since calculating the elasticity of housing demand is a notoriously complex. Perhaps a topic for a further essay.

Further Considerations: Data Issues

The PLUTO dataset I am using has things that are just clearly wrong, the lot area size is sometimes just straight wrong. Sometimes you can fix this by noticing that the lot area is not anywhere close to lot frontage times lot depth¹³, other times the lot area as well as the lot frontage and depth¹⁴ are all wrong.

These sorts of data errors would in general tend to lead to analysis that overstates the amount of land that is developable. Given that the vast majority of the lots aren't zoned to allow new construction if there is a set error rate this will cause more lots to be perceived as feasible to build on than is the physical reality.¹⁵

I contacted the Department of City Planning's help desk about one of these incorrectly sized lots. They told me that PLUTO is sometimes just wrong and suggested that if I want a more accurate lot area I should get a survey done of the relevant lot.

Other Hard-to-Measure Barriers: They're endless...

Lot geometry: Irregular or very narrow lots can't fit a modern elevator + stairs core, Small lots (<2,500 sf) often fail the DOB light-plane & egress rules for >6-story buildings.

Existing Building Holdups: Redeveloping a rent-stabilized or co-op building means buying out tenants or shares. This can be pricier than the land or simply impossible under the existing legal structure.

Parking and other bulk controls: Zoning isn't only FAR. Required parking, rear-yard depth, and Quality-Housing height caps can make the "theoretical" FAR unusable on some lots.

And many more I'm sure I've missed: each one of these decreases the number of developable lots even further.

Data Inclusion, Data Cleaning, Empty Lots

I removed some tax lots from PLUTO for data cleaning reasons:

- If the lot didn't have a postcode
- If the lot's address was exactly "SHORE DRIVE" without an address number, these lots were all literally just water. You can't build on water
- If the number of buildings on the given lot was 2 or greater, but the lot had a building area of 0.

I removed some tax lots because the point of this analysis is to figure out what portion of lots we could build on, not to advocate for building on every available surface in the city. Parks are

¹³One example of this [here](#), notice how frontage times depth is no where close to lot area

¹⁴One example: [here](#), notice how despite being smaller than adjacent lots it has a much larger lot area value

¹⁵A simple toy example is if there is a 5% error rate and the true rate of lots that are zoned for at least twice the current building size is 20%: $.2 \times .95$ will correctly end up seeming to be buildable and $.8 \times .05$ will incorrectly end up seeming to be buildable. This leads to us perceiving $.2 \times .95 + .8 \times .05 = 23\%$ of lots to be buildable.

obviously super important, same with railroad tracks, piers, etc. One could try to write about what is the optimal percent of a city that is parks, amenities, transportation infrastructure, etc. This is not that essay. I excluded from this analysis all lots that had a zoning district of "PARK", and all lots that had these building classifications:

- U1 BRIDGE, TUNNEL, HIGHWAY
- U6 RAILROAD - PRIVATE OWNERSHIP
- U7 TRANSPORTATION - PUBLIC OWNERSHIP
- T1 AIRPORT, AIRFIELD, TERMINAL
- T2 PIER, DOCK, BULKHEAD
- Q0-Q9, QG Parks/Outdoor Recreational Facilities/etc
- Z0 TENNIS COURT, POOL, SHED, ETC.
- Z8 CEMETERY
- Z9 OTHER MISCELLANEOUS¹⁶

NYC Tax Lot Analysis: <https://ascendantnewyork.substack.com/p/how-much-of-nyc-is-actually-feasible>

Video of testimony: <https://youtu.be/aK5FFV87I1I?si=qp849ro3Ke8Tgk3N&t=8734>

¹⁶For example [this lot](#) which is just a portion of water

New York City Charter Revision Commission,

Thank you to the Commission for inviting me to submit testimony. My name is Greg Dennis, and I am Policy Director for Voter Choice Massachusetts, a statewide organization that educates and advocates for ranked choice voting across Massachusetts. Two years ago, we initiated the effort to bring RCV to Boston city elections, and we were thrilled to see it pass the Boston City Council last month. It has since been signed by the mayor and now heads to the State Legislature for approval.

I understand the Commission is interested in the Boston proposal, because it involves a kind of top-4 nonpartisan primary followed by a general election with ranked choice voting, similar to the Alaska election system. I'll provide some background on municipal elections in Massachusetts to understand how we arrived at that proposal and some thoughts on possible paths forward to improve the fairness and voter turnout in New York City elections.

The first thing to know about municipal elections in Massachusetts is that they are virtually all nonpartisan and have been so for decades. If you run for local office here, your party affiliation does not appear on the ballot, and there are no party primaries or caucuses to nominate candidates. In lieu of a party primary, most cities in Massachusetts, including Boston, hold what we call a "preliminary" election, usually 6 weeks before the general election, to winnow the field of candidates. In Boston, if there are 3 or more candidates in the race for Mayor or District City Councilor, a preliminary election is held to narrow the field down to two candidates who face off in the November general. If there are less than 3 candidates in single-seat races, no preliminary election is held.

The benefit of a preliminary election is that by reducing the field to two, they ensure that the winner of the general election has a majority of the vote. However, they also offer a number of downsides. They cost a lot of money to run; they typically see very low turnout, meaning a small, often unrepresentative fraction of the public decides which candidates make the general election; and they depress turnout by offering voters fewer options on the November ballot. Since the RCV tabulation automatically narrows the field to find a majority winner, it largely obviates the need for any preliminary election. For these reasons, our "default" recommendation for cities in Massachusetts has been to eliminate the preliminary election entirely and hold a single-round RCV race featuring all candidates in November.

While holding a single RCV election in November has been our default position, that was admittedly *not* our proposal for Boston. Since Boston has seen some very crowded races in the past, including 12 candidates in the 2013 mayoral race, we encountered unique interest in Boston in maintaining *some* narrowing of the field before the general. For this reason, our Boston proposal keeps the preliminary election, but instead of narrowing the field down to two in the single-seat races, it advances the top *four* candidates to the general election, where voters can then rank those four options. Even with some narrowing of the field, this model will offer Boston voters more voices and choices in the general election, which is when most voters are

paying attention.

When I look at New York City elections, I see a similar problem to that of Boston, wherein voters are denied choices on their general election ballot, with many strong candidates routinely eliminated in the primary. To address this issue and bring more options to the general election, I think the Charter Revision Commission should consider the following three options:

1. RCV partisan primary + RCV general.

This model uses ranked choice voting in a partisan primary, like today, but followed by a general election that also uses RCV. Instead of a very broad spectrum of candidates all trying to cram into a crowded Democratic primary, we'd see more opting for a third party or independent route so that they can make their case to the full voting public in the general election. That route is inhibited today by the vote-splitting problem in the general election, which RCV would fix. An advantage of this approach is that it is the smallest change from the way NYC elections are run today. One risk is that by and large all candidates still try to run in the Democratic Party primary, under the expectation that the Democratic nominee will virtually always win regardless.

2. Non partisan RCV general

This model holds a nonpartisan RCV general election in November featuring all the candidates, with *no* preceding primary. This is the model of San Francisco and Minneapolis, among other cities. It is the most cost-effective solution and the one that clearly maximizes the choices available to voters in November. The risk is that this approach may arguably present voters with "too many" options in the general election.

3. Top-4 or Top-5 Nonpartisan primary + RCV general

Hold an RCV nonpartisan general election in November, but if more than four or five candidates declare for the election, hold a nonpartisan primary to narrow the field down to those four or five in advance. I'd lean towards top-5 over top-4, since NYC voters are already accustomed to ranking 5 candidates. This option would provide voters with a lot more choice in the general election while arguably avoiding highly-crowded general election fields. The risk is that the primary becomes a very low-turnout, almost pointless affair because all the attention is paid to the general election.

When you look at our Boston proposal, it would be wrong to see it as a deliberate statement in favor of nonpartisan primary elections, *per se*. Local elections in Massachusetts were already non-partisan and will continue to be under this proposal. It was an effort to find a way to bring more voices and choices to Boston voters within our *existing* nonpartisan electoral framework. Nonpartisan electoral systems, such as those provided by options 2 and 3, have their critics and some of their criticism does have merit. The critics point out, rightly, that partisan designations on the ballot give voters important cues on the ballot that voters rely on. Further, parties organize political issues into coherent platforms and help mobilize voters to turn out to vote. Those are important factors to take into consideration.

However, there is a notable compromise solution that could be an attractive option for NYC. Under this compromise, the city elections would be formally nonpartisan, in that there would be no party primaries; however – to steal one idea from the city of Minneapolis – candidates would be free to choose any political label they choose to display under their name on the ballot. In Minneapolis, candidates can choose to label themselves however they want: “Democrat,” “Republican,” “Socialist,” “Libertarian,” the “Pizza Party,” whatever. Allowing a candidate-chosen affiliation on a nonpartisan ranked ballot might enable NYC to have their cake and eat it too: It could open up the general election to more voices and choices for all voters, while at the same time give voters political designations they can identify with and rally around.

Thank you,
Greg Dennis
Policy Director, Voter Choice Massachusetts

Subject:

[EXTERNAL] Support Open Primaries

From: Lawrence Crockett [REDACTED]

To: CharterTestimony@citycharter.nyc.gov

Date: June 11, 2025 at 06:23 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov<<mailto:phish@oti.nyc.gov>> as an attachment (Click the More button, then forward as attachment).

Like many New Yorkers, I have spent much of my life being unable to vote in competitive elections. Too often, the winning candidate is a foregone conclusion by the time of the general election. New Yorkers like me find themselves locked out of the races where the winning candidate is chosen simply because we do not choose to or want to belong to a political party.

By opening this system, many New Yorkers will be newly enfranchised and will vote in far greater numbers. It is my hope that the Commission will not miss this opportunity to allow many New Yorkers of all political stripes to fully participate in our democratic process.

Lawrence Crockett

[REDACTED]

Subject:

[EXTERNAL] Support Open Primaries

From: Spencer Chako [REDACTED]
To: CharterTestimony@citycharter.nyc.gov
Date: June 11, 2025 at 06:23 PM

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Spencer Chako
[REDACTED]

Subject:

[EXTERNAL] Support Open Primaries

From: Jesse Hertzberg [REDACTED]

To: CharterTestimony@citycharter.nyc.gov

Date: June 11, 2025 at 06:24 PM

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I understand the importance of allowing all people, especially the newest New Yorkers, to participate in our electoral and civic life. Open primaries eliminate barriers to voting and would mean that all New Yorkers, particularly immigrants, would be able to participate in all our elections.

It is key to the very fabric of our city that we make our civic life one that all people can participate in, regardless of political preference or personal history. The people we elect to represent us should represent that shared belief in an open and inclusive city.

Jesse Hertzberg



Subject:

City of New York - Correspondence #1-1-9181703 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 12, 2025 at 12:58 PM

Below is the result of your feedback form. It was submitted by
(zacksviera@gmail.com) on Thursday, June 12, 2025, at 12:58:25 PM

This form resides at
hxxxs://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page

Topic: Submit Written Testimony

Name: Zack Viera

Email: [REDACTED]

Phone: [REDACTED]

Comments: Here is the text of my written testimony I gave on 6/10: Good evening commissioners, my name is Zack Viera. I've lived in New York City for five years and hope to spend the rest of my life here. I want to start by thanking the Commission and staff for putting together the preliminary report. I was pleasantly surprised by how engaging it was and impressed by how information-dense it managed to be. I especially want to thank Executive Director Alec Schierenbeck for his beautiful letter and the reminder of how we might choose to see our incredible city. Like any city, though, we're experiencing growing pains. As the report notes, New York City has been in a declared "housing emergency" since 1960, with a current net rental vacancy rate of just 1.4%. This clearly isn't improving. Every few years, the City Council extends the housing emergency, but we haven't been able to dig ourselves out of it. I firmly believe this is because we haven't kept pace with the demand for housing in the greatest city in the world. To fix that, we need to significantly increase our housing production. The report outlines a number of ideas to address this crisis, but I believe two areas have the most potential for impact: Member Deference and ULURP reform. Charter revisions targeting these structural issues could make a

meaningful difference in our ability to build enough housing to meet demand and eventually reach a more sustainable equilibrium. On Member Deference: I don't think it's acceptable that individual councilmembers can unilaterally kill building projects in their districts. I agree with Queens Borough President Donovan Richards, who likened the current system to feudalism, treating councilmembers as "feudal lords" who rule over land as though it were a personal fiefdom. If we want a more diverse, less segregated city, we need cross-district collaboration to support housing development equitably. A lot of what we know about how development decisions play out comes from the projects that do get proposed, but in many districts, developers don't even bother trying, knowing that under the current deference system, their projects are likely dead on arrival. As the report points out, in the last decade some Council districts saw no applications at all, and only 5 of 51 averaged more than one per year. That's deeply telling, and troubling, especially since this practice isn't even codified in the Charter. There's also real opportunity in reforming our land use and zoning procedures. ULURP, as it stands, is a long and complex process. Since I know this has already been the subject of much testimony, I'll just say I agree with the most common recommendation: consolidate the advisory portions. This would still allow for thorough review while avoiding unnecessary slowdowns. As Parkinson's Law reminds us, work expands to fill the time allotted, and the example of the NYC subways being approved in one week shows what's possible. ULURP is robust, but at this point, it may be too robust for a city facing an urgent housing crisis. Thank you, Vice Chair Greenberger and members of the Commission, for your time and attention. Here is the timestamped video of the testimony: <https://www.youtube.com/watch?v=aK5FFV87III&t=8508s>

Subject:

[EXTERNAL] Support Open Primaries

From: Paul Vorobyev [REDACTED]

To: CharterTestimony@citycharter.nyc.gov

Date: June 13, 2025 at 09:05 AM

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It is too hard to vote in New York City, and voter turnout does not reflect the city as a whole. Open primaries address this by fixing one of the major impediments to voting and empowering a million New Yorkers to participate in the most competitive and consequential elections. Reducing the number of non-competitive elections will incentivize more people to participate in the democratic process.

Addressing our abysmal voter turnout rates should be a key priority of the Charter Revision Commission. I hope that the city does not miss this opportunity to ensure that we have competitive elections in which all registered voters can participate. This will mean that New York City has a healthier and more robust democracy than ever before.

Paul Vorobyev



Subject:

[EXTERNAL] Support Open Primaries

From: Paul Vorobyev [REDACTED]
To: CharterTestimony@citycharter.nyc.gov
Date: June 13, 2025 at 09:05 AM

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I have been forced throughout my life to enroll in a political party if I want my vote to matter. Neither of the two largest parties reflects my values and beliefs. I am excited to be supporting open primaries. This change will mean that I am no longer forced to make a choice that does not reflect my values.

Being able to vote in an open primary would mean that I could choose and rank the candidates who best reflect my values, regardless of their affiliation with a political party. Moving to this system will not only open primary elections to a larger electorate but also help diversify the kinds of opinions and candidates appearing on the ballot.

Paul Vorobyev
[REDACTED]

REBNY Comments | June 13, 2025

The Real Estate Board of New York to 2025 Charter Revision Commission regarding the Preliminary Report

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. Thank you for the opportunity to provide comments on the [Preliminary Report](#).

New York City is experiencing a housing crisis of historic proportions, defined by a chronic underproduction of housing, a deepening affordability gap, and an severe mismatch between supply and the needs of New Yorkers across income levels. Without bold structural changes, the crisis will only worsen. The preliminary recommendations from this Commission represent an essential step toward unlocking the city's capacity to build the housing it desperately needs.

We strongly support the Charter Revision Commission's housing and land use recommendations that aim to streamline processes, reduce costs, and better align decision-making with citywide housing needs.

As highlighted in our [previous testimony](#), it currently takes up to three times longer and costs up to twice as much per unit to build housing in New York City compared to other major U.S. cities. Inefficiencies and structural barriers in NYC's land use and environmental review procedures are major factors that prevent NYC from meeting its housing goals.

The preliminary report recommendations represent practical, balanced reforms that retain public oversight while recognizing the urgency of our housing needs. In the remainder of this testimony, we offer further comments on the proposed fast track process, the role of public land, broader ULURP reform, and additional Charter changes such as improving the City's contracting and payment systems, all of which impact the production and preservation of housing in New York City.

Changes to ULURP

The current practice of member deference has become one of the most consequential barriers to citywide housing development. The Charter Revision Commission's Report makes clear that this practice effectively grants veto power to individual councilmembers over land use projects in their districts, regardless of their potential contribution towards addressing the City's housing crisis. Since 2009, no housing project has been approved through ULURP over the objection of the local councilmember.

We support the Commission's focus on whether certain applications could conclude with a City Planning Commission decision rather than a Council vote. This change would no longer require that all projects — regardless of size and potential for impacts — be subject to a full ULURP, while continuing to ensure a meaningful public review. The role played by the Community Boards and Borough Presidents would continue to ensure that both local and borough wide needs are considered, and the City Planning Commission would provide a Citywide perspective in its decision making.

Fast Track Land Use Review Process

Speaker Adrienne Adams' [Fair Housing Framework](#) established a foundation to ensure that every community district contributes equitably to meeting the city's housing needs, with transparent targets tied to housing production, affordability, and racial equity. In 2024, just four Council districts produced more housing than the other 47 combined, while two Community Boards produced zero affordable units, an inequitable and unsustainable outcome.

Similarly, the Department of City Planning has advanced the [Green Fast Track](#) initiative, which identifies qualifying environmentally sustainable projects based on clear criteria like size, location, and minimal environmental impact and allows them to move forward without undergoing a full environmental review.

Together, these initiatives reflect a broader recognition of the need to accelerate housing production and lessen the burdens of the public review process.

In order support of these efforts, REBNY strongly supports the Commission's proposal for a "Fast Track" Land Use Review Process, which would create a streamlined pathway for projects that meet defined affordability, size, or environmental thresholds. The current ULURP process applies without regard to project scale and imposes costs and delays which, combined with the risks of an uncertain outcome, prevent many beneficial housing projects from moving forward.

This is particularly the case for modest rezonings. Only two out of over 120 private ULURP applications in the last decade resulted in modest rezoning increases (less than 40%) in lower-density districts. This is a stark indicator that the current process does not work for "missing middle" housing types.

REBNY also supports the proposal voiced in [testimony](#) by the New York Housing Conference that would allow projects delivering affordable units within the lowest performing community districts to be subject to a modified ULURP with review by the Community Board, Borough President, and CPC. To implement such a proposal, we believe that housing production by community district should be analyzed by the Department of City Planning and be updated every 5 years to identify these lowest performing community districts.

To further implement such a proposal would also require clear criteria as to whether a project would have the shorter or longer road to approvals. As an applicant, the cut off should be clear as to when one

can put a project forward and it does not go to the Council. We recommend such cut off focus on the filing of the pre-application statement and a reasonable timeframe of at least a year in which the land use application for such project is filed and commences public review

We believe the concept of the fast track could also apply to housing projects citywide, given the dire need. As the Commission noted, projects requiring even minor discretionary actions (like special permits for bulk, parking, or height relief) must undergo the same full land use process as a rezoning for a 1,000-unit building. This discourages production and adds months or years of review to otherwise straightforward projects. A fast-track pathway for special permits would better align process intensity with project impact and will result in more predictable timelines, lower soft costs, and increased housing production in the neighborhoods that need it most.

Other jurisdictions, such as California, have adopted stronger measures to confront local obstruction of housing. Under the state's [Housing Accountability Act](#), the "Builder's Remedy" provision allows developers to bypass certain local zoning restrictions if a locality is out of compliance with its state-mandated housing targets. This has led to dozens of projects moving forward across California cities that otherwise would have been stalled or blocked by local resistance, particularly in high-opportunity areas that have historically underproduced housing.

However, REBNY believes that a Fast Track process grounded in objective criteria could offer a mechanism to increase housing production, without the need for state involvement in decision-making with respect to specific projects.

We therefore urge the Commission to recommend clear parameters for qualifying projects, including small- to mid-scale multifamily buildings and deeply affordable housing developments to move through a junior or fast tracked ULURP process.

REBNY appreciates the Commission's recommendations that aim to bring greater efficiency and clarity to the oftentimes convoluted, lengthy, and costly development process in NYC, however, we caution against reforms that could unintentionally introduce new layers of review or administration discretion.

New Roles and Powers

The Charter Revisions Commission's report discussed a proposal to create a Zoning Administrator role or the expanded use of the Board of Standards and Appeals (BSA) for reviewing certain land use applications. While intended to streamline approvals, these changes could in practice add additional steps, increase legal and procedural uncertainty, or create new bottlenecks without clear criteria, timelines, or accountability.

For example, if applicants are routed through a Zoning Administrator office that is not adequately staffed and resourced, and is not subject to the oversight and accountable to the director of the Department of City Planning, the net effect could be slower project timelines, not faster ones.

The report and testimony from other groups references the creation of a new action or granting of more authority to the Board of Standards and Appeals (BSA) to expedite a subset of housing projects. First, a note of concern on expanding the authority of the BSA. BSA grants variances from zoning under specified standards, and it is unclear as to what basis would BSA act with respect to housing. BSA grants relief from the zoning resolution, so this concept seems to imply that the BSA will grant relief from zoning standards established by the Commission and Council. This is not a fast track – it's substituting one process for another, and for a process that does not have defined timelines, inclusive of time and review by the Community Board, time and review parameters for staff, and time certain decisions by the board itself. It would be better for the Charter Revision Commission to focus on the concept of how a fast-track process can be integrated within the existing framework of City Planning Commission review and decision making.

In the preliminary report and in testimony from other stakeholders, there has been discussion whether a new process should be created that would allow for the override of a Council disapproval of a ULURP application. Today, the mayor can veto a Council decision, but the veto is subject to an override by two-thirds of the Council. Some have suggested that a new body be established, consisting of the affected Borough President, a representative from the City Council Speaker, and the Chair of the City Planning Commission, that would be authorized to override Council disapprovals. We are concerned that such an alternative would only serve to create more process and potentially inject a level of last-minute deal making into the process. We instead propose that this authority be given to the City Planning Commission, but that the Commission be reconstituted to give the Speaker an appointment in lieu of the Public Advocate. In addition, we recommend that this override authority be limited to housing projects that exceed a specified number of units.

In deciding these issues, we urge the Commission to ensure that they will result in process simplification and not have the unintended consequence of making an already complex process lengthier or more burdensome to applicants.

Additional Suggested Changes

We believe that Minor Projects and Changes to the City Map ([Chapter 8, Section 199](#)) should be exempt from ULURP. Business Improvement Districts ([Chapter 9, Section 220](#)) should be exempt as well, since they already a requirement for Council member support at the start of the process with SBS and the SBS process includes review by the affected Community Board.

Disposition of Public Land

Public land is one of the City's most powerful tools for facilitating affordable housing. Yet as the Commission's report details, even when no zoning change is required, the disposition of City-owned land is subjected to the same full ULURP process as major rezonings, delaying development and reducing the effectiveness of this resource.

We support a fast-track process for affordable housing dispositions, especially to entities like Housing Development Fund Companies (HDFCs), which are statutorily mandated to produce affordable housing. The Commission should revisit and expand upon the 1989 Charter Commission's attempted carveout for HDFCs, providing clear criteria under which dispositions could proceed with CPC approval and bypass further Council review.

REBNY supports this proposal and recommends it apply to acquisitions, leases, and any transaction where the City utilizes City-property to facilitate affordable housing deals. This should include, among other things, the City's grant of light and air and other easements to purchasers of City-owned development rights entered into for purposes of facilitating affordable housing; today, the mere grant of such easements triggers ULURP.

In addition, for ULURP actions that are followed by a RFP process, the Commission should consider making appropriate changes to [Section 197-b](#) to eliminate a redundant level of process for city-sponsored projects that today require reviews under both Section 197-b and 197-c to effectuate the same goal – affordable housing on city owned land.

Fixing the City's Contracting System

REBNY also supports the Commission's exploration of Charter changes to improve the City's procurement and contracting systems, which directly affect the delivery of housing-related services from tenant outreach and shelter operations to supportive housing development.

Today, nonprofit organizations and service providers face on average 6 months of delay in receiving payment for essential contracts due to inconsistent and fragmented processes across city agencies. Over \$1 billion is owed to not for profits working under city contracts. These delays threaten service continuity, undermine trust, and create avoidable financial strain for frontline organizations, as non-profits who often do not have the cash flow to support operations in the interim must take out costly loans.

REBNY's partners for work ranging from vouchers to boosting housing supply such as Legal Aid Society, Win, Habitat for Humanity, and 32BJ have all emphasized the need to provide timely and reliable payment to those doing the essential work of keeping New Yorkers housed and supported.

Reforms such as codifying the Mayor's Office of Contract Services (MOCS) in the Charter, with clearly defined and enforceable timelines across agencies, and creating a mechanism to provide 80% cash upfront to nonprofit providers would ensure that the City meet its obligations as a reliable contracting partner and better support the affordable and supportive housing system as a whole.

Addressing Permitting Inefficiencies

If contracting issues require a charter intervention to jolt the existing system, we argue permitting for development is in the same dire straits. Though not proposed in the staff report, REBNY recommends a single entry for permitting. As the report stated, even after a builder has completed ULURP, there is another source of delay and cost due to the process of applying for and receiving the permits and inspections needed to initiate and complete construction. The process of obtaining permits from a variety of agencies applies to all developments, whether as-of-right or those going through ULURP, and can add years to the development process.

The City's multi-agency permitting structure with conflicting and siloed review pathways across DOB, FDNY, DOT, DEP, LPC, and others imposes soft costs equal to 30% of hard costs, compared to 20% nationally. For example, energy calculations can take up to two years, and approvals for fire alarm plans can add months per floor. Oftentimes, there is an overlap between these agencies, and the total time between plan filing and building occupancy can take up to four years or more.

We urge the Commission to consider intervention that provides predictable and time-certain permitting and encourage interagency coordination through centralized or digitized systems. The charter revision should remove permitting functions from PDC, SBS, and DPR and house it within DOB, and then mandate a coordinating role in city hall over DOB, FDNY, DSNY, DOT and DEP to effectuate consistency in timing and communication.

Comprehensive Approaches to Planning

The Preliminary Report outlines a proposal that would require a "comprehensive plan" as outlined by various stakeholders. The Charter Revision Commission considers whether a comprehensive planning process would result in additional delay and process costs for housing developments if those projects do not align with the comprehensive plan, triggering additional review.

A comprehensive plan, which other cities such as Seattle, have successfully adopted can help guide decision making over land use decisions and can align housing growth with infrastructure investment and needs. However, much like the report itself outlines, REBNY believes that the complexity of establishing one in New York City is well intended though do not believe it is a workable solution that should be pursued. Instead, the charter should be amended to override the disconnect in various local law requirements for comprehensive waterfront plan, industrial plan, and other citywide plans so that such plans sync up and have a real relationship to the capital plan. The time in between such plans being issued should be no more than every 10 years and no less than every 5 years.

Centralization and digitization of the City Map/ Borough President Topo Office

Important to the Charter Revision Commission's Preliminary Report is the recommendation to centralize the administration of the City Map and related functions at the Department of City Planning. Currently, the Charter requires the Borough Presidents maintain a Topographical Bureau, a function that has become increasingly difficult to sustain given the expertise and resources necessary to execute. The result is fewer city map changes per year and delayed project timelines upwards of six or more months, aside from ULURP.

REBNY supports digitizing the City Map, a change that is long overdue, and making the Department of City Planning the central depository. Through this change, the administration of alterations, status confirmations, and address assignments would be made more efficient than the current decentralized process and would bring the operations of the City Map to the 21st century.

Principles for Change

New York City cannot afford to allow outdated procedures and parochial barriers to block the housing its residents so urgently need. The Charter Revision Commission has laid out a thoughtful, data-driven framework to modernize land use, unlock public land, streamline permitting, and support mission-driven housing delivery — while maintaining public oversight and democratic accountability.

REBNY thanks the Commission for your leadership and commitment to taking on this necessary work and for the consideration of these points.

CONTACT:

Basha Gerhards

Senior Vice President of Planning
Real Estate Board of New York

[REDACTED]

Maddie DeCervo

Director of Urban Planning
Real Estate Board of New York

[REDACTED]

ULI New York Charter Revision Recommendations

Thank you Chair Buery and Commissioners for the opportunity to offer testimony before the Charter Revision Commission. My name is Felix Ciampa, and I am the Executive Director of the Urban Land Institute's ("ULI") New York District Council or state chapter. ULI is the oldest and largest network of multidisciplinary real estate and land use experts in the world, encompassing the private, public, and nonprofit sectors, including developers, investors, designers, builders, buyers, sellers, urban planners, and public officials. Formed nearly a century ago, ULI is a nonpartisan, nonprofit education and research institute whose more than 45,000 members deliver ULI's mission to shape the future of the built environment for transformative impact in communities worldwide. Every day ULI members donate their time and expertise to tackle the most complex land use challenges and drive change that helps create thriving, equitable communities around the globe.

Our nearly 3,000 members in New York carry out ULI's mission through best practices sharing across more than 20 committees and councils—the latter focused on areas such as housing, climate and sustainability, and infrastructure. Among our many member-led initiatives, our expertise and community service shines through our technical assistance work. Over the years, nonprofits and city agencies including the Departments of City Planning (DCP) and Housing Preservation & Development (HPD) have turned to our members for apolitical guidance on neighborhood revitalization and resilience projects, among other areas of need. Recommendations are provided by multidisciplinary panels we assemble for two-day charettes through our Technical Assistance Panels (TAPs) program. We also build capacity for a built environment that works for everyone, through our Urban Plan for Public Officials (UP4PO) workshops. Our workshops have helped Community Board members and other public officials better understand the trade-offs and risks at play in the entitlement and negotiation process associated with land use through experiential, immersive role playing. To learn more about our work please [see our Annual Report](#).

While much of the work we do with our members is focused on advancing ULI's three mission priorities—decarbonization and net zero, developing the next generation of diverse industry leaders, and increasing housing attainability—it is this third mission priority that is growing in importance for us, owing to acute housing shortages which tear at the fabric of the creativity, excellence, dynamism, and inclusivity that have long defined and been a beacon to residents and arrivals in New York City.

A robust influx of both prior residents and newcomers to the country's largest metropolitan area post-pandemic, lured by the vitality and energy of our city, and by access to things only our city offers, brings an unparalleled moment to reshape housing policies that stifle housing production. The [National Association of Realtors notes a 16% rise in moves to US cities](#) in 2024 over 2023. New U.S. Census Bureau, Vintage 2024 Population Estimates data shows New York City's population grew to 8.48 million as of July 1, 2024, up from 8.39 million in July of 2023, marking the second consecutive year of population growth in New York City. A recent study by renowned global design firm Gensler, reaffirms the popularity of cities and the appeal of density in the wake of the COVID-19 pandemic, a sentiment shared by our broader membership.

Based on a 2023 poll of 26,000 urban residents in 53 global cities, Gensler's [2024 City Pulse Retrospective](#) reports that 73% percent of those who want to move intend to relocate to a city of some kind, with the most popular destination being a city with more people. 61% of the New York sample felt satisfied with the city as a place that supports their well-being. But many in the hollowed-out middle are struggling. Nearly half (46%) of New York City respondents said they live paycheck-to-paycheck. Housing scarcity and high rents threaten to drive away communities of color and creatives and to erode the city as one of solidarity, diversity, innovation and equity that has long drawn millions.

ULI New York stands for dynamic, inclusive and equitable housing at all income levels, which our city severely lacks. Only by increasing citywide density can we deliver materially more supply. That demands that each community district contribute its fair share. A fair housing policy with teeth will help ensure that housing is available at market rate, middle income and low-income levels across the city. We believe the Commission has a unique opportunity to address these problems by considering changes to the City Charter that would unlock the creation of desperately needed housing and ensure that future housing production is both more equitable and inclusive than the current framework.

Our recommendations follow:

MEMBER DEFERENCE STYMIES HOUSING GROWTH AND CONCENTRATES HOUSING PRODUCTION

A big roadblock to increasing housing supply is not even written into the Charter. Member deference is the unlegislated power of a single Council member to approve or reject a project in their District; All the other City Council members acquiesce and allow for said Council member's decision to stand at the full City Council vote on the project's ULURP (Uniform Land Use Review Procedure) application. In other words, the City Council's decision on a ULURP application reflects exclusively the interests of the Council member within whose district the project is located, without any regard to the interests of the city as a whole. The result in many cases is that housing projects that are the subject of such ULURP applications are significantly reduced in density (often to the point of financial infeasibility) or denied altogether.

Due to this roadblock, housing production limps along or remains stagnant in the less dense neighborhoods that have historically shunned housing projects, reinforcing the status quo. This doom loop is perpetuated by constituents who elect representatives who promise to uphold the resistance to increasing housing density. Upholding this resistance by default pushes a disproportionate share of the responsibility of housing production onto lower income communities and communities of color across the city. Put simply, member deference causes and fans the flames of tensions in fair housing policy, planning and execution.

I. RECOMMENDATION: MITIGATE THE IMPACT OF MEMBER DEFERENCE AND ACCELERATE THE ULURP APPROVALS PROCESS BY AMENDING THE CHARTER PROVISIONS IMPLEMENTED BY LOCAL LAW 167 of 2023

ULI New York proposes that the revised Charter strengthen the city's ["Fair Housing Framework"](#) in two ways:

- a. **Include Borough Presidents in the Creation of Fair Housing Targets.** HPD should develop housing production targets for each community district, as required under the Fair Housing Framework, in consultation with each Borough President. This measure would help ensure that the assessment and planning of housing production includes a macro/Borough-wide perspective.
- b. **Add a fair housing enforcement mechanism with teeth to the current Local Law 167 Fair Housing Framework.** Should a community district not meet its fair housing production targets, then any application for a proposed housing project in that community district that would otherwise be subject to ULURP would instead be subject to an abbreviated public review process that ends with a vote to approve, approve with modifications or disapprove such application at CPC (*i.e.*, there would be no City Council review period or vote on the application, as is the case today with CPC authorizations under the Zoning Resolution). The full ULURP process would only resume after a community district had met its fair housing production targets, reinstating City Council's current power to accept or reject a project in a City Council vote, thus providing a powerful incentive to Council members to greenlight housing projects early in the pipeline in their district. This centralized mechanism to enforce meeting fair housing production goals and targets has proven effective in other cities and states (see Massachusetts' regional planning law, [Chapter 40B and MassHousing](#)) because maintaining a voice and oversight over projects in one's district motivates each Council member to approve projects that would ensure that their district is meeting its assigned fair housing target.

II. RECOMMENDATION: CREATE A ULURP APPEALS BOARD

Establish a ULURP appeals board to review and potentially approve applications initially disapproved by the City Council. Such a board would be comprised of all 13 members of CPC, except that ULI New York recommends replacing the CPC Commissioner appointed by the Public Advocate with a commissioner appointed either by the City Council Speaker or by the community board of the impacted district. This would ensure that the perspectives of the impacted district are represented in the appeals process, either by a representative from the district or by the City Council Speaker on behalf of the affected City Council member. When the City Council disapproves or approves with modifications a ULURP application for a project that includes housing, the applicant may appeal such decision to the appeals board. The appeals board may review such decision and would have the discretion to approve the application or in the case of an approval with modifications, disapprove or further modify the City Council's modifications.

III. RECOMMENDATION: STREAMLINE AND SPEED UP THE ULURP PROCESS

Addressing Burdensome Costs and Delays

New York City dwarfs other cities in the complexity, costs and time entailed to gain approval to produce housing -- well before a shovel hits the ground. This dissuades developers from starting

a cumbersome approval process so that the City Council never has the opportunity to vote on projects. The following proposed changes, including one that is outside the scope of the Charter Revision, would reduce costs and expedite the project approval process, which in turn would expand and accelerate housing production across the city:

- a. **Improve interagency coordination and communication to support New York City's housing goals.** Everyone who has been involved in the ULURP process has stories to tell about delays that result from waiting for City agencies to comment on CEQR documents. Agencies such as DEP and DOT are overworked and understaffed, and certification of applications is often held up while City Planning is awaiting their comments. Delays also occur for projects that are not subject to CEQR because of lack of coordination by City agencies. Initiatives such as HART (Housing at Risk Task Force) and the Office Conversion Accelerator are strong current examples of the Mayor's Office's good faith efforts to address interagency challenges and to streamline housing development processes. Tackling and resolving these obstacles would help developers cut through today's red tape which materially delays the issuance of the approvals and permits that are crucial to produce housing. Initiatives and assistance from the Mayor's Office like these should be codified in the Charter, to the extent possible, to avoid their dismantling by future administrations.
- b. **Establish agency staffing targets to ensure there are sufficient resources to streamline and accelerate the required steps for a project to break ground.** Today, insufficient staffing at the Departments of Buildings, Environmental Protection, and Transportation slows the permitting and sign-off process. Staff shortages at HPD also delay affordable housing lotteries, lease-ups, and move-ins.
- c. **Implement new procedures to fast-track approvals for pre-determined projects of a certain type.** High-priority and lower-lift targets might include affordable, small scale and/or projects in areas falling short of their fair housing production goals. City Planning has already introduced a Green Fast-track process for CEQR review of housing projects of less than 200 units, but the process is still quite complex. Although outside the scope of the Charter Revision, reforming SEQRA (State Environmental Quality Review Act) procedures to create more Type II actions and otherwise streamline the environmental review process would also be helpful. One idea is to add more categories of actions to the Type II list but require certain types of studies as part of the building permit process, such as a traffic management plan or drainage plan.

The ongoing housing crisis has been exacerbated by historically inequitable housing production across New York City. If we are to provide New Yorkers with the housing they desperately need and deserve, the Commission will need to take bold actions to ensure that every community district does its fair share to support housing production. With housing vacancy rates hovering around 1.4%, the lowest level in more than 50 years, no community district should be entitled to declare housing production off limits. We believe the only path forward to creating a fairer and more equitable city for all New Yorkers is to share the responsibility of building the housing we need. Thank you.

Subject:

City of New York - Correspondence #1-1-8256759 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Naisha Pounder

Email: [REDACTED]

Phone: [REDACTED]

Comments: My son's well-being

Subject:

City of New York - Correspondence #1-1-1765965 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Manhattan Community Board Five

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see attached resolution from Manhattan Community Board 5 as testimony for the July 7th Hearing. Please contact me at [REDACTED] with any questions.



Manhattan Community Board Five

Bradley Sherburne, Chair

Marisa Maack, District Manager

June 16, 2025

Re: Charter Revision Commission on ULURP

At the Manhattan Community Board Five Full Board meeting held on Thursday, June 12, 2025, the following resolution passed with a vote of 38 in favor; 2 opposed; 2 abstaining:

WHEREAS, The 2025 Charter Revision Commission was convened in December, 2024, for the purpose of recommending city charter revisions that will be presented to voters in the form of ballot initiatives in the November, 2025 election cycle; and

WHEREAS, The commission's preliminary report, released in April, 2025, summarizes many of the suggestions it heard from those who testified before it about how the charter could help make the city government work better; and

WHEREAS, The preliminary report focuses on five key areas, one of which is housing affordability, which is the most important issue facing our district as outlined in our statement of district needs. Specifically, the commission is considering potential updates to the ULURP process; and

WHEREAS, Predictability, clear timelines and balance between neighborhood and citywide interests are enshrined in ULURP, we believe it can be improved to reduce the process costs and speed up delivery of housing and economic development and better address the reality of the worst housing affordability crisis in the city's history; and

WHEREAS, Community engagement is at the heart of ULURP, essential to its success and must be respected and preserved when considering any changes to the process; therefore be it

RESOLVED, that we recommend the commission strongly consider the following revisions to the city charter as a single package. These three provisions interact together to holistically add efficiency to the ULURP process without sacrificing community engagement:

1) Mandate pre-certification consultation between applicants and community boards.

It can be challenging for community boards to have meaningful input on complex applications when given only the required sixty days. Creating a pre-certification consultation requirement relating to the scope and any impacts, benefits, or mitigations of an application would give the community more time to do its diligence, it would provide

more time for applicants to understand community needs (and vice versa), and applicants would have the flexibility to consider suggestions for meaningful alterations and modifications which would streamline the process later on.

- 2) **Encourage a neighborhood approach to planning.** The housing crisis will best be tackled on a citywide basis and the work of community boards would be more purposeful and streamlined if it was guided by clear, citywide planning goals and some form of comprehensive planning. City-led ULURPs for neighborhoods will increase the number of as-of-right projects, which would speed the development process while still accounting for community input.
- 3) **Grant community boards more resources, including the means to retain consulting and legal services, and more staff.** The ULURP process will be more efficient, and community engagement more beneficial, if community boards have more resources to build their expertise and capacity to consider often complex land use questions. Community boards are at a deficit when engaging with applicants who have sometimes had years to hone their proposals and are represented by experienced attorneys; and be it

FURTHER RESOLVED that if the above-mentioned three provisions (or similar ones) are recommended by the commission for voter consideration, the commission should consider the following revision: **Consolidate the advisory portions of private ULURPs (and not neighborhood or city-wide ULURPs)—reviews by community boards and borough presidents—into a single sixty day period.** Running these reviews concurrently would save time in the process, and with the efficiencies and time savings created by the three revisions above, this change would be feasible for community boards; and be it

FURTHER RESOLVED that as the commission continues its work and as we hear more feedback from our community and from civic leaders and organizations we may revise these recommendations.

Sincerely,



Bradley Sherburne
Chair, CB5



Nancy Goshow
Chair, Land Use, Housing and Zoning Committee

Subject:

FW: [EXTERNAL] Charter Reform Proposals - ULURP Process and
Community Board Appointments

From: Charter Info [REDACTED]

To: Charter Testimony <CharterTestimony@citycharter.nyc.gov>

Date: June 17, 2025 at 06:13 PM

From: [REDACTED]

Sent: Tuesday, June 17, 2025 5:27 PM

To: Charter Info <CharterInfo@citycharter.nyc.gov>

Subject: [EXTERNAL] Charter Reform Proposals - ULURP Process and Community Board
Appointments

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Dear Members of the New York City Charter Revision Commission,

My name is Viren Brahmbhatt, and I am a resident of Manhattan Community District 4 in Chelsea. I am writing to respectfully submit two proposals for consideration in the 2025 Charter Revision process. These proposals are rooted in my experience as a concerned community member and reflect the growing call for increased transparency, equity, and meaningful public engagement in city governance. Please see below and attached PDF. Thanks.

Proposal 1: Reform and Streamlining of the ULURP Process

Background:

The Uniform Land Use Review Procedure (ULURP) is essential for community oversight of land use decisions. However, it is often too slow, bureaucratic, and poorly timed to allow for meaningful community participation. Public input typically begins only after projects are largely developed.

Recommended Reforms:

- *Introduce a mandatory Pre-ULURP Community Engagement Phase to solicit input before project certification.

- *Impose enforceable deadlines for agency and board responses to prevent unnecessary delays.

- *Create neighborhood-based review panels to offer early input alongside Community Boards.

These changes will help ensure that land use decisions reflect the needs and values of the communities they affect, while still enabling efficient project timelines.

Proposal 2: Strengthening Oversight and Transparency of Community Board Appointments

Background:

In 2019, New York City voters approved term limits for Community Board members: four consecutive two-year terms (eight years total), with a mandatory two-year break before reappointment. While this reform was an important step, its impact has been limited by inconsistent enforcement and lack of transparency.

Key concerns include:

- *Loopholes in how term limits are tracked and enforced across boroughs;

- *Opaque reappointment processes that can favor political loyalty over community representation;

- *Minimal public reporting on who serves, for how long, and how they were selected;

- *Persistent political influence in appointments that may skew boards toward developer-friendly or ideologically narrow perspectives.

*

Recommended Reforms:

- *Establish an Independent Community Board Appointment Commission or a Panel to review and recommend candidates based on equity, qualifications, and local representation.
- *Require consistent enforcement of term limits citywide, with transparent tracking and mandatory two-year gaps. Impose term limits (e.g., two consecutive terms) and mandatory rotation to encourage fresh perspectives and broader participation. This is in response to concerns about board "entrenchment" and lack of turnover, which hindered new voices from joining.
- *Mandate public annual reporting on board membership, including term status, attendance, and demographic representation.
- *Implement a competitive and open reappointment process, allowing new applicants to be fairly considered.

These improvements would ensure that Community Boards remain community-driven, representative, and free from undue political pressure. They would help depoliticize Community Boards and restore their intended role as independent voices for the neighborhoods they serve.

I urge the Commission to consider these proposals for inclusion in the 2025 Charter Revision process. I would welcome the opportunity to provide public testimony or further elaboration if needed.

Conclusion

Together, these reforms would significantly improve public confidence in our land use and neighborhood governance systems. I respectfully urge the Commission to consider these proposals and would welcome the opportunity to provide additional testimony or materials in support of them.

Thank you for your time and commitment to a more democratic and accountable New York City.

Sincerely,

Viren Brahmbhatt

Resident, Manhattan Community District 4

Viren Brahmbhatt

Principal | de.Sign Studio | New York





Viren Brahmabhatt
Principal | de Sign Studio | New York

To: charterinfo@citycharter.nyc.gov

Subject: Charter Reform Proposals – ULURP Process and Community Board Appointments

Dear Members of the New York City Charter Revision Commission,

My name is Viren Brahmabhatt, and I am a resident of Manhattan Community District 4 in Chelsea. I am writing to respectfully submit two proposals for consideration in the 2025 Charter Revision process. These proposals are rooted in my experience as a concerned community member and reflect the growing call for increased transparency, equity, and meaningful public engagement in city governance.

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Recommended Reforms:

- Introduce a **mandatory Pre-ULURP Community Engagement Phase** to solicit input before project certification.
- Impose **enforceable deadlines** for agency and board responses to prevent unnecessary delays.
- Create **neighborhood-based review panels** to offer early input alongside Community Boards.

These changes will help ensure that land use decisions reflect the needs and values of the communities they affect, while still enabling efficient project timelines.

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In 2019, New York City voters approved term limits for Community Board members: four consecutive two-year terms (eight years total), with a mandatory two-year break before reappointment. While this reform was an important step, its impact has been limited by inconsistent enforcement and lack of transparency.

Key concerns include:

- **Loopholes** in how term limits are tracked and enforced across boroughs;
- **Opaque reappointment processes** that can favor political loyalty over community representation;
- **Minimal public reporting** on who serves, for how long, and how they were selected;
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- Mandate **public annual reporting** on board membership, including term status, attendance, and demographic representation.
- Implement a **competitive and open reappointment process**, allowing new applicants to be fairly considered.

These improvements would ensure that Community Boards remain community-driven, representative, and free from undue political pressure. They would help depoliticize

Community Boards and restore their intended role as independent voices for the neighborhoods they serve.

Conclusion

Together, these reforms would significantly improve public confidence in our land use and neighborhood governance systems. I respectfully urge the Commission to consider these proposals and would welcome the opportunity to provide additional testimony or materials in support of them.

Thank you for your time and commitment to a more democratic and accountable New York City.

Sincerely,

A handwritten signature in black ink, appearing to read 'Viren Brahmbhatt', with a stylized flourish at the end.

Viren Brahmbhatt

Resident, Manhattan Community District 4

Viren Brahmbhatt

Principal | de.Sign Studio | New York



Subject:

City of New York - Correspondence #1-1-843780 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Theresa Scavo

Email: [REDACTED]

Phone: [REDACTED]

Comments: Re: Community Boards Role in regard to the ULURP process

The City of New York

Brooklyn Community Board 15



ANTONIO REYNOSO
BOROUGH PRESIDENT

THERESA SCAVO
CHAIRPERSON

OFFICERS
RONALD TAWIL
FIRST VICE-CHAIRPERSON
RAISA CHERNINA
SECOND VICE-CHAIRPERSON
JACK ERDOS, ESQ
TREASURER
DOUGLAS LUBACK
SECRETARY



ERIC ADAMS
MAYOR

LAURA SINGER
DISTRICT MANAGER

Mayor's Charter Revision Commission Testimony **RE: Either Diminishing or Eliminating the Community Board's Role on** **ULURPS**

On behalf of Community Board 15, we want to go on record with our strong opposition to the ULURP Charter Revision being proposed.

Community Boards were created to take on the role of putting a voice to our community, especially in the shaping of their neighborhood's landscapes. With each new proposal you have been silencing that voice. The passing of the City of Yes Zoning Text Amendment minimalized our Community's ability to be heard and weigh in on Special Permits, as the landscape of our neighborhoods will be permanently and dramatically changed.

In this proposal by shortening the time allotted for Community Boards to weigh in on the ULURP process, you are not giving the community adequate time to review the presentation. The Board members who are all unpaid volunteers are on hiatus July and August with no meetings taking place and would not be able to convene in that shortened time to make a proper presentation to the community and have a fair assessment of the community's wishes.

This new Charter Revision Proposal now wants to take away our last vestige to weigh in on permanent zoning changes to our neighborhoods by removing our ability to weigh in on the ULURP process. This is the true silencing of the community's voice. This will only serve to put a final nail in the coffin for residents to have a forum to ask pertinent questions and share concerns on how their neighborhoods are evolving.

The City of New York
Brooklyn Community Board 15

This proposal will severely diminish our roles and our abilities to decide how our neighborhoods are designed and can potentially */place us at the mercy of unscrupulous land developers.

The proposal also plans to create yet another unnecessary level of tax payer funded oversight in funding an office called the Zoning Administrator's Office. This is merely an exercise in more bureaucratic redundancy.

We live in these communities, should this ULURP proposal pass these decisions will be made on paper without our input, forcing us to live with the consequences made by others who have no stake in our community. We should always have a voice in the forming of these life changing neighborhood decisions and this proposal will force us out of this equation. This is not the democratic way.

Sincerely,

Theresa Scavo

Theresa Scavo
Chairperson

Subject:

City of New York - Correspondence #1-1-3803865 CRC Contact Form -
Submit Written Testimony

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Topic: Submit Written Testimony

Name: Rachel Wilkerson

Email: [REDACTED]

Phone: [REDACTED]

Comments: My name is Rachel Wilkerson and I live on the Lower East Side. First, I want to say that I wholeheartedly support UULURP reform, ending member deference, and modernizing the city map to speed up the production of housing. The current process was created with the best of intentions, but is extremely vulnerable to bad faith actors, who often co-opt social justice language and the original intent of these laws to block the affordable housing and other development that the city so desperately needs. New York City should be a leader when it comes to getting things that help people done, and I believe the new process will cut red tape while maintaining accountability. But the main thing I want to comment on is the changes to how and when we vote in New York City. I fully support open primaries and a switch to even-year voting. Maintaining the status quo is functionally endorsing voter suppression. There's no other way to put it. If we do this, we are all but ensuring that people will continue to stay home. It is a fact that New York City elections in odd-number years have significantly lower turnout than even-year elections. It is a fact that voter turnout is especially low in minority communities. It is also a fact that higher turnout coincides with whiter districts. This should raise huge red flags to everyone

who cares about equity and representative government. While I understand the fear around open primaries (“what if a Republican secretly registers as a Democrat to vote for a conservative Democrat?”) that is a) already possible/happening, and b) ignores the amount of disenfranchisement taking place via our current system. There are currently thousands of independent voters in New York City who are inspired by the 2024 mayoral primary campaigns and who would like to have their voices heard, but who literally cannot because they weren’t aware of the closed primaries, which would have required them to register as Democrats back in February, well before this campaigning began in earnest. How, exactly, is that a democratic process? Why can’t someone who just watched the debate and felt move to vote for one of the candidates do so? The existing system creates an additional, often insurmountable burden for busy people who sincerely want to participate but who can’t stay on top of all the ticky-tacky rules — and given what we know about turnout as it is, it’s reasonable to believe that the current system benefits white, wealthy, older voters more than others. The idea that people will get overwhelmed by having more candidates on their ballots doesn’t give voters enough credit. But even if some people don’t fill out their entire ballot, we’re still likely to see a dramatic increase in the total number of votes cast for those local races—bringing participation up considerably. Even a 10% increase in turnout for local elections would be a huge victory given how bleak things are at the moment. The opposition to this change also ignores how disenfranchised people feel about national politics. Many New Yorkers feel like their vote for president doesn’t really count because New York is reliably blue, so they either don’t turn out for that reason, or they feel bored and demoralized by the process. Giving folks a way to engage directly with the issues they care about at the same time these issues are getting national attention (assuming we switch to even years that are in line the presidential elections) would be a very good thing. Again, maintaining the current system when we know how to improve it is tantamount to voter suppression. Yes, any time you make a change, there’s a possibility of doing harm, but we’re already doing harm with our current system, and making no changes all but guarantees it continues. At a time when voting rights and democracy are under attack and voters are deeply disillusioned with government as a whole, I strongly support the kind of voting reforms that will make our democratic process far more democratic in practice. Sincerely, Rachel Wilkerson

TESTIMONY TO THE NEW YORK CITY CHARTER REVISION COMMISSION

Jerry H. Goldfeder¹

June 18, 2025

I write to support the adoption of an all-voter primary, colloquially referred to as an “open primary,” in which all registered voters may cast ballots, and the four candidates who receive the most votes advance to the general election.

I have had the opportunity to study and write about the issue of ballot access and elections for many years, as well as to represent scores of candidates for state, local and federal public office. I have also served as an official of the New York Democratic Party.

My central interest has always been to support the most open voting process.

As you are well aware, the United States Constitution, art. I § 4, provides that the states regulate and conduct federal elections as they see fit, within the parameters of any congressional directives that may have been enacted. Of course, the states regulate their state and local elections as well. As a result, states fashion their own rules and regulations for ballot access, types of voting procedures, canvassing rules, and the like.

There are many states, like New York, that have closed primary elections, and the winners of established political parties appear on the general election ballot, usually along with so-called independent candidates. There are also states which have open primaries, in which all voters, irrespective of their chosen party affiliation or status as unaffiliated voters, may cast a ballot for their preferred candidate; sometimes the candidates indicate their party affiliation, if any, on the ballot. There are also localities that have non-partisan elections. In a word, our nation has a patchwork of election procedures.

In addition, there are jurisdictions like New York in which state constitutions permit municipalities to adopt a variety of local laws, including election-related procedures. Thus, the sixty-two cities in our state have the authority to promulgate many of its own election rules. As a result, New York City, always attempting to improve its elections, has adopted a variety of procedures that are unique to our city: term limits, a public matching campaign finance program, non-partisan special elections to fill vacancies, and ranked-choice voting.

¹ I have been an election lawyer for forty-five years, have taught the subject at Fordham Law School (since 2003) and the University of Pennsylvania Law School (from 2009-2019), author and editor of *Goldfeder's Modern Election Law* (now in its 7th Edition), regular contributor to the *Election and Political Law* column of the New York Law Journal, former Chair of the New York City Bar Association's Election Law Committee, and Chair-elect of the American Bar Association's Election Law Committee. I am also intimately familiar with the New York City Charter, and have had the privilege of testifying to previous New York City Charter Revision Commissions.

TESTIMONY OF JERRY H. GOLDFEDER TO THE CHARTER REVISION COMMISSION
JUNE 18, 2025

Like predecessor Charter Revision Commissions, you are now considering how to further improve our elections, and I commend you for this effort.

In your Preliminary Report, issued on April 30, 2025, you indicated that you are seriously considering proposing an open primary. I believe New York City would benefit from such a reform. A version of this was proposed by a previous Charter Revision Commission, and defeated by the voters in 2003.

Although I did not support the proposal twenty-two years ago, having studied how it works successfully in other states, I now believe that this reform would be quite beneficial to New York City. An all-voter primary would no doubt lead to greater engagement by voters; the candidates would likely project a more-inclusive message that is more responsive to the broad electorate rather than to just the hyper-partisans in their own party; and turnout is highly likely to be improved. When such all-voter primaries are coupled with a system of top-four, the candidates who emerge as eligible for the general election ballot would, as a group, be generally more representative of the city or district they seek to represent.

In that party identification remains a resilient feature of voters' subjective and objective view of candidates in New York, an open primary should permit candidates to identify their party I.D. next to their name on the ballot, as they do in California. This feature would respect the importance of political parties in our city, and add to the ability of voters to make rational, informed choices when casting their ballot.

Unaffiliated candidates – independents – should also be able to identify themselves on the ballot as they wish, and this, too, would provide New Yorkers with important information as they cast their votes.

I understand that Common Cause of New York, or at least its representative, is suggesting a system that would allow voters to change their party affiliation immediately before a primary so that they could vote in what would continue to be a closed primary. This seems like a half-measure that perpetuates a process that contains the additional obstacle of voters having to affirmatively change affiliation, and additional administrative costs associated with such changes. The more straightforward, simple procedure of allowing everyone to vote irrespective of affiliation is easier for the voter, easier for the Board of Elections in the City of New York, and is a more sensible way of opening the process of voting.

I also understand from your Preliminary Report that the you are considering adopting either top-two or top-four. Top-four is the better choice.

Advancing the top four vote-getters to the general election provides voters with a greater opportunity than top-two in the general election. In that we have a robust political party culture, it is likely that each or most of the parties will have candidates who advance to the general. Moreover, in that unaffiliated candidates can also run in the primary, it is likely that at least one of them would also advance to the general. Such a system that advances the top four winners to the general election ballot provides the voter with a greater choice than the more restrictive either-or choice between only two candidates.

TESTIMONY OF JERRY H. GOLDFEDER TO THE CHARTER REVISION COMMISSION
JUNE 18, 2025

Furthermore, assuming you propose an all-voter primary that advances four candidates to the general election ballot, I suggest that the primary have ranked-choice voting to ensure that the winners have the support of a majority of the voters.

Finally, it makes sense to adopt ranked choice voting in the general election as well. Far superior than the traditional first-past-the-post voting, ranked-choice voting among four candidates ensures that the winners have garnered the support of a majority.

Under this comprehensive reform, the candidate who ultimately emerges from the primary and general election as the winner would be a public official with support from a majority of the electorate – and the voters of New York City would view the process as more open and fair than the current system, yielding an outcome more reflective of their needs and goals.

I trust that these observations are useful as you continue your deliberations, and would welcome any questions at a time that is convenient for you.

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COMMUNITY BOARD #14

CITY OF NEW YORK - BOROUGH OF QUEENS



June 18, 2025

New York City Council
City Hall
New York, NY 10007

Subject: Opposition to the Proposed Removal of Community Boards from the ULURP Process

Dear Members of the New York City Council,

I am writing to express my strong opposition to the NYC Charter Revision proposal that seeks to remove Community Boards from the ULURP process. As District Manager of Community Board 14Q, the board and I believe this change would significantly undermine public engagement and local input in critical land use decisions that directly impact our neighborhoods.

Community Boards play a vital role in ensuring that the voices of residents are heard when reviewing proposals for rezoning, development, and land use changes. They serve as an essential bridge between city agencies and local communities, offering informed recommendations based on deep understanding of neighborhood needs, history, and priorities. The ULURP process, as it stands, provides an opportunity for meaningful civic participation, and removing Community Boards from it would weaken our city's commitment to democratic decision-making.

Stripping Community Boards of their role in ULURP would not only reduce transparency but also concentrate decision-making power within bureaucratic institutions that may lack firsthand knowledge of the concerns and aspirations of local residents. The people of New York deserve a planning process that prioritizes public input rather than diminishes it.

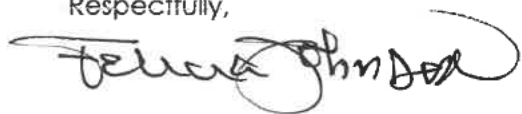
ULURP was created to empower local democracy and the voices of the people. The 1989 Charter revisions replaced the undemocratic Board of Estimates. This change came after land use decisions were observed to be outright racist, and leveled Black and Brown neighborhoods, concentrated poverty, and segregated the city by race and class. By removing the voice of Community Board's from the ULURP process, this community would be put right back in that

negative space. If one were to look at the makeup of this peninsula, one would see that we are still suffering from the ill effects of the former Board of Estimate practices and policies.

Community Board 14Q urges you to reject this proposal and instead strengthen the role of Community Boards in shaping the future of our city, by maintaining the current ULURP process, by allowing the community to have the 90-day review process, as per the current NYC Charter. We appreciate your time and commitment to preserving robust civic engagement in New York City governance.

Thank you for your attention to this matter. We look forward to your support in defending the role of Community Boards in the ULURP process.

Respectfully,

A handwritten signature in black ink, appearing to read "Felicia Johnson", with a large, stylized flourish at the end.

Felicia Johnson
District Manager CB #14Q

Subject:

Re: [EXTERNAL] Re: NYC Charter Revision Commission

From: Joshua Ferrer [REDACTED]

To: "Schierenbeck; Alec" [REDACTED]

Date: June 18, 2025 at 06:12 PM

Hello Alec,

Apologies for getting this testimony in after June 15, but I hope it is still helpful.

I write in testimony on the potential effects of open primaries in New York on voter turnout and the representativeness of the electorate. I am an incoming Assistant Professor of Government at American University and hold a PhD in Political Science from the University of California, Los Angeles as well as masters degrees from UCLA and the University of Otago.

In both, I use original data extensively mapping the primary rules in states over the past two decades, combined with nationwide voter file data in snapshots spanning 2014 through 2020 from the vendor L2. This in total has over 1 billion voting observations and contains detailed socioeconomic and demographic data about registered voters.

I have four key findings from this data. First, primary voters are less representative of the pool of eligible voters than general electorates are. Unaffiliated voters constitute 28% of the average state's pool of eligible voters, but 23% of the general electorate and only 10% of the primary electorate. Primary voters are also older and less racially diverse than general and eligible-voter electorates.

Second, open and nonpartisan primaries tend to produce more representative electorates than closed primaries. Fully open, open to unaffiliated, and nonpartisan primaries all tend to result in primary electorates that better represent unaffiliated voters. Additionally, turnout gaps among racial and ethnic groups, especially Latinos and Asians, are lower on average in open and nonpartisan primaries than closed primaries.

Third, states that have increasingly opened up their primaries in recent decades. In 2000, 36% of all primary elections were closed to unaffiliated voters. By 2024, this figure has dropped to 31% of all elections. Primaries that are open to unaffiliated voters—including open type primaries—have become more widespread over the past two decades, rising from 17% to 25% of all primary elections.

Finally, when states have opened up their primaries to participation from unaffiliated voters, voter turnout increases, and the electorate grows more demographically and politically representative. States see an average boost in voter participation of 5 percentage points when they open their primaries to participation from unaffiliated voters. Opening primaries to unaffiliated voters increases Asian and Latino participation as a share of the overall electorate. It boosts the unaffiliated share of the electorate by 12 percentage points.

What does this mean for New York City? The best research to date shows that opening primaries up to participation by unaffiliated voters both increases voter turnout and makes the electorate more representative, especially in terms of (non)partisan affiliation and racial demographics. There is no reason to suspect that these benefits are limited to statewide elections.

Submitted respectfully,

Joshua Ferrer

Subject:

City of New York - Correspondence #1-1-971595 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 19, 2025 at 05:26 PM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Thursday, June 19, 2025, at 05:26:35 PM

This form resides at
<https://www.nyc.gov/site/charter/contact/contact-charter.page>

Topic: Submit Written Testimony

Name: Patricia Farrell

Email: [REDACTED]

Phone: [REDACTED]

Comments: I had heard that the Mayor wants to remove the power over land use from the Community Boards. I am opposed to this because the people in the communities are the ones who are impacted by the decisions made by elected officials, who may not be affected by the decisions themselves. It is easy to mandate change that affects other people when one is protected from the impact of those decisions.

Subject:

City of New York - Correspondence #1-1-5449711 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 20, 2025 at 05:53 PM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Friday, June 20, 2025, at 05:53:41 PM

This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Clinton Myke

Email: [REDACTED]

Phone: [REDACTED]

Comments: NO OPEN PRIMARIES!

Subject:

City of New York - Correspondence #1-1-5933156 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 20, 2025 at 11:09 PM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Friday, June 20, 2025, at 11:09:05 PM

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[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Alison Carb Sussman

Email: [REDACTED]

Phone: [REDACTED]

Comments: I think it's crucial that local community members and residents have input into deciding anything that will affect their neighborhood and beyond, including projects, real estate development, and environmental development.

Subject:

City of New York - Correspondence #1-1-7494778 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 22, 2025 at 04:02 AM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Sunday, June 22, 2025, at 04:01:33 AM

This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Zoe Morgan Sydney

Email: [REDACTED]

Phone:

Comments: It makes all the difference in the world whether the proposed Top Two second round candidates were chosen by ranked ballot or by mere Plurality, where each voter only makes one choice. I hear both things being claimed to be the commission's proposal. To allow each voter only one vote in the first round would be a step back from the current Preferential Primary System, & amount to a switcheroo.

June 22, 2025

To the Members of the New York City Charter Revision Commission:

As leaders of civil society organizations in New York City, we write to express our opposition to the various proposals for “jungle” or “open” primaries. Any and all of the proposals under consideration will eliminate the current system in which the decision on whom a political party nominates is one made solely by the members of that political party.

The Charter Revision Commission’s preliminary report champions these proposals as a path to increased voter participation, yet cites research in its report that contradicts this claim. We ask that you consider the data in the chart below, which the Commission’s Executive Director has acknowledged as accurate.

California Turnout Data: Before vs. After Top-Two Implementation (2012)

Election Type	Pre-Reform Average (1998-2010)	Post-Reform Average (2012-2024)	Change
Presidential Primaries	41.2%	40.9%	-0.3%
Midterm Primaries	29.8%	28.5%	-1.3%
Presidential General	68.5%	67.8%	-0.7%
Midterm General	51.2%	52.0%	+0.8%

Sources: California Secretary of State historical data; Public Policy Institute of California analysis; Democracy Docket, "Are Primaries the Problem? Understanding Polarization and Election Reform," February 2022; New America, "What We Know about Congressional Primaries and Congressional Primary Reform," 2022

This leads us to ask ourselves: Since the evidence for the stated ambition of increased voter turnout does not stand up to scrutiny, is there an unstated ambition?

One prominent political journalist who is in favor of the preliminary report perhaps gives away the game: jungle primaries, he writes, will reduce what he calls the “*outsized influence of public-sector unions, interest groups and others who control large voting blocs.*”¹

¹ <https://www.vitalcitynyc.org/articles/imagine-a-real-new-york-mayoral-election>

In other words, this proposal is less about increasing voter turnout and more about reducing the power of civic organizations – and that includes trade unions – in public life.

It is undeniable that union members play a big role in Democratic Party primaries. We think that's a fine thing, and the Commission may think that that's a bad thing. But that's a debate we can and should have.

From the point of view of the average union member, or the average non-union working person or retiree, wealthy people already have most of the power in our society. The Party primary is one of the few places where working-class, middle-class and poor people can even the score even a little bit. Hotel workers, sanitation workers, construction workers, teachers and paras, DMV staffers, home care attendants, nurses and techs and housekeeping staff in hospitals – if the aim of the Commission is to reduce the ability of these fellow citizens to exercise power in our society, then this is one way to do so. But you should be honest about it and not hide behind flimsy claims of boosting turnout or representativeness.

And here's the kicker. As the commission is no doubt aware, a huge percentage of working class people in New York City are people of color. For African Americans, a public sector job has been the ticket to the middle class for generations. The truth is, proposals to restructure our elections so as to reduce the so-called outsized power of unions will inevitably disproportionately reduce the life chances of working-class Black people and other working-class people of color.

In sum, the proposal to do away with party primaries in favor of a jungle primary (or an "open" primary) is unsound. The stated goal of increased voter participation can and will be much better accomplished by shifting to even-numbered year elections. And the unstated goal of weakening labor and community organizations is unworthy of this body.

Thank you very much for your consideration.

Sincerely,

AFM Local 802
Council of School Supervisors and Administrators
CWA District 1
Local 338 RWDSU/UFCW
New York State Nurses Association
OPEIU Local 153
Professional Staff Congress/CUNY, AFT Local #2334
Retail, Wholesale and Department Store Union (RWDSU)
Teamsters Local 808
Teamsters Local 804
UAW Region 9A
United Federation of Teachers
Workers United NY NJ Regional Joint Board a/w SEIU

Alliance for Quality Education
Brooklyn Movement Center
Caribbean Equality Project
Churches United for Fair Housing
Citizen Action of New York
Community Voices Heard
Cooper Square Committee
El Puente
Empire State Indivisible
DRUM - Desis Rising Up & Moving
Food and Water Watch
Fridays for Future NYC
Housing Justice for All
Jews For Racial & Economic Justice (JFREJ)
LatinoJustice PRLDEF
Make the Road Action
Met Council Action
Neighbors Together
NELP Action
New York Civic Engagement Table
New York Communities for Change
New York Immigration Coalition
New York Progressive Action Network
Rise and Resist
Strong Economy for All Coalition
Sunrise Movement NYC
Third Act NYC
TREEage
VOCAL Action Fund

Subject:

FW: [EXTERNAL] Charter Reform Proposals – ULURP Process and
Community Board Appointments

From: Charter Info [REDACTED]

To: Charter Testimony <CharterTestimony@citycharter.nyc.gov>

Date: June 23, 2025 at 09:12 AM

From: Inge Ivchenko [REDACTED]

Sent: Monday, June 23, 2025 8:21 AM

To: Charter Info <CharterInfo@citycharter.nyc.gov>

Subject: [EXTERNAL] Charter Reform Proposals – ULURP Process and Community Board
Appointments

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Dear NYC Charter Revision Commission,

Please allow me to strongly express two proposals for consideration in the 2025 Charter Revision process. My name is Inge Ivchenko. I write as a resident of Chelsea in Manhattan Community District 4 (for information only, I am also a member of Community Board 4).

In my long experience as an active community member, I am VERY concerned with the urgent NEED for increased transparency, input, as well as the public's engagement and ability in our city governance.

ULURP Process:

ULURP is an essential process for community input, oversight of land use decisions. Often poorly timed to allow for meaningful community participation. Public input typically begins only after projects are largely negotiated and developed.

We need to:

*Introduce a mandatory Pre-ULURP Community Engagement Phase to solicit input from the

community before a project's certification.

- *Impose enforceable deadlines for agency and board responses.

- *Create true neighborhood-based review panels to offer early input alongside and independent of Community Boards Council Members.

This goes towards ensuring that land use decisions truly reflect the needs and values of the communities they affect, while still enabling efficient project timelines.

Community Boards:

It is so important to follow-up and enforce the 2019, New York City voter approved term limits for Community Board members and strengthen oversight and transparency of Community Board appointments. The vote was for four consecutive two-year terms (eight years in total), with a mandatory two-year break before reappointment. While this reform should have been an important step, its impact has been limited by inconsistent and lack of enforcement and transparency.

We need to:

- *Remove the loopholes in how term limits are tracked and enforced across boroughs. Remove the opaque reappointment processes that can favor political loyalty over community representation.

- *Report publicly, on who serves, for how long, and how members were selected;

- *Remove the persistent political influence in appointments which is skewing boards toward developer-friendly and narrow perspectives.

- * Establish an independent Community Board appointment commission or a panel to review and recommend candidates based on equity, qualifications, and local representation needs -- Implementing a competitive and open reappointment process

Again, it is of the utmost importance to require consistent enforcement of term limits citywide, require transparent tracking and mandatory two-year gaps, with mandatory rotation to encourage fresh perspectives and broader participation. The community has.

Community Boards must regain independence from politically motivated elected officials, they must remain as intended community-driven, representative of the neighborhoods and residents -- Again free from undue political pressure. We need to depoliticize Community Boards and restore their intended role as independent voices for the neighborhoods they serve. Your commitment to a more democratic and accountable New York City is greatly appreciated and necessary. I respectfully urge this Commission to consider these proposals for inclusion in the 2025 Charter Revision process. These reforms would significantly improve public confidence in our land use and neighborhood governance systems.

Thank you,

Inge Ivchenko

Resident Manhattan Community Board 4 (Chelsea)

Subject:

City of New York - Correspondence #1-1-3183105 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 23, 2025 at 10:42 AM

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[REDACTED] on Monday, June 23, 2025, at 10:42:20 AM

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Topic: Submit Written Testimony

Name: UAW

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please find the attached testimony.



June 23, 2025

The United Automobile, Aerospace and Agricultural Implement Workers (UAW) represents tens-of-thousands of workers across New York State, including academic workers, legal services staff, and public sector employees here in the five boroughs. We proudly fight to lift-the-floor for all working people and their families in pursuit of a more just society and city.

We are deeply concerned by the proposal to eliminate party primaries in New York City. This change would erode one of the few structures in our political system where working people have real leverage. Party primaries are where our members can come together, organize collectively, and support candidates who fight for fair wages, safe workplaces, and equitable public institutions. We understand turn-out should improve, but this is not the way.

A nonpartisan “jungle” primary is not a neutral reform; it’s a shift in power away from organized people and toward organized money. Under this model, elections would become even more expensive and even more susceptible to outside spending. UAW members and other working-class New Yorkers should not be forced to compete with billionaires to have their voices heard.

We have seen this play out elsewhere. In states that use this system, union influence has weakened while turnout gains have failed to materialize. If the goal is to increase voter participation, there is a better, proven path: align local elections with higher-turnout state and federal election years.

We urge the Charter Revision Commission to reject this proposal and protect the ability of working New Yorkers to meaningfully shape their government. UAW members fight for a fairer city every day, and this has the potential to take us all collectively backwards.



How to Streamline City Land Use Review to Boost Housing Production

Submitted to the 2025 New York City Charter Revision Commission

June 23, 2025

Sean Campion, Director of Housing and Economic Development Studies, Citizens Budget Commission

Good evening. I am Sean Campion, Director of Housing and Economic Development Studies at the Citizens Budget Commission (CBC), a nonpartisan, nonprofit think tank and watchdog devoted to constructive change in the finances, services, and policies of New York State and City governments. Thank you for the opportunity to offer additional recommendations to improve New York City's land use decision-making process through City Charter revisions.

In March, CBC [recommended three Charter revisions](#) to improve the City's Uniform Land Use Review Procedure (ULURP). We thank the Charter Revision Commission (CRC) staff and the Commissioners for considering two CBC proposals in full in the [Preliminary Report](#) released earlier this spring: combining Borough President and Community Board advisory reviews to shorten the process; and establishing a ULURP Appeals Board.

Today, we ask the Commission also to consider a refined version of our third recommendation: to streamline ULURP by fast-tracking modestly sized projects and removing non-zoning actions from ULURP.

Fast-Tracking Modestly Sized Projects

The CRC's *Preliminary Report* identifies several options to create a "fast track" review process, or a "junior review" for "junior changes." CBC continues to recommend a fast-track review ending with the City Planning Commission (CPC) based on project size. We recommend that Type II actions under City Environmental Quality Review (CEQR) rules—which under City's Green Fast Track reforms include residential buildings of 250 or fewer units in moderate- to high-density zoning districts and 175 or fewer units in low density districts—be fast-tracked through ULURP.

Broad streamlining is better land use and housing policy than fast tracking a small subset of subsidized projects or a subset of projects in neighborhoods that fail to meet fair housing goals. Fixing the process for the widest scope of projects is needed to meaningfully increase

production. A threshold based on project size would benefit all types of residential development—including home ownership, mixed-income, and 100 percent affordable housing—in all areas of the city where modestly sized projects are not currently allowed as-of-right.

Streamlining all modestly sized projects would also benefit the applications that are most likely to be deterred by the cost and uncertainty of ULURP. ULURP's one-size-fits-all process has a chilling effect on many proposals, regardless of their ownership status or income mix, but its effect is largest on modest projects. According to the *Preliminary Report*, developers only take on the risk of ULURP for the promise of a substantial increase in density; projects that need only a modest increase in density are those least likely to risk the ULURP process. Those modest projects would benefit the most from streamlining.

Removing Non-Zoning Actions from ULURP

The *Preliminary Report* discusses exempting non-zoning actions if they are required for affordable housing and resilience projects. This would be a step in the right direction. But broadening this approach to other non-zoning actions would be even more beneficial.

We recommend all non-zoning actions be exempt from ULURP, and subject instead to administrative reviews. However, if the CRC were interested in prioritizing specific actions to streamline, CBC would recommend three areas:

- 1. Exempt all “minor” revocable consents and franchise agreements:** City Planning could propose rules to define major and minor revocable consents and franchise actions, like the current distinction the Charter and City rulemaking make between major and minor concessions. This would allow modest projects to move more quickly while reserving the full ULURP process for revocable consents and franchise agreements with major land use or fiscal impacts.
- 2. Exempt otherwise as-of-right public projects:** In addition to resiliency projects, many other City projects, such as new parkland, should be exempt from the full ULURP process. Exempting all public actions that do not require zoning changes from ULURP is preferable, but it is especially critical for those below a certain size. For example, the City should be able to acquire land for a small park or public library without the currently required full review process.

This exemption would not remove or diminish City Council input into public projects. The City Council would still weigh in on funding for public projects through the City's budget process, and many large projects, which typically require multiple approvals and zoning changes, would still go through the full ULURP review.

- 3. Exempt special permits:** Special permits are administrative, not legislative actions because they have already been enacted by the City Council, and the CPC is administering them according to the zoning resolution. Therefore, we see no legal or policy rationale to require Council approval.

CPC administers dozens of special permits, many of which apply to otherwise as-of-right projects or activities. For most of these special permits, the zoning text approved by the Council includes conditions the applicant must satisfy for the CPC to grant the special permit.

If the Commission did not want to exempt all special permits, two alternatives would be to allow the City Council to call up special permits only if the applicant is required to conduct a full Environmental Impact Statement under CEQR or empower City Planning to write rules distinguishing between minor and major actions based on size thresholds for specific special permits. There may be alternative ways to categorize the special permits that should be exempted, and we may provide additional recommendations to the commission.

Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

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City of New York - Correspondence #1-1-251729 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Charles G. Moerdler

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see the attached letter from Bronx Community Board 8 Land Use Committee Chair, Charles G. Moerdler, regarding the Charter Revision Commission review of the role of Community Boards and the City Council in the Uniform Land Use Review Procedure (ULURP).



BRONX COMMUNITY BOARD 8



[REDACTED]
<https://cbbronx.cityofnewyork.us/cb8/>

Julie Reyes, Chairperson

Vanessa L. Gibson, Bronx Borough President

Farrah Kule Rubin, District Manager

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Sylvia Alexander

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Health, Hospitals &
Social Services
Rabbi Bob Kaplan

Housing
Rhashida Hilliard

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Debra Travis

Public Safety
Edward Green

Traffic & Transportation
Debbly Allen

Youth
Ramdat Singh

Special Committee on
Hudson River Greenway
Bob Bender

Special Committee on
Racial Equity
Margaret Della

Special Committee on
Veterans' Services
Sergio Villaverde

June 23, 2025

Richard R. Buery Jr., Chairman & Commissioners
NYC Charter Revision Commission
One Center Street
New York, NY 10007

Dear Chair Buery Jr. and Commissioners:

My name is Charles Moerdler. I Chair the Land Use Committee of Bronx Community Board 8 and write on behalf of the Board, as authorized by unanimous vote of its Executive Committee.

Community Board 8 and the communities it serves *unequivocally oppose any and all efforts to diminish, let alone eliminate or adversely affect, the role of Community Boards, the City Council or the Borough Presidents in the Uniform Land Use Review Procedure ("ULURP") projects, irrespective of the nature of the project.*

Indeed, my own experience on all three sides of the underlying issue –governmental rulemaking and enforcement, developer-oriented and community oversight and advice--inform the view that should the Commission take this foolhardy step it will simply further precipitate the decline of the City of New York. That experience, accumulated over a half century, includes continuing service as a Gubernatorial designee to and Member of the Board of the *NYC Housing Development Corporation*, ("HDC") having initially been designated on the recommendation of Gov. Mario M. Cuomo and subsequently redesignated or continued by each of his successors. That experience also includes service as Commissioner of Buildings of the City of New York and Board Member of the State Dormitory Authority and of the MTA. Likewise, for decades I have represented as counsel many of New York's most active and significant developers and served as Board Chair of both former Bronx Community Planning Board 14 and, thereafter, Board 8.

Sadly, over the last dozen or so years New York City (perhaps like many other major Cities) has increasingly declined in its reputation as "A City Fit for People and for Living." It has reacted imperiously and largely in response to lobbying, rather than on a planned and farsighted basis *in conjunction and cooperation with those it is charged with serving and their volunteer representatives.*

John Zuccoti, the legendary Chair of City Planning and later Deputy Mayor, was among those who championed increasing the role of New Yorkers in their government, including Community Boards, because it enhanced both the vision of participatory government and helped secure their active

participation in efforts at lasting and genuine improvement, while preserving what was best of New York's storied past. This challenged proposal will mark the end of that effort

Relevantly, as the pendulum representing the swing from centralized or authoritarian government to decentralized and participatory government has dramatically favored—and your proposal enthusiastically embraces -- centralization and will dim the enthusiastic participatory role of New York's citizenry. The unremitting diminution of the role of the City's 59 Community Boards (originally termed and intended to function as the volunteer Community *Planning* Boards) is a true indicator that successive recent Administration's and the politicians and bureaucrats who led their relevant agencies cared little for the on-the-ground advice that the Boards volunteers could offer. Your proposal instead proclaims that the authors are persuaded of their own "superior knowledge" and that of their biased "cheerleaders" (frequently lobbyists for one or another self-interest group). As grasping centralization has, over the decades, increased its authoritarian sway, decline, public disenchantment and corruption has contemporaneously been evident. We see it painfully on the National stage and, as here illustrated, on this Administration's 11th Hour agenda.

To illustrate, while housing affordability has increasingly become a convenient, though hollow, political slogan, centralization has ignored the reality that what is affordable to some in, for example, mid-Manhattan or even in select segments of my Riverdale-Spuyten Duyvil neighborhoods, is not realistically affordable to most in the South Bronx and even in adjoining neighborhoods, -- and the same is true in the other Boroughs. Communities and their Board Member- representatives know what is truly affordable to their communities. They know in practical terms that the "Area Median Income" ("AMI") is inaptly influenced by the wealth of such distant affluent communities as Scarsdale and Great Neck. They know that the term "affordable housing" has been co-opted by speculative interests; that only a handful of truly livable and truly affordable housing units have won the formal designation for developments that are really affordable (frequently those scrutinized by the professionals at HDC). These truths and others are well known to and experienced daily by *residents* of the various communities comprising our City.

All too often we see speculators opportunistically claiming affordability designation and attendant benefits while community disclosures reveal that application of the flawed AMI formulae is patently inapt. Your proposal, if adopted, will compound that failure. It will also help conceal the vice in a public project known to the residents of the relevant community to be foolhardy or the wrong location, size or construct for a host of sound reasons. And, perhaps, that is why those who influence this 11th Hour Agenda have advanced the instant Charter Revision proposition -- to circumvent and silence the Community Boards, as well as the Members of the City Council and the Borough Presidents—the folks who appoint Community Board Members and oppose this unwise effort.

And that is why, as Commissioner Richardson should confirm, I challenge and will continue to challenge HDC financings, especially those that have ULURP implications, where informed community comment has not first been sought and seriously considered. Its deliberate absence, especially if heightened by the proposal now before you, strongly suggests that someone has something to hide and for reasons that cannot stand the light of media scrutiny, much less community advice—and that is all that Community Boards can offer – advice based on knowledge and experience.

Is that *concealment* what you really wish to support?

To its enormous credit, the leadership of HDC has recognized the value of local advice and input and that is one reason for its fine reputation and unique success. Yet there remain those in this City who abjure transparency, openness, community and public participation. Respectfully, I sincerely hope that is not something for which you would wish to be known.

There is one last claim that requires comment. Supporters of the instant proposal argue that the 60 days permitted for Community Board participation impedes the construction of affordable housing and other projects. What nonsense. The relevant ULURP developments will affect communities—indeed, the City -- not for weeks or months but for generations to come. Any genuine inquiry will confirm that the inexorable pre-certification delays at the Department of City Planning exceed by astonishing multiples that 60-day period. As one who over the years has represented as counsel many of NYC's major developers, I can categorically tell you that if delay is the vice, if the removal of dilatory obstacles is the real objective, City Planning and its processes should be under your microscope and reformed. That it is not speaks volumes.

And in that same vein, Code Enforcement as scattered throughout a variety of City agencies not only requires complete overhaul but thorough scrutiny. Few if any experienced Project Managers will, if candid, disagree. Time or the minimization of delay is the precious commodity that imposes cost and burden. Wisely structured tax relief and wise land use make investment in truly affordable housing realistic possibilities. Focus on those dispositive factors and the City Agencies that mismanage and misapply the regulatory processes, and you will have served a meaningful and commendable purpose.

It remains only to note that we have no wish to add to your burden by repetition. Accordingly, please let the Record reflect that we heartily commend and will continue to assist in the coordinated expansion of affordable housing in our community and adopt the intelligent comments expressed in the thoughtful letter of Queens Community Board 7. The illustrations there provided are readily replicated in Community Board 8 and probably by other Boards on request.

Please do not disturb the ULURP timeline process or the thoughtful and informed voices of Community Boards or those of publicly elected City Council Members and Borough Presidents.

Respectfully Yours,



Charles G. Moerdler
Chair, Bronx Community Board 8 Land Use Committee

CC: 59 Bronx Community Boards
51 NYC Councilmembers
Bronx Borough President Vanessa L. Gibson
Brooklyn Borough President Antonio Reynoso
Manhattan Borough President Mark D. Levine
Queens Borough President Donovan Richards
Staten Island Borough President Vito Fossella
Julie Reyes, Chairperson Bronx Community Board 8

To the Chair and Members of the New York City Charter Review Commission:

Democracy works best when it serves all people, not just people who belong to a particular political party. I write to urge you to advance consideration of a "top-two" or "top-four" primary structure for New York City, a reform that would ensure every New Yorker has a voice in choosing their representatives.

New York's closed primary system excludes over 3.4 million unaffiliated voters from taking part in primary elections, more people than are enrolled in the Republican, Conservative, and Working Families parties combined. These taxpayers fund elections they cannot participate in, while politicians only need to appeal to an extreme minority of registered voters, rather than building diverse coalitions that represent the full spectrum of our city's interests and experiences.

The human cost of this exclusion is clear in our electoral outcomes. In 2021, only 23% of all registered voters took part in electing our mayor, with Eric Adams winning with support from just 750,000 of nearly 5 million registered New Yorkers. This means decisions affecting housing affordability, police accountability, education funding, and transit access, issues that impact every family's daily life, are effectively made by a small fraction of those who live with the consequences.

1. Strong Turnout Gains That Expand Representation

Research shows that states adopting nonpartisan primaries experience an average increase of 6.1 percentage points in turnout. This isn't just about numbers, it's about whose voices get heard. When more people take part, elected officials must respond to a broader range of community needs and priorities, leading to policies that better reflect our city's diversity.

2. Narrowing the Racial Turnout Gap

Open primaries enfranchise independent voters, who represent 28% of eligible voters but only 10% of primary electorates under closed systems. This creates a more representative voter pool that better mirrors New York's demographics. When independents join the ballot, the share of nonwhite primary voters increases significantly, ensuring that communities of color have greater influence in selecting candidates who will champion their interests.

3. Strengthening Community Influence, Not Diluting It

Data shows that as turnout rises among Black and Latino voters, their relative voice in primaries grows stronger, not weaker. Candidates seeking to advance must engage directly with these communities, often resulting in greater campaign investment in majority Black and Latino neighborhoods and policy platforms that address systemic inequities in housing, education, and economic opportunity.

4. Recommendations for Equitable Implementation

To ensure that reform amplifies rather than diminishes community influence, I respectfully propose that the Commission:

1. **Commission District-Level Impact Studies:** Partner with academic institutions like CUNY or NYU to analyze how top-two or top-four systems would affect representation in Black-majority and Latino-majority Assembly and Council districts, using voter data to project participation and candidate diversity.
2. **Co-Design Community Engagement:** Work directly with neighborhood organizations, tenant associations, and community leaders to develop voter education materials that emphasize how expanded primaries give residents greater power to choose representatives who will fight for affordable housing, quality schools, and economic justice.
3. **Ensure Transparent Implementation:** Release demographic projections by race, party status, and age ahead of any charter amendment vote, demonstrating how the new system will enhance rather than diminish minority representation.
4. **Protect Against Manipulation:** Build safeguards to prevent wealthy interests from gaming the system while ensuring that grassroots candidates from underrepresented communities have pathways to take part.

New York City stands at a crossroads. We can have a system that limits democratic participation to a privileged few, or we can adopt a structure that invites every New Yorker, especially those historically excluded from

power, to shape our shared future. The current system forces voters to choose between the softer edge of a dual-edged blade in general elections, because the real decisions were made long before, in closed primaries.

Open primaries would create more competitive elections where politicians must be accountable to the true majority of voters. This means representatives who understand that families struggling with rent increases, students in underfunded schools, and workers facing economic instability deserve policies that address their daily realities, not just the narrow interests of party insiders.

I am confident that, with rigorous analysis and meaningful community input, a top-two or top-four primary system will enhance democratic participation, strengthen electoral legitimacy, and produce leaders who are truly accountable to the fuller mosaic of New York's people and their lived experiences.

Thank you for your leadership on this important reform. FIRE and IV PAC stand ready to support your work through research partnerships, community forums, and data-driven advocacy that centers the voices of those most affected by our electoral system.

Respectfully,

Stephen B. Walker

Chair, IVP Public Policy Committee.

Key Statistics

1. 3.4 million unaffiliated NYC voters are currently excluded from primaries
2. 2021 NYC mayoral election: only 23% of registered voters participated
3. States with open primaries see a 6.1 percentage point increase in turnout
4. Independent voters: 28% of eligible voters, but only 10% of closed primary electorates

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Topic: Submit Written Testimony

Name: Frank Morano

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please find attached letter to Chair Buery and the Commissioners proposing a ballot initiative that would provide City Council Members binding appointments to community boards. Please do not hesitate to contact my office if you have any questions or wish to discuss further.
-Frank Morano



THE COUNCIL
OF
THE CITY OF NEW YORK
FRANK MORANO
51ST COUNCILMANIC DISTRICT

June 23, 2025

Richard R. Buery, Jr.
Chair
Charter Revision Commission
City Hall
New York, NY 10007

Re: Giving Council Members' Binding Authority Over Community Board Appointments

Dear Chair Buery and Commissioners:

We write to strongly urge the Commission to amend the City Charter to grant City Council Members binding appointment authority over a portion of Community Board members in their districts.

As Council Members, we are on the ground in our communities every day. We attend civic meetings, hear directly from our constituents, and engage with the very stakeholders who serve—or seek to serve—on Community Boards. We believe it is past time that this direct democratic connection be given real weight in the appointment process.

The Problem: A Disconnect Between Representation and Authority

Under the current Charter, City Council Members may submit recommendations for Community Board appointments, but the decision ultimately rests with the Borough Presidents. While we recognize the Borough Presidents' citywide coordination role and value their contributions to borough-wide planning, this structure creates a disconnect between representation and authority. It has too often led to situations where well-qualified individuals, deeply embedded in and trusted by their communities, are denied appointments or reappointments for reasons unrelated to performance or community feedback.

This is not a theoretical concern—it is a lived reality for many of us. We have all encountered cases where our informed, thoughtful recommendations were disregarded. This practice undercuts the legitimacy of Community Boards and frustrates constituents who rightly expect their elected Council Member’s input to carry meaningful weight.

A Modest, Balanced Reform: Binding a Share of Appointments

We propose Chapter 70 Section 2800(a) of the New York City Charter be amended as follows, or with similar language, to allow each Council Member binding authority over a specified portion of appointments to the Community Boards that serve their district:

“For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons, *half of which would be appointed by the borough president and half appointed by the council members* elected from council districts which include any part of the community district.”

And additionally amended to read:

“Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president *or the respective council member who appointed them...*”

Under this provision, for example, if a Community Board has 50 members, and 25 positions are open in a given cycle, the Council Member whose district covers the majority of the Board’s geography could be authorized to directly appoint a fixed number—say, 5 to 7—of those members.

Furthermore, the Council Member should be given the same binding authority as a Borough President to re-appoint or remove community board members he or she has appointed. This would require amending Chapter 70 Section 2800(b) of the New York City Charter to read as follows:

“An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the borough president, *the respective council member who appointed them*, or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the borough president or *the council member* for the remainder of the unexpired term in the same manner as regular appointments.”

This approach would:

- **Enhance accountability.** Council Members are directly elected by the communities served by Community Boards. Giving us the authority to appoint some members ensures there is a direct line of democratic responsibility if Boards become dysfunctional or out of touch.

- **Diversify representation.** Borough Presidents often rely on centralized networks and legacy affiliations. Council Members, by contrast, are more likely to know and elevate emerging voices—especially those from underrepresented or newer community segments.
- **Promote responsiveness.** When residents bring issues to our attention about the performance or composition of their Community Boards, they rightly expect that we have the power to make change. Currently, we cannot. This reform would give communities a stronger say through their elected representative.
- **Strengthen intergovernmental balance.** Just as Mayoral appointees to City agencies are balanced by Council oversight, so too should a Borough President’s authority over Boards be balanced by Council appointment powers. This is a matter of simple checks and balances.

A Nonpartisan Issue of Good Governance

This proposal is not about political advantage or partisan power—it is about fairness, accountability, and making local government more representative and responsive. Members of this caucus represent a wide range of political perspectives, but we are united in our belief that the communities we serve deserve a more meaningful say in the boards that shape neighborhood development, land use, and city services.

We ask the Commission to give this proposal serious consideration and welcome any opportunity to engage further as you complete your final recommendations.

Sincerely,



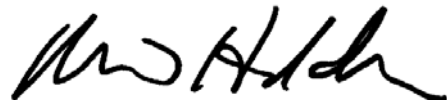
Frank Morano
Council Member, 51st District



David Carr
Council Member, 50th District



Joann Ariola
Minority Leader, 32nd District



Robert Holden
Council Member, 30th District



Vickie Paladino
Minority Whip, 19th District



Kristy Marmorato
Council Member, 13th District



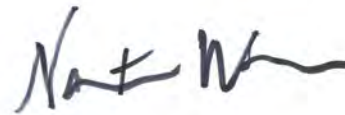
Susan Zhuang
Council Member, 43rd District



Inna Vernikov
Council Member, 48th District



Julie Menin
Council Member, 5th District



Nantasha Williams
Council Member, 27th District



Julie Won
Council Member, 26th District

CC: Danielle Castaldi-Micca
Executive Director, NYC Commission to Strengthen Local Democracy

Subject:

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Topic: Submit Written Testimony

Name: Saaif Alam

Email: [REDACTED]

Phone: [REDACTED]

Comments: In addition to my oral testimony, please see my written testimony on the attached.

Dear City Council Planning Commission Committee,

June 23rd 2025

I am writing to inform you to keep the Community Board and City Council role on shaping our land use matter. As a member of Community Board 8 and Jamaica Hill Community Association our neighborhood has benefited from our input of land use.

As an example, back in 2004, civic leaders and residents voice concerns of overdevelopment of homes in Jamaica Hill Queens. Together, they attended the Community Board meeting urging board members to vote on restriction of zoning to ensure homes remain residential. After a number of debates, Community Board 8 voted in favor to keep our area residential. Due to Community Board 8 involvement, they had significant influence to keep the Jamaica Hill neighborhood residential to prevent over crowding.

Our City Council Members work tirelessly to improve the quality of life of our residents including their influence on land use. They engage in important discussions about land use on behalf of the residents, civics and Community Boards.

Eliminating land use power from community boards and city council will undermine the will of our residents. Although, community boards serve as advisory boards but they bridge the gap of voices between residents, civics and government bodies. I and my colleagues urge the Council Planning Commission to not eliminate land use power from the community board and city council member. This would weaken democracy of our residents having input on land use which is pivotal for their quality of life.

Please strongly consider my stance to keep land use power of both our community boards and city council, especially for residents in the Community Board 8 District and the neighborhood of Jamaica Hill.

Best,
Saaif Alam
Queens Community Board 8 Member
Jamaica Hill Community Association Member

CC
Martha Taylor, Queens Community Board 8 Chair
Marie Adam Ovidie, Queens Community Board 8 District Manager

Subject:

City of New York - Correspondence #1-1-1428659 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Ilana Novick

Email: [REDACTED]

Phone: [REDACTED]

Comments: Following the Adams administration blocking Haven Green and the promise of 123 units of senior housing, it's time to end member deference for development projects, or an appeals process for when they block development.

Subject:

City of New York - Correspondence #1-1-1540112 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Deborah Wright

Email: [REDACTED]

Phone: [REDACTED]

Comments: Submitting written testimony opposing open primaries on behalf of the Retail, Wholesale and Department Store Union ("RWDSU").



Stuart Appelbaum, *President*
Joseph Dorismond, *Secretary-Treasurer*
Maria Buonaugurio, *Recorder*
John Whitaker, *Executive Vice President*

Retail, Wholesale and Department Store Union

On behalf of the Retail, Wholesale and Department Store Union (RWDSU), a union representing tens-of-thousands of workers across the grocery and retail sector of New York City, we would like to express our strong concerns around the proposal to eliminate party primaries in New York City.


Our members are working people who face daily challenges, from rising costs of living, to accessing childcare & transportation, to creating a voice at work. Our members may not have lobbyists or billion-dollar backers, but they do have something powerful: the ability to organize through their union and vote for candidates who understand their lives.

That process begins in party primaries. For decades, primaries have been a critical space where unions can mobilize their members, talk to them directly, and make sure their voices are heard. When a union endorses a candidate, it's not simply about politics; it's about values, policy, people, and the neighborhood they live in; our members are the community, and the community is our members. Electoral decisions are rooted in the primary system, where our member-to-member education and organizing efforts are most effective.

If this proposal is enacted, our capacity to do that work will be sharply diminished. Candidates backed by corporate interests would no longer face a clear Labor-supported challenger early on; instead, everyone would be forced into a single round where name ID and financial backing become the dominant factors. In such a system, workers lose, while money wins.

We urge you to reconsider this proposal, and preserve the right of workers to help shape their representation through party primaries. In this city, organized people must still be able to stand up to organized money.

Contact:

Deborah Wright, National Political Director, RWDSU: 



Subject:

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Topic: Submit Written Testimony

Name: Akshay Arora

Email: [REDACTED]

Phone: [REDACTED]

Comments: While I appreciate that NYC is finally considering allowing individuals to vote in either Democratic or Republican primary, without being registered for either of them, at this point I do believe that we need to go further. We should be pushing for something that serves the population much better than our current system. Introducing Ranked Choice Voting for Primaries was a huge win. We should now shift to removing primaries completely and allow for Open Elections in November with all candidates WITH Ranked Choice Voting. This would be for NYC offices, not federal. If this is allowed for State, that would be great to, but starting with allowing this for New York City would be a huge win for the people of this city.

Subject:

City of New York - Correspondence #1-1-4082540 CRC Contact Form -
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Topic: Submit Written Testimony

Name: Odetty Tineo, on behalf of Henry Garrido, Executive Director of District Council 37

Email: [REDACTED]

Phone: [REDACTED]

Comments: District Council 37 is New York City's largest public employee union, with more than 150,000 members and retirees across hundreds of job titles in every borough. We keep New York City running, and are proud to be active in our city's politics and neighborhoods. DC 37 members are the frontline workers; they work in childcare, as clerical staff, hospital workers, library employees, and more. We understand democracy only works when the people who serve the public have a voice in shaping public leadership. We also understand it is crucial to grow political participation. The proposal to eliminate party primaries in New York City is deeply concerning to our union. It would disrupt a system that allows organized working people to have a fair shot at electing leaders who understand their lives. In a so-called jungle primary, candidates would all compete in one round, and those with the most money and name recognition would have the advantage. That leaves behind the people who make this city work. Our union has a long history of mobilizing members in primary elections; they talk about policy, educating voters about candidates, and organizing across neighborhoods and workplaces. We do this not for political gamesmanship, but to make sure our members are seen and heard. If this proposal moves

forward, it will make elections more expensive, more confusing, and more dominated by outside money. We support reforms that make voting easier, not systems that make democracy harder to access for working-class New Yorkers. We want more people to vote and believe there are better ways to accomplish that goal. We urge the Commission to oppose this proposal. Let's build a stronger city by lifting up working people, not locking them out of the process.

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Topic: Submit Written Testimony

Name: Community Board 2 Manhatta

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see the attached PDF from Community Board 2 / Manhattan

Valerie De La Rosa, *Chair*
Eugene Yoo, *First Vice Chair*
Donna Raftery, *Second Vice Chair*



Antony Wong, *Treasurer*
Emma Smith, *Secretary*
Brian Pape, *Assistant Secretary*
Mark Diller, *District Manager*

COMMUNITY BOARD NO. 2, MANHATTAN

www.manhattancb2.org

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June 23, 2025

Hon. Richard R. Buery Jr., Chair
Hon. Shaon Greenberger, Vice Chair
Hon. Alec Schierenbeck, Executive Director
Members of the 2025 New York City
Charter Revision Commission
City Hall
New York, NY 10007

Hon. Henry Garrido, Co-Chair
Hon. Arva Rice, Co-Chair
Hon. Danielle Castaldi-Micca, Executive Director
Members of the NYC Commission to
Strengthen Local Democracy
250 Broadway
New York, NY 10007

Honorable Members of the 2025 New York City Charter Revision Commission and the NYC Commission to Strengthen Local Democracy:

At its Full Board meeting on June 18, 2025, Community Board 2 / Manhattan adopted the following resolution concerning comments on the Preliminary Reports of the respective Commissions.

Charter Revision Commission

Whereas:

1. The 2025 New York City Charter Revision Commission was convened by Mayor Eric Adams in December 2024 in order to review the New York City Charter and put forward proposals for its amendment by the voters in November 2025.
2. The Charter Revision Commission published its first preliminary report on April 30, 2025¹.
3. Sections of the preliminary report highlight proposed changes to the Land Use Review process, housing policies, climate and infrastructure, and the city map. These sections are the focus for this Resolution.
4. Separately, the New York City Council also convened the NYC Commission to Strengthen Local Democracy in December 2024 with the intent to review the New York

¹ Charter Revision Commission Preliminary Report, 2025 NYC Charter Revision Commission, "<https://www.nyc.gov/assets/charter/downloads/pdf/2025/2025-Charter-Revision-Commission-Preliminary-Report-DIGITAL.pdf>", April 30, 2025

City Charter and put forward proposals in the 2025 or 2026 ballot; a preliminary report was released on April 21, 2025².

5. On June 12 2025, S590/A3665, a bill passed by the NYS Senate³ and Assembly⁴, was sent to Governor Kathy Hochul for signature. This legislation aims to change the rules about placing Charter Commission initiatives on the ballot and may allow both the Mayor's and City Council's Charter Revisions to be placed on a ballot simultaneously. Currently, only one Charter Revision initiative may appear on any given ballot.
6. At the highest level, Community Board 2 Manhattan (CB2M) welcomes the opportunity to improve the Uniform Land Use Review Procedure (ULURP), but we do not see that either the Mayor's Commission or the City Council Commission put forward solutions which would work in our community. CB2M has seen that there were serious problems with the most recent neighborhood rezonings – the Hudson Square and SoHo/NoHo/Chinatown rezonings – but neither Commission draws constructive lessons from those problematic processes.
7. Both of the Charter Revision Reports are being introduced before the effects of the City of Yes for Housing Opportunity (COYHO) have been felt, let alone analyzed.
8. Overall, the Mayor's Commission reduces the local input which the Community Board strives to provide. There is no recognition that Community Boards can improve projects, make them move forward more smoothly, and achieve better results.
9. Overall, the City Council Commission supports local input into zoning issues but does not provide the resources that Community Boards need to respond to or generate zoning projects which work for their localities.
10. ULURP
 - a. Neither Commission offers the framework for reevaluation of previous ULURP actions. Such a framework could help us develop a way to improve ULURP going forward.
 - b. Mayor's Commission (in response)
 - i. Focuses on the length of time of ULURP, which has a mandated 7.5 month period.
 - ii. The Commission inaccurately states that ULURP requires a “multi-year process.”

² NYC Commission to Strengthen Local Democracy Preliminary Staff Report to the Commission, NYC Commission to Strengthen Local Democracy, <https://static1.squarespace.com/static/678ab684e1a2cb193dfc38af/t/68065a4585446c4b9cba176f/1745246790100/Prelim+Report+April+21.pdf>, April 21, 2025

³ S590, NYS Senate, “<https://www.nysenate.gov/legislation/bills/2025/S590/amendment/A>”, January 8, 2025

⁴ A3665, NYS Assembly, “<https://www.nysenate.gov/legislation/bills/2025/A3665/amendment/A>”, January 29, 2025

- iii. And yet, the ULURP pre-certification period takes an average of years to occur. Pre-certification is not a mandated event. It is a process undertaken voluntarily and wisely by the developer.
- iv. CB2M consistently meets the ULURP deadlines and will continue to meet our mandated timelines.
- v. Diminishes the time for ULURP applications from the current 90 days to 60 days.
 - 1. The current 90 days often feels insufficient time for review. 60 days is not acceptable.
 - 2. Even though Community Boards will still be required to perform all their current functions, they will have less time in which to do so.
 - 3. While the Commission focuses on “small projects,” in actuality, Community Boards could benefit from more time on large projects such as rezonings or the City of Yes, Housing Opportunity (which while not a ULURP action, used the ULURP timetable)

11. Categories of Projects

- a. The Mayor’s Commission calls out “small” projects
 - i. The Commission does not provide an adequate definition of “small” project.
 - ii. The Commission claims that “small” projects incur large rezoning costs, but an urban planner that has worked with community boards was able to find examples that disputed this claim
- b. The Mayor’s Commission suggests streamlining “categorically beneficial projects”
 - i. Once again, the Commission does not provide a definition of this term.
 - ii. Local review during ULURP has proven to be beneficial for projects such as 388 Hudson Street, where CB2M pushed for a greater amount of 100% permanently affordable housing and two floors of a NYC Parks Department recreation center on city-owned land.

12. Roles

- a. The Mayor’s Commission recommends changes in the roles of the Borough President, the Speaker of the City Council, Members of the City Council, and the Community Boards. These changes generally diminish the input and power of these entities
 - i. CB2M does not support such diminution.
 - ii. These changes in roles lessen community input. CB2M supports protecting and increasing community input.

- iii. The Commission recommends setting up a mechanism to override City Council decisions with a small group controlled by the Mayor. This does not protect local input and overrides the electoral process.

13. Member deference

- a. The Commission focuses on a practice known as member deference which the Commission claims impedes zoning changes.
 - i. Member deference is not a written policy but a City Council practice.
 - ii. Member deference allows local concerns to be recognized and protected.

14. Comprehensive planning

- a. Mayor's Commission
 - i. Fair Housing Framework allows the Community Board to discuss plans and issues with DCP to help inform the district context and make goals inline with the community
 - ii. CB2M has a history of advocating for housing in rezoning plans and then having the city designate these areas for office use and criticize CB2M for being unwilling to accept new housing.
 - iii. When the city promotes job creation in CB2M, they do not plan for concomitant workforce housing in CB2M.
 - iv. The Mayor's Commission does not insure that new zoning also requires investments in new infrastructure, transportation, and open space, among other local amenities.
- b. City Council Commission
 - i. Recommends the exploration of expanded 197a community planning rules without expanding Community Board resources to perform the task.
 - ii. Community Board term limits are an impediment to the continuity necessary to complete a years-long 197a plan.
 - iii. Recommends increasing the number of votes on the CPC required to disapprove a land use action if the Community Board, Borough President, and Borough Board all recommend approval of a land use action, giving more weight to local input.

15. Zoning administrator

- a. We need a definition of this position and how it would function inside the existing structure. As presented this role is undefined and unsupportable as a result.
- b. If this position is created, Community Board and public input must still be required in such a person's processes.
- c. CB2M requires a well-thought out plan for this additional person.

16. Revocable Consent

- a. The Mayor's Commission suggests changes to the rules around revocable consent and franchises.

17. City map

- a. The Mayor's Commission recommends digitizing the City Map.
- b. CB2M sees this as a positive as long as the Commission can reference all aspects of the map, even those which elude digitization.
- c. CB2M recognizes that not all boroughs have the same mapping conventions. A one-size-fits-all solution, a central map division, may not work.

Therefore be it resolved that CB2 Manhattan:

1. Opposes a reduction in the ULURP review process from 90 days to 60 days, which would diminish the time for the public to weigh in on projects that have lasting effects on the local framework of the City.
2. Advises that the Commission's focus on ULURP timelines completely ignores the importance and impact of the pre-certification phase, where developers – recognizing the importance of local and community board input – invest the time and effort to engage the community in order to produce a better outcome
3. Fails to see the benefit of running concurrent public reviews at the Community Board and Board President levels, when the reviews should roll up from the Community Board level to the Borough President.
4. Finds it difficult to support the recommendation of a streamlined ULURP for “small projects” and “categorically beneficial projects” given that these terms are not sufficiently defined.
5. Supports a local review process that could benefit projects deemed “categorically beneficial”.
6. Does not support changes in the roles of the Borough Presidents, City Council Speaker, Members of the City Council, and Community Boards that would diminish local community input.
7. Strongly opposes the creation of a three-member panel that can override the decisions of the democratically-elected 51-member City Council with just two votes from a mayoral-appointed troika.
8. Disagrees with efforts to weaken member deference, particularly when member deference is not even codified in the City Council, and that the role of local councilmembers is to be experts on local issues.
9. Finds the Mayor's Commission's suggestions for Comprehensive Planning inadequate; as an example, when rezonings occur, there should be a requirement for much-needed investment in impacted infrastructure and local services.

10. Agrees with the recommendation to increase the number of votes on the CPC required to disapprove a land use action if the Community Board, Borough President, and Borough Board all recommend approval of a land use action, giving more weight to local input.
11. Finds that the recommendation of adding a zoning administrator requires additional definition, as well as specifics on how community input would be preserved for processes that are decided by such an administrator
12. Opposes rules that would weaken public input and influence over revocable consent and franchises.
13. Supports efforts to modernize and digitize the City Map, as long as the Commission can reference all aspects of the map and respect borough-specific conventions.
14. Recommends that ULURP can be improved by allocating additional resources to Community Boards to aid in larger, more complex applications such as rezonings and changes to the zoning text.

Further be it resolved, that CB2M:

15. Recommends that a process is put in place to examine the effectiveness of large land use actions, such as Rezoning, to gather metrics on the net additions to the housing stock (including types of housing, the number and square footage of housing units, and analysis of displaced residents), the mix of residential versus office and commercial uses, and whether the stated goals of the land use action were ultimately successful. This sorely needed analysis would help guide communities in navigating future proposed land use actions.

Vote: Passed, with:

26 in favor;

9 opposed (C. Dignes, J. Kaye, R. Kessler, J. Liff, B. Listman, M. Pereirra, S. Ryan, R. Sanz, E. Smith);

3 abstaining (N. Chen, Z. Kazzaz, E. Olson)

None recusing

Community Board 2 / Manhattan respectfully requests that the respective Commission take actions consistent with the foregoing resolution.

Respectfully submitted -



Valerie De La Rosa
Chair, Community Board 2/Manhattan



Eugene Yoo
Chair, CB2/M Land Use Committee

Community Board 2 / Manhattan Resolution Concerning the
Preliminary Reports Relating to Proposed Charter Revisions
Page 7

Copies:

Hon. Mark Levine, Manhattan Borough President
Hon. Adrienne Adams, Speaker, NYC Council
Hon. Christopher Marte, NYC Council, 1st District
Hon. Carlina Rivera, NYC Council, 2nd District
Hon. Erik Bottcher, NYC Council, 3rd District

Hon. Brian Kavanagh, NYS Senate, 27th District
Hon. Brad Hoylman-Sigal, NYS Senate, 47th District
Hon. Grace Lee, NYS Assembly, 65th District
Hon. Deborah Glick, NYS Assembly, 66th District

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Topic: Submit Written Testimony

Name: Rachael Fauss

Email: [REDACTED]

Phone: [REDACTED]

Comments: See attached



Testimony to NYC Charter Commission on Government Reform
Staten Island Public Input Session

***If Charter Commission Seeks Major Changes to Voting Process, It Should
Propose Top 4 and Open Primary Using Ranked Choice Voting***

June 23, 2025

Good evening. Reinvent Albany advocates for transparent, accountable New York government and fact-based public policy.

Today we are testifying in favor of major changes to the NYC voting process that take full advantage of ranked choice voting (RCV) and recognize the [clear trend](#) towards NYC voters registering [unaffiliated](#) with a political party. (A trend that will accelerate if New York's long-delayed Automatic Voter Registration is finally implemented.)

Specifically, we support moving NYC elections to even years and a Top 4 general election and open primary using ranked choice voting.

Reinvent Albany strongly supports RCV and its basic goal of reducing vote splitting and spoilers, increasing voter choice, and ensuring the selection of candidates with broad bases of support. Tomorrow, June 24th, is primary day and so far ranked choice voting in NYC is working as intended in the Democratic Party Primary Election for mayor: a broad field of candidates are cross-endorsing each other and creating informal alliances – a positive dynamic encouraged by many of the candidates being endorsed by the same minor party.

Much as we are happy to have it, New York City's adoption of ranked choice voting in 2019 was more a triumph of political compromise and negotiation than election logic (though there was obvious financial logic to ending costly, low-turnout runoff elections). Of the dozens of local governments across the United States using RCV, New York City is the only one to use it solely in the primary and then switch to first-past-the-post voting in the general election. The overwhelming share of local governments using RCV have a single election.

Adoption of an Open Primary and Top 4 Election Using Ranked Choice Voting

We have previously testified in favor of a number of different ways to improve the NYC election process, including semi-open primaries, which we still support as an incremental improvement, especially if it includes a “sore loser” provision. However, our clear favorite is an open primary whose top four vote-getters advance to the general election.

We note that over the last five general elections, NYC has averaged just under 10 candidates for mayor on the general election ballot – thus Top 4 would, on average, cut the number of candidates on the general election ballot in half.

Because all four candidates on the general election ballot are emerging from an open primary using ranked choice voting, it's highly likely all would have a substantial body of public support and be able to engage in substantive public debate. The City's leading election law authorities confirm that New York City may move to Top 4 without any changes in state law; similarly, it would be legal for the City to cancel primaries in any contest where four or fewer candidates file.

NYC Averages Just Under 10 Candidates on the General Election Ballot for Mayor

Number of candidates for mayor per year

2021 = 9

2017 = 7

2013 = 15

2009 = 9

2005 = 8

NYC's Current Voting System Highly Likely to Result in Democratic Party Primary Losers Appearing on General Election Ballot

The NYC Charter allows candidates to appear on the General Election ballot for mayor if they get the signatures of 3,750 registered voters or 450 signatures for City Council (Chapter 46, Section 1057-b.) New York City does not have a "sore loser" provision prohibiting candidates who lose a major party primary from appearing on the General Election ballot via nominating petition.

Because of this, it is highly likely that a deep-pocketed candidate who loses the Democratic Party primary will reappear on their own line in the General Election. The current system allows anyone with the resources to get their candidate on the General Election ballot without going through a primary, which is a recipe for mischief.

Thank you for your consideration.

DONOVAN RICHARDS
President



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

June 23, 2025

**New York City Charter Revision Commission 2025
Testimony**

In an ever-changing city of more than 8 million residents, it is incumbent on us as a municipality to evolve over time to best meet the needs of our families. Helping move our city along is exactly what the New York City Charter Revision Commission has been tasked with, and we are deeply grateful for your service and your efforts to do so.

However, we believe two key proposals the Commission has put forth are unpalatable, not only for us as Borough Presidents, but for all of us who care deeply about our city's democratic norms.

First, the Commission proposes to centralize the City Map and its operations under the NYC Department of City Planning (DCP). While this sounds reasonable on its face, it essentially represents the elimination of our offices' Topographical Units and the institutional knowledge our employees bring to the table.

Our Topographical Units have managed the City Map for decades, making it a core function of each office. But we firmly believe that centralizing these operations under DCP would lead to employee attrition and a "brain drain" from each borough. Dozens of employees who have historical and technical knowledge would be made redundant through this Revision, and moving the City Map solely into DCP's hands would unite an inordinate amount of power under one city agency. We believe the digitalization of the City Map can occur with the continued existence of topographical units, and we implore the Commission to find a solution that would incorporate both parties.

Second, the Commission proposes to fundamentally alter New York City's elections by transitioning from our current closed primary system to an open primary system, under the guise of attempting to boost voter turnout. Again, we commend the commitment to addressing our city's very real voter turnout problem. But conducting our elections via open primary would create serious negative consequences that would outweigh any positive outcome.

To start, open primaries diminish the political power of communities of color who boast some of the highest party registration figures in our city. Political parties are organizations with set ideologies and missions determined by its members — allowing individuals who aren't committed to those principles to help choose that party's candidate may result in nominees who don't truly reflect that party's values.

Additionally, open primaries are vulnerable to a process called "raiding," where political forces encourage voters who would otherwise support one party to vote in an opposing party's primary, simply to help to nominate a weaker candidate and making it easier for their party to win a general election.

Lastly, open primaries often lead candidates to take vague or noncommittal stances thanks to the much wider and politically diverse primary electorate they are campaigning amongst. This makes it much more difficult for voters to assess these candidates and hold them accountable to a clear set of policy positions.

For all these reasons and more, we believe that open primaries dilute the political power of often-marginalized communities and ultimately weaken democracy. This proposal must be eliminated from the final set of charter revision recommendations.

Thank you for your public service and we look forward to future conversations on how we can best move this city forward in a sensible, democratic way.

Sincerely,

A handwritten signature in black ink, appearing to read "Donovan Richards Jr.", with a stylized, cursive script.

Donovan Richards Jr.
President
Borough of Queens

A handwritten signature in black ink, appearing to read "Antonio Reynoso", with a stylized, cursive script.

Antonio Reynoso
President
Borough of Brooklyn

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Topic: Submit Written Testimony

Name: Cynthia Terrell

Email: [REDACTED]

Phone: [REDACTED]

Comments: I would like to testify virtually as well. Thank you.

Testimony to the NYC Charter Commission

Cynthia Terrell, RepresentWomen, June 23, 2025

Thank you for this opportunity to share my perspectives on women's representation and the ranked choice voting election system used in NYC that was adopted by 74% of city voters in 2019.

I believe this perspective is relevant to whether you propose a Top Two primary system that puts women's representation at risk or whether you propose a Top Four primary system that could further enhance women's representation.

My name is Cynthia Terrell and I am the founder and director of RepresentWomen, a nonpartisan organization that works nationally, but often partners with allies in New York City. We research the barriers women face in politics and the data-driven policies to reduce those barriers.

One of those barriers is the rules of elections. In a vote-for-one system many women are told to wait their turn, parties make calculations about who is electable, and candidates are rewarded for negative campaigning rather than for finding common ground.

After starting to use ranked choice voting in 2021, women on the New York City Council went from 13 seats to 31 seats. Nationally women hold 52% of council seats in cities using RCV as compared to barely a third on the councils without RCV in our nation's 100 largest cities.

Organizations and leaders in New York City who work to advance women in office fully appreciate this fact and will evaluate any proposed charter reform through this lens. Just today I co authored an article with Ebonie Simpson, executive director of [The New Majority NYC](#), entitled "With Ranked Choice Voting in NYC, Women Win." Here is an excerpt:

"Research finds that women have better opportunities to run and win ranked choice elections. More women can jump into the race without fear of splitting the vote with one another—and without being told to "wait their turn."...

Whether in red Utah and Alaska, blue California, or purple Minnesota, the results were uniform: as cities introduced ranked choice voting, more women ran and won, and states and localities that had never before come close to gender equity now approached or surpassed it.

What we see in New York is that these election rules encourage candidates to

campaign differently. When you can't win with just your base, you need to talk to everyone throughout the city. Instead of attacking your opponents, you work to be their supporters' second choice. Multiple candidates with similar perspectives ask voters to rank all of them."

In the appendix of my testimony are more sources in support of our research and a policy document that RepresentWomen released with other experts on best practices for statutory provisions when following Alaska's Top Four ranked choice voting system.

Abandoning a system that helps to elect more women will raise major red flags among the women's organizations I work with in New York City. A Top Four proposal with RCV in November would allow you to open up elections to more voters without putting women's electoral success at risk.

Thank you for your time, and I would be pleased to answer any questions that you may have.

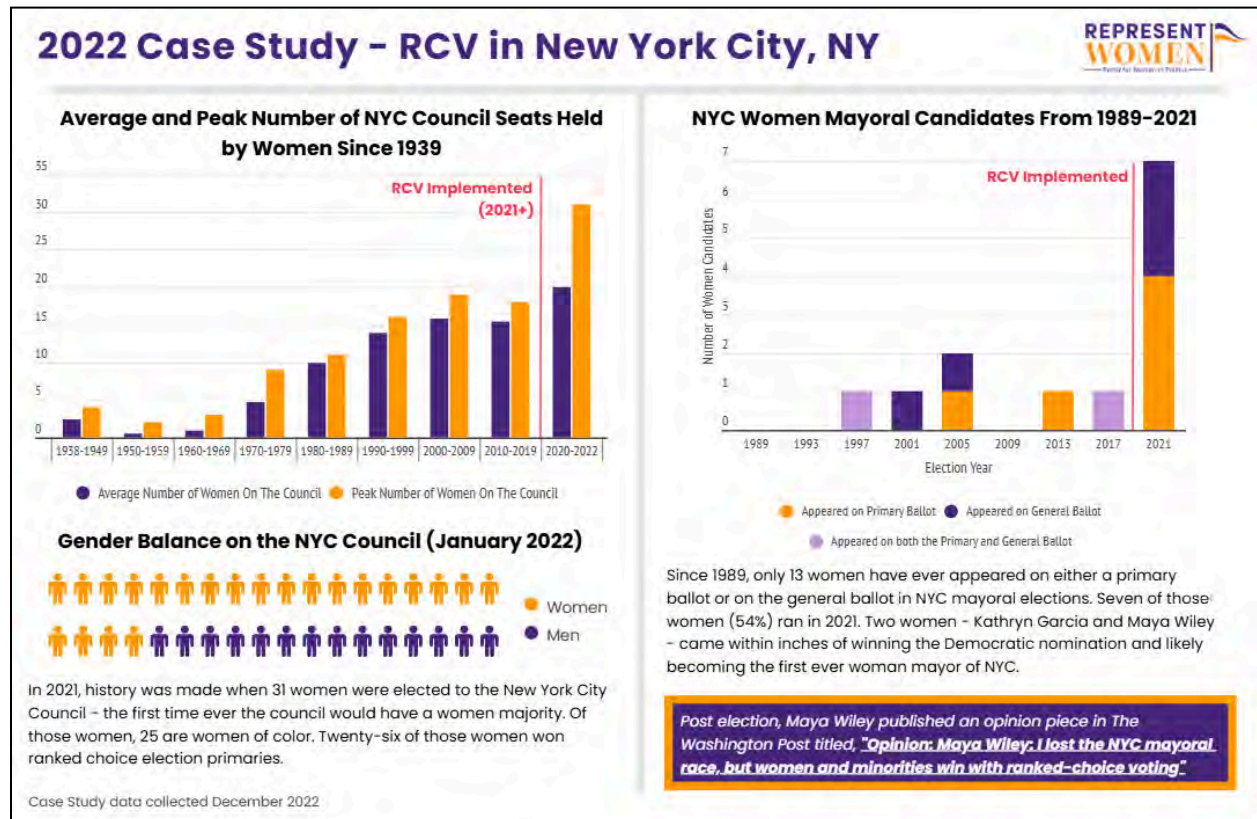
APPENDIX A: Excerpts from RepresentWomen's 2021 report [Why Women Won in 2021](#)

"Systemic changes are underway at all levels of government— federal, state, and local. Our goal in examining New York City's council elections was to understand how various efforts and reforms can come together to facilitate political progress for women. One major takeaway from our analysis is that candidate groups such as 21 in '21 are needed to guide candidates through these emerging system changes.

- 1. Open seats continue to have a positive impact on women's representation. This includes both open seats created by term limits and open seats previously created by the 1991 NYC council expansion.*
- 2. Ranked choice voting contributed to a more representative city council. In districts where no women had previously won seats, where a person of color had never been elected, or where the vote had previously been split, women and women of color triumphed.*
- 3. Both political leadership incubators and systems reforms are needed. Groups focused on women in politics are important to obtaining gender balance, but are much more effective when working alongside rules and systems that are conducive to a healthier, more representative democracy.*
- 4. Within the candidate-focused sphere, multiple organizations are needed. Several groups working together, sharing resources, and supporting candidates had a large role in attaining a women's majority in the council. PLIs and similar organizations tend to be underfunded and under-resourced, but it is through combined efforts that 31 women were elected to the NYC council.*
- 5. One successful cycle does not mean the fight for gender equality is over. Progress has historically been inconsistent; and therefore one win does not mean the fight for gender equality is over. 21 in '21's new mission to maintain gender balance on the council shows that despite this historic victory, there is still work to be done."*

More Women Run (and Win) with Ranked Choice Voting in New York City

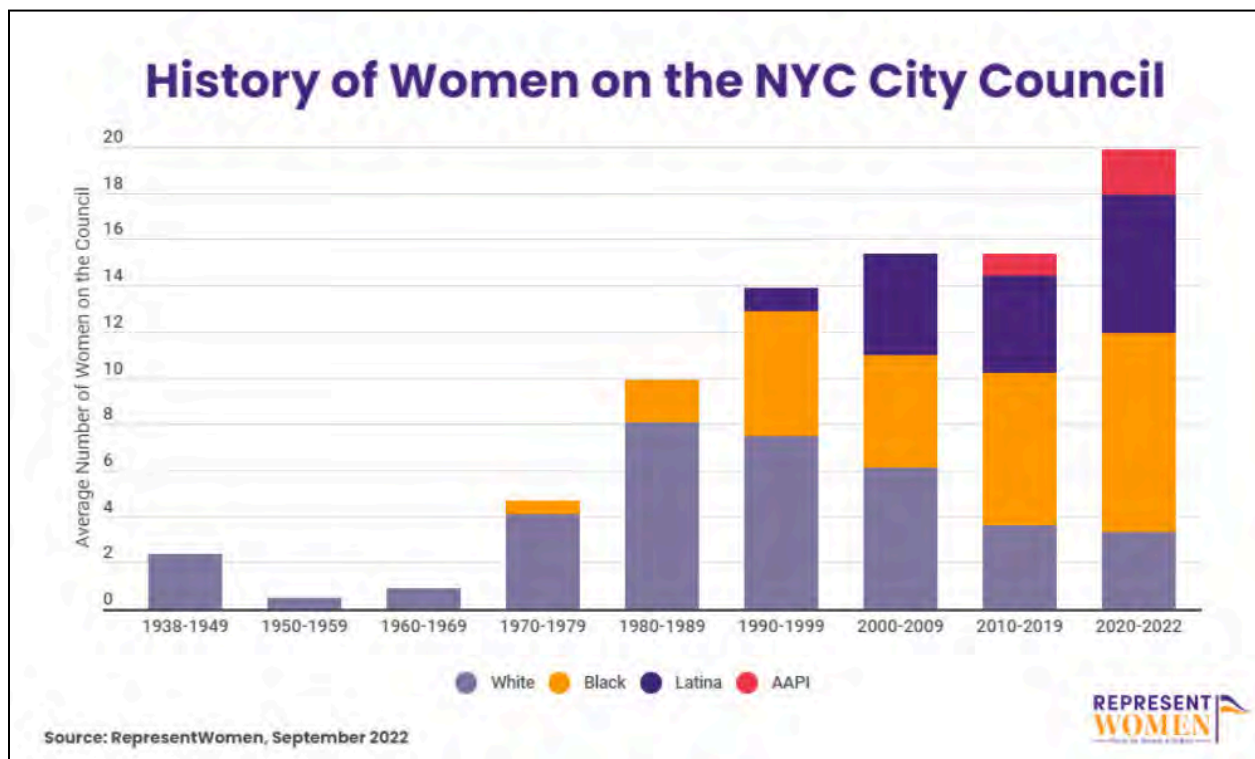
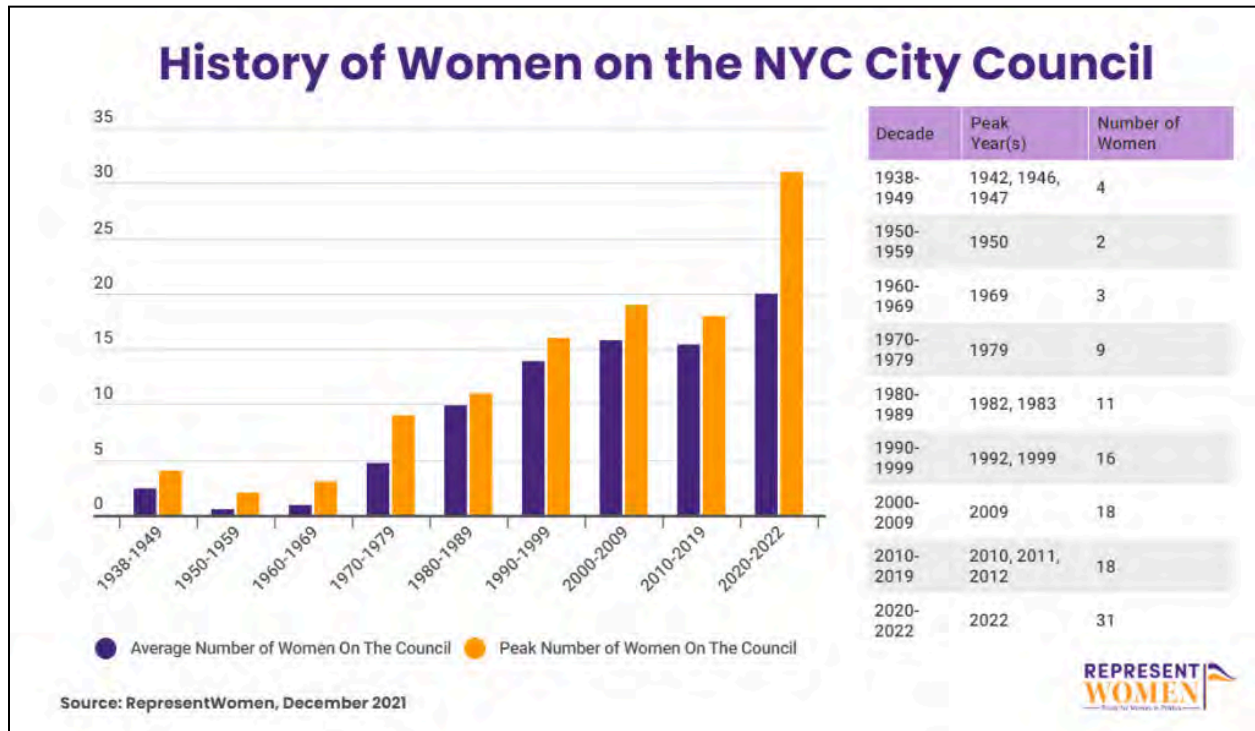
Following the implementation of RCV in New York City, the number of women who ran for the NYC Council – and won – increased. The number of women who have run for NYC mayor also sharply increased following the adoption of RCV.



APPENDIX B - Links to Relevant Research on the Impact of RCV on Women's Representation in NYC:

- (2023 Report) [Women in Power: Impact Analysis of NYC's Woman Majority Council](#) - highlights the impact of ranked choice voting on governance in a council majority-led by women of color for the first time in history.
- (2022 Report) [Why Women Won in 2021: How a Twin-Track Approach Advanced Women's Representation on the New York City Council](#) - details how ranked choice voting, public matching funds, term limits, and a robust candidate support ecosystem created a unique opportunity for more women to enter the NYC council.
- (2022 Report) [Women's Representation and the Twin-Track Ecosystem in the 100 Largest Cities in the U.S.](#) - outlines how New York City's electoral system creates a blueprint for reform in other major U.S. cities, building on the success of the 2021 electoral cycle for women council candidates in NYC.

A Closer Look at the Data from Our 2021 NYC Report:



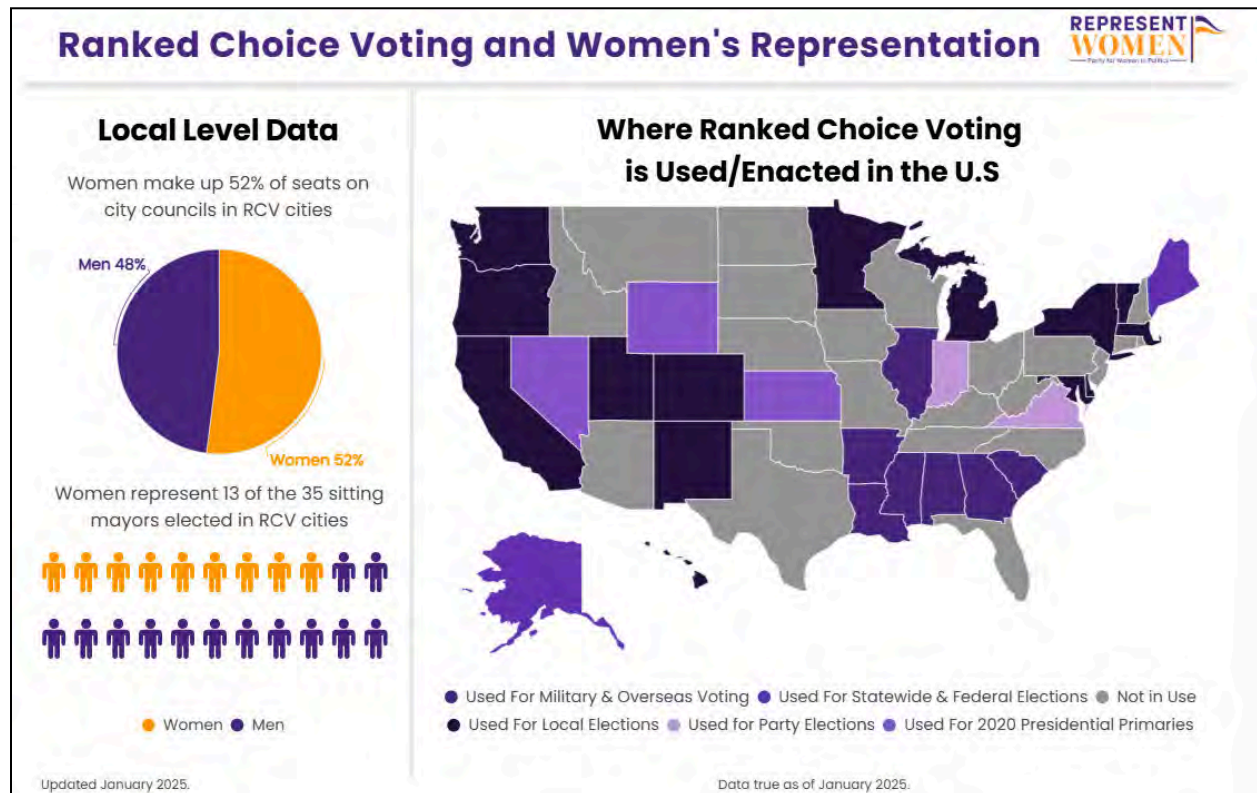


Links to Articles and Opinion Pieces on the Impact of RCV on Women in NYC:

- (June 2025) FULCRUM [“With Ranked Choice Voting in NYC, Women Win”](#) –column by Ebonie Simpson & Cynthia Terrell
- (June 2025) Ms Magazine [“Ranked-Choice Voting Spurs a New Era of Collaborative Campaigning in New York”](#) – column by Cynthia Richie Terrell about the positive impact of Ranked Choice Voting.
- (November 2021) [“Want Some Good News: Women Won a Majority of Seats on the NYC Council”](#) – column by Cynthia Richie Terrell in *Salon Magazine* about the wins for women on the NYC council.
- (2021 July) [“Maya Wiley: I lost the NYC mayoral race, but women and minorities win with ranked-choice voting”](#) – outlines Maya Wiley’s ongoing support for RCV following her run for mayor in 2021.
- (2020 December) [“Women Candidates to Council: Don’t Delay Ranked Choice Voting. Start Education Today”](#) – open letter from women candidates outlining how RCV supports women candidates by eliminating the spoiler effect and discouraging negative attacks.

APPENDIX C: National Trends: RCV and Women's Representation

Ranked choice voting is used in 52 jurisdictions nationwide (2 states, 3 counties, and 47 cities). RepresentWomen has been conducting research on the impact of ranked choice voting (RCV) on women's representation since 2016. Over the years, we have found that RCV increases opportunities for women to run and win elections by reducing vote splitting and incentivizing positive campaigning. **As of 2025, 52% of city council seats decided by ranked choice voting are held by women.**



Links to Relevant Research on the Impact of RCV on Women's Representation:

- (2021 Peer-Reviewed Article) Politics and Governance [“Election Reform and Women's Representation: Ranked Choice Voting in the U.S.”](#)
- (2020 Report) [In Ranked Choice Elections, Women WIN: RCV in the United States: a Decade in Review](#) – this research outlines the impact of RCV on women's representation in 19 localities between 2010 and 2019 and found that approximately half of all RCV electeds from that period of time were women.
- (2016 Report) [The Impact of Ranked Choice Voting on Representation](#) – this research highlights the impact of ranked choice voting on the representation of women and people of color in the California Bay Area by drawing comparisons between representation pre- and post- the adoption of RCV.

APPENDIX E - Report on Top Four Policy Recommendations

“Top Four and Top Five Voting” Policy Recommendations

FairVote, Partners in Democracy, RepresentWomen, and RepresentUs | April 09, 2025

Introduction

“Top Four” or “Top Five” refers to an all-candidate preliminary election in which four or five candidates advance, combined with a ranked choice voting (RCV) general election. Whereas many general elections are safely Republican or Democratic, and are therefore effectively decided in partisan primary elections, Top Four or Top Five is designed to bring more competition and better choices to general elections.

We, as national election reform organizations, are committed to supporting local actors in deciding which reforms are best for their state. We suggest that where Top Four or Top Five is pursued, the following new policy recommendations will concretely respond to any concerns and help ensure enduring success:

- *Advance four or five candidates to the general election and use RCV to ensure the candidate with the broadest support wins.*
- *Ensure equal and reasonable ballot access and party rights for all candidates.*
- *Allow parties to endorse candidates (including cross-endorsements) on the preliminary and general election ballot, through their own privately funded process (e.g., convention, caucus, or primary).*
- *Automatically advance all candidates to the general election if fewer than 4 or 5 candidates enter the race.*

As reformers, we acknowledge that many voters are dissatisfied with their current choices and frustrated with political parties, but it is simultaneously true that political parties are a vital part of modern democracy. Parties help give voters information about their choices, organize to win elections, and help elected officials organize and govern when in office. In addition, acceptance from parties makes reform easier to win and sustain. Therefore, the changes recommended in this document keep intact the basic structure of Top Four and Top Five, but rethink its implementation details to empower voters and parties alike in new ways to support candidates of their choice.

We also want to emphasize the fundamental value of offering voters meaningful choices in the general election. Preliminary (i.e. primary) elections, without exception, have substantially lower turnout than general elections – with electorates that are on average far older, whiter, and wealthier than those in the general election. Advancing fewer than four candidates risks disempowering general election voters and limiting access for

minor parties. The ideal number of candidates to advance for single-winner offices is four or five.

This document details these recommendations and weighs other relevant policy choices. We also emphasize that while Top Four or Top Five is a suitable model for single-winner elections, it need not preclude opportunities to advance other impactful reforms like proportional representation.

Signed,

[FairVote](#), [Partners in Democracy](#), [RepresentUs](#), and [RepresentWomen](#)

Policy Recommendations

1. Advance four or five candidates and use RCV in the general election.

Top Four or Top Five voting (1) presents voters with a set of choices in the general election that is both robust and manageable.

Advancing at least four candidates reduces the risk of strategic gameplay by candidates in the preliminary round, and provides voters in the higher-turnout general election a sufficient number of choices to ensure a representative outcome. Especially if/when major parties consolidate their support around one candidate per office (see Recommendation #3), advancing four or five candidates provides ample opportunity for third party and/or independent candidates to compete in the general election.

Every consideration has a tradeoff, and there may be diminishing returns to advancing more than five candidates for a single office.(2) In addition, four- or five-candidate general elections may facilitate smoother election administration relative to larger candidate fields. For example, with some ballot layouts, providing five rankings per office will allow two contests to be listed on the ballot page side-by-side, maximizing the number of races that can fit on the ballot.

After advancing four or five candidates, RCV should be used in the general election to identify a majority winner. RCV has a 100+ year record of delivering voter-preferred outcomes and improving representation. The technology required to implement RCV is already in place in much of the United States, and RCV has a strong legal foundation, having been upheld against every federal constitutional challenge brought to date. Where RCV is used in the U.S., voters largely use the opportunity to rank,(3) and report that they understand and support RCV.(4)

2. Ensure equal and reasonable ballot access and party rights for all candidates
Ballot access requirements (signature requirements and/or filing fees) should be equal and reasonable for all candidates filing to run and compete in the first stage.

Party recognition and/or public funding rules should also be keyed to several meaningful and reasonable levels of public support to ensure that more parties are capable of forming, growing, and competing on a level playing field. For example, parties could become “qualified” (i.e., able to endorse candidates on the ballot and/or receive public campaign finance funds) based on meeting any of the following criteria:

- *Running candidates in at least X preliminary election contests;*
- *Advancing candidates to at least X general election contests;*
- *Attaining at least X% of the vote in any round of a statewide preliminary or general election tabulation;*
- *Electing a candidate in any state or federal general election contest; or*
- *Registering at least X voters as party members.*

These reforms would encourage minor parties to develop and run candidates in otherwise-less-competitive seats in order to build their power and support. Qualification requirements that look solely to performance in previous elections are an obstacle to newer and smaller parties. This is especially true when parties can only qualify by meeting such requirements in a statewide election, like for governor or president, which are the most expensive and resource-intensive elections in which a party could compete, and are also the elections in which voters may be least willing to spend their vote on a candidate from a smaller party. Giving parties flexibility in ballot qualification options will allow them to run candidates strategically and grow organically. This may also improve choices for voters, increase diversity on the ballot, and drive turnout from minor-party voters.

If a state permits candidates to self-identify with a party on the ballot, any party recognition or public funding rules based on past election performance should allow any party to choose to receive qualified status (or funding) based on the performance of candidates that identify with that party, but, in the interest of avoiding any unnecessary legal question, should not require any party to rely upon such indicators.

3. Allow parties to endorse candidates (including cross-endorsements) on the preliminary and general election ballots.

Partisan notations on the ballot can provide an important cue for voters at the ballot box. In a Top Four or Top Five system, there are multiple ways to approach ballot notations. For both the preliminary election and the general election, we recommend allowing party endorsements on the ballot.

Parties may nominate a candidate (or candidates) through a mechanism of their choosing (with that candidate's consent), and only that candidate would receive the "Party Nominee" label on the ballot. For example, parties could hold a privately funded convention, caucus, or primary election before or after the preliminary election. This would empower parties to uplift candidate(s) of their choice.

This also addresses the concerns of both "open primary" advocates (i.e., that taxpayers should not have to fund primary elections in which nonpartisans cannot participate) and parties (i.e., that party members should be able to endorse their party's nominee on the ballot).

This policy choice can also help minor parties align their voters around a clear preference to maximize their odds of reaching the general election. Combined with Recommendation #2, privatizing party nominating contests also introduces an additional element of fairness for minor parties. Under the "publicly funded party primary + general election" model that most states use, major parties are effectively subsidized by tax dollars, but minor parties are not unless they qualify for the state-run primary as well (and in most states, minor parties face higher ballot access requirements). Under this policy as recommended, all parties would be responsible for funding their own nominating contests.

We also recommend allowing multiple parties to endorse the same candidate (with that candidate's permission) using aggregated fusion voting. Under this approach, parties would have the ability to endorse a new candidate in the general election if, for example, a party's nominee does not advance to the general election.

There are two ways to address notations for non-endorsed candidates:

- 1. In states with party registration, the candidate can choose to have their party registration (or lack thereof) by their name (e.g., "Registered Republican").*
 - Allowing both party endorsements and registration to appear on the ballot creates greater options for candidates who prefer the same party to offer different visions for "what the party is or should be." One question worth further study is whether voters may be confused by the distinction*

between, say, “Registered Republican” and “Republican Nominee.”

2. *The candidate may express their affiliation in language of their choosing, subject to a word and/or letter limit, e.g. “Liberal,” “Progressive,” “Conservative,” “Constitutionalist,” etc.*
 - *With this option, candidates would run under more targeted banners befitting their ideologies. There would be no potential risk of confusion between party-endorsed and party-identified/registered candidates, since only the former would be notated on the ballot,[5](#) unlike option #1. This may also decrease vote-splitting between minor-party candidates, increasing their chances of advancing a candidate. This option is the “strongest party” version of Top Four / Top Five Voting and arguably the most aligned with existing political science literature on the importance of fostering coherent and responsible parties.*

In addition to the pros and cons stated above, the choice may consider existing state practices and preferences. For example, in states that do not register voters by party, or in states (like Washington) where candidates may already express their affiliation in language of their choosing, Option #2 may make for a more natural transition.

Below is a sample ballot for Option #1:

Sample Ballot					
Candidate	1 st Choice	2 nd Choice	3 rd Choice	4 th Choice	5 th Choice
EMILY CAMPBELL <i>Libertarian Party Nominee</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
MATEO GARCIA <i>Republican Party Nominee</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
PRIYA PATEL <i>Democratic Party Nominee & Working Families Party Nominee</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
DWAYNE BRAGG <i>Registered Republican</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
NAOMI LANG <i>Registered Democrat</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
WRITE IN _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Of course, under either option, parties and candidates would still have the ability to distribute “how-to-vote” campaign materials. This may include a ranked endorsement of a slate of candidates, or suggestions of which other candidates or parties to rank 2nd or 3rd. In Australia, which has used RCV for over 100 years, parties hand out “how-to-vote” cards. [Research](#) shows these recommendations are effective, as voters tend to follow party cues.

4. Automatically advance all candidates if there are not enough declared candidates to need a preliminary election.

If the number of candidates running is equal to or less than the number who will advance to the general election (ideally four or five), there is no need to hold a preliminary election. Automatically advancing those candidates to the general election ballot will help voters and election officials by simplifying and saving space on the primary ballot.

This policy also gives voters more choices in the general election by reducing the risk that any candidates drop out of the race after the preliminary election due to limited

campaign funds, disappointing results, or strategic coordination. Finally, this policy may encourage more candidates to enter uncontested or uncompetitive races by reducing the overall burdens associated with running for office. Increasing entry from a wider range of candidates may help reduce polarization and improve political representation.

5. Simultaneously advance opportunities to use proportional ranked choice voting, where possible.

Multi-winner elections using proportional representation offer a promising reform option to simultaneously foster robust competition, faithful representation, and a more inclusive politics. Advocates should take care to ensure that efforts to adopt Top Four or Top Five systems do not unintentionally foreclose any meaningful opportunities to advance proportional representation. Proportional ranked choice voting is one of the highest impact reform options available for legislative elections and warrants consideration whenever its adoption might be possible.

At the same time, there will always be some single-winner elections (such as state governor or U.S. Senator) and there may be states where shifting to multi-winner legislative districts does not appear achievable on the short- or medium-term horizon. Moreover, while Top Four or Top Five voting and proportional representation are often viewed as two different and conflicting reform pathways, we believe these reforms are not fundamentally incompatible.

Under the Fair Representation Act, for example, states may continue to use Top Four or Top Five primaries for multi-winner elections.. See Policy Consideration 7 for more details on how primaries may be conducted.

For any Top Four or Top Five system being considered in a state with existing multi-winner offices, reformers should consider utilizing this same winnowing method and utilizing proportional ranked choice voting in the general election. And, if political conditions are appropriate, reformers may consider expanding the number of offices that elect multiple winners (such as legislative races) as part of the overall reform package.

Policy Considerations

This section weighs other decisions policymakers may be faced with when considering Top Four or Top Five voting. We describe the context for evaluating these various policy questions.

6. Write-in candidates

Voters should retain any existing ability to write-in a candidate of their choice on the preliminary and/or general election ballot. This allows voters to retain the fullest possible set of choices, and more opportunity for minor party and/or independent candidates to compete.

For single-winner offices, we recommend allowing voters to rank five candidates, even in a Top Five race with write-ins allowed. If a voter chooses to rank a write-in in the general election, they would only rank four of the other names appearing on the ballot. Limiting voters to five rankings may allow for two RCV contests to fit side-by-side on some states' ballots.[6](#)

7. Single-choice vs. RCV in the preliminary election

Single-choice voting in the context of a Top Four or Five preliminary election is a semi-proportional system (known as “limited voting” or “the single non-transferable vote”) and should provide a reasonably representative slate of candidates for the general election. However, using a multi-winner version of RCV in the preliminary election (as opposed to “pick one”) further socializes the ranked ballot, can help solve vote-splitting in crowded fields, and bolsters the preliminary performance of consensus candidates who might earn support across party lines. Either choose-one or RCV preliminaries are valid choices and this guide makes no recommendation between them.

Below are two options for using RCV in the preliminary election:

- *Proportional RCV: Candidates who receive a certain share of votes – the “threshold” – advance. The threshold is based on the number of candidates who will be advanced to the general election. When candidates are above the threshold, excess votes are distributed to voters’ second-choice candidates. When no candidate reaches the threshold, candidates are eliminated in the same manner as a traditional RCV tally. This repeats until the number of candidates who reach the threshold is equal to the number of candidates who will be advanced to the general election. Benefits of using proportional RCV include avoiding vote splitting, ensuring a diverse and representative set of candidates advance in proportion to their support among the preliminary election electorate, ensuring a majority of voters advance the most candidates, reducing the number of “types” of RCV being used overall, and normalizing the proportional RCV tabulation process.*
- *Bottoms-up RCV: This method uses an RCV tally and eliminates last-place candidates until the number of remaining candidates equals the number of seats to be elected. Benefits of using bottoms-up RCV include reducing vote splitting, ensuring the most popular candidates advance to the general election with the*

fullest reflection of their level of support from the preliminary election electorate, offering a simpler tabulation method, and potentially increasing opportunities for minor-party candidates to advance to the general election. Because bottoms up is semi-proportional, like choose-one voting in multi-winner races, a majority block of voters may not necessarily advance a majority of candidates to the general election. However, for single-winner races, the majority faction may well prefer this outcome because it would allow the faction's most popular candidate to advance to the general election with the strongest possible showing of support.

8. Additional rules addressing the death, disqualification, or withdrawal of candidates.

One additional factor to consider in RCV elections is how to address the death, disqualification, or withdrawal of a candidate before the election. RCV elections present several unique options for these situations, beyond those available in choose-one elections. Options to consider include:

- 1. If the death, disqualification, or withdrawal occurs before the ballot-printing deadline:*
 - *Allow the highest-placing candidate from the preliminary election to advance (fifth-place or sixth-place candidate, depending on whether the system is Top Four or Top Five).*
 - *Allow the deceased or disqualified candidate's party or authorized designee to name a replacement. This will likely be the preferred method for political parties that may have already completed their nomination process.*
- 2. If the death, disqualification, or withdrawal occurs after ballot-printing:*
 - *The deceased or disqualified candidate still appears on the ballot but is considered a "withdrawn" candidate and should be treated as inactive during tabulation (i.e., a voter's ballot will count for their next choice).*
 - *Allow the deceased or disqualified candidate's party or authorized designee to name a replacement, and all votes cast for the deceased/disqualified candidate count for the replacement candidate.*

Notes and References

- 1. This system is sometimes referred to in the media and reform campaigns as an Open Primary and Ranked Choice Voting. Because the term "open primaries" can have multiple meanings in political science and legal contexts, we use the more precise "Top Four or Top Five" in this policy paper.*
- 2. This discussion only applies to single-winner contests. For multi-winner offices, the number of candidates advancing to the general election should be expanded.*

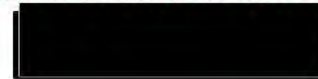
In multi-winner contests, FairVote recommends advancing at least four more candidates than the number of seats to be filled.

<https://fairvote.org/report/ranking-limit-recommendations/>

3. <https://fairvote.org/resources/data-on-rcv/#number-of-rankings-used>
4. <https://fairvote.org/resources/data-on-rcv/#voter-support-and-understanding>
5. *To ensure no such confusion, you may consider disallowing non-endorsed candidates from using a qualified party's name in their label. However, this may preclude some candidates from using language they feel most accurately describes their political affiliation. This rule would also be highly sensitive to parties' qualified status (i.e. if the Alaskan Independence Party is a qualified party, a candidate potentially could not label themselves as an "independent" on the ballot).*
6. *For multi-winner offices, we recommend allowing voters to rank "n+4" candidates, where "n" is the number of seats to be elected. See*
<https://fairvote.org/report/ranking-limit-recommendations/>



HOMELESS SERVICES UNITED



New York City Charter Revision Commission 2025

June 23, 2025

Testimony by Homeless Services United

On behalf of Homeless Services (HSU), I would like to thank the Commission for this opportunity to submit testimony. My name is Kristin Miller, and I am the Executive Director of Homeless Services United. Homeless Services United (HSU) is a coalition representing over 50 mission-driven, non-profit homeless service providers in New York City. HSU advocates for the expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers. Homeless Services United promotes effective solutions to end the crisis of homelessness in New York City. On behalf of our members, their dedicated employers and the tens of thousands of New York residents we serve, we are pleased to submit testimony today to discuss issues around New York City's housing crisis and the need to promote deeply affordable housing development across New York City.

Addressing New York City's Housing Crisis

Our shortage of affordable housing has reached a breaking point. With record low vacancies, rising rents and rising costs, plus stagnant wages – we are in a dire moment that needs action to prevent additional New Yorkers from entering homelessness. In April, New York City's shelter system already housed (on average) nearly 85,000 individuals a night. New York already State saw a 53.1% increase in homelessness between January 2023 and January 2024 — more than four times the national average; New York City accounted for 93% of this increase. With pending federal funding cuts and under investment in the sector, people will be forced to enter a system that is not resourced for this volume.

Increasing the housing stock is not enough – we must prioritize deeply affordable housing that reduce the number of rent burdened tenants and make it easier for clients who transition of shelter to find housing.

Recommendations 1–6: ULURP Related Proposals

Recommendation 1: Disposition of City-owned land for affordable housing that conforms to underlying zoning should not have to go through ULURP.

We suggest the creation of a simplified public process be established in place of ULURP to ensure government transfers are appropriate but are quick.

Recommendation 2: Consider truncating ULURP as a consequence for districts that are not meeting their production targets in the framework.

In these instances, ULURP would end at City Planning Commission, preventing the local councilmember from blocking affordable housing after failing to meet district targets.

We also recommend that Fair Housing Framework production targets prioritize affordable housing. This could be done by giving a greater weight to affordable housing in housing production targets.

Recommendation 3: Limiting the application and review of the ULURP Process.

The ULURP process requires 60-day review by the Community Board and 30-day review by the Borough Board. We support merging the two reviews into one review overseen by the Borough President. This would shorten the ULURP timeline. It would allow for local input but give more of a borough-wide focus. And it could allow the Borough Presidents to create a process that includes more voices the community.

Additionally, we recommend requiring only agency approval for certain actions, including special permits, revocable consents, concessions, franchises, housing and urban renewal plans instead of going to ULURP.

Recommendation 4: Streamline Advisory Reviews in ULURP.

Local input into the City's land use review process prioritizes those with the most time, money, and connections. Many places around the country have adopted better community engagement practices that are more representative and less reactionary. We should combine the separate Community Board and Borough President advisory reviews in ULURP, bringing them together with additional BP oversight, improved engagement techniques, and a borough-wide lens.

Recommendation 5: Delegating review of small or minor projects with strictly local significance to borough presidents as the final step.

The current process is so long and expensive that small projects cannot afford to go through it. Few, if any, small rezoning projects go through ULURP. Smaller projects are important ways to add housing in lower-density neighborhoods. A shorter review process for these projects would make it affordable for them to go through the process and where appropriate get approved.

Recommendation 6: Make the Fair Housing Plan more enforceable by amending the charter to:

- Encourage and advantage certain ULURP proposals found to be in compliance with reaching Fair Housing Plan targets, by moving them through an expedited process
 - This would be done in a tiered fashion where:
 - 100% affordable developments with deeply affordable units could be expedited in all geographies
 - Mixed-income affordable developments could be expedited only in those geographies deemed both "low-affordability" and not a "high displacement risk area" by the Fair Housing Plan and that did not reach their housing production targets in the most recently completed five year time period
 - Such projects would not receive an automatic Council hearing and vote unless a majority of the Council voted to do so
- Require that the capital budget details how it is advancing and addressing the goals, targets, and obstacles established and identified by the Fair Housing Plan

Recommendations 7–11: Other Recommendations

Recommendation 7: Fast track the approval process for HPD-sponsored affordable housing seeking a limited rezoning through the Board of Standards and Appeals (BSA).

Doing so would facilitate the building of more affordable housing throughout the city. Additionally, the BSA fast-track would reduce steps and shorten the process of developing affordable housing, treating it like the urgent public policy priority that it is. Finally, this fast track could be temporary and apply while New York City meets the standard of “housing emergency” with a vacancy rate below 5% or be implemented under New York City’s Fair Housing Framework to help achieve affordable housing growth targets.

Recommendation 8: Amend the charter to mandate that New York City create a comprehensive plan on a recurring timeline, with the following essential components:

- Establishment of equity goals, including
 - Ensuring an equitable distribution of development and investment
 - Increasing access to affordable housing
 - Promoting social, economic & racial integration
 - Advancing environmental justice, open and green space
 - Through the coordination of existing plans’ goals and mandates (such as the Fair Housing Plan, Long-term sustainability plan)
- Establishment of citywide and Community District level targets across a host of issues, including for
 - Housing
 - School seats & community facilities
 - Open space
 - Infrastructure & Resiliency
 - Through the coordination of existing plans’ quantifiable targets (such as the Fair Housing Plan)
- Committing all 59 Community Districts to create Community District level plans to achieve these targets, with the necessary resources to conduct this process with robust, deliberative and inclusive community engagement, including budgetary and technical assistance needs to achieve this
- Requiring land use, annual expense budget, capital budget and policy decisions to detail how they are in accordance with the comprehensive plan so as to achieve its goals and targets

Recommendation 9: Create a Fast-Track for Fair Housing.

We need a new approval process for proposals that would advance fair housing in our most transit-rich, climate-resilient, and low-growth neighborhoods, in line with the implementation of Speaker Adams’ Fair Housing Framework. In these well-resourced neighborhoods, we must fast-track approvals and remove the ability for the local Council Member to block new homes. Such reforms are common in other states, often known as “builder’s remedies,” but New York is behind.



HOMELESS SERVICES UNITED

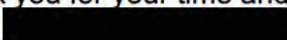


Recommendation 10: Make Public Land Work for Affordable Housing.

The City is by far the largest landowner in the five boroughs, but turning underutilized, city-owned land into affordable housing is bureaucratic and slow. We should establish an expedited process to build HPD-financed affordable housing on city-owned land.

Recommendation 11: Factor Housing Needs into Landmarks Decisions.

The Landmarks Preservation Commission is limited by the Charter in what factors it can consider in making critical decisions. The impact is especially severe in the City's most well-resourced, low-growth neighborhoods. We must make sure that housing affordability and availability are part of the discussion when LPC creates new historic districts and allows building consolidations in existing districts.

Thank you for your time and attention to this matter. If you have any questions, please contact me at 



Testimony to NYC Charter Commission on Government Reform
Staten Island Public Input Session

***If Charter Commission Seeks Major Changes to Voting Process, It Should
Propose Top 4 and Open Primary Using Ranked Choice Voting***

June 23, 2025

Good evening. Reinvent Albany advocates for transparent, accountable New York government and fact-based public policy.

Today we are testifying in favor of major changes to the NYC voting process that take full advantage of ranked choice voting (RCV) and recognize the [clear trend](#) towards NYC voters registering [unaffiliated](#) with a political party. (A trend that will accelerate if New York's long-delayed Automatic Voter Registration is finally implemented.)

Specifically, we support moving NYC elections to even years and a Top 4 general election and open primary using ranked choice voting.

Reinvent Albany strongly supports RCV and its basic goal of reducing vote splitting and spoilers, increasing voter choice, and ensuring the selection of candidates with broad bases of support. Tomorrow, June 24th, is primary day and so far ranked choice voting in NYC is working as intended in the Democratic Party Primary Election for mayor: a broad field of candidates are cross-endorsing each other and creating informal alliances – a positive dynamic encouraged by many of the candidates being endorsed by the same minor party.

Much as we are happy to have it, New York City's adoption of ranked choice voting in 2019 was more a triumph of political compromise and negotiation than election logic (though there was obvious financial logic to ending costly, low-turnout runoff elections). Of the dozens of local governments across the United States using RCV, New York City is the only one to use it solely in the primary and then switch to first-past-the-post voting in the general election. The overwhelming share of local governments using RCV have a single election.

Adoption of an Open Primary and Top 4 Election Using Ranked Choice Voting

We have previously testified in favor of a number of different ways to improve the NYC election process, including semi-open primaries, which we still support as an incremental improvement, especially if it includes a "sore loser" provision. However, our clear favorite is an open primary whose top four vote-getters advance to the general election.

We note that over the last five general elections, NYC has averaged just under 10 candidates for mayor on the general election ballot – thus Top 4 would, on average, cut the number of candidates on the general election ballot in half.

Because all four candidates on the general election ballot are emerging from an open primary using ranked choice voting, it's highly likely all would have a substantial body of public support and be able to engage in substantive public debate. The City's leading election law authorities confirm that New York City may move to Top 4 without any changes in state law; similarly, it would be legal for the City to cancel primaries in any contest where four or fewer candidates file.

NYC Averages Just Under 10 Candidates on the General Election Ballot for Mayor

Number of candidates for mayor per year

2021 = 9

2017 = 7

2013 = 15

2009 = 9

2005 = 8

NYC's Current Voting System Highly Likely to Result in Democratic Party Primary Losers Appearing on General Election Ballot

The NYC Charter allows candidates to appear on the General Election ballot for mayor if they get the signatures of 3,750 registered voters or 450 signatures for City Council (Chapter 46, Section 1057-b.) New York City does not have a "sore loser" provision prohibiting candidates who lose a major party primary from appearing on the General Election ballot via nominating petition.

Because of this, it is highly likely that a deep-pocketed candidate who loses the Democratic Party primary will reappear on their own line in the General Election. The current system allows anyone with the resources to get their candidate on the General Election ballot without going through a primary, which is a recipe for mischief.

Thank you for your consideration.

Comments to the NYC Charter Revision Commission: Opposing Proposals to Implement Open Primary Elections

Submitted by: Leon Bell, NYSNA Director of Public Policy

The New York State Nurses Association (NYSNA) represents over 42,000 frontline nurses across the city and state for collective bargaining, and is a leading advocate for universal health coverage, safe patient care, and workplace rights of nurses and other healthcare workers.

We have reviewed the Charter Commission's Preliminary Report, issued on April 30, 2025, and write to express our opposition to the proposals under consideration to institute an "open" primary process that would replace the current party-based system in NYC local elections.

NYSNA union members actively work in the primary and general elections to promote candidates that are aligned with our legislative and political priorities. While we understand that voter participation rates in local primaries are lower than in general elections, we do not agree that this is attributable to the current party-based primary system.

According to the data that the Commission itself has provided, voter participation in local elections has always been lower than in federal and state races.

We also note that participation rates have been declining at all levels. There are numerous factors contributing to this phenomenon, but the current party-based primary system is not a major contributing cause, as that system was in effect during periods when participation rates were higher.

We believe that a major cause of declining voter participation, and one that is not addressed in the Commission's Preliminary Report, is the vast expansion of unregulated super-PAC funding and the role of corporations and the ultra-wealthy in flooding our elections with "dark" money and allowing candidates backed by these wealthy interests to inundate voters with false and misleading advertising and messaging. The impact of Citizens United and other US Supreme Court decisions ruling the corporations are "people" and that "money" is a form of speech have tilted our elections in an undemocratic direction, making voters less willing to engage in political activity, raising voter perceptions that the system is rigged, and posing a threat to democracy itself.

Changing the current party-based primary system, whatever its shortcomings, will only accelerate the growing power and influence of the wealthy and corporate business interests in our elections, and make it more difficult for nurses, labor unions, political parties, and other opponents of policies that favor big business interests to effectively fight back.

If the Commission wishes to put forward proposals to increase voter engagement in local elections, it could consider easing existing restrictions on changing party registrations, moving local elections to even years, or other measures to make it easier to vote.

The Commission, however, should reject charter revision proposals to adopt an open primary system that will only further the political interests and increase the political power of dominant business groups and the ultra-wealthy.

Billionaires and corporate dark money pools already have too much influence and outright control over the economy and wield this power in the form of money to promote their own interests and block efforts to promote universal health care, improve pay, benefits and working conditions for working people, address environmental and climate change issues, and deal with a range of other vital priorities that affect local communities.

Given the current political, economic and social context, we should not be making it easier for these anti-democratic interests to buy control of local political offices.

We urge the Commission to reject any Charter revision proposals to implement open primary elections.

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Topic: Submit Written Testimony

Name: Mimi Mitchell

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see attached written testimony

Testimony re Charter Revision
June 23, 2025

Thank you for the opportunity to submit testimony on the Charter Revision Commission's proposed changes to the ULURP process and the role of Community Boards.

I am a member of Brooklyn Community Board 8 and a long-time tenant advocate. I also work closely with small homeowners and long-term residents — all of whom are directly impacted by land use decisions made in their name but too often without their voice.

What concerns me more than the question of speed is the question of voice. Community Boards are one of the last remaining places where local residents — not lobbyists, not developers, not appointed panels — have a structured opportunity to engage land use proposals that directly impact their lives. **Eliminating or weakening this step removes public input at a time when trust in government is already deeply strained.**

While there's been an effort to frame ULURP as a source of delay, in practice, the most common delays come from the development side — not from public review. **Developers frequently enter the process with incomplete applications, vague affordability terms, last-minute design changes, or unresolved financing.** These issues slow down timelines long before a Community Board ever receives a proposal. Blaming the public for delays that originate from private disorganization is not only inaccurate — it's irresponsible.

Community Boards operate on a fixed, 60-day timeline — one that should be **preserved in full**, not shortened or combined with another review body. To suggest otherwise is to misplace blame and erase the only part of the process that includes true public oversight.

Tenants rely on ULURP to raise concerns about affordability, displacement, and quality of life. Small homeowners depend on it to address infrastructure strain, rising costs, and neighborhood change. ULURP is not a luxury; it is a **safeguard** — and for many of our constituents, the **only venue where planning happens in public view.**

I strongly oppose any effort to shift decision-making to unelected individuals or centralized bodies that bypass local review. Streamlining cannot come at the expense of transparency, accountability, and the public's right to shape their communities.

Proposals to weaken ULURP don't just reduce time — **they reduce participation.** And if we remove people from the process, we undermine the very concept of equity and democratic planning.

I urge the Commission to:

- **Preserve the 60-day Community Board review period without reduction or consolidation**

- **Require early, public-facing engagement with developers before certification**
- **Reject any expansion of power to unelected or private bodies that bypass community review**
- **Invest in transparency, data access, and neighborhood-driven planning**

Planning that doesn't include the public is not planning — it's displacement by design. New York deserves better.

Thank you for your consideration.

Mimi Mitchell, Member Community Board 8

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Topic: Submit Written Testimony

Name: Dr. Sarah Lazur

Email: [REDACTED]

Phone: [REDACTED]

Comments: Please see attached written testimony.

Written Testimony on Proposed Charter Revisions

June 23, 2025

Thank you for the opportunity to submit testimony on the proposed Charter revisions, particularly those concerning ULURP and the role of Community Boards in land use decisions.

I serve on Brooklyn Community Board 8 and have been actively engaged in housing and tenant advocacy for years. The people I work alongside are renters, long-time residents, and families living paycheck to paycheck. Many are already on the edge of displacement. For us, land use isn't theoretical — it's deeply personal, and it determines who gets to stay in our neighborhoods.

That's why I'm deeply concerned by any proposal that would reduce or sideline the role of Community Boards in the ULURP process. Community Boards are one of the only spaces where tenants and working-class residents have a formal voice in shaping what gets built — and how. Shortening or combining our review period, or shifting more power to unelected bodies, would only make land use decisions less accountable to the people most directly impacted.

There is no evidence that Community Boards are causing project delays. In fact, the delays most often come from developers who are unprepared, vague in their commitments, or not transparent about the long-term impacts of their proposals. Cutting public review doesn't fix that — it just removes the pressure to be accountable.

I support reforms that improve the process without undermining it, including:

Requiring early, mandatory engagement between developers and Community Boards

Preserving the full 60-day Community Board review period

Opposing efforts to hand land use decisions to unelected panels or appointees

Supporting housing production strategies that are equitable and community-informed, not imposed top-down

And ensuring that transparency, local input, and public oversight remain at the core of planning

Tenant voices are too often treated as an afterthought. Removing or weakening Community Boards only makes that worse. If the City is truly committed to housing justice, it must protect the few remaining tools that allow everyday people to participate in the decisions shaping their future.

Sincerely,

Dr. Sarah Lazur/ Member, Brooklyn Community Board 8

Subject:

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Topic: Submit Written Testimony

Name: Brooklyn Community Board 8

Email: [REDACTED]

Phone: [REDACTED]

Comments: Statement for the Public Record by Brooklyn Community Board 8 On behalf of the members of Brooklyn Community Board 8, the following statement is submitted for inclusion in the public record. We understand that the Charter Revision Commission is currently considering significant amendments to the Uniform Land Use Review Procedure (ULURP), including the potential reduction or even elimination of the role of Community Boards. Additionally, we are aware of proposals that would either diminish the Borough President's role in ULURP or, conversely, grant the office final decision-making authority. Either course of action would constitute a grave misstep in community planning and pose a substantial threat to the democratic health and social vitality of New York City. While the city's affordable housing crisis is undeniable, the dismantling of democratic and transparent land use processes is neither a viable solution nor a path to expedited development. Eliminating critical community-based checks and balances enables appointed officials to reshape neighborhoods according to elite or monied interests—at the expense of those who live there. For over two decades, deregulation, unfettered speculation, and insufficient oversight have steadily eroded affordability and livability across the

five boroughs. It is imperative that the Charter Revision Commission not further weaken the few remaining mechanisms of meaningful public oversight. Excluding Community Boards from the ULURP process would be one of the most damaging decisions the Charter could adopt. Community Boards are the entities most intimately connected to local constituencies—their concerns, needs, and aspirations—and are most directly affected by land use decisions. This would represent a regressive departure from the very purpose and spirit of community engagement envisioned by the original Charter, as reaffirmed by Mayor Wagner in response to the top-down, racially discriminatory planning spearheaded by Robert Moses. Historical examples such as the BQE, the Cross Bronx Expressway, and the Atlantic Yards (now Pacific Park) development underscore the long-term harm that results when communities are excluded from land use decisions. The latter, in particular, has imposed two decades of disruption on our neighborhoods, precisely because the project was allowed to bypass the ULURP process. Community Boards possess hyperlocal expertise. We understand how specific projects will shift community dynamics, and we are often the first to identify potential negative impacts. To assign exclusive authority to the Borough President in representing local concerns in ULURP applications is, in essence, a revival of the defunct and constitutionally invalid Board of Estimate model. Borough Presidents—while crucial citywide actors—cannot be expected to possess the detailed, neighborhood-specific knowledge that our boards bring to the table. Nor should they serve as the sole voice on land use matters, just as their role should not be eliminated altogether. Community Boards, often described as “boots on the ground,” represent a vital feedback loop for municipal agencies and elected officials. Board members and local participants function as early warning systems—flagging overburdened infrastructure, existing service deficits, and community vulnerabilities long before external actors take notice. We have repeatedly witnessed that projects implemented without adequate community input are less responsive, less equitable, and of inferior quality. In CB8 alone, we have observed this pattern with multiple smaller developments in recent years. We reject the notion that the removal of community oversight is a necessary tradeoff for streamlining. The current 60-day review period afforded to Community Boards is already insufficient given limited budgets and volunteer-based membership with minimal technical capacity. Rather than curtailing our role, we urge the Commission to focus on strengthening it. Although we recognize that the land use process must balance competing interests, ensure transparency, and permit necessary growth, it must do so without undermining democratic accountability. The impacts of land use decisions are complex and context-dependent, and there is no substitute for the insight of those who live within the affected neighborhoods. When density is increased, it is the residents—through the Community Board—who first recognize cascading consequences: increased flooding, overburdened schools, diminished water pressure, inadequate public space, and more. This localized, real-time knowledge is indispensable in shaping responsive and resilient development. To remove Community Boards from the process is to silence the very voices best equipped to advocate for the public good. Such a move would not only betray the intent of the Charter’s framers but also erode the democratic foundation of city planning. Accordingly, we call on the Charter Revision Commission to protect and reinforce the role of Community Boards in the ULURP process by adopting the following recommendations:

- Preserve the Community Board’s 60-day review

period and reject any proposals to shorten or consolidate it. • Mandate early public engagement in the pre-certification phase, including required meetings between developers and Community Boards. • Reject the expansion of decision-making power to unelected individuals or entities that bypass established public review procedures. • Support land use reforms that promote equitable housing development while ensuring public participation, transparency, and democratic oversight remain central. Our communities deserve meaningful input in decisions that will shape their future. Developers, who do not live in our neighborhoods and are not accountable to the residents, must not be further empowered at the expense of public discourse. The Commission must not undermine the essential role that Community Boards play in evaluating, informing, and guiding responsible development. We strongly urge the Charter Revision Commission to uphold, strengthen, and defend the participatory role of Community Boards in the land use process. We are stewards of public trust, advocates for equity, and a cornerstone of democratic governance in New York City. Sincerely, Irsa Weatherspoon Chairperson Michelle George District Manager



Antonio Reynoso
Borough President

COMMUNITY BOARD NO. 8

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

Statement for the Public Record by Brooklyn Community Board 8

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We understand that the Charter Revision Commission is currently considering significant amendments to the Uniform Land Use Review Procedure (ULURP), including the potential reduction or even elimination of the role of Community Boards. Additionally, we are aware of proposals that would either diminish the Borough President's role in ULURP or, conversely, grant the office final decision-making authority. Either course of action would constitute a grave misstep in community planning and pose a substantial threat to the democratic health and social vitality of New York City.

While the city's affordable housing crisis is undeniable, the dismantling of democratic and transparent land use processes is neither a viable solution nor a path to expedited development. Eliminating critical community-based checks and balances enables appointed officials to reshape neighborhoods according to elite or monied interests—at the expense of those who live there. For over two decades, deregulation, unfettered speculation, and insufficient oversight have steadily eroded affordability and livability across the five boroughs. It is imperative that the Charter Revision Commission not further weaken the few remaining mechanisms of meaningful public oversight.

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To remove Community Boards from the process is to silence the very voices best equipped to advocate for the public good. Such a move would not only betray the intent of the Charter's framers but also erode the democratic foundation of city planning.

Accordingly, we call on the Charter Revision Commission to protect and reinforce the role of Community Boards in the ULURP process by adopting the following recommendations:

- **Preserve the Community Board's 60-day review period** and reject any proposals to shorten or consolidate it.
- **Mandate early public engagement** in the pre-certification phase, including required meetings between developers and Community Boards.
- **Reject the expansion of decision-making power** to unelected individuals or entities that bypass established public review procedures.
- **Support land use reforms** that promote equitable housing development while ensuring public participation, transparency, and democratic oversight remain central.

Our communities deserve meaningful input in decisions that will shape their future. Developers, who do not live in our neighborhoods and are not accountable to the residents, must not be further empowered at the expense of public discourse. The Commission must not undermine the essential role that Community Boards play in evaluating, informing, and guiding responsible development.

We strongly urge the Charter Revision Commission to uphold, strengthen, and defend the participatory role of Community Boards in the land use process. We are stewards of public trust, advocates for equity, and a cornerstone of democratic governance in New York City.

Sincerely,


Michelle George
District Manager


Irsa Weatherspoon
Chairperson

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Topic: Submit Written Testimony

Name: Katie Taylor

Email: [REDACTED]

Phone: [REDACTED]

June 22, 2025

To the New York City Charter Revision Commission:

As a member of Brooklyn Community Board 8 Housing and Land Use Committee, I submit this statement in support of the recommendations made by CB8 regarding the proposed changes.

In proposing these changes to eliminate the Council and limit the Community Board roles in the ULURP process, the Commission is ignoring the reasons these democratic checks and balances in land use decisions were put in place in the first place. ULURP was specifically created to empower local democracy and the voices of communities and to serve as a check on executive power. The 1989 Charter revisions provided a structure for every New Yorker to have an equal vote on land use matters and brought Community Boards into the process to ensure all of those specifically impacted were formally a part of land use decisions. This change came after a major push back on land use decisions that effectively exacerbated segregation and concentrated poverty in the city. Executive power has proven to be the most vulnerable to influence by political and financial interests, and we have seen again just how that works in the last year, as the Mayor has succumbed to significant political influence to save his own personal future.

The lack of truly affordable housing in this city is at a true crisis level, and while there are significant challenges to building housing and a need to streamline the process, removing democratic and transparent processes is not the way to address that. We know that without a check on executive control, power brokers can destroy, and remake entire neighborhoods based on the priorities of power and money, and they are using their money and power to do that every day. As a result, there are less and less affordable homes for the workers that make this city function. In the Black and Brown community districts this has only been escalating. Community Board 8 in Brooklyn is one of the fastest gentrifying neighborhoods in this entire city and is literally being inundated with endlessly expanding market rate housing with very limited affordable units. And without Community Board influence we wouldn't have even those affordable units.

We should be focused on making reforms that promote and streamline housing production that is affordable to the workers of this city and ensure accountability, preserving the power of local communities to have input in projects and policies that affect their neighborhoods.

I support the following recommendations from Community Board 8's Housing and Land Use Committee regarding the proposed changes:

- Preserve the Community Board's 60-day review period and opposing any reduction or combination with other review periods.
- Strengthen early public engagement during the pre-certification phase, including mandatory developer meetings with Community Boards.
- Oppose the expansion of decision-making power to unelected individuals or bodies that bypass existing public review processes.
- Support reforms that promote equitable housing production and deepening set asides for affordable housing for working families, while ensuring democratic accountability, transparency, and local input remain central to land use decisions.

Our communities must have meaningful input in decisions that directly impact our homes, communities, and the ability to live in this great city and make it thrive. I urge the Commission to protect and strengthen the role of Community Boards in the land use process.

Respectfully,

Katie Taylor

Board Member, Brooklyn Community Board 8

Member, Brooklyn Community Board 8 Land Use and Housing Committee

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Topic: Submit Written Testimony

Name: Rob Richie

Email: [REDACTED]

Phone: [REDACTED]

Comments: I will be presenting this via zoom as well.

Testimony on Top 4 Primaries vs. Top 2 Primaries

New York City Charter Commission, June 23 2025

By Rob Richie, President, Expand Democracy, [REDACTED]

My name's Rob Richie. I co-founded FairVote and led it for 31 years. I'm now president of Expand Democracy, a nonprofit seeking to catalyze conversation about pro-democracy ideas. Thank you for this additional opportunity to testify as a followup to my in-person testimony two weeks ago.

I will zero in on a key policy choice if you propose an all-candidate primary model: Top 2 with a lower-turnout primary followed by a five-month runoff campaign or a Top 4 primary where the larger, more diverse November electorate can choose among more candidates with ranked choice voting.

As a starting point, RCV is making a powerful difference in your politics. Because of RCV, candidates are reaching out to far more voters and winning with far more votes than in the old "choose one" system. The Washington Post yesterday did a pro-RCV editorial with this excerpt: "This is how ranked-choice voting is supposed to work. It's meant to encourage candidates to broaden their appeal and achieve consensus, rather than going negative. It also allows people to vote for their preferred candidate without worrying that they are voting for a spoiler... The absurdity about New York's approach to ranked-choice voting is that the city uses it in primaries but not general elections. It should be used for both."

Given your City's investment to bring RCV to New York, I would embrace this suggestion: Expand RCV to November rather than move away from it. Let me now directly compare Top 2 and Top 4 systems.

A More Representative Electorate When it Matters: Under Top 2, nearly all candidates are eliminated in the primary, yet typically about half as many voters participate as in November - and are older, wealthier and whiter. Top 4 would ensure that primaries would not eliminate serious candidates that more representative November voters may support.

Voter Choice: When only two candidates advance, voters have limited choice in November. Under Top 2, most races feature only one Democrat and one Republican - and usually are uncompetitive. When a November race is competitive, it often means a *narrower* choice where only one major party has candidates - and independents and third parties hardly ever advance a candidate with Top 2. In contrast, Top 4 would be a win-win for voter choice - more likely to have competition with more than one candidate from the district's majority party while still more often having candidates from major party candidates and representing independents and third parties.

Gaming the vote: Given how much easier it is for a district's majority party candidate to defeat a candidate not part of that party, you see blatant gaming in Top 2 elections. Last year, allies of frontrunner Adam Schiff in California's U.S. Senate race spent more than \$10 million lifting up

Republican Steve Garven in the primary – thereby successfully choosing his opponent who was then easy to defeat in November. That kind of big money politics is common in Top 2 primaries, as more money is needed both for the primary and for runoff elections where negative ads are incentivized.

Given such realities, it's no accident that the two states with Top Two primaries – California and Washington - have relatively few competitive elections, and their state legislatures are two of the four most polarized state legislatures in the country. Yet after just two elections with Top 4, Alaska has general elections that matter, a majority-women house, and bipartisan coalitions running both chambers in ways focused on getting things done for voters.

Top 4 brings more voters in, and I believe it's likely that a Top 4 campaign would allow for a broader reform coalition. Because New York has the readiness to run RCV and this November will already have a mayoral election calling out for RCV, Top 4 is a logical choice to consider.

Thank you.

Two additional points relating to testimony today:

Seth Masket on Alaska: Professor Masket suggested that Democrat Mary Peltola won her 2022 U.S. House race in Alaska due to Republicans slitting their vote. The true reason for the Republican defeat was that they had a weak, polarizing frontrunner in Sarah Palin who was seen unfavorably by more than 60% of voters, while Peltola became the Alaska politician with the highest favorability rating in the state. Alaska voters have a history of not voting on party lines, which is how an independent was elected as governor in 2014 and Lisa Murkowski won her 2010 Senate race as a write-in, and a Democrat was elected to the Senate in 2008.

Primary turnout in Alaska, Top Four system: Whether Alaska has higher turnout in primaries is far less important than whether those primary voters no longer have the same power to control voter choice in November. Primary turnout in 2024 was relatively low, but it also eliminated hardly any serious candidates - thereby empowering voters when it matters.

Subject:

[EXTERNAL] Support Open Primaries

From: sev morgan [REDACTED]

To: CharterTestimony@citycharter.nyc.gov

Date: June 24, 2025 at 07:56 AM

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It is too hard to vote in New York City, and voter turnout does not reflect the city as a whole. Open primaries address this by fixing one of the major impediments to voting and empowering a million New Yorkers to participate in the most competitive and consequential elections. Reducing the number of non-competitive elections will incentivize more people to participate in the democratic process.

Addressing our abysmal voter turnout rates should be a key priority of the Charter Revision Commission. I hope that the city does not miss this opportunity to ensure that we have competitive elections in which all registered voters can participate. This will mean that New York City has a healthier and more robust democracy than ever before.

sev morgan
[REDACTED]

Subject:

[EXTERNAL] Support Open Primaries

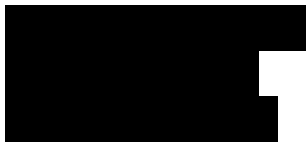
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To: CharterTestimony@citycharter.nyc.gov
Date: June 24, 2025 at 07:56 AM

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New York City has always been at the forefront of democracy, and it is time that we continue to evolve. Having recently adopted Ranked Choice Voting, it is time that we take the next step and move to a system of open primaries. As a New Yorker, I am proud to be from a place known for innovation, and the time has come for us to take the next step.

This evolution will strengthen our democracy and bring more New Yorkers into the process. By continuing to evolve and adapt, we show the world we are leading the way. New York has been, and should continue to be, the world's most creative and innovative city. There's no reason that shouldn't be true for our elections.

Anthony Burns





Testimony
New York City Charter Revision Commission 2025
June 23, 2025

On behalf of Urban Pathways, I would like to thank the Commission for this opportunity to submit testimony. My name is Kandra Clark, and I am the Director of Policy with Urban Pathways. Urban Pathways is a nonprofit homeless services and supportive housing provider serving single adults. Last year, we served over 2,500 unique individuals through a full continuum of services including street outreach, drop-in services, safe havens and stabilization beds, extended-stay residences, and permanent supportive housing in Manhattan, Brooklyn, Queens, and the Bronx. We also offer a wide range of additional programming to meet the needs of the people we serve, including our Total Wellness, Employment, and Advocacy programs. We hold City contracts with DHS, DOHMH, and HRA.

Addressing Chronic and Pervasive Late Payment Issues Troubling Nonprofits

Urban Pathways has experienced delayed contract registration, delayed approvals for budget modifications and invoices for review, and repeated requests for supporting documentation, only for there to be continued delays once submitting requested documentation. These delays have put us at risk in the past. Moreover, we have witnessed the negative impact on our partner service organizations – many of whom are often forced to take out lines of credit just to address cash flow issues, only to then have to pay interest, which is currently not reimbursed by the city. We are not only cognizant of this issue but also worried that it could happen to us one day.

Finally, the funding policies of the new federal administration have created much uncertainty for non-profit providers here in NYC. Between proposed federal funding freezes and federal staff firings, many providers are concerned over the reliability of funds from the federal government. Most recently, the administration has proposed cutting the staff at Department of Housing and Urban Development (HUD) by 50%. We know that reducing staff and administrative resources at HUD will have dire results, including the closure of programs that serve people experiencing homelessness, and the potential reduction of permanent affordable and supportive housing.

New York City's procurement options are defined in the first instance by state law. Within the state framework, the Charter establishes the basic structure of the City's procurement process, including the methods that agencies can use to make procurements. We believe that the Charter Revision Process is a crucial opportunity to tackle these pervasive late payment issues threatening the solvency of nonprofit homeless shelters and homeless service providers.

Recommendations 1–3: Contract Registration

Recommendation 1: Limiting work without a registered contract.

The Charter should mandate a PPB rulemaking prohibiting contracting agencies from asking any vendor to perform any services without a registered contract. Late contracts and late payments increase costs for nonprofits because they must spend time and money chasing the dollars they are owed and shifting resources to fill temporary gaps. A registered contract is a necessary assurance that they will be compensated as agreed upon.

Recommendation 2: Automatic contract registration for existing vendors.

The Charter should mandate the PPB to make a rule that would automatically require agencies to process extension contracts for their existing vendors. This rule could be triggered whenever agencies are unable to begin processing new RFP awards at least six months prior to the end of the existing contract.

Recommendation 3: Establishing time limits for emergency contracts.

The Charter should limit the extended use of emergency contracting, which is often expensive, by requiring the mayor and the comptroller to renew their joint determination that emergency procurement remains appropriate, after such a contract has been in place for two years.

Recommendations 4–6: Timely Payments

Recommendation 4: Interest on Late Payments.

Urban Pathways has taken out a line of credit to prepare for cash flow issues related to late payments by the City. Fortunately, we have yet to use this line of credit. However, we know that several of our partners have had to use lines of credit and the interest payments on their loans are not reimbursable. This means that nonprofits must make these payments from reserves already stretched to the breaking point. This also assumes that nonprofits can find a willing lender or that they have not already maxed out our borrowing options. This puts the entire human services sector at risk.

We recommend amending the Charter so that nonprofits can collect interest when the City pays late. Ideally, no contracts should ever start before payments are made, but nonprofits should not

bear the cost of any late payments. Current policies around interest payments do not work — providers are almost never granted interest for late payments. As a result, the City is starting to lose the network of providers it is relying on because of its inability to get payments out on time. Therefore, we recommend that Section 332 include a requirement that the City is responsible for interest on late payments, including late payments due to late contract registration. This could be implemented by requiring appropriations for interest on late payments to be included in agency contract budgeting. If the agencies do not spend the allocated reserves, the money could be spent to support other agency initiatives such as PEGs, which would incentivize agencies to pay invoices on time.

Recommendation 5: Addressing the timeliness of invoice payments.

Mandate the Procurement Policy Board (PPB) to establish rules that require City agencies to pay (very soon after receipt) a minimum percentage for each invoice from a human services contractor in good standing (which should be clearly defined in the rules by the PPB). Agencies could then resolve the disputed portions of invoices within a longer mandated timeframe without putting the fiscal stability of their nonprofit partners at risk.

Recommendation 6: Mandating prompt procurement timeframes.

The City Charter creates a timeframe for the comptroller to register a contract within 30 days, and we believe that Chapter 13, Section 311 should be amended to require the Procurement Policy Board (PPB) to set contracting timelines for each step of the procurement process and regularly report on the compliance of the contracting agencies. There are many steps from the announcement of the award to registration, and with the data acquired through PASSPort, there must be mandated timeframes to hold the contracting agencies accountable for the delayed procurement processes resulting in human services providers waiting months and sometimes years to be paid for the services provided.

Recommendations 7–9: Other Changes

Recommendation 7: Elevating the oversight and accountability role of MOCS.

The Charter should establish a mandate describing the specific responsibilities of the Mayor's Office of Contract Services (MOCS), like those already in place for other critical Mayoral functions, such as the Office of Management and Budget and the Office of Operations. It is crucial for MOCS to have charter authority to ensure city agencies meet contracting deadlines and be able to improve procurement processes across programmatic agencies. Many of the payment issues we face are a result of inconsistent payment policies across agencies. MOCS should have charter authority not just over procurement, but invoicing and payment, to ensure consistent policies. This could be accomplished by establishing an office in the Executive Office of the Mayor that has the authority to take actions needed to ensure that agencies comply with contract laws and regulations, invoicing, and payment. The Office should also have the power to

survey each agency, furnish data and information, and answer inquiries pertinent to the exercise of any of the director's duties regarding procurement-related matters.

Recommendation 8: Standardizing the contracting, invoicing, and auditing process.

MOCS should be mandated to ensure consistent policies across agencies to make the contracting, invoicing, and auditing process standardized, with reasonable deviations, across each agency. Agencies should have some discretion in the documentation needs but a uniform process that only slightly deviates from agency to agency would allow nonprofits to better navigate the system.

Recommendation 9: Data transparency on contract registration and payment processing.

Performance data on contract registration and payment processing should be collected and reviewed by the Mayor's Office of Contracts. This data should be made publicly available via the Mayor's Management Report. In addition, the Charter should provide for the PPB and City Council to review this information and seek remedies.

Funding the Human Services Sector

The nonprofit sector has struggled for decades with how competitive procurements impact the systemic underfunding of programs to the detriment of the financial health of nonprofits. While the Charter is not a document structured to set rates, there are ways that the Charter could manage procurements to better ensure equitable rates. Nonprofits provide a myriad of services on behalf of the government – many of them mandated – and the sector leverages private and philanthropic dollars and funding from the City, State, and federal government to create dynamic programs at a discount to the City.

Additionally, we must pay special attention to the workforce who makes this all possible. We must ensure that nonprofit service providers are funded at levels that support fair and equitable wages for the dedicated human service workers who carry out this vital work. The well-trained, talented, and committed nonprofit workforce should not be forced into poverty due to chronic underfunding of City contracts.

Recommendation 10: Amending the PPB principles.

The underfunding of human services contracts is the most pressing issue impacting the sector. The PPB should be the body to address this issue. Charter section 311, sets out principles for the PPB and should be amended to include language requiring that procurements reimburse providers for reasonable costs by adding language to Section 311.d "(iv) rules requiring all agencies to reimburse nonprofit client services providers for at least the reasonable cost of providing the contracted services."

Recommendation 11: Addressing underfunded contracts with sample budgets.

Human services providers compete for contracts that contain scopes of work proposed by government that are typically developed without a market survey of costs or input from providers. This results in contracts that do not cover the actual cost of services and provide inadequate compensation for a highly educated workforce essential to implementing a high-quality program. Chapter 13 of the Charter instructs the City on the procurement process, the City should include a rationalization, through a sample budget, for the rates set forth in the RFP. Chapter 13 of the Charter should include language that “Prior to issuing an invitation for bids, requests for proposals, or other solicitations that set forth proposed rates, the agency shall undertake an analysis of the costs associated with performing the service, including employee costs, and include the analysis as a sample budget in the bid or request for proposal documents.”

Recommendation 12: Surveying contract vendors to develop RFPs.

New York City outsources the bulk of human services programs to nonprofit vendors, and many of these providers compete for contracts for programs in which they have previously held contracts at the City level, as well as from other levels of government and private funders. When the City develops a request for proposal for a set of contracts that are expiring or developing a new RFP that is substantially like existing contracts, the City should survey current vendors to receive information on rates, deliverables, and outcome measurements. Current contractors hold vital information on the real costs of running programs, what works and what does not in the current program design, and what deliverables are being met and move towards the outcomes the City seeks when designing a program. Providers can also make recommendations on updated program models that better reflect the current needs of client population. The City charter should include in Section 312 language requiring City agencies to survey current vendors, or vendors who hold substantially similar contracts, when creating a bid or request for proposal.

In the event the RFP does not reflect market research, the agency should have to defend why crucial services and equitable wages were not fully funded. The rate setting methodology should be transparent to the public, especially for per-client or per-service rates and should document the components and calculation of the rate.

Recommendation 13: Require Human Service contracts to be funded at the True Cost of Living

In Section 16 of the Charter, the mayor must report on social indicators and equity including “budgetary resources allocated to reduce poverty.” The city’s current under-resourcing of human services contracts is poverty-inducing; not poverty-reducing. We respectfully submit that the Charter should require human services contracts to be funded at a true cost of living, and such funding be reported annually. To further this goal, we suggest amending Charter Section 2-04 to require multi-term client services contracts that include annual wage escalators that maintain contract wages at a true cost of living.

Thank you for your time and attention to this matter. If you have any questions, please contact me at [REDACTED]



BRONX COMMUNITY BOARD 8



[REDACTED]
<https://cbbronx.cityofnewyork.us/cb8/>

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Vanessa L. Gibson, Bronx Borough President

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Special Committee on
Veterans' Services
Sergio Villaverde

June 23, 2025

Richard R. Buery Jr., Chairman & Commissioners
NYC Charter Revision Commission
One Center Street
New York, NY 10007

Dear Chair Buery Jr. and Commissioners:

My name is Charles Moerdler. I Chair the Land Use Committee of Bronx Community Board 8 and write on behalf of the Board, as authorized by unanimous vote of its Executive Committee.

Community Board 8 and the communities it serves *unequivocally oppose any and all efforts to diminish, let alone eliminate or adversely affect, the role of Community Boards, the City Council or the Borough Presidents in the Uniform Land Use Review Procedure ("ULURP") projects, irrespective of the nature of the project.*

Indeed, my own experience on all three sides of the underlying issue –governmental rulemaking and enforcement, developer-oriented and community oversight and advice--inform the view that should the Commission take this foolhardy step it will simply further precipitate the decline of the City of New York. That experience, accumulated over a half century, includes continuing service as a Gubernatorial designee to and Member of the Board of the *NYC Housing Development Corporation*, ("HDC") having initially been designated on the recommendation of Gov. Mario M. Cuomo and subsequently redesignated or continued by each of his successors. That experience also includes service as Commissioner of Buildings of the City of New York and Board Member of the State Dormitory Authority and of the MTA. Likewise, for decades I have represented as counsel many of New York's most active and significant developers and served as Board Chair of both former Bronx Community Planning Board 14 and, thereafter, Board 8.

Sadly, over the last dozen or so years New York City (perhaps like many other major Cities) has increasingly declined in its reputation as "A City Fit for People and for Living." It has reacted imperiously and largely in response to lobbying, rather than on a planned and farsighted basis *in conjunction and cooperation with those it is charged with serving and their volunteer representatives.*

John Zuccoti, the legendary Chair of City Planning and later Deputy Mayor, was among those who championed increasing the role of New Yorkers in their government, including Community Boards, because it enhanced both the vision of participatory government and helped secure their active

participation in efforts at lasting and genuine improvement, while preserving what was best of New York's storied past. This challenged proposal will mark the end of that effort

Relevantly, as the pendulum representing the swing from centralized or authoritarian government to decentralized and participatory government has dramatically favored—and your proposal enthusiastically embraces -- centralization and will dim the enthusiastic participatory role of New York's citizenry. The unremitting diminution of the role of the City's 59 Community Boards (originally termed and intended to function as the volunteer Community *Planning* Boards) is a true indicator that successive recent Administration's and the politicians and bureaucrats who led their relevant agencies cared little for the on-the-ground advice that the Boards volunteers could offer. Your proposal instead proclaims that the authors are persuaded of their own "superior knowledge" and that of their biased "cheerleaders" (frequently lobbyists for one or another self-interest group). As grasping centralization has, over the decades, increased its authoritarian sway, decline, public disenchantment and corruption has contemporaneously been evident. We see it painfully on the National stage and, as here illustrated, on this Administration's 11th Hour agenda.

To illustrate, while housing affordability has increasingly become a convenient, though hollow, political slogan, centralization has ignored the reality that what is affordable to some in, for example, mid-Manhattan or even in select segments of my Riverdale-Spuyten Duyvil neighborhoods, is not realistically affordable to most in the South Bronx and even in adjoining neighborhoods, -- and the same is true in the other Boroughs. Communities and their Board Member- representatives know what is truly affordable to their communities. They know in practical terms that the "Area Median Income" ("AMI") is inaptly influenced by the wealth of such distant affluent communities as Scarsdale and Great Neck. They know that the term "affordable housing" has been co-opted by speculative interests; that only a handful of truly livable and truly affordable housing units have won the formal designation for developments that are really affordable (frequently those scrutinized by the professionals at HDC). These truths and others are well known to and experienced daily by *residents* of the various communities comprising our City.

All too often we see speculators opportunistically claiming affordability designation and attendant benefits while community disclosures reveal that application of the flawed AMI formulae is patently inapt. Your proposal, if adopted, will compound that failure. It will also help conceal the vice in a public project known to the residents of the relevant community to be foolhardy or the wrong location, size or construct for a host of sound reasons. And, perhaps, that is why those who influence this 11th Hour Agenda have advanced the instant Charter Revision proposition -- to circumvent and silence the Community Boards, as well as the Members of the City Council and the Borough Presidents—the folks who appoint Community Board Members and oppose this unwise effort.

And that is why, as Commissioner Richardson should confirm, I challenge and will continue to challenge HDC financings, especially those that have ULURP implications, where informed community comment has not first been sought and seriously considered. Its deliberate absence, especially if heightened by the proposal now before you, strongly suggests that someone has something to hide and for reasons that cannot stand the light of media scrutiny, much less community advice—and that is all that Community Boards can offer – advice based on knowledge and experience.

Is that *concealment* what you really wish to support?

To its enormous credit, the leadership of HDC has recognized the value of local advice and input and that is one reason for its fine reputation and unique success. Yet there remain those in this City who abjure transparency, openness, community and public participation. Respectfully, I sincerely hope that is not something for which you would wish to be known.

There is one last claim that requires comment. Supporters of the instant proposal argue that the 60 days permitted for Community Board participation impedes the construction of affordable housing and other projects. What nonsense. The relevant ULURP developments will affect communities—indeed, the City -- not for weeks or months but for generations to come. Any genuine inquiry will confirm that the inexorable pre-certification delays at the Department of City Planning exceed by astonishing multiples that 60-day period. As one who over the years has represented as counsel many of NYC's major developers, I can categorically tell you that if delay is the vice, if the removal of dilatory obstacles is the real objective, City Planning and its processes should be under your microscope and reformed. That it is not speaks volumes.

And in that same vein, Code Enforcement as scattered throughout a variety of City agencies not only requires complete overhaul but thorough scrutiny. Few if any experienced Project Managers will, if candid, disagree. Time or the minimization of delay is the precious commodity that imposes cost and burden. Wisely structured tax relief and wise land use make investment in truly affordable housing realistic possibilities. Focus on those dispositive factors and the City Agencies that mismanage and misapply the regulatory processes, and you will have served a meaningful and commendable purpose.

It remains only to note that we have no wish to add to your burden by repetition. Accordingly, please let the Record reflect that we heartily commend and will continue to assist in the coordinated expansion of affordable housing in our community and adopt the intelligent comments expressed in the thoughtful letter of Queens Community Board 7. The illustrations there provided are readily replicated in Community Board 8 and probably by other Boards on request.

Please do not disturb the ULURP timeline process or the thoughtful and informed voices of Community Boards or those of publicly elected City Council Members and Borough Presidents.

Respectfully Yours,



Charles G. Moerdler
Chair, Bronx Community Board 8 Land Use Committee

CC: 59 Bronx Community Boards
51 NYC Councilmembers
Bronx Borough President Vanessa L. Gibson
Brooklyn Borough President Antonio Reynoso
Manhattan Borough President Mark D. Levine
Queens Borough President Donovan Richards
Staten Island Borough President Vito Fossella
Julie Reyes, Chairperson Bronx Community Board 8

Valerie De La Rosa, *Chair*
Eugene Yoo, *First Vice Chair*
Donna Raftery, *Second Vice Chair*



Antony Wong, *Treasurer*
Emma Smith, *Secretary*
Brian Pape, *Assistant Secretary*
Mark Diller, *District Manager*

COMMUNITY BOARD NO. 2, MANHATTAN

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

June 23, 2025

Hon. Richard R. Buery Jr., Chair
Hon. Shaon Greenberger, Vice Chair
Hon. Alec Schierenbeck, Executive Director
Members of the 2025 New York City
Charter Revision Commission
City Hall
New York, NY 10007

Hon. Henry Garrido, Co-Chair
Hon. Arva Rice, Co-Chair
Hon. Danielle Castaldi-Micca, Executive Director
Members of the NYC Commission to
Strengthen Local Democracy
250 Broadway
New York, NY 10007

Honorable Members of the 2025 New York City Charter Revision Commission and the NYC Commission to Strengthen Local Democracy:

At its Full Board meeting on June 18, 2025, Community Board 2 / Manhattan adopted the following resolution concerning comments on the Preliminary Reports of the respective Commissions.

Charter Revision Commission

Whereas:

1. The 2025 New York City Charter Revision Commission was convened by Mayor Eric Adams in December 2024 in order to review the New York City Charter and put forward proposals for its amendment by the voters in November 2025.
2. The Charter Revision Commission published its first preliminary report on April 30, 2025¹.
3. Sections of the preliminary report highlight proposed changes to the Land Use Review process, housing policies, climate and infrastructure, and the city map. These sections are the focus for this Resolution.
4. Separately, the New York City Council also convened the NYC Commission to Strengthen Local Democracy in December 2024 with the intent to review the New York

¹ Charter Revision Commission Preliminary Report, 2025 NYC Charter Revision Commission, "<https://www.nyc.gov/assets/charter/downloads/pdf/2025/2025-Charter-Revision-Commission-Preliminary-Report-DIGITAL.pdf>", April 30, 2025

City Charter and put forward proposals in the 2025 or 2026 ballot; a preliminary report was released on April 21, 2025².

5. On June 12 2025, S590/A3665, a bill passed by the NYS Senate³ and Assembly⁴, was sent to Governor Kathy Hochul for signature. This legislation aims to change the rules about placing Charter Commission initiatives on the ballot and may allow both the Mayor's and City Council's Charter Revisions to be placed on a ballot simultaneously. Currently, only one Charter Revision initiative may appear on any given ballot.
6. At the highest level, Community Board 2 Manhattan (CB2M) welcomes the opportunity to improve the Uniform Land Use Review Procedure (ULURP), but we do not see that either the Mayor's Commission or the City Council Commission put forward solutions which would work in our community. CB2M has seen that there were serious problems with the most recent neighborhood rezonings – the Hudson Square and SoHo/NoHo/Chinatown rezonings – but neither Commission draws constructive lessons from those problematic processes.
7. Both of the Charter Revision Reports are being introduced before the effects of the City of Yes for Housing Opportunity (COYHO) have been felt, let alone analyzed.
8. Overall, the Mayor's Commission reduces the local input which the Community Board strives to provide. There is no recognition that Community Boards can improve projects, make them move forward more smoothly, and achieve better results.
9. Overall, the City Council Commission supports local input into zoning issues but does not provide the resources that Community Boards need to respond to or generate zoning projects which work for their localities.
10. ULURP
 - a. Neither Commission offers the framework for reevaluation of previous ULURP actions. Such a framework could help us develop a way to improve ULURP going forward.
 - b. Mayor's Commission (in response)
 - i. Focuses on the length of time of ULURP, which has a mandated 7.5 month period.
 - ii. The Commission inaccurately states that ULURP requires a “multi-year process.”

² NYC Commission to Strengthen Local Democracy Preliminary Staff Report to the Commission, NYC Commission to Strengthen Local Democracy, <https://static1.squarespace.com/static/678ab684e1a2cb193dfc38af/t/68065a4585446c4b9cba176f/1745246790100/Prelim+Report+April+21.pdf>, April 21, 2025

³ S590, NYS Senate, “<https://www.nysenate.gov/legislation/bills/2025/S590/amendment/A>”, January 8, 2025

⁴ A3665, NYS Assembly, “<https://www.nysenate.gov/legislation/bills/2025/A3665/amendment/A>”, January 29, 2025

- iii. And yet, the ULURP pre-certification period takes an average of years to occur. Pre-certification is not a mandated event. It is a process undertaken voluntarily and wisely by the developer.
- iv. CB2M consistently meets the ULURP deadlines and will continue to meet our mandated timelines.
- v. Diminishes the time for ULURP applications from the current 90 days to 60 days.
 - 1. The current 90 days often feels insufficient time for review. 60 days is not acceptable.
 - 2. Even though Community Boards will still be required to perform all their current functions, they will have less time in which to do so.
 - 3. While the Commission focuses on “small projects,” in actuality, Community Boards could benefit from more time on large projects such as rezonings or the City of Yes, Housing Opportunity (which while not a ULURP action, used the ULURP timetable)

11. Categories of Projects

- a. The Mayor’s Commission calls out “small” projects
 - i. The Commission does not provide an adequate definition of “small” project.
 - ii. The Commission claims that “small” projects incur large rezoning costs, but an urban planner that has worked with community boards was able to find examples that disputed this claim
- b. The Mayor’s Commission suggests streamlining “categorically beneficial projects”
 - i. Once again, the Commission does not provide a definition of this term.
 - ii. Local review during ULURP has proven to be beneficial for projects such as 388 Hudson Street, where CB2M pushed for a greater amount of 100% permanently affordable housing and two floors of a NYC Parks Department recreation center on city-owned land.

12. Roles

- a. The Mayor’s Commission recommends changes in the roles of the Borough President, the Speaker of the City Council, Members of the City Council, and the Community Boards. These changes generally diminish the input and power of these entities
 - i. CB2M does not support such diminution.
 - ii. These changes in roles lessen community input. CB2M supports protecting and increasing community input.

- iii. The Commission recommends setting up a mechanism to override City Council decisions with a small group controlled by the Mayor. This does not protect local input and overrides the electoral process.

13. Member deference

- a. The Commission focuses on a practice known as member deference which the Commission claims impedes zoning changes.
 - i. Member deference is not a written policy but a City Council practice.
 - ii. Member deference allows local concerns to be recognized and protected.

14. Comprehensive planning

- a. Mayor's Commission
 - i. Fair Housing Framework allows the Community Board to discuss plans and issues with DCP to help inform the district context and make goals inline with the community
 - ii. CB2M has a history of advocating for housing in rezoning plans and then having the city designate these areas for office use and criticize CB2M for being unwilling to accept new housing.
 - iii. When the city promotes job creation in CB2M, they do not plan for concomitant workforce housing in CB2M.
 - iv. The Mayor's Commission does not insure that new zoning also requires investments in new infrastructure, transportation, and open space, among other local amenities.
- b. City Council Commission
 - i. Recommends the exploration of expanded 197a community planning rules without expanding Community Board resources to perform the task.
 - ii. Community Board term limits are an impediment to the continuity necessary to complete a years-long 197a plan.
 - iii. Recommends increasing the number of votes on the CPC required to disapprove a land use action if the Community Board, Borough President, and Borough Board all recommend approval of a land use action, giving more weight to local input.

15. Zoning administrator

- a. We need a definition of this position and how it would function inside the existing structure. As presented this role is undefined and unsupportable as a result.
- b. If this position is created, Community Board and public input must still be required in such a person's processes.
- c. CB2M requires a well-thought out plan for this additional person.

16. Revocable Consent

- a. The Mayor's Commission suggests changes to the rules around revocable consent and franchises.

17. City map

- a. The Mayor's Commission recommends digitizing the City Map.
- b. CB2M sees this as a positive as long as the Commission can reference all aspects of the map, even those which elude digitization.
- c. CB2M recognizes that not all boroughs have the same mapping conventions. A one-size-fits-all solution, a central map division, may not work.

Therefore be it resolved that CB2 Manhattan:

1. Opposes a reduction in the ULURP review process from 90 days to 60 days, which would diminish the time for the public to weigh in on projects that have lasting effects on the local framework of the City.
2. Advises that the Commission's focus on ULURP timelines completely ignores the importance and impact of the pre-certification phase, where developers – recognizing the importance of local and community board input – invest the time and effort to engage the community in order to produce a better outcome
3. Fails to see the benefit of running concurrent public reviews at the Community Board and Board President levels, when the reviews should roll up from the Community Board level to the Borough President.
4. Finds it difficult to support the recommendation of a streamlined ULURP for “small projects” and “categorically beneficial projects” given that these terms are not sufficiently defined.
5. Supports a local review process that could benefit projects deemed “categorically beneficial”.
6. Does not support changes in the roles of the Borough Presidents, City Council Speaker, Members of the City Council, and Community Boards that would diminish local community input.
7. Strongly opposes the creation of a three-member panel that can override the decisions of the democratically-elected 51-member City Council with just two votes from a mayoral-appointed troika.
8. Disagrees with efforts to weaken member deference, particularly when member deference is not even codified in the City Council, and that the role of local councilmembers is to be experts on local issues.
9. Finds the Mayor's Commission's suggestions for Comprehensive Planning inadequate; as an example, when rezonings occur, there should be a requirement for much-needed investment in impacted infrastructure and local services.

10. Agrees with the recommendation to increase the number of votes on the CPC required to disapprove a land use action if the Community Board, Borough President, and Borough Board all recommend approval of a land use action, giving more weight to local input.
11. Finds that the recommendation of adding a zoning administrator requires additional definition, as well as specifics on how community input would be preserved for processes that are decided by such an administrator
12. Opposes rules that would weaken public input and influence over revocable consent and franchises.
13. Supports efforts to modernize and digitize the City Map, as long as the Commission can reference all aspects of the map and respect borough-specific conventions.
14. Recommends that ULURP can be improved by allocating additional resources to Community Boards to aid in larger, more complex applications such as rezonings and changes to the zoning text.

Further be it resolved, that CB2M:

15. Recommends that a process is put in place to examine the effectiveness of large land use actions, such as Rezoning, to gather metrics on the net additions to the housing stock (including types of housing, the number and square footage of housing units, and analysis of displaced residents), the mix of residential versus office and commercial uses, and whether the stated goals of the land use action were ultimately successful. This sorely needed analysis would help guide communities in navigating future proposed land use actions.

Vote: Passed, with:

26 in favor;

9 opposed (C. Dignes, J. Kaye, R. Kessler, J. Liff, B. Listman, M. Pereirra, S. Ryan, R. Sanz, E. Smith);

3 abstaining (N. Chen, Z. Kazzaz, E. Olson)

None recusing

Community Board 2 / Manhattan respectfully requests that the respective Commission take actions consistent with the foregoing resolution.

Respectfully submitted -



Valerie De La Rosa
Chair, Community Board 2/Manhattan



Eugene Yoo
Chair, CB2/M Land Use Committee

Copies:

Hon. Mark Levine, Manhattan Borough President
Hon. Adrienne Adams, Speaker, NYC Council
Hon. Christopher Marte, NYC Council, 1st District
Hon. Carlina Rivera, NYC Council, 2nd District
Hon. Erik Bottcher, NYC Council, 3rd District

Hon. Brian Kavanagh, NYS Senate, 27th District
Hon. Brad Hoylman-Sigal, NYS Senate, 47th District
Hon. Grace Lee, NYS Assembly, 65th District
Hon. Deborah Glick, NYS Assembly, 66th District

Testimony to the NYC Charter Revision Commission

Community Board 1 - Community Impact Review Provision

June 23, 2025

Good evening, Commissioners. My name is Lloyd Feng, representing Brooklyn Community Board 1, serving the Williamsburg and Greenpoint neighborhoods, where I am chair of the Public Safety and Human Services Committee. I am here to urge you to consider adding a Community Impact Review provision to the New York City Charter that would strengthen community boards' role in neighborhood decision-making, specifically related to Dining Out NYC.

The Need for Reform

Community boards serve as the critical link between city agencies and the neighborhoods we represent. Yet too often, programs and policies that directly impact our communities are implemented without meaningful community input or adequate review time. This gap undermines both democratic participation and the quality of city decision-making.

Our board has experienced this firsthand with programs like Dining Out NYC, where applications for roadside dining and sidewalk cafes often proceed without sufficient community board review. We frequently learn about applications with inadequate time for our board to conduct thorough analysis, convene community input, and provide meaningful recommendations. Some applicants and agencies have even used our summer recess period to avoid community engagement entirely.

We regularly receive complaints from residents who are frustrated by what appears to be a lack of transparency and clear opportunity for community input on applications that would significantly impact their families' quality of life. These applications affect noise levels, crowd density, cleanliness, safety concerns, and traffic patterns in residential neighborhoods. When residents feel shut out of processes that directly affect their daily lives, it breeds distrust not only in government agencies but unfortunately in community boards as well, even though we often lack adequate notice ourselves.

This status quo is unnecessary and counterproductive. Community boards exist precisely to serve as conveners of community input on neighborhood-affecting decisions. We need

sufficient time and real opportunity to fulfill this essential function for Dining Out NYC applications.

Our Proposed Solution

Community Board 1 unanimously supports adding the following provision to the NYC Charter:

"Prior to implementation of any program, policy, or infrastructure change related to Dining Out NYC within a community district, the relevant agency shall provide the affected community board with a sixty (60) day review period and opportunity for advisory comment. No such review period may commence between June 30th and September 1st unless the community board specifically votes to waive this restriction. Any submission received during this period shall be deemed submitted on September 16th for purposes of calculating the review period."

The provision includes appropriate emergency exceptions requiring agency head certification and Borough President concurrence, ensuring legitimate urgent matters can still proceed while preventing routine circumvention of community input.

Why This Matters

This provision would provide three critical protections:

First, adequate review time. Sixty business days allows community boards to properly analyze proposals, schedule community meetings, gather resident input, and develop informed recommendations. Rushed reviews serve neither the community nor the agencies that benefit from local knowledge and support.

Second, summer recess protection. Community boards cannot function effectively during July and August when members and residents are away. Agencies should not be able to use this period to avoid community engagement.

Third, Charter-level permanence. Unlike local laws that can be easily modified, Charter provisions provide stable, long-term protection for community participation in city governance.

Broader Benefits

While we focus on Dining Out NYC, this framework could serve as a model for other neighborhood-impacting programs. Community boards across the city face similar challenges with transportation changes, development projects, and policy implementations that proceed without adequate community input.

Our unique role in convening community members to discuss proposals that impact residents should be respected and formalized in city processes. This provision would enable us to fulfill our advisory function with the time and notice necessary to provide meaningful recommendations.

Conclusion

Brooklyn Community Board 1 serves Williamsburg and Greenpoint, neighborhoods experiencing significant growth and change. Our residents deserve advance notice and meaningful opportunity to participate in decisions that affect their daily lives. This Community Impact Review provision would strengthen democratic governance while improving the quality of agency decision-making through better community input.

We urge the Commission to include this provision in any Charter revisions. Thank you for your consideration and for the opportunity to testify tonight.

*Submitted on behalf of Brooklyn Community Board 1
Unanimously approved June 10, 2025*



The City of New York
Manhattan Community Board 1

Tammy Meltzer CHAIRPERSON | **Zach Bommer** DISTRICT MANAGER

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JUNE 24, 2025

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	29 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **Response to the 2025 New York City Charter Revision Commission Preliminary Report (April 30, 2025)**

- WHEREAS: On April 30, 2025, the New York City Charter Revision Commission released its *Preliminary Report* (the “Preliminary Report”) outlining possible changes to the Charter regarding housing and land use, capital planning, climate infrastructure, elections, procurement, and modernization of the City Map; and
- WHEREAS: On April 21, 2025, the City Council’s Charter Review Commission released its Preliminary Staff Report (“Council’s Preliminary Report”) that outlined possible changes to the Charter regarding government accountability, budget transparency, and land use; and
- WHEREAS: The Housing & Land Use chapter of the Preliminary Report discusses possible amendments to the Uniform Land Use Review Procedure (ULURP) by reducing the combined advisory review period of Community Boards and Borough Presidents from ninety (90) to sixty (60) days through concurrent rather than sequential reviews; and
- WHEREAS: Manhattan Community Board 1 (the “Board”) believes that compressing the advisory timeline would undermine meaningful community engagement, especially for projects of significant scale or complexity in Lower Manhattan; and
- WHEREAS: The Preliminary Report suggests creating an expedited track and/or a new “Zoning Administrator” office for certain minor land-use actions, without clearly defining the scope of those actions or public notice requirements; and
- WHEREAS: The Preliminary Report does not include provisions for enhanced and earlier public notice of land-use actions; nor are expanded resources and time for Community Boards to evaluate large or complex proposals discussed; and

WHEREAS: The Preliminary Report suggests changes that would link infrastructure expenditures and capital planning with areas that will be receiving additional density; and

WHEREAS: The Council's Preliminary Report includes reforms to Section 197-a that would facilitate the adoption of local land use plans with a greater Community Board role; and

WHEREAS: The Report references the longstanding but undefined concept of "Fair Share" in siting of housing and municipal facilities, yet offers no concrete metrics or implementation framework; and

WHEREAS: The Report's "Modernizing the City Map" chapter recommends digitizing the City Map and centralizing map administration within the Department of City Planning (DCP) but does not expressly require collaboration with Borough President cartographic offices whose localized expertise is invaluable; now

THEREFORE
BE IT
RESOLVED
THAT:

1. The Board **opposes** the proposal to consolidate Community Board and Borough President advisory ULURP reviews from 90 to 60 days and **reaffirms** that robust sequential review is necessary for thoughtful public input, particularly given the volume and complexity of projects in CD1.
2. The Board **supports** allocating additional review time and technical resources for extraordinarily large or complex projects, any project that necessitates multiple variances or applications and calls for significant modifications to large scale plans to be classified as ULURP actions so that Community Boards can thoroughly analyze environmental, socioeconomic, and design impacts.
3. The Board **supports** improved, earlier, and more accessible public notice for *all* land-use actions and requests that all notices are sent directly to the relevant local elected officials and the community boards.
4. The Board **affirms** the value of the current roles of Community Boards, Borough Presidents, the City Planning Commission, and the City Council within ULURP and finds no substantive changes to these advisory and decision-making roles are warranted.
5. The Board **declines to endorse any** incorporation of an **undefined** "Fair Share" standard until clear criteria, metrics, and enforcement mechanisms are provided.
6. The Board **supports** reforms to the capital-planning process

7. The Board supports reforms to Section 197-a included in the Council's Preliminary Report, which would elevate district-level planning, **provided** that any new obligations on Community Boards are accompanied by commensurate funding and staffing.
8. The Board **supports** digitization of the City Map, but **urges** that DCP collaborate directly with Borough President cartographic offices to preserve localized institutional knowledge and prevent data loss.
9. The Board **notes** concern over the proposed Zoning Administrator concept and **requests** explicit guarantees and detailed information of what is considered minor that: (a) only truly minor actions will be eligible; (b) Community Boards will receive timely notice and an opportunity to comment; and (c) the public will retain a formal avenue for input that is considered prior to approvals or denials.
10. The Board **supports** changes that would link infrastructure expenditures and capital planning with areas that will be receiving additional density; now

BE IT
FURTHER
RESOLVED
THAT:

Manhattan Community Board 1 submits this resolution as its formal commentary on the Charter Revision Commission's Preliminary Report and reiterates its commitment to a transparent, well-resourced, and inclusive planning process that protects community interests and fosters equitable growth citywide.

Subject:

City of New York - Correspondence #1-1-7257315 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 26, 2025 at 02:43 PM

Below is the result of your feedback form. It was submitted by
() on Thursday, June 26, 2025, at 02:41:16 PM

This form resides at
hxxxs://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page

Topic: Submit Written Testimony

Name: Catherine Ford

Email:

Phone:

Comments: New York City should switch from a ranked choice voting system to an approval voting system, in which voters can vote for as many candidates as they like without having to rank one before another. This ensures that ballots are not thrown out for improperly ranking candidates, creates greater trust in our voting system because voters don't see their candidate lose out in late round, and ensures that the candidate who represents the most people is elected, as illustrated below. Assume that NYC has open primaries and is deeply polarized between the Democratic and Republican parties, such that voters of one party would be extremely unhappy with a candidate from the other party winning; however, every single person would be happy with the independent candidate. With a ranked choice voting system in which only these three candidates are running and every voter ranks the party's candidate #1 and the independent candidate #2, the party candidate with slightly higher turnout would win, even if the population as a whole would be better served by the independent candidate. With an approval voting system, each voter would vote for both the party's nominee and the independent candidate, and the independent candidate would win. This would lead to elected leaders that more people feel

represented by and greatly increase trust in government. Plus, it only takes one round of tabulation! I strongly endorse open primaries and an approval voting system (instead of our current ranked choice scheme).

Subject:

City of New York - Correspondence #1-1-9896513 CRC Contact Form -
Submit Written Testimony

From: agencymail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 26, 2025 at 02:44 PM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Thursday, June 26, 2025, at 02:43:35 PM

This form resides at
hxxxs://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page

Topic: Submit Written Testimony

Name: Matthew Dean

Email: [REDACTED]

Phone: [REDACTED]

Comments: I am in favor of more housing in all its forms. This means more housing at every income level, as our total gap in units between where we need to be, and where we are, is more important than ensuring that each individual housing project meets everyone's hopes and dreams. In particular I am in favor of any policies that can: - Remove the ability of local "No in my back yard" feedback to block housing development - Remove parking requirements, or other unreasonable restrictions. Everyone wants a modern NY to look and feel like the new york of old, with dense housing and dense neighborhoods - Remove the idea that developers must meet XYZ "kitchen sink" requirements making it unfavorable for them to develop. Unless it makes sense market-wise to build, building simply will not happen. We need to make building in NYC the most lucrative opportunity in the country, otherwise we cannot meet our housing goals.

Subject:

City of New York - Correspondence #1-1-8798394 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 27, 2025 at 11:34 AM

Below is the result of your feedback form. It was submitted by
[REDACTED] on Friday, June 27, 2025, at 11:34:01 AM

This form resides at
[https://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](https://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page)

Topic: Submit Written Testimony

Name: Edwyn Shoemaker

Email: [REDACTED]

Phone: [REDACTED]

Comments: To the NYC Charter Revision Commission: My name is Edwyn "Ed" Shoemaker, and I serve as Executive Director of Voter Choice Massachusetts and Ranked Choice Boston. I'm writing to urge you in the strongest possible terms: preserve Ranked Choice Voting (RCV) in New York City and reject any proposal to replace it with a Top Two system. RCV is not just working—it's advancing democracy. It gives voters more choice, reduces negative campaigning, and ensures that winners have broad, majority support. Since adopting RCV, New York City has seen more inclusive elections, stronger representation, and renewed civic engagement. Replacing it with Top Two would be a step backward. It would shrink the field before most voters get to weigh in, sideline independent and emerging voices, and reduce meaningful competition. We've seen how this plays out in California and Washington: low turnout, entrenched power, and disillusioned voters. That's not a model to emulate. I support efforts to open primaries to independent voters—but we don't have to sacrifice RCV to do it. There's no reason New York can't be a leader in expanding access and maintaining choice. You don't fix one problem by creating another. This moment demands vision, not regression. Don't let billionaire-backed influence campaigns drown

out the will of everyday New Yorkers. Build on the progress that RCV has brought to this city. Protect Ranked Choice Voting. Protect the power of the people. Sincerely, Edwyn "Ed" Shoemaker
Executive Director, Ranked Choice Boston & Voter Choice Massachusetts Boston, MA

To the NYC Charter Revision Commission:

My name is Edwyn “Ed” Shoemaker, and I serve as Executive Director of Voter Choice Massachusetts and Ranked Choice Boston. I’m writing to urge you in the strongest possible terms: preserve Ranked Choice Voting (RCV) in New York City and reject any proposal to replace it with a Top Two system.

RCV is not just working—it’s advancing democracy. It gives voters more choice, reduces negative campaigning, and ensures that winners have broad, majority support. Since adopting RCV, New York City has seen more inclusive elections, stronger representation, and renewed civic engagement.

Replacing it with Top Two would be a step backward. It would shrink the field before most voters get to weigh in, sideline independent and emerging voices, and reduce meaningful competition. We’ve seen how this plays out in California and Washington: low turnout, entrenched power, and disillusioned voters. That’s not a model to emulate.

I support efforts to open primaries to independent voters—but we don’t have to sacrifice RCV to do it. There’s no reason New York can’t be a leader in expanding access and maintaining choice. You don’t fix one problem by creating another.

This moment demands vision, not regression. Don’t let billionaire-backed influence campaigns drown out the will of everyday New Yorkers. Build on the progress that RCV has brought to this city.

Protect Ranked Choice Voting. Protect the power of the people.

Sincerely,

Edwyn “Ed” Shoemaker

Executive Director, Ranked Choice Boston & Voter Choice Massachusetts

Boston, MA

Subject:

City of New York - Correspondence #1-1-2203174 CRC Contact Form -
Submit Written Testimony

From: agency@mail [REDACTED]
To: "CharterTestimony@citycharter.nyc.gov"
<CharterTestimony@citycharter.nyc.gov>
Date: June 27, 2025 at 03:28 PM

Below is the result of your feedback form. It was submitted by
() on Friday, June 27, 2025, at 03:27:12 PM

This form resides at
hxxxs://www[.]nyc[.]gov/site/charter/contact/contact-charter[.]page

Topic: Submit Written Testimony

Name: Marian Klein

Email:

Phone:

Comments: June 27, 2025 Dear Charter Revision Commission, Thank you for the opportunity to provide comments to the Charter Revision Commission Preliminary Report, dated April 30, 2025. As a life-long New Yorker and a long-term family-owned developer and owner primarily based in New York City, many of the topics that you raised in the report resonate strongly and I deeply appreciate your consideration of these issues. Housing and Land Use: It is now a universally acknowledged truth that New York City is in a housing crisis. There are numerous ways to support much-needed housing growth albeit many of them are not within the City's jurisdiction. However, there are a number of common sense changes to the Charter that would allow for the development process to change, including reducing process costs for land use changes and projects and fast tracking certain applications. Lower costs and less time within an otherwise expensive and lengthy process would go a long way to encouraging applicants to move through the process and get housing built. Resiliency on Public Streets One of the most impactful and important resiliency strategies post Hurricane Sandy is to raise the grades of street or waterfront esplanades, where possible. Unfortunately, this sometimes triggers lengthy reviews or even

ULURPs, adding unnecessary cost and timeline (and uncertainty) to a project. Removing those hurdles or minimizing them would ensure the City is more resilient. Modernizing the City Map The Commission's recommendations to modernize maps and assist with alterations, confirmations and address assignments are warmly welcomed. Development takes time - too much time in New York City. And to get much needed housing built, it is imperative to find ways to reduce time, shave costs and modernize archaic processes. Elections Pivoting to open primaries would allow for greater voter participation - something New York has struggled with for decades. Additionally, confusion sets in when party enrollment deadlines are set far in advance of the primary election, while new voter registration is allowed up to 10 days prior to the primary. Shortening the party enrollment deadline would lead to less confusion and uncertainty and greater engagement during the primaries. Thank you for your thoughtful recommendations and I appreciate your consideration of these items. Sincerely, Marian Klein President Park Tower Group

June 27, 2025

Dear Charter Revision Commission,

Thank you for the opportunity to provide comments to the Charter Revision Commission Preliminary Report, dated April 30, 2025.

As a life-long New Yorker and a long-term family-owned developer and owner primarily based in New York City, many of the topics that you raised in the report resonate strongly and I deeply appreciate your consideration of these issues.

Housing and Land Use:

It is now a universally acknowledged truth that New York City is in a housing crisis. There are numerous ways to support much-needed housing growth albeit many of them are not within the City's jurisdiction. However, there are a number of common sense changes to the Charter that would allow for the development process to change, including reducing process costs for land use changes and projects and fast tracking certain applications. Lower costs and less time within an otherwise expensive and lengthy process would go a long way to encouraging applicants to move through the process and get housing built.

Resiliency on Public Streets

One of the most impactful and important resiliency strategies post Hurricane Sandy is to raise the grades of street or waterfront esplanades, where possible. Unfortunately, this sometimes triggers lengthy reviews or even ULURPs, adding unnecessary cost and timeline (and uncertainty) to a project. Removing those hurdles or minimizing them would ensure the City is more resilient.

Modernizing the City Map

The Commission's recommendations to modernize maps and assist with alterations, confirmations and address assignments are warmly welcomed. Development takes time – too much time in New York City. And to get much needed housing built, it is imperative to find ways to reduce time, shave costs and modernize archaic processes.

Elections

Pivoting to open primaries would allow for greater voter participation – something New York has struggled with for decades. Additionally, confusion sets in when party enrollment deadlines are set far in advance of the primary election, while new voter registration is allowed up to 10 days prior to the primary. Shortening the party enrollment deadline would lead to less confusion and uncertainty and greater engagement during the primaries.

Thank you for your thoughtful recommendations and I appreciate your consideration of these items.

Sincerely,


Marian Klein

President

Park Tower Group

MEMORANDUM

To: NYC Charter Revision Commission

From: Sam Wang, Aqua Withers Carello, Drew Curran, Jane Heeckt


Date: June 27, 2025

Re: Impact of Primary Systems on Black Representation and Turnout in U.S. Cities

***Executive Summary:** In city elections, changes in the voting rules used to elect officials have the potential to affect representation for specific communities. We analyzed the relationship between municipal election systems, either partisan (producing nominees for the general election) and nonpartisan (candidates running without party label in a single primary), on Black representation and turnout. We made two comparisons: (1) the fraction of elected officials who were Black (“descriptive representation”) over the last four election cycles and (2) Black vs. non-Black turnout using de-identified data on individual voters. Based on our preliminary analysis of eleven cities with comparable Black population to New York City, we find with high confidence that descriptive Black representation in mayoral or city council elections shows no statistically significant difference by primary system type. In a preliminary analysis of five cities across ten elections, we also find with moderate confidence that turnout does not differ by primary system. Our preliminary findings suggest that concerns that if New York City were to adopt some form of open or nonpartisan system, Black voters and candidates would be negatively affected, are not supported by the available data. Further study is needed to understand the impacts of specific proposed reforms for various communities found in American cities, including New York.*

Introduction: Electoral rules are a critical step in translating popular will into political representation. Past research has examined the effects of primary systems at the state and federal levels, but the city-level consequences of open versus closed primaries on representation have received limited analysis. This knowledge gap is particularly important, since local elections not only affect governance, but also often serve as entry points for political careers.

Recent research at the state level has found no negative impact of open primaries on descriptive representation (*i.e.* the identified race of the election winner), and has made primary electorate more racially and politically representative of voter population as a whole.¹ However, that work did not examine the impact of primary system type at the level of cities, despite the fact that

¹ Joshua Ferrer, “The Effect of Partisan Primaries on Turnout and Representation,”

September 2, 2024, https://www.joshuaferreer.com/publication/partisan_primaries/partisan_primaries.pdf.

cities can contain many ethnic groups whose representation or voting power may be affected if the primary system is changed.

We therefore analyzed election outcomes across comparable cities with different primary systems. Here we report preliminary findings on whether primary type affects Black political representation or turnout at the municipal level.

Definitions: We sorted primary systems across cities into two major categories:

Closed Primaries: A “closed” rule under which only voters with party affiliation can vote in their party's primary, unaffiliated voters or members of a different party cannot; or “semi-closed” primaries, where a voter has to be registered with a party, but unaffiliated voters can choose to affiliate with the party on, or prior to, the day of the election.

Open/Nonpartisan Primaries: Anyone can select any party primary to vote (“open”); or candidates from all parties run together on a single list of primary candidates (“nonpartisan”).

Impact of Primary Systems on Black Representation

To assess the relationship between primary systems and descriptive Black representation, we analyzed mayoral and city council elections in 11 cities over the four election cycles between 2010 and 2024 (39 elections in total) with a population of 300,000 or larger, and a similar Black population (range: 16% to 30%) to that of New York City (23%). We compared three cities with closed primaries to eight cities with open or nonpartisan primaries. The three cities with closed primaries were New York, NY, Miami, FL and Jersey City, NJ. The eight cities with open or nonpartisan primaries were Jacksonville, FL, Houston, TX, Indianapolis, IN, Columbus, OH, Oakland, CA, St. Paul, MN, Minneapolis, MN, and Chicago, IL. These cities offer comparable contexts for assessing the relationship between primary systems and Black representation outcomes and enable us to specifically measure the effects of primary system type while allowing other factors that might influence representation patterns to vary independently, and therefore be similar between the two comparison groups.

We collected election outcome data from Ballotpedia and publicly available city council meeting minutes from official city websites. We drew demographic data from the U.S. Census QuickFacts, with Black demographic makeup referring to percentage identifying as Black “alone” rather than in combination with other racial categories.

City Council Representation.

For descriptive (*i.e.* the identified race) representation, we found that from 2010 to 2024, the fraction of Black representatives on city councils was similar between open/nonpartisan primary elections (193 out of 585 seats, or 33.0%) and closed primary elections (60 out of 190 seats, or 31.6%). This difference was not statistically significant (Fisher 2x2 test, two-tailed, $p=0.72$).



Figure 1: Descriptive Black and non-Black representation in city councils, 2010-2024.

Mayoral Representation. For descriptive representation among elected mayors, we found that in elections from 2010 to 2024, the fraction of Black mayoral winners was not statistically significant between open (or nonpartisan) primary elections (8 out of 30, or 26.7%) and closed primary elections (1 out of 9, or 11.1%). This difference is not statistically significant (Fisher 2x2 test, two-tailed, $p=0.42$). Although the data set is too small to make final conclusions, it does not support the idea that open primaries prevent Black candidates from being elected to the office of Mayor. The limited number of mayoral elections reflects the infrequency of these contests (occurring every four years) and our rigorous selection criteria. We will need to look at a wider data set to make definitive conclusions.

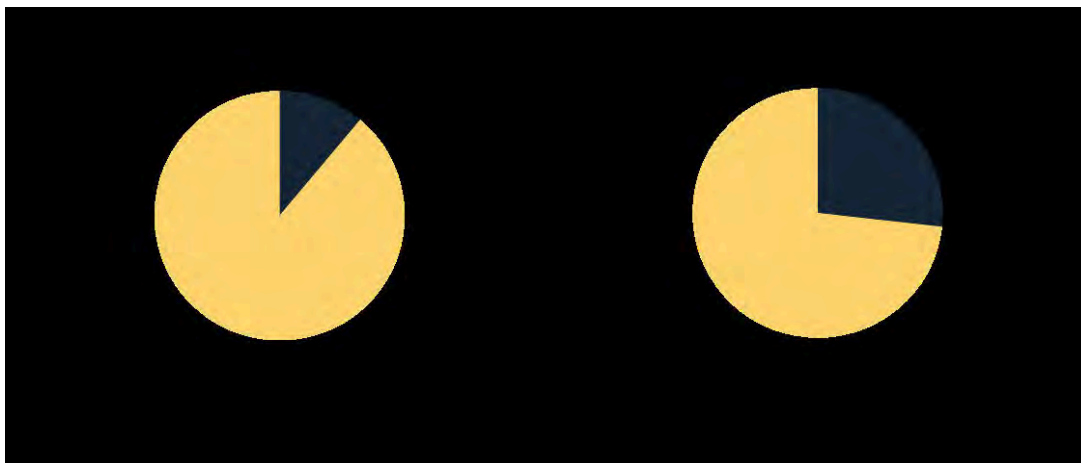


Figure 2: Descriptive Black and non-Black representation in mayoral offices, 2010-2024.

In summary, we found no statistically significant evidence that cities with open or nonpartisan election systems disadvantage Black candidates.

Impact of Primary Systems on Black Turnout

Electoral reform may also affect voter turnout, either overall or in a subgroup-specific manner.

Recent studies of state-level elections have produced mixed results. In California, the 2012 shift from a partially closed to an open primary system was followed by a modest decline in voter turnout in primaries ranging from 0.3 to 1.3 percentage points.² However, this finding is restricted to a single state, whose primary turnout had already been declining over time and whose ethnic composition and candidate quality are particular to that state.³ A broader study in 2024 examined multiple states, and found that a change to open primaries is associated with a 5-point *increase* in turnout, and that open primary systems were associated with a participation that was more politically and racially representative of voters.⁴ But this study did not address turnout in cities, where increased diversity creates a unique environment in which turnout may have important group-specific impacts.

To investigate turnout at the city level, we analyzed overall and Black turnout between 2015 and 2023 in five cities: Chicago, Miami, Jacksonville, Philadelphia and Columbus. We used voter files provided by Aristotle, which listed race as well as voter participation in each election.

First, we tallied the number of voters on file (Black or overall) who voted in each election, and divided by the total number of all registered voters.⁵ It should be noted that by definition, turnout is potentially higher in open primaries than in closed primaries simply because in open primaries, nonpartisan voters become eligible to vote. Consistent with this, turnout in our dataset tended to be higher in open-primary cities (*Figure 3*).

In order to analyze Black-specific changes independent of this inherent difference, and independent of election-by-election differences, we analyzed the percentage-point difference between Black turnout and overall turnout. If this difference is positive, it means that Black turnout was higher than overall turnout. If the difference is negative, it means that Black turnout was lower than overall turnout.

² Charter Revision Commission Letter from AFM Local 802, June 22, 2025, <https://www.politico.com/f/?id=00000197-9a8d-db52-a3b7-9b9df81a0000> (data from California Secretary of State, “Statewide Election Results,” <https://www.sos.ca.gov/elections/prior-elections/statewide-election-results>).

³ Eric McGhee, “Voter Turnout in Primary Elections,” May 2014, Public Policy Institute of California. <https://www.ppic.org/publication/voter-turnout-in-primary-elections/>.

⁴ Joshua Ferrer, “The Effect of Partisan Primaries on Turnout and Representation.”

⁵ To match the 2024 voter file to the year of each election we corrected VAP by 4.25% compounded annually. Electoral Innovation Lab

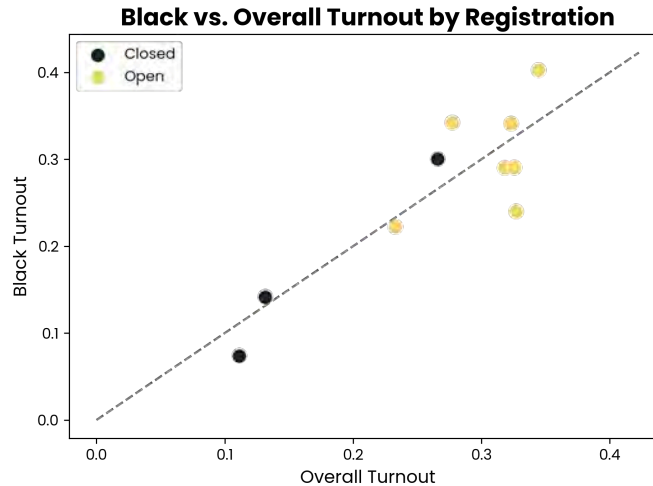


Figure 3: Black vs. overall turnout as a fraction of registered voters, 2015-2023. The diagonal line indicates no difference in turnout between Black voters and all voters.

We found that in open primaries (7 elections), Black turnout was 0.3 ± 5.4 percentage points (average \pm SD) smaller than overall turnout, whereas in closed primaries (3 elections), Black turnout was 0.3 ± 3.6 percentage points larger than overall turnout. The difference, 0.6 percentage points, is not statistically significant ($p=0.88$, two-sample t-test). Therefore, given the available data, a difference in primary system does not measurably affect relative Black turnout.

In future work we plan to expand this analysis to include more elections. This will allow us to examine a wider variety of cities and conditions, as well increase our ability to detect small differences statistically.

Conclusions

Based on the cities we have analyzed to date, we do not find a statistically significant difference in Black representation by primary system. We also do not find a significant impact of primary type on Black voter turnout. This preliminary study contributes to our understanding of how electoral institutions affect representation at the local level. We will conduct a more comprehensive analysis in the coming months.

In order to more deeply understand implications for representation, it will be important to investigate the impact on many major demographic groups. Likewise, in order to draw a more full conclusion regarding the impact of primary type on turnout, it will be essential to conduct a more comprehensive analysis with more complete data.

Cities represent a unique instance in which the representation of diverse groups can have critical effects on governance. Our analyses also provide a starting point for a deeper understanding of the various implications for open primary systems in cities. In coming months we plan to conduct a more thorough investigation into impacts on representation for other minority groups and turnout, to more deeply understand potential impacts of changing New York City's method of selecting elected officials.

Future Directions

Finally, we note that election rules can also affect a wider range of factors that influence good governance. A number of questions are relevant in New York City and in other cities across the nation. Is it desirable for a candidate who loses a primary election to subsequently seek another party's nomination, and therefore still appear on the November ballot? Do voters tire of ranking multiple candidates, not only for mayor but for lower offices? In an all-party primary with N top finishers, what would N have to be to guarantee that a community's preferred candidate appears on the November ballot? Does a list of many candidates allow voters to critically examine all candidates over the course of a campaign? In addition to ranked-choice voting, do other voting rules lead to benefits of governance such as coalition-building? These and other questions may become important in the event that New York City forms a Charter Commission to revisit the manner by which it conducts elections.

About the Electoral Innovation Lab

The Electoral Innovation Lab (EIL) is a national project to build a science of democracy repair using math, law, and practical strategies for change. Housed in Princeton, New Jersey, the Lab provides research to guide leaders, reformers, and government institutions in strengthening U.S. democracy. Its approach, anchored in research and data analytics, provides near real-time answers designed to impact quick-moving decisions by institutions and the public. Today, the Lab's projects focus on testing ways to make democracy more representative and responsive: ranked-choice voting, primary elections, and innovations in redistricting. The Lab operates under the leadership of its founder, Sam Wang (Princeton University). The Lab is a spinoff of the Princeton Gerrymandering Project, which still works at Princeton University. The Electoral Innovation Lab is a nonpartisan, fully independent 501(c)(3) tax-exempt organization.

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Appendices

These appendices represent preliminary data which will be extended substantially in a more comprehensive report. We emphasize that it would be appropriate to reserve judgment on any conclusion until more complete information is available.

Appendix A - PRELIMINARY

Race of Elected Mayor (2010 - 2024)



Appendix B - PRELIMINARY

Election Type and Population Data for Analyzed Cities

City	Municipal Primaries Election Type	Municipal Primary Type	Population	% Black
New York, NY	ranked choice	closed	8,478,072	22.7
Miami, FL	plurality	closed	2,838,461	18.9
Jersey City, NJ	plurality	partially closed	302,824	21.5
Jacksonville, FL	plurality	open	1,009,833	30.1
Houston, TX	Over 50 or top 2 runoff	open	2,390,125	22.9
Indianapolis, IN	plurality	open	891,484	28.1
Columbus, OH	plurality	open	933,263	29
Oakland, CA	ranked choice	open (top two)	443,554	21.1
St. Paul, MN	ranked choice	nonpartisan	307,465	16.2
Minneapolis, MN	ranked choice	nonpartisan	428,579	18.3
Chicago, IL	Over 50 or top 2 runoff	no primaries (nonpartisan election)	2,721,308	28.4

Appendix C - PRELIMINARY

Race/Ethnicity of Elected Mayor (2010 - 2024)

City	Year of Election	Race of Elected Mayor	Year of Election	Race of Elected Mayor	Year of Election	Race of Elected Mayor	Year of Election	Race of Elected Mayor	Total Black Mayors	Total Mayors Elected
New York, NY	2013	white	2017	white	2021	Black	2025		1	3
Miami, FL	2013	white-Hispanic	2017	white-Hispanic	2021	white	2025		0	3
Jersey City, NJ	2013	white	2017	white	2021	white	2025		0	3
Jacksonville, FL	2011	Black	2015	white	2019	white	2023	white	1	4
Houston, TX	2011	white	2015	Black	2019	Black	2023	white	2	4
Indianapolis, IN	2011	white	2015	white	2019	white	2023	white	0	4
Columbus, OH	2011	Black	2015	white	2019	white	2023	white	1	4
Oakland, CA	2010	Asian	2014	white	2018	white	2022	Asian	0	4
St. Paul, MN	2013	white	2017	Black	2021	Black	2025		2	3
Minneapolis, MN	2013	white	2017	white	2021	white	2025		0	3
Chicago, IL	2011	white	2015	white	2019	Black	2022	Black	2	4

Appendix D - PRELIMINARY

Black Representation in City Council Elections 2010 - 2024

City	Year of Election	Black City Council Members	Number of City Council Seats	Year of Election	Black City Council Member	Number of City Council Seats	Year of Election	Black City Council Members	Number of City Council Seats	Total Black City Council Representatives	Total City Council Seats
New York, NY	2014	16	51	2021	17	51	2025			50	153
Miami, FL	2013			2021	1	5	2025			2	10
Jersey City, NJ	2013	2	9	2021	3	9	2025			8	27
Jacksonville, FL	2011	5	19	2019	7	19	2023	6	19	24	76
Houston, TX	2011	5	16	2019	6	16	2023	7	16	22	64
Indianapolis, IN	2011	9	29	2019	6	29	2023	7	29	29	116
Columbus, OH	2011	4	7	2019	4	7	2023	4	9	16	30
Oakland, CA	2010	2	8	2018	3	8	2022	4	8	12	32
St. Paul, MN	2011	1	7	2019	0	7	2023	2	7	3	28
Minneapolis, MN	2013	1	13	2021	6	13	2025			11	39
Chicago, IL	2011	19	50	2019	20	50	2022	20	50	76	200

From: [agencymail](#)
To: CharterTestimony@citycharter.nyc.gov
Subject: City of New York - Correspondence #1-1-3770234 CRC Contact Form - Submit Written Testimony
Date: Friday, June 27, 2025 5:38:29 PM

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Topic: Submit Written Testimony

Name: Eric H Bronner

Email: [REDACTED]

Phone: [REDACTED]

Comments: Hello Charter Revision Commission Members, Thank you very much for your public service. And, thank you for seriously considering upgrading your city's primary election system. On behalf of New York City's estimated 65,000 Independent (unaffiliated) Veterans, we greatly appreciate your time and consideration of all voters. Attached please find written testimony from Veterans for All Voters. Please let me know if you have any questions. Sincerely, Eric Bronner Navy Veteran | Founder and lifelong Independent Voter



June 27, 2025

RE: Testimony in Support of Open Primary Elections

Dear Members of the New York City Charter Revision Commission,

Thank you for your time and your public service. I'm submitting this testimony in addition to the oral testimony I provided on June 23rd, 2025. My name is Eric Bronner. I'm a Naval Academy graduate, proud Navy Veteran, and a lifelong independent voter. I'm also the founder and COO of Veterans for All Voters—a national, nonpartisan, nonprofit community of over 5,000 veterans and supporters from across the political spectrum, advocating for more open and inclusive election systems. We've worked on voting reform campaigns from Maine to Alaska, to my hometown of St. Louis, Missouri.

Veterans for All Voters urges this Commission to refer a fully open and unified primary election system to New York City voters this November.

Personally, I'm one of the 55% of post-9/11 Veterans who identifies as Independent (unaffiliated with any party). In poll after poll, over half of all Veterans do not identify with either major political party. As such, Veterans for All Voters (VAV) is submitting this testimony on behalf of the estimated 65,000 independent (unaffiliated) New York City Veterans who have no voice in the primary elections their taxes pay for, and for which they fought to defend. This Commission has the opportunity to fix that. Please give independent veterans a voice!

Opponents of a more open and inclusive election system in NYC are trotting out some of the same old misleading talking points that VAV has heard in many other cities and states. Let's be clear: there is absolutely no evidence that more open primary election systems dilute the power of *any* voters, including minority voters.

In fact, my own experience in St. Louis, Missouri shows exactly the opposite. In 2020, I had the privilege of working on a citizen-led voting reform campaign in St. Louis City known as "Proposition D for Democracy." Our goal was to update St. Louis City's outdated, partisan primary election system. It addressed the problems of vote splitting, low turnout, and unrepresentative outcomes.

Proposition D passed in Nov. 2020 with an overwhelming 68% support. It created a new open and unified primary system using Approval Voting, followed by a top-two runoff in the General Election. This system has delivered on its promise to create a more diverse and representative government in St. Louis. Under the new unified primary system, we have elected the first Black woman mayor of St. Louis, the first female President of the Board of Alderman, and we elected the first all-female Board of Estimate and Apportionment. That's the power of real reform.

Veterans didn't fight for a rigged system. We fought for fairness, equality, and freedom. Now, in New York City, over 65,000 of my brothers and sisters in arms are locked out of the elections that matter most. That's not democracy—it's exclusion.

Closed primaries treat independent voters like second-class citizens. And open primaries won't destroy private political parties. To the contrary, open primaries challenge them to compete, listen, evolve, and better serve *all* voters, not just party insiders. Unaffiliated voters are simply asking for the same voice and rights as everyone else in the public elections their tax dollars fund.

This Commission has the opportunity to help update NYC's outdated, and unnecessarily partisan political operating system. NYC is in the very small minority of U.S. cities that still use partisan primary elections. How often do we update the Operating System on our phones? Isn't it time we update our democracy, too? NYC Voters deserve the opportunity to weigh in on updating their voting system to make it more inclusive and more democratic.

Once again, Veterans for All Voters urges this Commission to give a real voice to the fastest-growing voting block in America: independent voters.

If the Commission wants to take a modest first step, a semi-open primary would be meaningful. But if you're ready for bold progress, adopt the Alaska model: a nonpartisan top-four primary followed by ranked-choice voting in the general. This gives voters more choice, reduces polarization, and ensures winners must earn the broadest possible support from all voters.

This year, with 5 or 6 candidates expected in NYC's mayoral race, ranked-choice voting could prevent a scenario where someone wins with only a narrow slice of support. Voters deserve better than a fragmented result in a high-stakes election.

Thank you, once again, for your time and your public service. I sincerely hope you will remember Veterans for All Voters, and the over 65,000 independent NYC Veterans, whenever you make your final recommendations.

Respectfully submitted,

/s/ *Eric H. Bronner*

Eric H. Bronner
Founder & COO

A solid black rectangular box used to redact the signature of Eric H. Bronner.

From: agency@mail
To: CharterTestimony@citycharter.nyc.gov
Subject: City of New York - Correspondence #1-1-856869 CRC Contact Form - Submit Written Testimony
Date: Friday, June 27, 2025 9:32:31 PM

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Topic: Submit Written Testimony

Name: William Marchello

Email: [REDACTED]

Phone:

Comments: I am a NYC resident and would like to offer some comments on the NYC Charter Revision Commission's proposals on housing and elections. I strongly oppose the idea of creating a single combined primary and then a top-two runoff. This system harms the democratic process. It will amplify certain candidates who have the most resources and machine backing, to the detriment of other voices. NYC has never had such a system and ranked choice voting is already a disaster. Also, the proposal to move elections to even number years is wrong. In such years, national or statewide issues grab all the attention. As such, local NYC issues will be ignored or not given the attention they deserve. Lastly, I am concerned about the housing and zoning changes. These changes would strip power away from neighborhoods and move it to a centralized planning process. Local councilmen would lose say over certain projects and plans. This shift away from truly local government will harm neighborhoods and quality of life. I would also remind the commission that NYC used to have a Board of Estimates which facilitated equal representation among the boroughs. The Supreme Court ruled this setup unconstitutional (based on what I would say is a deeply misguided view of the 14th Amendment). This was a mistaken ruling. Not only did the board protect all neighborhoods' representation, it also granted borough presidents key powers over issues in their communities. I digressed here simply to make the point that there has already been a trend of less local and neighborhood say. The charter changes would go even further. In other states and counties, there are townships and villages. These micro-governments contain fewer people and are better able to address the unique needs of the communities they contain. NYC has five boroughs and they are all different. Even within the boroughs, there used to be individual towns before 1898. Central planners at City Hall are not able to accurately account for the needs of each zip code. We must preserve the authority of local councilmen and community boards. Thank you

From: [agencymail](#)
To: CharterTestimony@citycharter.nyc.gov
Subject: City of New York - Correspondence #1-1-7956932 CRC Contact Form - Submit Written Testimony
Date: Saturday, June 28, 2025 11:51:46 AM

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() on Saturday, June 28, 2025, at 11:51:27 AM

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[hxxxs://www\[.\]nyc\[.\]gov/site/charter/contact/contact-charter\[.\]page](#)

Topic: Submit Written Testimony

Name: Adam Offitzer

Email:

Phone:

Comments: I'm writing as a New Yorker who believes the Charter Revision Commission can play a critical role in addressing our city's housing crisis. We need to build more homes—and build them faster—to keep New York accessible, equitable, and livable. I urge the Commission to support reforms that: - Streamline and speed up housing approvals - Hold the city accountable to clear housing production targets - Create more inclusive, representative community engagement processes These changes are essential to ensuring New York remains a city of housing abundance for all! (Additionally, I like these Open New York recommendations and have attached them here.)



A Charter for Housing Equity

Five Reforms for a Fairer and More Affordable NYC

February 2025

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Cover photos: Chris Barbalis/Unsplash

Letter from the Executive Director

When we talk about housing in New York City—how many homes we need, how tall a building can be, or the intricacies of land use—it’s easy to lose sight of what’s truly at stake. Yet behind every statistic and zoning regulation are real people: families deciding whether to pay for groceries or rent, neighbors fearful of being priced out, and new arrivals doubling up with friends because they can’t find an affordable place on their own.

All too often, these families sacrifice basics like healthcare and education just to keep a roof over their heads, while longstanding neighborhoods lose diversity and vitality as residents are pushed out. Meanwhile, the process through which we plan and build housing remains riddled with structural inequities, fueling exclusion and scarcity. As a result, most New Yorkers struggle to find safe, affordable homes—deepening economic and racial disparities across the city.

For too long, these practices—from where housing is constructed to whose voices carry weight in the land use process—have stacked the deck against those most in need. Addressing

these systemic barriers demands a closer look at our governance structures, including the City Charter, which shapes the frameworks for how and where housing is built.

With two independent Charter Revision Commissions now underway, we have a rare chance to reform these frameworks so every New Yorker has a fair shot at living where they choose. And with housing production at historic lows, we cannot afford to ignore any tool—especially the Charter—that could make New York more livable for all.

This report lays out five specific recommendations for the Charter Revision Commissions to explore, guiding us toward a future where everyone can find a place to call home, regardless of income or background. Together, let’s ensure New York remains a city of opportunity, compassion, and growth for generations to come.

Onward,



Annemarie Gray

Executive Director, Open New York

February 2025

Introduction

New York City's housing affordability crisis is rooted in the fact that we simply do not build enough homes. Displacement, exclusion, inequality, tenant harassment, and homelessness are all exacerbated by our dire housing shortage. For far too long, many of the most well-resourced parts of the city have been essentially off-limits to new homes, driving up rents and reinforcing long-standing patterns of segregation. While New York's leaders are finally beginning to recognize this shortage and take steps to correct decades of underbuilding, we have a long way to go to truly fix the laws, processes, and practices that uphold our status quo of housing scarcity.

New York City's Charter plays a powerful role in our city's governance and, accordingly, the lives of everyday New Yorkers. This year, New

Yorkers have the chance to weigh in on two independent Charter Revision Commissions that can help the City better respond to long-standing challenges. Open New York's expertise and focus are centered on the processes that affect where and how much new housing is built. Accordingly, our recommendations below highlight five areas where we as New Yorkers can choose to change the Charter to build a fairer and more affordable city.

We look forward to working with many other organizations across the five boroughs to push forward necessary changes to the Charter, so the City of New York can have a 21st century government that serves all of its residents fairly, effectively, and with dignity.

What is the NYC Charter and what does it have to do with housing affordability?

New York City's local constitution is the [Charter](#). It begins with a statement of our ideals and values, and it provides the foundation for how our government operates: creating the powers that our elected officials have, the responsibilities that our City agencies are tasked with, and the process by which the rules governing our land are changed.

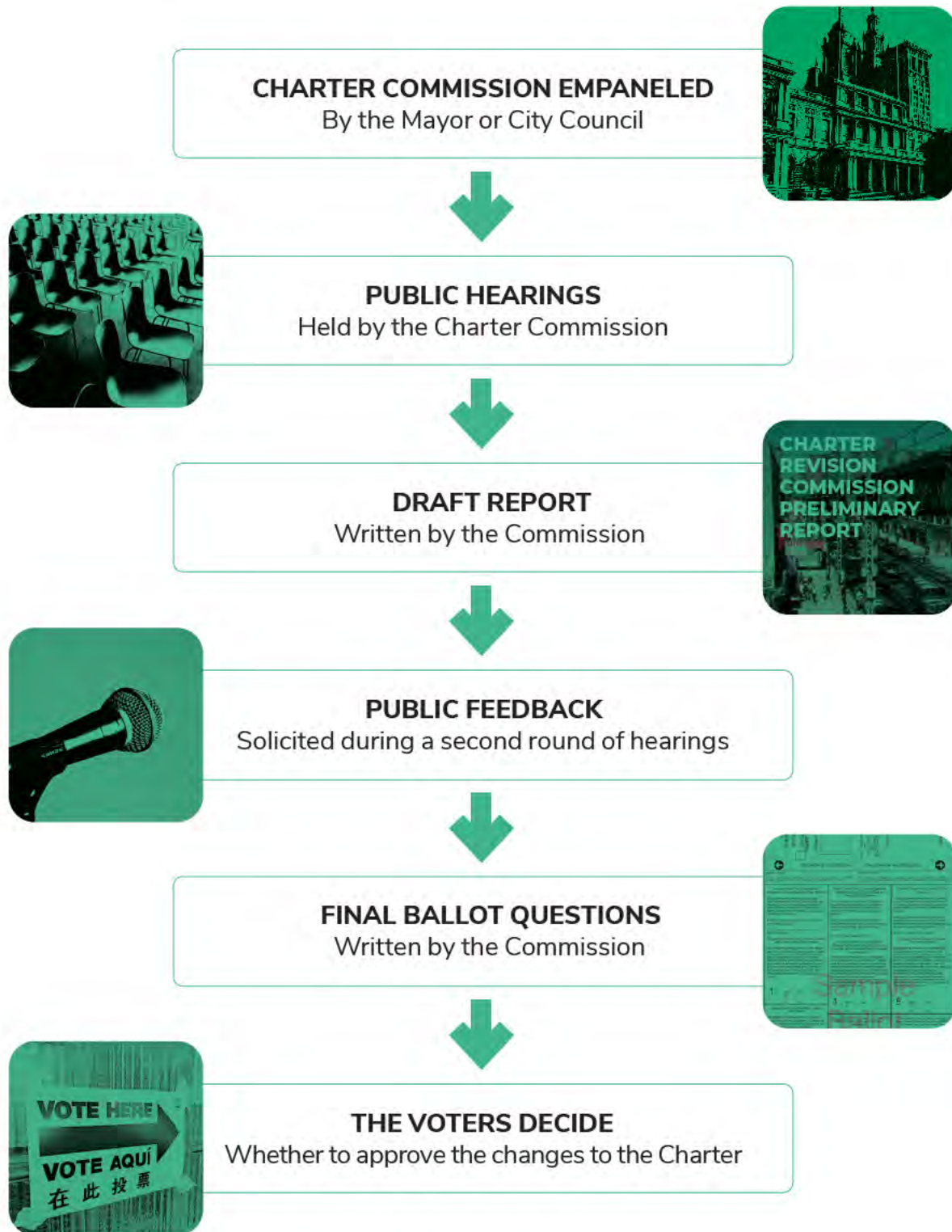
Together, these powers, responsibilities, and processes deeply influence how much housing is built in New York City, whether homes are properly constructed and maintained, and where public land lays fallow or is transformed into a thriving community asset. With the city experiencing its worst housing [shortage](#) in 50 years, there is widespread recognition among politicians and the public that the Charter does not include the right tools for solving our longstanding and worsening housing emergency.

While the Charter may be easier to amend than the U.S. Constitution, doing so is not a simple task that is taken lightly. One way that it can be

amended is by organizing a Charter Revision Commission, which is a term-limited group of appointed individuals who must review the entire document and propose changes to New Yorkers for a vote at a general election. Both the [Mayor](#) and the [Council](#) have organized commissions for 2025.

These new Commissions provide fresh opportunities to improve the existing powers and processes that have kept us in a housing shortage for decades. As the drafters of the 1989 Charter [wrote](#), Charter revisions “reflect their era’s worries, concerns, and angers, as well as hopes and aspirations.” New Yorkers are worried and angry about the cost of housing, but we can hope for something more than the minimal and inequitable growth that New York City has experienced over the past 50 years. We can aspire to be a much more inclusive, bigger, and more affordable New York City – and the Charter must change in order for that future to become reality.

The Charter Revision Process





Create a Fast Track for Fair Housing

Remove barriers to new housing proposals that advance the City's fair housing goals

Over the past five years, the City has repeatedly expressed its commitment to advancing fair housing, including through the publication of its first comprehensive fair housing plan, Where We Live NYC, the recent enactment of Local Law 167 of 2023 (also known as Speaker Adams's "Fair Housing Framework"), and the passage of the "City of Yes for Housing Opportunity" and "City for All" plans.

These commitments all recognize that our neighborhoods have grown inequitably over the past 50 years, with some having changed considerably in order to improve the lives of current and future New Yorkers, while others have blocked almost all new housing.

This year, the Commissions should create a new approval process for housing proposals that would advance fair housing in the city's most transit-rich, climate-resilient, and low-growth neighborhoods. These neighborhoods will be identified as part of the implementation of LL167's "Fair Housing Framework"; the Commissions can put real power behind housing proposals in these well-resourced neighborhoods by reforming how rezonings are approved there.

Such reforms are common in other states thanks to laws passed by their State Legislatures (and are often known as "builder's remedies"), but we cannot wait any longer for Albany to act. New York City should follow Chicago's lead and provide an alternative option for new housing proposals that would create deeply affordable housing in our most well-resourced and low-growth neighborhoods.

For example, new housing proposals in these neighborhoods could finish the land-use review process with the City Planning Commission (CPC)'s vote instead of moving onward to the full City Council and the Mayor. For such projects, the CPC's membership could be modified to include representatives from the City Council. What is crucial, however, is that the Council Members representing these low-growth neighborhoods would no longer have the ability to block new housing proposals that advance fair housing.



Streamline Advisory Reviews

Consolidate the advisory review phase of ULURP into a single process led by the Borough Presidents

Since the City created the main elements of our land-use review process in 1989, the system has been widely recognized as fraught and broken. It is too long and expensive and is often captured



by an unrepresentative group of community members who have the time and resources to show up to weekday public meetings. Local community

input processes for new housing proposals are all-too-often biased toward the status quo by amplifying the voices of those with greater housing security than the average New Yorker.

The Commissions provide an opportunity to rethink community engagement within the Uniform Land Use Review Process (ULURP) to make it faster, more representative, and less reactionary. Most importantly, the Community Board (CB) process must be improved to foster more productive engagement and outcomes that better reflect the diversity and needs of residents.

CBs need to be given the flexibility and resources to engage the public in ways that do not simply pit neighbor vs. neighbor in hours-long shouting matches. Since 1989, local governments and

agencies across the country have created many alternative ways to foster better public engagement, from holding tabling sessions to convening randomly selected panels of residents. These methods should be available to the public as part of CB reviews.

The Borough Presidents (BP) already have oversight over the CBs through their appointment of CB members and have technical land use staff to help residents understand complex proposals. A revised ULURP process should combine the separate CB and BP advisory reviews, bringing them together with additional BP oversight, improved public engagement techniques, and a wider lens than each project's literal backyard.



In addition, the BPs should be required to consider applicants' housing status (i.e. renter or homeowner) when appointing CB members. This change will ensure that CB members are better able to represent the experiences of their constituents.



Expedite Affordable Housing on Public Land

Reform the broken process for developing affordable housing on City-owned land

The City is by far the largest landowner in the five boroughs. But overly cumbersome requirements in the Charter prevent the Department of Housing Preservation & Development (HPD) from quickly turning underutilized, City-owned land into affordable housing.

These requirements were created for good reasons, as New York City in 1989—like the rest of the country—was just starting to reckon with decades of “renewal” projects that decimated low-income communities and placed noxious uses in communities of color.

New York City of 2025 is a very different place, with a local government that is more representative of its constituents and a deepening housing shortage that City-owned land must play a vital role in solving.

The Commissions can expedite HPD-financed affordable housing on City-owned land by requiring the City Council to sign-off on projects without such projects having to go through the full land-use review process. Projects will potentially save a year of construction delay and countless hours of City staff time, which could be shifted to pushing other high-priority projects forward.

An expedited process for City-owned land will also support more effective implementation for any new models of publicly-led development in the future, such as new social housing development models.



At 4790 Broadway in Inwood, 174 units of affordable housing—along with a new library—were built on the site of an existing city-owned New York Public Library branch.

Photos: Midcentury Mundane, Michael Young/NY Yimby

4

Bring the Housing Shortage into Landmarks Decisions

Provide more tools to the Landmarks Preservation Commission when it makes critical decisions

New York City is proudly home to a historic preservation law that has inspired countless others across the country and is a model for how we can protect our most important places.

Unfortunately, the law does not allow the Landmarks Preservation Commission (LPC) to consider the city's worsening housing shortage—with only 1.4% of apartments available for rent—when it makes critical decisions regarding existing or new landmarks.

To give LPC the authority it needs to assist in the government-wide efforts to improve affordability in the city, the Commissions should change the processes by which LPC creates new historic districts and allows development in existing districts. These changes are particularly

important in the well-resourced, low-growth neighborhoods that the City will identify as part of the implementation of [Local Law 167 of 2023](#).

For example, in such neighborhoods, LPC—in consultation with the City Planning Commission (CPC)—should be required to analyze the potential impact of any new historic district on future housing opportunity sites and the associated impact on housing affordability when reviewing housing proposals.

LPC should also be given the authority to consider neighborhood impacts when applicants propose to combine existing apartments in a historic building, as has been [increasingly common](#) in many of New York City's most expensive and low-growth neighborhoods.



The 9500 ft² 6-bedroom, 6-bathroom megamansion at 34 East 68th Street on the Upper East Side had 17 apartments before its LPC-approved renovations.

Graphic: Zillow



Strengthen City Agencies

Enable agencies to more effectively tackle the housing crisis

Over the past decade, the City has created many new “offices” within the bureaucracy and placed innumerable reporting requirements on City agencies, and yet there is little sense that these changes have improved the functioning of City government. Most importantly, the City Charter has not fundamentally updated the roles and responsibilities of its agencies to face 21st century challenges – even though many agencies have overlapping responsibilities that leave gaps in oversight and accountability.

The Commissions should include significant changes to how City agencies operate in order to deal with the housing shortage more effectively. For example, large portions of the planning and policy work at the Department of Housing Preservation & Development (HPD) and the Department of City Planning (DCP) overlap; streamlining these operations between agencies, or within a new combined agency, would be more effective in solving the housing shortage and addressing urgent climate resiliency needs.

Oversight over our aging building stock and complicated construction sites is also split unnecessarily among the Department of Buildings, the Fire Department, and HPD. A consolidated inspection and enforcement operation with a single line of oversight and accountability would increase effectiveness and reduce the potential for corruption and gaps in responsibility.

These recommendations are not intended to reduce the number of overall employees; in fact, most of these agencies are understaffed for the responsibilities with which they are tasked. But better coordination and clearer oversight will hopefully improve functionality within the limited resource environment that the City faces.





Open New York is a grassroots nonprofit advocating for a diverse range of housing solutions. From social and government-subsidized housing to market-rate options, the organization is dedicated to tackling the profound housing shortage in New York. Open New York's vision is a city and state where housing laws and policies foster inclusivity and stability, moving away from exclusive neighborhoods and unaffordable living. Through advocacy and organizing, Open New York is committed to ensuring that New York is affordable and accessible to all.

To join the movement, please visit opennewyork.org

From: agency@mail
To: CharterTestimony@citycharter.nyc.gov
Subject: City of New York - Correspondence #1-1-3781157 CRC Contact Form - Submit Written Testimony
Date: Monday, June 30, 2025 3:10:20 PM

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[REDACTED] on Monday, June 30, 2025, at 03:03:31 PM

This form resides at
[https://www\[.\]nyc\[.\]gov/](https://www[.]nyc[.]gov/)

Topic: Submit Written Testimony

Name: Viren Brahmabhatt

Email: [REDACTED]

Phone: [REDACTED]

Comments: Public Comment to NYC Charter Revision Commission – CRC Thank you for the opportunity to comment on the **Preliminary Report** and upcoming public input session on **July 7**. I appreciate the work of the Commission and commend the clarity of the preliminary materials. Below are key reflections and recommendations on several reform areas under review, particularly those impacting housing, land use, elections, nonprofits, and climate resilience. **Housing & Land Use Reform (Prelim Report p. 39)** **Streamlining ULURP for small-scale and 100% affordable housing** * Consolidating community board and borough president reviews may improve efficiency, but safeguards are essential to ensure both entities retain meaningful roles. Time savings should not come at the cost of thoughtful, local input—especially when community oversight is a check on politically driven proposals. **Appointing a zoning administrator for certain approvals** * A zoning administrator could help accelerate small and affordable housing projects. However, transparency and accountability mechanisms must be in place to avoid undermining public trust or diminishing community voice. **Elevating Citywide Needs in Land Use** * Limiting the ability to block projects that meet **citywide housing goals** is a vital and overdue reform. It's necessary to reduce the impact of local veto power on equitable housing development. To succeed, this approach must be grounded in clearly defined criteria, with robust public engagement and transparency throughout. **Tying Infrastructure to Housing** * A logical and strategic move that aligns investment with growth. Coordinated planning can reinforce equity and prevent infrastructure gaps in rapidly growing areas. **Leveraging Public Land for Housing** * Expediting the disposition of city-owned land—particularly for **affordable housing, HDFCs, and irregular lots**—is a smart and necessary step. The current ULURP process often delays much-needed development. Speeding this up must come with clear affordability thresholds and community benefit requirements to ensure responsible use. * Enabling small-scale land acquisitions for **housing, schools, and parks** is also worth pursuing with equitable planning in mind. --- **Elections Reform (p. 57)** * **Moving municipal elections to even-numbered years** could increase turnout and voter engagement. * **Opening party primaries to unaffiliated voters** would enfranchise more New Yorkers and better reflect the city's diverse electorate. --- **Nonprofit Contracting (p. 74)** * **Chartering MOCS and enforcing timely payments, partial advances, and interest on late payments** are essential for stability in the nonprofit sector. These reforms would bring fairness and predictability to organizations delivering critical services. --- **Climate & Resilience (p. 80)** * **Removing outdated ULURP hurdles for climate and resiliency projects** is a prudent reform. We must not let procedural delays obstruct efforts to protect New Yorkers from the climate crisis. * **Streamlining land acquisition for coastal protection, EV infrastructure, and floodplain buyouts** is timely and aligns with resilience goals. --- **City Map Administration (p. 87)** * **Transferring responsibility from borough presidents to**

City Planning could improve consistency and coordination in citywide planning. --- In closing, many of these proposals show real promise in addressing systemic inefficiencies while advancing equity. However, implementation must be rooted in ****clear criteria, community trust, and transparent processes**** to ensure reforms do not unintentionally diminish public participation or accountability. Thank you for your work and for considering these comments.



Viren Brahmabhatt
Principal | Lehigh University | New York

Public Comment to NYC Charter Revision Commission – CRC

Thank you for the opportunity to comment on the Preliminary Report and upcoming public input session on July 7. I appreciate the work of the Commission and commend the clarity of the preliminary materials. Below are key reflections and recommendations on several reform areas under review, particularly those impacting housing, land use, elections, nonprofits, and climate resilience.

Housing & Land Use Reform (Prelim Report p. 39)

Streamlining ULURP for small-scale and 100% affordable housing

- Consolidating community board and borough president reviews may improve efficiency, but safeguards are essential to ensure both entities retain meaningful roles. Time savings should not come at the cost of thoughtful, local input—especially when community oversight is a check on politically driven proposals.

Appointing a zoning administrator for certain approvals

- A zoning administrator could help accelerate small and affordable housing projects. However, transparency and accountability mechanisms must be in place to avoid undermining public trust or diminishing community voice.

Elevating Citywide Needs in Land Use

- Limiting the ability to block projects that meet citywide housing goals is a vital and overdue reform. It's necessary to reduce the impact of local veto power on equitable housing development. To succeed, this approach must be grounded in clearly defined criteria, with robust public engagement and transparency throughout.

Tying Infrastructure to Housing

- A logical and strategic move that aligns investment with growth. Coordinated planning can reinforce equity and prevent infrastructure gaps in rapidly growing areas.

Leveraging Public Land for Housing

- Expediting the disposition of city-owned land—particularly for affordable housing, HDFCs, and irregular lots—is a smart and necessary step. The current ULURP process often delays much-needed development. Speeding this up must come with clear affordability thresholds and community benefit requirements to ensure responsible use.
- Enabling small-scale land acquisitions for housing, schools, and parks is also worth pursuing with equitable planning in mind.

Elections Reform (p. 57)

- Moving municipal elections to even-numbered years could increase turnout and voter engagement.
 - Opening party primaries to unaffiliated voters would enfranchise more New Yorkers and better reflect the city's diverse electorate.
-

Nonprofit Contracting (p. 74)

- Chartering MOCS and enforcing timely payments, partial advances, and interest on late payments are essential for stability in the nonprofit sector. These reforms would bring fairness and predictability to organizations delivering critical services.
-

Climate & Resilience (p. 80)

- Removing outdated ULURP hurdles for climate and resiliency projects is a prudent reform. We must not let procedural delays obstruct efforts to protect New Yorkers from the climate crisis.
 - Streamlining land acquisition for coastal protection, EV infrastructure, and floodplain buyouts is timely and aligns with resilience goals.
-

City Map Administration (p. 87)

- Transferring responsibility from borough presidents to City Planning could improve consistency and coordination in citywide planning.
-

In closing, many of these proposals show real promise in addressing systemic inefficiencies while advancing equity. However, implementation must be rooted in clear criteria, community trust, and transparent processes to ensure reforms do not unintentionally diminish public participation or accountability.

Thank you for your work and for considering these comments.

Sincerely,



Viren Brahmhatt

Chelsea, New York *Community Board 4 Resident)
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TESTIMONY TO CHARTER REVISION COMMISSION BRONX HEARING ON HOUSING AND LAND USE, 6/10/25 HOWARD SLATKIN, EXECUTIVE DIRECTOR

Good evening, Chair Buery and Commissioners. My name is Howard Slatkin, and I am Executive Director of Citizens Housing and Planning Council. I am pleased to testify before you again about the range of important land use reforms this Commission is considering.

As the Commission sorts through recommendations that address flaws in the land use process, I urge you to be mindful that the problem is not only that some neighborhoods refuse to allow housing, but also that the system encourages inadequate housing everywhere.

We have discussed the major flaw that local members can shut down housing applications in their own districts. But there is also, for instance, the common practice I call “Hungry Hungry Hippos zoning.” This is when individual Council members use the ULURP process to secure affordable housing commitments that can only be met by publicly subsidizing housing. It’s a political victory for a member to say they’re getting more affordable housing for their district, and it sounds like a substantive victory for affordability. But this is illusory. Hungry Hungry Hippos zoning just shifts finite housing subsidies from one neighborhood to another. It doesn’t increase the amount of affordable housing built in the city. And rezoning only for subsidized housing doesn’t increase the effective zoned capacity of the city.

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As long as decisions are viewed through local blinders, our land use review process will continue to fail to meet our housing needs.

I also caution the Commission that combining Community Board and Borough President review into the same 60 days may diminish, rather than enhance the BPs' bully pulpit. Forcing the BP to take an early position before others have weighed in poses a political risk, and issuing a concurrent conflicting recommendation would often be a greater liability to BPs than to CBs. Enhancing the BPs' role closer to the end of the process – for instance, as CHPC has proposed, allowing a BP to trigger an appeal vote after a City Council ULURP vote – would do more to elevate their broader perspective. Also, making the CPC public hearing occur 30 days earlier would make it virtually impossible to submit a modified (or “A”) application that addresses issues beyond the scope of the original application. Thus such a shortened process may be appropriate for minor or straightforward applications rather than for others.

To the extent that reforms are applied to geographies in which housing production is deemed inadequate, this determination should be essentially automated and based on objective data – e.g., the 25% of Community Districts with the lowest production – and not on quantitative targets set by Mayoral agencies or the City Council. If housing targets dictate who gets to participate in the ULURP process, then each of the parties to ULURP has an incentive to game targets for political purposes rather than basing them on planning considerations.

In assigning roles, the Commission should be mindful of institutional capacity and mission. For instance, CHPC has proposed that project-specific zoning relief for affordable housing be situated in the Board of Standards and Appeals. The BSA is tasked with making appropriate exceptions to inadequate zoning. The City Planning Commission is responsible for putting in place suitable zoning, and should not be tasked with providing relief, but rather should focus on the (slower and more intensive) process of fixing the zoning itself.

Finally, while much of the focus here is aptly on the political balances struck by ULURP, we also must maintain features of the process that provide for transparency and promote decisions based in sound land use considerations. The City Planning Commission's role should not be to deliver to the City Council the biggest possible project in the hope that something significant will survive an opaque process of cuts; rather, it should be the clearinghouse for planning discussions, and should make sound decisions that integrate various stakeholder perspectives, and articulate the reasoning for them. The process for modifying a Council ULURP vote should also require that the land use rationale for any such modifications be clearly articulated.

As always, I will be happy to answer any questions.





June 10, 2025

Louisa Chafee, Director, New York City Independent Budget Office
Before the New York City Charter Revision Commission

Good evening, Chair Buery, Vice Chair Greenberger, Executive Director Schierenbeck, members of the Commission. I am Louisa Chafee, Director of the City's Independent Budget Office (IBO), and I am glad to be here in the Bronx to speak with you.

I am also pleased that the Commission is considering several of IBO's ideas. This Commission has an ambitious agenda having to do with several policy areas of great importance to New Yorkers. City procurement is certainly one such area. IBO welcomed the Commission's very thorough and thoughtful Preliminary Staff Report on this topic.

Elevating and Empowering the Mayor's Office of Contract Services (MOCS)

One of the key reforms IBO has supported in previous testimony, both here and at two other Charter Revision Commissions, is the need to embed the role and responsibilities of the Mayor's Office of Contract Services into the City's governance system, in the Charter. We are pleased that you are now actively considering this idea, and we understand that you may be weighing the need for better procurement management against the need for structural change. But both are equally important.

Not only from my vantage point at IBO, but also from my prior leadership roles at MOCS and HHS Accelerator, and as Deputy Secretary for Human Services for New York State, I agree that procurement reform requires a commitment to careful management at every level.

Given the scale of City government, that alone is not enough. No matter who the Mayor is, the job of managing the City's contracts – even just in the human services arena, let alone the billions of dollars to support the purchase of goods or services such as construction – requires a combined effort of dozens of City agency heads (and their staff), along with several oversight agencies, in addition to MOCS.

With authority shared by so many policy makers, it is no wonder that procurement is seldom a priority. At its core, MOCS' role is to foster accountability. If there's one area where IBO has real expertise, it's that IBO understands that accountability is not achieved in the shadows. Accountability must be transparent to the public. Essentially, that's the reason to put MOCS into the City Charter.

Chapter 1 of the Charter establishes and defines in some detail the respective roles of no fewer than 25 separate Mayoral offices but leaves MOCS out of the equation.¹ The exclusion of MOCS from that list

¹ § 13 - Criminal Justice; § 13-b - Civil Justice; § 13-c - Municipal Division of Transitional Services; § 13-d - Crime Victim Services; § 13-e - Street Vendor Enforcement; § 13-f - Neighborhood Safety and the Prevention of Gun Violence; § 15 -Operations; § 18 - Immigrant Affairs;

denotes, whether or not intended, a value judgment. MOCS' existence derives from a Mayoral Executive Order (EO), along with a hodgepodge of local laws assigning various tasks to its Director. Your report refers to the "flexibility that comes from [being] governed by executive order," but EOs are not well known or accessible to most agency staff, or to the public. The MOCS EO was last updated in 2008.² This opaque status of EOs exacerbates the tendency for agency heads, each of whom has their own Charter-specified mandate, to avoid focusing attention on MOCS' efforts to achieve compliance.

The most similar entity that is included in Chapter 1 is the Mayor's Office of Operations. Section 15 of the Charter details its duties, including two that emphasize citywide accountability. Operations is required to "plan, coordinate and oversee the management of city governmental operations to promote the efficient and effective delivery of agency services" and to "review and report on the city's management organization including productivity and performance functions and systems." The accountability mission for MOCS in the procurement arena should be defined very similarly.

The Contract Payment Process

I also welcome this Commission's efforts to address the City's devastating problem of lateness in paying nonprofit vendors that provide human services, especially services to children, older adults and other vulnerable New Yorkers. I would like to take this opportunity to clarify IBO's ideas in this area.

IBO did not propose a Charter mandate for across-the-board the payment of advances to human services vendors. While advances are useful, their issuance will not necessarily prompt more timely registration. Advances can provide some eventual relief to providers who have already endured having their contracts registered far too late. IBO welcomes the Adams administration's recent expansion of the use of advances, but IBO's testimony has focused on two *other* compliance problems:

- First, there is the problem of late registration. City agencies routinely expect human services vendors to continue to provide services for weeks (and sometimes months) during which there is no contract in place. Importantly, during that entire period of time the City is legally *barred* from paying that vendor. It cannot pay invoices and it cannot issue advances. Hundreds of human services providers will see their contracts end three weeks from today on July 1st and will not have new contracts in place for several months, during which time they cannot be paid.
- The second problem is late payment on invoices. Even vendors with multi-year contracts typically find that invoices languish at City agencies for long periods of time, often because an agency holds up the entire payment while it disputes a tiny percentage of the claimed costs.

IBO suggests that these two distinct problems require two different solutions. Beginning with late registration, the simple fact is that *something* must be registered or else the City cannot legally pay the vendor at all. The data is irrefutable that City agencies get their contract "extensions" registered on time

§ 19 - Office to End Domestic and Gender-Based Violence; § 20 - Long-Term Planning and Sustainability; § 20-a - Urban Agriculture; § 20-b - Commission on Gender Equity; § 20-d - Nightlife; § 20-f - Data Analytics; § 20-g - Office for the Prevention Of Hate Crimes; § 20-h - Minority and Women-Owned Business Enterprises; § 20-i - Food Policy; § 20-j - Cyber Command; § 20-k - Center For Older Workforce Development; § 20-l - Sports, Wellness and Recreation; § 20-m - Community Mental Health and Mental Health Council; § 20-n - Utility Advocate; § 20-o - Not-For-Profit Organization Services; § 20-p - Marine Debris Disposal and Vessel Surrendering; § 20-q - Healthcare Accountability.

² [Executive Order 121 \(2008\)](#). Section 3-113.1 of the Administrative Code requires Executive Orders to be searchable on the City website. If such posting exists, it is well camouflaged. The Mayor's website includes only Executive Orders issued since January 2022. The Department of Records and Information Services posts Executive Orders but does not specify which ones remain in effect currently.

at *far* higher rates than other types of contract awards, particularly new RFP awards, which are registered especially late. There are many ways the Charter could direct the Procurement Policy Board (PPB) to force agencies to use a contract type that they can register on time. The Charter should compel agencies to process contract extensions for contracts that would otherwise expire, in any case where continued payment otherwise would be at risk. Virtually all City contracts are cancelable by the City at any time, so an extension can be terminated and the parties can transition to the new contract once it is registered.³

So now I will turn to the second problem, that of slow payment on invoices. As your report noted, IBO supports a Charter mandate for the sound fiscal management practice of requiring City agencies to pay the majority of every invoice submitted by a human services contractor in good standing, within a reasonable time frame from its receipt (such as 30 or 60 days).

It is important to reflect on why this is needed. The private sector business model offers options that are not available to nonprofits. If a City agency is too slow to pay bills, private sector vendors stop providing services – or they raise prices to compensate for the risk. Nonprofit contracts are usually structured on a fixed-price basis, based on the budget the City allocates to the program, with little to no variation based on individual provider costs. Providers have no other customers to whom they can sell services when the City stops paying. Most importantly, these are mission-driven organizations committed to serving New Yorkers. So they just keep trying to function, even when payments lag.

IBO took a look at a small slice of this problem at the end of May 2025, pulling the payment data for human services contracts that ended on June 30, 2024, nearly a year ago. IBO excluded discretionary contracts (City Council member items) from the analysis, since so many of those are registered so very late and the Administration appears to be moving most of those to a grants-based process. Yet, of the 1,138 garden-variety human services contracts in the sample, only 157 had been paid even 90% of their contract value as of last month.⁴ For the 981 other contracts for which more than 10% of the contract value remained unpaid, all of which ended at least 11 months ago, the average unpaid balance is 35%. As bad as that seems, it should be noted that two-thirds of those contracts were multi-year contracts. Thus, if 35% of the total balance remains unpaid today, that is likely to mean that many payments are lagging for more than a year. That is indefensible.

Your report raised concerns over the potential administrative burden of a partial-payment policy and the potential disincentive for vendors to promptly and properly invoice. As an agency that uses the City's financial management and contract management data systems, IBO is confident the partial payment process could be automated, essentially triggering a set percentage to be paid to the vendor within a set time frame after submission and allowing a City agency to continue its vetting process before releasing the remainder. Also, since the majority of each human services program invoice covers just two sets of costs – payroll and rent – there is already a strong incentive for vendors to invoice on time and correctly.

³ IBO also agrees that "master contracts" could reduce the need for multiple registration processes. However, many of the vendors owed the largest amounts are managing multiple program contracts awarded by different agencies (via multiple budget codes in each of those agencies). Imposing a master contract requirement, while ideal, could prove operationally difficult for City agencies to navigate.

⁴ The assumption is that if a vendor has been paid at least 90% of the contract value, the difference between that and the full value may reflect services or costs that did not actually materialize, rather than simply invoiced amounts that remain unpaid.

The Commission is also considering the use of stricter terms in the Charter to compel the payment of interest when invoices are paid late. However, it is important to note that the vendors most likely to be harmed by the City's slow payments are the smaller, community-based organizations that are also unlikely to be able to access commercial credit, at any price, much less the interest rate the City would eventually pay, making this type of relief less helpful to them.

PPB Structural Changes

The last point I would like to address has to do with the PPB's structure. IBO supports three changes.

First, the Charter should mandate that the PPB meet at least four times each year.

Two, this Commission should expand the PPB to at least 9 members. They should continue to be appointed by the two elected officials who are (together) responsible for procurement, i.e., the Mayor and the Comptroller. But they should each be limited to only one member of their staff as appointees to the PPB, and each should be required to appoint at least three members who bring experience and expertise in the vendor arena. Given the range and scale of City procurement, one idea would be to require at least one appointee from each appointing official to bring experience and expertise from the human services arena, one to be connected to the construction industry, and one to bring experience from another procurement area, such as IT, professional services or commodities. You need look no further than Section 259(d) of the Charter for a model. That section defines how the two appointing officials who oversee IBO's Charter-mandated Advisory Committee must select nominees.

Lastly, the PPB should have at least a small staff, including a director, to be appointed jointly by the Mayor and Comptroller, and should be mandated to produce an annual report describing its rulemaking actions and evaluating their effectiveness. In its early years, the PPB indeed had a staff, but it was eliminated administratively some years later, as it was not Charter-required. One key reason why it would be useful for the Charter to restore this capability is that if the PPB were seen to have a separate structure from the Mayoralty, it could invite and facilitate potential rulemaking petitions by the public. Under Chapter 45 of the Charter, the City Administrative Procedure Act provisions (§ 1043-g) enable members of the public, including for example, the human services vendor community, to petition the PPB for a specific rulemaking, and to require that body to act on the petition within sixty (60) days.

Additional Considerations and Conclusion

Before I conclude, I would like to reiterate two IBO recommendations that were not addressed in your recent report. One is that this Commission should more strictly limit the extended use of emergency contracting. Such contracts are often very expensive, and as we saw with some of the asylum seeker services, it is important to move to more fiscally responsible and programmatically appropriate service delivery approaches as soon as feasible. The Mayor and the Comptroller should be mandated to renew their joint decision to use emergency procurement at least once every two years.

Finally, I'd like to return to a budget recommendation, namely that the Charter definition of the scope of a "unit of appropriation" should be tightened. The significance of this issue is likely to grow as the City grapples with major, perhaps devastating, federal cuts. Under section 100 c of the Charter, each U/A is supposed to reflect "a particular program, purpose, activity or institution" in order to ensure that the public has clear information as to how the City allocates resources. That goal remains elusive today.

Many agencies lump unrelated programs, often with very different funding streams, into a single U/A. For example, the Department for the Aging (DTFA) lumps all spending on home-delivered meals, homecare, and older adult centers into a single U/A, and the Department of Youth and Community Development (DYCD) combines after-school, adult literacy, and assistance to immigrants in a single U/A.

The Department of Education (DOE) places almost \$8 billion—over 23% of its budget—in a single U/A covering a wide array of educational programs. The Police Department has a single U/A that includes the budgets for all 123 police precincts, all boroughwide offices, and various specialty units. That one U/A was budgeted at \$1.6 billion in FY 2025, fully a quarter of the entire NYPD budget. This process conveys no useful information to the public or to the Council.

Particularly since it is likely that the budget in all of these areas will be impacted by looming federal cuts, the absence of understandable U/A information will have real consequences for public accountability.

I welcome the opportunity to continue to work with you and your staff around these and other ideas. I'm available if you have any questions this evening, or in the weeks to come.

**Testimony of Marla G. Simpson to
the New York City Charter Revision Commission
June 10, 2025**

Good evening, Chair Buery and members of the Commission. Please note: I am testifying only in a personal capacity, unrelated to my current employment. I'm here to support the Commission's consideration of common sense reforms to several obscure land use provisions, specifically, provisions governing city land disposition, the City map and the assignment of building addresses.

During the 1988-1989 Charter Revision, I led an initiative on behalf of New York Lawyers for the Public Interest, aiming to bring the voices of residents and community advocates from lower-income communities more fully into the debate around land use. We focused on the disposition of public land, and on then-accelerating gentrification trends, which we attributed at least in part to policies of the Koch Administration. Back then, the City and State owned huge amounts of land in those communities. About two-thirds of East Harlem, was publicly-owned, for example. Many City-supported projects consisted of new developments unlikely to be affordable to current residents.

In the spring of 1989, Schwarz Commission initially proposed to treat residential land disposition as a technical matter, to be decided by the professionals at the Department of City Planning, without any meaningful role for the local community. Zoning actions would trigger review by both a technical body and a political one (i.e., the City Council), but disposition would not.

So that was the rallying cry that brought our group forward, as we blanketed the hearings that spring and summer. Most of the folks we represented did not view DCP as accessible or particularly interested in their input. Without recourse to an elected body, the Council, area residents would be excluded from the debate over the future of their neighborhoods. So, for what it's worth, I think I coined the phrase eventually used by Chairman Schwarz, because I said that for the communities we represented, city land use disposition was the functional equivalent of zoning, and as a matter of basic fairness, it was wrong to try to prevent those communities' elected representatives from impacting those decisions.

So why am I here now? Because context matters. The convoluted framing of § 197-d.b(1) shows that the fight in 1989 was not about affordable housing. We protested the City's tendency to stick wildly unaffordable housing and commercial development into communities where housing was historically affordable. We did not object when the Commission excluded transfers of city property for affordable housing ownership from the Council review process. I can't sit here, with the benefit of hindsight, to say that we would have supported back then a decision to fast-track the process for affordable housing no matter what the scale. But I can tell you we were not trying to slow down the production of affordable housing when we sought, successfully as it turned out, to ensure that our communities would have a say in disposition. We were concerned about development at the other end of the spectrum.

Eventually, several of our allies became advocates of the Charter's adoption, including the Honorable Ruth W. Messinger, incoming Manhattan Borough President. To my great good fortune, she invited me to help shape her new land use role, as Director of Land Use Planning in the MBPO, and later, as Counsel. This leads me to your proposals around the City Map, topography, and address assignment, all of which I

oversaw during her administration. These functions were untouched in the 1989 Charter Revision process and remain today as they were since the City's consolidation, circa 1898.

I imagine that now, as then, some folks prefer to leave this archaic function untouched. But that makes no sense to me. The MBPO engineers reported directly to me. They did not exercise any meaningful role in the City Map process. We'd troop over to City Planning, where DCP's architects and engineers would instruct my team on what to do, and then my staff would return and implement the instructions, more or less as technical stenographers. By contrast with disposition, which really does have policy and political consequences, mapping proved to be an overwhelmingly technical arena.

And here's the rub. Even if there still are Borough President staffs that are exercising a more substantive role, the sad reality is that in the 21st Century, much of this process is still paper. It should be beyond debate that there are technical tools available to automate the process, with swifter and probably more accurate outcomes. Even in 1990, we struggled to recruit or retain staff who could match the expertise at City Planning, and the cost of technical software or equipment would have been prohibitive. Having seen this work up close, I cannot think of a reason why it should not be standardized citywide.

Finally, a word on address assignment. And that word is why. Why is this task also lodged in the office of the Borough Presidents in the first place? Why do we have a process that seemingly encourages the use of so-called vanity addresses? What public good is served by any of this?

We surely don't need five separate process versions in order for new building addresses to be assigned in street number order. There are real public health and safety reasons why it's important to keep address numbers in logical order. But because this function exists as it does, a practice has evolved whereby real estate developers (and occasionally others) decide that what the world really needs is another vanity address, to show how special a particular building is. Essentially, it is a city-subsidized marketing tool, and sometimes simply a city-sponsored way to enhance the sale price of a property.

Significant resources are devoted to address lobbying of sorts, and some of them are granted, to the detriment of first responders and ordinary pedestrians alike. We tried very hard, in the early 1990s, to rein in the practice, but with only limited success. I recommend that this Commission centralize the address assignment function, across all boroughs, and if possible, that you consider imposing a significant and recurring fee structure for the holders of such anomalous addresses. This would be in recognition of the significant cost that the City and its residents bear, not only on a one-time basis for the initial review, but on an ongoing basis, to ensure the delivery of services.

I'm available if you have any questions.

The New York Times

<https://www.nytimes.com/1989/05/26/nyregion/how-to-lobby-for-a-charter-plenty-of-persuasion-helps.html>

How to Lobby for a Charter: Plenty of Persuasion Helps

By Todd S. Purdum

May 26, 1989



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For 50 hours this month and last, the 15 citizens drafting a new government for New York City worked in public sessions as fumbling and querulous, open and unpredictable as democracy itself. In front of hundreds of people, they fought over questions from representative government to revenue estimates.

But the members of the Charter Revision Commission also had their ideas challenged and shaped in scores of informal talks with politicians, planners, developers and civil rights and community groups. They were buffeted and sometimes bent by powerful people who saw change and feared it, and by others who feared that change would not go far enough.

The lobbying took commissioners and their staff to a breakfast meeting with the Bronx Borough President, a dinner meeting with the Queens Borough President and scores of meetings in between with groups from African-Americans & Latinos for a Just City Government to four past chairmen and the current chief of the City Planning Commission.

The lawyer who filed the successful suit against the current government that made the commission's work necessary telephoned from a vacation on the ski slopes of Utah, worried that the five borough presidents might get too much power in the new government.

City Council members who feared that they would have too little power buttonholed commissioners on trips to the bathroom during their public meetings. 'The Strongest Possible Kidneys'

"It's being done in such a fishbowl atmosphere that everybody is watching and, quite frankly, at times having some input," said Councilman Walter McCaffrey of Queens. "If I were a member of the commission, I would hope God had endowed me with the strongest possible kidneys so I would never have to get up from the meeting table and go through the gantlet of people eager to give me their point of view - including me."

"I'm not entirely sanguine about what the final document is going to look like," said Councilwoman Ruth W. Messinger of Manhattan, who is running for borough president and has lobbied the commission assiduously. "But I think they really did pass the test of being available to talk to a variety of people who clearly have a strong interest in what gets done."

In this mix of public and personal persuasion over 22 days ending May 15, the commission managed to agree on the broad outlines - and many of the fine brushstrokes - of a proposed political restructuring of the nation's largest city. Its work actually began more than two years ago, and much remains to be done in more hearings and meetings before the end of June.

But these weeks were a watershed in which the commissioners survived intense criticism and sought to forge a consensus on proposals that would be acceptable to voters in a referendum this fall. To comply with the state's open meetings law, they held all deliberations in public. When it was over, none of the interested parties could claim to have won all they wanted.

The city's five borough presidents would gain new executive roles, but not the special privileges and deference they sought. City planners and developers prevailed in their argument that two bodies were not needed to rule on different aspects of zoning, but they lost their quest for a part-time planning commission where the mayor's appointees would make a majority.

Citizens groups who feared that no elected officials would review the placement of contested city buildings like jails or shelters won a promise that the commission would try to propose a way for politicians to review costly major projects, but probably not smaller ones.

Minority groups who feared that the commission was working too quickly and not leaving enough time for debate won meetings with the chairman and many commissioners, but the commission has not slowed down.

"We had people expressing strong views," said the commission's chairman, Frederick A. O. Schwarz Jr. "We had people seeing the virtue of the other person's opinion. We accepted things we thought were good. We rejected things we thought were wrong. We didn't have cabals." Two issues consumed much of the commission's time and show how it worked: what to do about the borough presidents and how to govern land. The Big Scramble To Retain Power Perhaps no lobbyists received more attention than the borough presidents, who now derive most of their power as members of the Board of Estimate, the peculiar legislative-executive hybrid that controls land use, contracts, franchises and shares power over the budget with the weaker City Council.

But the United States Supreme Court ruled the board unconstitutional in March, because the borough presidents each have one vote while representing populations that vary widely in size. The charter panel proposed to abolish the board, whose other members are the mayor, the City Council president and the comptroller, and divide its powers among an expanded Council, a new Planning Commission and the mayor.

That left the borough presidents scrambling to retain as much power as they could. For a long time, they had offered conflicting proposals and could not agree among themselves, and the commission rejected alternatives - including making them part of a two-house city legislature - that some of them liked.

Partly because the commissioners feared the borough presidents might actively campaign against their proposals, they showed them special deference. Mr. Schwarz met personally, on their home turf, with Claire Shulman of Queens, Fernando Ferrer of the Bronx and Ralph J. Lamberti of Staten Island.

In turn, the borough presidents lobbied the commission. In a break at one public meeting after Mr. Schwarz explained his thoughts on an executive role for them, Mrs. Shulman told a commission member from her borough, Therese M. Molloy, "They're steamrolling you."

"Don't worry, it's not over yet," Ms. Molloy replied.

At that same meeting, the commission's vice chairman, Harriet R. Michel, said she wished the borough presidents would agree on what they wanted. Four days later, in an extraordinary appearance at another commission meeting, some of them did.

Mrs. Shulman and Mr. Ferrer stood at a lectern and scolded Mr. Schwarz and the commission for not recommending enough power for them. The panel set aside its planned agenda -something it did for no other group -and debated the borough leaders' ideas for several hours. Ms. Molloy said she thought the commission was trying to give the borough presidents power.

"We're not trying to give them anything," Mr. Schwarz replied in a rare burst of irritation. "We're trying to allow for a process in which they can have a proper role."

Finally, Mrs. Michel, noting the commission's full agenda, said it needed to move on. "This may be democracy at its best, but I don't know how productive we're going to be," she said.

At that, Mrs. Shulman, who was still in the room, remarked loudly: "And she's our friend? She's our friend?"

The commission adopted some of the borough presidents' ideas that day, including one that would allow them as a group to propose 5 percent of new, discretionary spending in each year's municipal operating budget. But it voted down suggestions that would have required a two-thirds majority in the Council to overturn a borough president's budget choice, and a three-quarters vote in the Planning Commission to overturn or change a borough president's recommendation on a proposed land use change.

After the 10 1/2-hour meeting, Mr. Schwarz had just returned home to his apartment on Riverside Drive when his telephone rang. It was Richard D. Emery - the lawyer who brought the case against the Board of Estimate and who has sought to minimize the borough presidents' powers - calling for a report on the day's events.

"It's like putting your money where your mouth is," Mr. Emery said of such calls. "I am absolutely and totally committed to this process." Several Proposals On Handling Land Use Another issue that dogged the commission was how to handle land use. Mr. Schwarz originally proposed requiring the city to issue a four-year plan every other year, outlining its intentions for buying, selling or building on each city-owned plot, and for spreading projects from parks to jails fairly among the boroughs.

The plan would have become final after review by a new commission on land use. That commission would also review zoning changes for specific sites while a separate planning commission would review broad zoning changes.

But this raised an outcry among developers, planners and city officials, who said it would be too cumbersome, it might make adequate environmental reviews impossible, and it would weaken planning by splitting responsibility for it.

Four former chairmen of the City Planning Commission - Donald H. Elliott, John E. Zuccotti, Robert F. Wagner Jr., Herbert J. Sturz - and the current chairman, Sylvia Deutsch, went to see Mr. Schwarz to argue against the plan. Mr. Zuccotti is now a leading lawyer for real-estate developers.

Another major development lawyer, Samuel H. Lindenbaum, the son of a former Planning Commission member, expressed his concerns to the charter commission's executive director, Eric Lane.

Mr. Schwarz decided to drop his original plan and told the commission in a public meeting that he did so partly because of the planners' and lawyers' concerns.

"Laying things all out for the public to see it seems to me is a much better way than late-night closed-door deal-making," Mr. Schwarz said. "The price of doing so is that one's vulnerabilities are laid out. And since these judgments are exceedingly difficult, it is obvious that as one is striving to find the right way, one is going to have some false starts and change one's mind."

The charter panel agreed that there should be only one commission to govern land, and decided to propose an 11-member body.

But it did not accept the planners' view that Planning Commission members should work part time and be eligible to serve more than one term, or that a majority should be named by the Mayor. It voted to recommend that they work full time, for a single term, with four appointed by the mayor, two by the Council president and one by each of the borough presidents.

Mr. Schwarz also changed his thinking on what land-use matters the City Council should be empowered to review. Because he wanted to keep the Council from wrangling over individual shelters or AIDS hospices, he originally proposed that the Planning Commission should make the final decisions. 'New Hypotheticals' Change Schwarz's Mind

But civic groups and public interest lawyers contended this would remove important decisions from political review. They lobbied the charter panel intensely, and several commissioners, including Archibald R. Murray, raised the issue in public meetings. Mr. Murray expressed concern that huge projects like incinerators might be built with the approval only of appointed officials.

Mr. Schwarz said that example made him reconsider. So did a talk with Marla Simpson, a housing lawyer and director of the Clinton law project for New York Lawyers in the Public Interest. She told Mr. Schwarz that large tracts of city-owned property in poor neighborhoods should only be sold after review by elected officials, including representatives from those neighborhoods.

"It's part of how lawyers tend to think that they do best when deriving principles from facts," said Mr. Schwarz, an experienced litigator who headed the city's law department for five years. "Quite frankly, my mind had been on the shelter on the corner, and how inappropriate it was for a legislative body to consider that, and how much time would be lost. It was really the new hypotheticals that made me think again."

The commission's secretary, Nathan Leventhal, said he thought the lobbying was good. "I, for one, welcomed the frequent comments by officials, elected and otherwise," he said. "In my mind it helped sharpen the issues, particularly on

things like land use and budgeting from the borough perspective. Whether we will ultimately succeed in getting support from some of these folks, I don't know, but I think the process has worked well."

Some critics complain that the commission was too quick to abandon intriguing ideas - like the four-year plan - that met stiff opposition. But Mr. Lane defended its choices.

"The political process for arriving at a government that people will vote for, that they will participate in, is not a negative process," he said. "It's a positive process. Our fundamental responsibility is to find a government people think will work for them, not to offer some individual's view of utopia."

A version of this article appears in print on , Section B, Page 1 of the National edition with the headline: How to Lobby for a Charter: Plenty of Persuasion Helps

The New York Times

<https://www.nytimes.com/1990/07/15/nyregion/addresses-in-times-square-signal-prestige-if-not-logic.html>

Addresses in Times Square Signal Prestige, if Not Logic

By David W. Dunlap

July 15, 1990



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July 15, 1990, Section 1, Page 1 [Buy Reprints](#)

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You could spend a lifetime walking up and down Wall Street and never tread on Wall Street Plaza, circle Times Square endlessly and miss 2 Times Square and pace the length of the Avenue of the Americas without entering No. 1325.

Developers count on vanity addresses to add prestige to their projects, enhancing their tenancy and rent rolls. After all, Wall Street Plaza sounds more like a financial landmark than 88 Pine Street. Two Times Square would certainly attract more attention than 1572 Broadway. And 1325 Avenue of the Americas has a cachet that 145 West 53d Street does not.

The Manhattan gridiron plan, with its numbered avenues and side streets, dates from the early 19th century, and regular addresses seemed to suffice until the 1960's. Then, as developers built increasing numbers of office and residential towers that were otherwise difficult to distinguish, the use of vanity addresses came into vogue.

Ease of Approval

Since then, to accommodate development, the Manhattan Borough President's office has approved requests for vanity addresses, apparently with ease - if not abandon. (How else to explain the ring of Penn Plaza addresses around Madison Square Garden and Pennsylvania Station? In clockwise order they are 1, 15, 11, 7, 5 and 12.) Now, Borough President Ruth W. Messinger is proposing to impose some logic and numerical order on the process and to extract from developers who seek vanity designations more "than a mere assertion of the address's value in establishing or improving a building's image."

"Addresses must be assigned with public safety and convenience in mind," Ms. Messinger said. "They should be able to be easily found by everyone from ambulance drivers to postal workers to tourists. I may be biased, but all of New York is still a prestigious address."

The rules, as drafted, would place a premium on common sense, by requiring the Borough President to consider whether a building "has or will have an entrance opening onto the street requested" and whether the number "falls within an

established, standard sequence."

The criteria were a little more relaxed when Mayor David N. Dinkins was Borough President from 1986 to last January.

"In general the Borough President's policy at that time was that if it were feasible, if it were not rejected by the post office, we would try to facilitate the designation," said Anthony C. Gulotta, former consulting engineer in the Borough President's office, whose duties included assigning addresses. He is now chief engineer of the Transportation Department.

In Mr. Dinkins's term, the address 1325 Avenue of the Americas was given to an office tower that is 450 feet from the avenue.

The Indecipherable 'Penn Plaza'

Even though the standard West Side numbering sequence starts with low numbers on the east, say at Fifth Avenue or Central Park West, and goes to higher numbers on the way to the Hudson River, the address 62 West 62d Street was given to a building that is east of 44 West 62d Street. That has misled so many people looking for No. 44 that the director of land-use planning in Ms. Messinger's office, Marla Simpson, said the office was still receiving complaints weekly.

If some confusing addresses were created in Mr. Dinkins's tenure, others were rejected, most notably three applications to expand the indecipherable "Penn Plaza" designation. Also, at Mr. Gulotta's suggestion, an eight-page directory was issued, available from the Borough President's office for \$2, that locates 79 "plazas."

Ms. Simpson was quick to say that she did not fault Mr. Dinkins, Mr. Gulotta or their predecessors. "I wasn't here and I don't want to be critical of any specific person," she said. "We are critical of the absence of standards. We are concerned about out-of-sequence and vanity addresses. They're really proliferating. It's hard even for old-timers - but particularly for newcomers - to find their way around town."

The matter of 2 Times Square may provide the first test of the new standards. For years, the developer, Jeffrey Katz, has been using that designation to describe a proposed project on Broadway at 47th Street. His trapezoidal parcel actually overlooks Duffy Square, named for the Rev. Francis P. Duffy, a celebrated chaplain in World War I. The square is at the northern end of the bowtie formed as Broadway and Seventh Avenue cross. Times Square is the southern half of the bowtie. The former headquarters building of The New York Times is now known as 1 Times Square Plaza. #25-Story Hotel Planned Now that demolition is nearing completion on the 47th Street site, where Mr. Katz plans a 25-story hotel, aides to Ms. Messinger are wondering whether "2 Times Square" would fit more logically on one of the four towers in the 42d Street redevelopment project, at Broadway and Seventh Avenue, that the Prudential Insurance Company and George Klein are planning.

"One Times Square everybody knows," Ms. Simpson said. "It's the 'zipper' building. One would assume that the next buildings would be sequential, that 'Times Square' buildings would be on Times Square."

"Two Times Square would be fully five to six blocks from 1 Times Square," she said, if Mr. Katz's project were to receive that designation. "We are not at all ruling that out. But we're very troubled that we would perpetuate the situation we have with Penn Plaza."

Mr. Katz maintains that his chosen address is already in wide use. "All over the world the project is known as 2 Times Square," he said. "Everybody calls it 2 Times Square. I can cite articles in Japan, Hong Kong, the U.S. and Canada."

Broadway, From Start to Middle

Complicating the situation on Times Square will be 1 Broadway Place, an office tower under construction at 45th Street. Visitors who confuse it with 1 Broadway will find themselves about six miles distant from their desired destination.

If there is a mitigating factor to 1 Broadway Place, it is that the developer, Ian Bruce Eichner, has not asked for that as the official address. Instead, the tower will carry the designation 175 West 45th Street.

And at least 1 Broadway Place is on the thoroughfare from which it takes its name. That cannot be said of 1325 Avenue of the Americas, a 35-story tower with entrances on 53d and 54th Streets. It is closer to Seventh Avenue than it is to Sixth.

Mr. Gulotta said the request for that address went through a "very lengthy" review. It was granted on the basis that the tower occupies the same zoning lot as the New York Hilton, which really does have frontage on the avenue.

Signs and Sidewalk Clock

The Borough President's office also required the developer, Edward J. Minskoff Equities, to post directional signs to the midblock building.

Eventually, a sidewalk clock on the Avenue of the Americas is to point the way westward to No. 1325 and also "give something worthwhile to the community," a vice president of Minskoff Equities, Jeffrey Sussman, said.

In dollars and cents, the long review, the signs and the clock will probably prove worthwhile for the developer. "An established business address has value," Mr. Sussman said.

No matter how confusing they may be, Ms. Simpson said, it is unlikely any past designations will be undone.

Attempts by the residents of 44 West 62d Street to overturn the designation of No. 62 were rebuffed in October by Justice Norman C. Ryp of State Supreme Court in Manhattan.

Because the Postal Service had recommended the use of No. 62, Justice Ryp declared, the Borough President's decision was rational and not an abuse of discretion. Moreover, he wrote, "Nowhere in the case law is there any mention, much less requirement or restriction, of sequential street numbering."



How to Streamline City Land Use Review to Boost Housing Production

Submitted to the 2025 New York City Charter Revision Commission

June 23, 2025

Sean Campion, Director of Housing and Economic Development Studies, Citizens Budget Commission

Good evening. I am Sean Campion, Director of Housing and Economic Development Studies at the Citizens Budget Commission (CBC), a nonpartisan, nonprofit think tank and watchdog devoted to constructive change in the finances, services, and policies of New York State and City governments. Thank you for the opportunity to offer additional recommendations to improve New York City's land use decision-making process through City Charter revisions.

In March, CBC recommended three Charter revisions to improve the City's Uniform Land Use Review Procedure (ULURP). We thank the Charter Revision Commission (CRC) staff and the Commissioners for considering two CBC proposals in full in the Preliminary Report released earlier this spring: combining Borough President and Community Board advisory reviews to shorten the process; and establishing a ULURP Appeals Board.

Today, we ask the Commission also to consider a refined version of our third recommendation: to streamline ULURP by fast-tracking modestly sized projects and removing non-zoning actions from ULURP.

Fast-Tracking Modestly Sized Projects

The CRC's *Preliminary Report* identifies several options to create a "fast track" review process, or a "junior review" for "junior changes." CBC continues to recommend a fast-track review ending with the City Planning Commission (CPC) based on project size. We recommend that Type II actions under City Environmental Quality Review (CEQR) rules—which under City's Green Fast Track reforms include residential buildings of 250 or fewer units in moderate- to high-density zoning districts and 175 or fewer units in low density districts—be fast-tracked through ULURP.

Broad streamlining is better land use and housing policy than fast tracking a small subset of subsidized projects or a subset of projects in neighborhoods that fail to meet fair housing goals. Fixing the process for the widest scope of projects is needed to meaningfully increase

production. A threshold based on project size would benefit all types of residential development—including home ownership, mixed-income, and 100 percent affordable housing—in all areas of the city where modestly sized projects are not currently allowed as-of-right.

Streamlining all modestly sized projects would also benefit the applications that are most likely to be deterred by the cost and uncertainty of ULURP. ULURP's one-size-fits-all process has a chilling effect on many proposals, regardless of their ownership status or income mix, but its effect is largest on modest projects. According to the *Preliminary Report*, developers only take on the risk of ULURP for the promise of a substantial increase in density; projects that need only a modest increase in density are those least likely to risk the ULURP process. Those modest projects would benefit the most from streamlining.

Removing Non-Zoning Actions from ULURP

The *Preliminary Report* discusses exempting non-zoning actions if they are required for affordable housing and resilience projects. This would be a step in the right direction. But broadening this approach to other non-zoning actions would be even more beneficial.

We recommend all non-zoning actions be exempt from ULURP, and subject instead to administrative reviews. However, if the CRC were interested in prioritizing specific actions to streamline, CBC would recommend three areas:

1. **Exempt all "minor" revocable consents and franchise agreements:** City Planning could propose rules to define major and minor revocable consents and franchise actions, like the current distinction the Charter and City rulemaking make between major and minor concessions. This would allow modest projects to move more quickly while reserving the full ULURP process for revocable consents and franchise agreements with major land use or fiscal impacts.
2. **Exempt otherwise as-of-right public projects:** In addition to resiliency projects, many other City projects, such as new parkland, should be exempt from the full ULURP process. Exempting all public actions that do not require zoning changes from ULURP is preferable, but it is especially critical for those below a certain size. For example, the City should be able to acquire land for a small park or public library without the currently required full review process.

This exemption would not remove or diminish City Council input into public projects. The City Council would still weigh in on funding for public projects through the City's budget process, and many large projects, which typically require multiple approvals and zoning changes, would still go through the full ULURP review.

3. **Exempt special permits:** Special permits are administrative, not legislative actions because they have already been enacted by the City Council, and the CPC is administering them according to the zoning resolution. Therefore, we see no legal or policy rationale to require Council approval.

CPC administers dozens of special permits, many of which apply to otherwise as-of-right projects or activities. For most of these special permits, the zoning text approved by the Council includes conditions the applicant must satisfy for the CPC to grant the special permit.

If the Commission did not want to exempt all special permits, two alternatives would be to allow the City Council to call up special permits only if the applicant is required to conduct a full Environmental Impact Statement under CEQR or empower City Planning to write rules distinguishing between minor and major actions based on size thresholds for specific special permits. There may be alternative ways to categorize the special permits that should be exempted, and we may provide additional recommendations to the commission.

Thank you for the opportunity to testify, and I look forward to answering any questions you may have.



THE COUNCIL
OF
THE CITY OF NEW YORK
FRANK MORANO
51ST COUNCILMANIC DISTRICT

June 23, 2025

Richard R. Buery, Jr.
Chair
Charter Revision Commission
City Hall
New York, NY 10007

Re: Giving Council Members' Binding Authority Over Community Board Appointments

Dear Chair Buery and Commissioners:

We write to strongly urge the Commission to amend the City Charter to grant City Council Members binding appointment authority over a portion of Community Board members in their districts.

As Council Members, we are on the ground in our communities every day. We attend civic meetings, hear directly from our constituents, and engage with the very stakeholders who serve—or seek to serve—on Community Boards. We believe it is past time that this direct democratic connection be given real weight in the appointment process.

The Problem: A Disconnect Between Representation and Authority

Under the current Charter, City Council Members may submit recommendations for Community Board appointments, but the decision ultimately rests with the Borough Presidents. While we recognize the Borough Presidents' citywide coordination role and value their contributions to borough-wide planning, this structure creates a disconnect between representation and authority. It has too often led to situations where well-qualified individuals, deeply embedded in and trusted by their communities, are denied appointments or reappointments for reasons unrelated to performance or community feedback.

This is not a theoretical concern—it is a lived reality for many of us. We have all encountered cases where our informed, thoughtful recommendations were disregarded. This practice undercuts the legitimacy of Community Boards and frustrates constituents who rightly expect their elected Council Member’s input to carry meaningful weight.

A Modest, Balanced Reform: Binding a Share of Appointments

We propose Chapter 70 Section 2800(a) of the New York City Charter be amended as follows, or with similar language, to allow each Council Member binding authority over a specified portion of appointments to the Community Boards that serve their district:

“For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons, *half of which would be appointed by the borough president and half appointed by the council members* elected from council districts which include any part of the community district.”

And additionally amended to read:

“Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president *or the respective council member who appointed them...*”

Under this provision, for example, if a Community Board has 50 members, and 25 positions are open in a given cycle, the Council Member whose district covers the majority of the Board’s geography could be authorized to directly appoint a fixed number—say, 5 to 7—of those members.

Furthermore, the Council Member should be given the same binding authority as a Borough President to re-appoint or remove community board members he or she has appointed. This would require amending Chapter 70 Section 2800(b) of the New York City Charter to read as follows:

“An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the borough president, *the respective council member who appointed them*, or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the borough president or *the council member* for the remainder of the unexpired term in the same manner as regular appointments.”

This approach would:

- **Enhance accountability.** Council Members are directly elected by the communities served by Community Boards. Giving us the authority to appoint some members ensures there is a direct line of democratic responsibility if Boards become dysfunctional or out of touch.

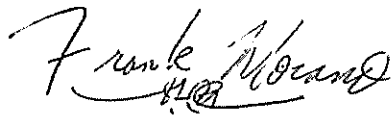
- **Diversify representation.** Borough Presidents often rely on centralized networks and legacy affiliations. Council Members, by contrast, are more likely to know and elevate emerging voices—especially those from underrepresented or newer community segments.
- **Promote responsiveness.** When residents bring issues to our attention about the performance or composition of their Community Boards, they rightly expect that we have the power to make change. Currently, we cannot. This reform would give communities a stronger say through their elected representative.
- **Strengthen intergovernmental balance.** Just as Mayoral appointees to City agencies are balanced by Council oversight, so too should a Borough President's authority over Boards be balanced by Council appointment powers. This is a matter of simple checks and balances.

A Nonpartisan Issue of Good Governance

This proposal is not about political advantage or partisan power—it is about fairness, accountability, and making local government more representative and responsive. Members of this caucus represent a wide range of political perspectives, but we are united in our belief that the communities we serve deserve a more meaningful say in the boards that shape neighborhood development, land use, and city services.

We ask the Commission to give this proposal serious consideration and welcome any opportunity to engage further as you complete your final recommendations.

Sincerely,



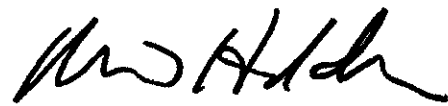
Frank Morano
Council Member, 51st District



David Carr
Council Member, 50th District



Joann Ariola
Minority Leader, 32nd District



Robert Holden
Council Member, 30th District



Vickie Paladino
Minority Whip, 19th District



Kristy Marmorato
Council Member, 13th District



Susan Zhuang
Council Member, 43rd District



Inna Vernikov
Council Member, 48th District



Julie Menin
Council Member, 5th District



Nantasha Williams
Council Member, 27th District



Julie Won
Council Member, 26th District

CC: Danielle Castaldi-Micca
Executive Director, NYC Commission to Strengthen Local Democracy