

# CHARTER REVISION COMMISSION

Proposed Final Report



2025

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# Executive Summary

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

Over the past seven months, the Commission has heard ideas for Charter reform from experts, practitioners, advocates, and New Yorkers from across the five boroughs. After careful deliberation and review of the entire Charter, the Commission will forward to voters five separate amendments to the Charter, with reforms that address housing and land use, and elections and voter turnout.





Together, these reforms would:

- **Fast Track Affordable Housing** by making it easier to build more affordable housing across the city, allowing affordable housing to be produced more quickly and at lower cost, and helping ensure that every community adds affordable housing;
- **Simplify Review of Modest Housing and Infrastructure Projects** by creating a streamlined review procedure for actions that will add modest amounts of additional housing, protect New Yorkers from flooding, and create new open space;
- **Strike a Better Balance Between Local, Borough, and Citywide Views in the Creation of Affordable Housing** by establishing a new Affordable Housing Appeals Board made up of the City Council Speaker, Borough President, and Mayor;
- **Modernize the City Map** by centralizing and digitizing a City Map that currently exists as over 8,000 paper maps across five separate offices; and
- **Significantly Boost Turnout in Local Elections** by moving City elections to the same year as Presidential elections, when turnout is far higher and the voting population looks more like New York.



## Housing and Land Use

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

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

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

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

Most land use changes are governed by the Charter’s Uniform Land Use Review Procedure, or ULURP. ULURP includes advisory recommendations from the relevant Community Boards and Borough Presidents, followed by binding votes by the City Planning Commission, and if approved, the City Council. The Mayor can veto a City Council approval, and the City Council can in turn override that veto with a two-thirds vote. On top of that Charter-mandated procedure is a defining feature of our City’s land use process that is nowhere in the Charter: a practice known as “member deference” in which the entire City Council defers to the local councilmember on land use proposals within that district. At the time of writing, no housing proposal has been approved through ULURP without the support of the local councilmember in 16 years.

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

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



will bring in enough revenue to justify years of costs prior to approval — are ever put forward.

In addition to the land use process, the City Charter also establishes the City Map, the official street map of the City of New York. Though little known, the City Map is a crucial tool in the city's ability to create housing and deploy infrastructure. Today the City Map consists of five different sets of maps, one for each borough, totaling over 8,000 individual paper maps. A unified City Map of all five boroughs has never been adopted, leaving a fragmented and archaic process rooted in the early 20<sup>th</sup> century. This outdated system can add months or years of delays to projects that could help address the city's housing crisis.

The climate crisis is perhaps the most existential challenge for the future of New York City. And, as the Commission has heard, the processes that govern land use changes frequently delay or prevent necessary infrastructure improvements that protect the city from flooding and promote resiliency. This should be no surprise: the City Charter received its last major overhaul in 1989, just one year after NASA scientist James Hansen first testified to the U.S. Senate about the existence of a “greenhouse effect.” An update to the Charter that reflects the urgency of the climate crisis can support resilience, flood prevention, and disaster preparedness.

To address these challenges, the Commission is forwarding four proposals to voters. None of these proposals would exempt land use changes from public review or by itself allow development. Instead, each of the proposals would change the *process* by which the City decides whether to allow land use changes. None of these proposals would eliminate or shorten the opportunity for Community Board review. And none of the proposals would alter environmental review, building and construction standards, or protections for historic districts or landmarks.

The Commission is grateful for the feedback it has received on these proposals since the release of the interim report, which has helped to shape the final report. Stakeholders from Comptroller Brad Lander to the New York Housing Conference to the Municipal Art Society of New York have expressed support for the housing and land use-related proposals. Feedback from members of the City Council and others in response to the interim report has informed modifications to the proposals that are reflected in the final report.

### **Question 1:**

## **Fast Tracking Affordable Housing**

In the first ballot question, the Commission proposes an amendment that would create new fast track public processes for affordable housing. First, the amendment would create a new zoning action for publicly financed affordable housing projects administered by the Board of Standards and Appeals (BSA). Second, the amendment would establish a fast track public review procedure for applications that deliver affordable housing in the Community Districts that produce the least affordable housing. These changes are intended to help New York City build more affordable housing, allow affordable housing to be produced more quickly and at lower cost, and help ensure that every community adds affordable housing.





Over months of testimony, the Commission has heard that the existing Charter-mandated process for creating new affordable housing is too long, costly, and unpredictable, even and sometimes especially for affordable housing supported by City funds. It has also heard that while some neighborhoods are adding transformative levels of affordable housing, other neighborhoods produce little or no affordable housing today. These reforms, which build on the City Council's Fair Housing Framework, as well as existing processes within BSA, are intended to tackle both challenges.

### Fast Track Zoning Action

This proposed amendment would create a new zoning action at the BSA for publicly financed affordable housing projects. This new action would be available only to Housing Development Fund Companies (HDFCs), the legal vehicle for virtually all publicly financed 100-percent affordable housing projects in New York City.

Today, the BSA already has the power to grant affordable housing projects relief from zoning. However, existing BSA actions for affordable housing are too onerous and difficult to use at the scale necessary to address the city's housing crisis. By creating a broader, shorter, and simplified action, the Fast Track Zoning Action would allow more affordable housing developments to obtain zoning relief through BSA. As a result, many affordable housing developments that today are required to go through a full ULURP action would be able to proceed through BSA, although larger, more complex, and projects involving City land would still need to proceed through other processes.

Testimony before the Commission emphasized that this reform will be particularly helpful to smaller affordable housing builders, like minority- and women-owned businesses and the faith-based community. For example, because it would grant project-specific relief, testimony received by the Commission indicates that this action could significantly lower costs for

affordable housing projects, making it easier for smaller builders to seek changes needed to unlock affordable housing.

To receive zoning relief, an applicant would need to demonstrate that an eligible project is consistent with neighborhood character and that zoning relief will promote affordable housing development. This "neighborhood character" finding is already common to other BSA actions, and would ensure that an approved project will not clash with a neighborhood's existing built context. A separate "programmatic necessity" finding would ensure that a project is consistent with the City's affordable housing development standards and will likely receive backing from the Department of Housing Preservation and Development (HPD) or another government entity if approved. And to ensure that the action is limited in scope, it would only be available in zoning districts that already permit residential uses.

The process for a Fast Track Zoning Action would balance the need for community input with the imperative to move affordable housing projects more quickly. Once an application is filed, the BSA would be required immediately to refer a Fast Track application to the affected Community Board, where it would have a 60-day review, just as it does today. During its review period, the Community Board could hold a hearing and provide a recommendation to BSA. The BSA would be required to hold a hearing on an application within 90 days of filing, and issue a decision within the next 30 days unless a project requires a significant redesign. In sum, the BSA Fast Track would conclude in less time than a typical rezoning takes to even begin ULURP.

### Affordable Housing Fast Track

This proposed amendment would also establish a new public review procedure for applications that deliver affordable housing in the community districts that permit the least affordable housing. Building on the City Council's Fair Housing Framework, which was written into the Charter in



2023, the proposed amendment is intended to increase the production of affordable housing across the city and help ensure that every neighborhood contributes to the need for affordable housing.

This proposal builds on extensive testimony before the Commission. As the Commission has heard, while many communities continue to add significant amounts of affordable housing, some communities add next to none. To address this problem, and at the urging of Speaker Adrienne Adams, the City Council unanimously passed the Fair Housing Framework, which requires the city to propose housing goals for every community district every five years. But the City Council, because it acted through ordinary local law, lacked the power to make its framework enforceable. Housing experts, community groups, builders of affordable housing, councilmembers, and others have called for the Commission to build on the Council's framework by adding a new mechanism that would fast track projects in the parts of the city that fail to add affordable housing. In its proposal, the Commission is doing just that.

Every five years, beginning in October 2026, the City will release a report on the rate of affordable housing permitting in each of the 59 Community Districts over the past 5 years. In the 12 Community Districts that permitted the least affordable housing during those prior five years, rezoning applications that are required to deliver affordable housing under the City's Mandatory Inclusionary Housing (MIH) program would have access to a new land use procedure: the Affordable Housing Fast Track. This procedure would include

the same 60-day opportunity for Community Board review as exists under ULURP today. To speed review, the Borough President's advisory review period would run concurrent with the Community Board. Following the Community Board and Borough President, the City Planning Commission would have 30 days to review an eligible application and hold a final vote. In the rest of the city, and for any project that is not required to deliver affordable housing under the MIH program, the ordinary process of land use review would remain unchanged. In this way, the Fast Track is narrowly targeted to address the need to build affordable housing in the few districts that build the least, while leaving the ordinary process of public review in place for the lion's share of all changes.

By ensuring that affordable housing is created in every community, the Fast Track would help address a persistent and inequitable pattern of affordable housing production. Today, that pattern contributes to rising costs, segregation, displacement, and gentrification. It severely restricts housing opportunity in much of the city, and it pushes many lower income families and households to neighborhoods where they would not otherwise choose to live — or out of the city altogether.

The proposed amendment both buttresses the Fair Housing Framework and may serve as a bridge to a more comprehensive approach to planning. When reviewing an application on the Fast Track, the City Planning Commission would be required to assess the application's consistency with the Fair Housing Framework. The City Planning Commission would also be required to find that a proposal is adequately supported by transit, sewer, and other infrastructure before it could be approved. And to integrate the Fair Housing Framework into the City's long-term planning, the proposed amendment would amend the City's Ten-Year Capital Strategy, which is the City's primary long-term planning tool for infrastructure and other capital investments, to incorporate both the Fair Housing Framework and the Fast Track's geography.







## **Question 2:** **Simplify Review of Modest Housing and Infrastructure Projects**

In the second ballot question, the Commission proposes an amendment to create a simplified review process, known as the Expedited Land Use Review Procedure (ELURP), for certain land use changes, including:

- Modest housing proposals that increase residential capacity by no more than 30% or allow housing with a standard height no taller than 45 feet;
- Acquisition, disposition, and City Map changes related to affordable housing; and
- Infrastructure and resiliency projects, like projects to prevent flooding by raising the grade of a street and to build solar panels on public land.

## **Expedited Land Use Review Procedure (ELURP)**

ULURP today is a one-size-fits-all process, subjecting both big and small changes to the same process of public review. In many cases, the full process of public review set out in ULURP is appropriate. But the one-size-fits-all approach means that many modest changes, such as proposals to enable a small amount of additional housing, unlock affordable housing on public land, or protect flood-prone communities, are forced into a lengthy, costly, and uncertain public process. This proposal would create a shorter, simpler, and more predictable process for modest and categorically beneficial projects like resiliency upgrades, while leaving ULURP unchanged for larger projects.

ELURP preserves critical aspects of ULURP, including public transparency, community input, and democratic accountability. It would not eliminate or shorten Community Board review in any instance, and no proposal that requires public review today would become exempt or “as of right.” Environmental review, historic district and landmarks protections, and construction and safety standards would remain unchanged.



From start to finish, ELURP would cut the amount of time that covered applications spend in public review in half. As today, ELURP would begin with advisory review by the Community Board and Borough President. The Community Board would have the same opportunity for public review that it has today — 60 days, as well as extended time for applications that are reviewed in the summer. To save time, the Borough President’s review period would run concurrently with that of the Community Boards. Following this 60-day period, the City Planning Commission would have a 30-day review period to hold a public hearing and vote to approve, approve with modifications, or disapprove — a decision that would be final. For projects that require City Council review under state law, the City Council’s review would replace the City Planning Commissions.

The following categories of actions would be eligible for ELURP:

- **Modest housing in low-density neighborhoods.** In low-density residential areas (R1-R5 districts), zoning map changes to allow modest multifamily housing: up to a standard height limit of 45 feet and a maximum floor area ratio (FAR) of 2. These kinds of modest multifamily buildings are common throughout the five boroughs, lower-cost, and especially conducive to homeownership. But proposals to build them today are astonishingly rare because of ULURP’s one-size-fits-all nature.
- **Modest housing increases in medium- and high-density neighborhoods.** In medium- and high-density residential areas (R6 and up), zoning map changes that increase residential capacity by 30% or less. In the last ten years, there were *zero* private ULURP applications in this category, underscoring that the present public review process does not work for modest increases.
- **Dispositions and acquisitions for affordable housing.** When the City seeks to buy or sell land for affordable housing, it frequently must go through lengthy public review. The action would make dispositions of property to HDFCs, the vehicle for virtually all HPD-subsidized, 100% affordable housing projects, eligible for shorter review, as well as acquisitions of land for affordable housing.
- **Disposition of small or otherwise unusable lots.** Today the Charter requires the City to go through extensive public process to sell sliver lots and other undevelopable and unusable lots.
- **City Map changes for affordable housing projects or to facilitate low-density housing.** Today, the Charter requires a lengthy review process just to revise the City Map, delaying or preventing many affordable housing projects or low-density developments from occurring.
- **City Map changes for resiliency projects,** including street raisings to protect vulnerable communities from flooding, and clean-up actions in conjunction with acquisitions adjacent to mapped streets or parks.
- **Site selections for resiliency, open space, and solar power** to make it easier for the City to build new open space, protect flood-prone communities, or build solar panels on City-owned property.
- **Dispositions for solar power on public land** to simplify the process of putting solar panels on public buildings and other public land.
- **Voluntary flood buyouts, and acquisitions of small or irregular sites adjacent to City-owned property for resiliency purposes** to allow the City to quickly get homeowners out of harm’s way in flood-prone areas, and to expedite resiliency projects across the five boroughs.
- **Any other categories proposed by the CPC and approved by the City Council in the future.**



The modest housing increases eligible for ELURP are made functionally impossible by the length and uncertainty of ULURP as it exists today. A staff review of private applications for zoning map changes over the past decade found that there was not a single private application to increase residential capacity by 30% or less, and only *two* applications sought to increase residential capacity from a low-density district to another low-density district. In other words, today ULURP is broken for the types of small, contextual housing projects that New Yorkers frequently say they wish to see. Instead, ULURP delivers only applications for the kind of significant changes that are most likely to spur community resentment and anxiety. And by limiting opportunities for smaller projects, ULURP serves as a significant barrier to entry for smaller builders, like nonprofit developers and minority- and women-owned business enterprises (MWBEs), while favoring a small number of large and well-capitalized firms. By creating a new public review path for projects that functionally do not exist in ULURP today, this proposal should unlock modest, incremental, and contextual housing production across the city.

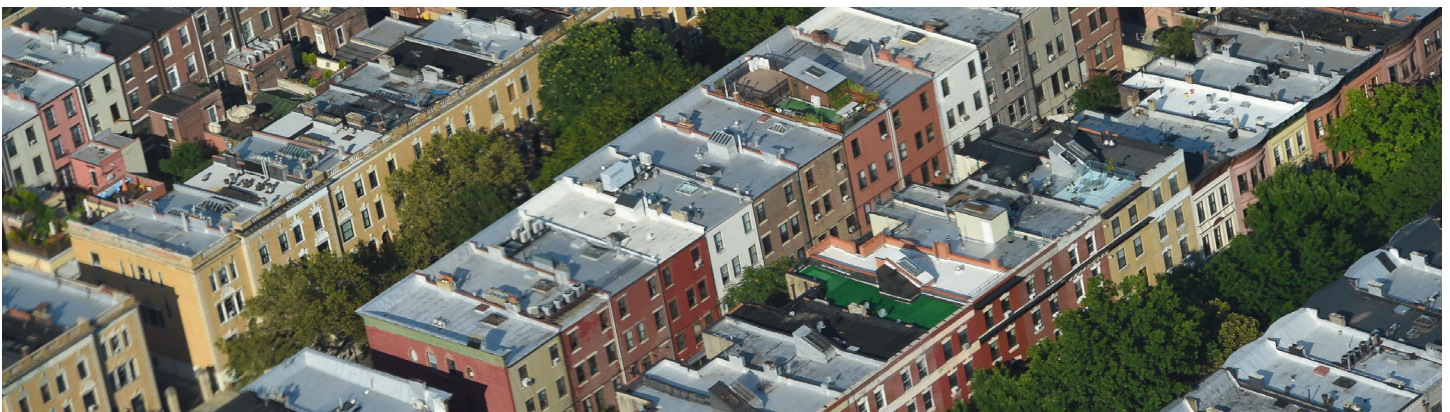
ELURP would also facilitate faster review when the City seeks to leverage its own land for affordable housing, an issue on which the Commission heard near-universal support. Today, even when a City development is pursuant to zoning (that is, any other owner would be able to build without additional public review), the Charter subjects any disposition of public land to full ULURP. This proposed amendment would allow dispositions to HDFCs to advance through a streamlined process.

While less common than dispositions, HPD and other agencies occasionally acquire property that the City intends to dispose for affordable housing; these actions frequently happen through combined acquisition-disposition ULURPs. Making acquisitions similarly eligible for ELURP would ensure that the acquisition component of such projects does not force the projects back into full ULURP.

### **Question 3:**

## **Establish an Affordable Housing Appeals Board with Council, Borough, and Citywide Voices**

In the third ballot question, the Commission proposes an amendment to eliminate the Mayor's veto power in ULURP for applications that would create affordable housing, and replace that power with a new Affordable Housing Appeals Board, consisting of the Borough President of the affected borough, the Speaker of the City Council, and the Mayor. The Appeals Board would have the power to reverse City Council decisions on land use applications that would create affordable housing — but only if two out of these three democratically elected officials agree. This change is intended to strike a better balance between local, boroughwide, and citywide voices in the land use process. ULURP would otherwise remain the same, from community board review through consideration by the Council.





Across months of testimony, perhaps the leading complaint heard by the Commission about the City’s planning process is that it gives too little attention or force to boroughwide and citywide perspectives. As a consequence, worthy projects that could help address the city’s housing crisis are rejected, downsized, or never even proposed. The end result is that the city’s housing production is concentrated in just a few neighborhoods, and parts of the city are virtually off-limits to land use changes that could make such production more equitable or serve pressing citywide needs.

The Affordable Housing Appeals Board would modify ULURP so that it continues to emphasize local perspectives, but with a check that gives broader citywide or boroughwide perspectives greater weight than they have today. Experience since 1989 has shown the mayoral veto — originally intended to serve as a check in favor of citywide interests — to be largely ineffectual. As a result, the City Council’s determination is essentially final and virtually all applications in land use are determined by the views of the local member, irrespective of citywide interests.

This change would elevate the role of the Borough President in the land use process, as a democratically accountable official who occupies a middle point between hyperlocal and citywide perspectives. It would empower the Speaker as an official who can channel local interests as well as citywide needs, given that a Speaker is both elected by one council district and selected by, and accountable to, the Council as a whole. And while removing the Mayor’s veto power in ULURP, it would give the citywide perspective of the Mayor a concrete, but qualified, role.

The power of the Appeals Board would be limited in important respects. First, the Appeals Board could only review applications that would create affordable housing, such as applications that involve the City’s Mandatory Inclusionary Housing policy. Second, the Appeals Board could take no action unless two of these three independently elected officials agree. Third,

the Appeals Board would come into play only for land use applications affecting a single borough, meaning citywide changes, and changes affecting more than one borough, would continue to receive the same review as they do today. Fourth, no land use action would automatically go to the Board. Fifth, the Appeals Board’s power in land use matters would be much narrower than that of the City Council or City Planning Commission, which have the power not only to approve or disapprove land use actions, but to craft new modifications to a land use proposal. The Board would lack the power to craft new modifications. Instead, it would only have the power to reverse the Council’s disapproval of an action approved by the City Planning Commission, or restore a modified application, in relevant part, to the form approved by the City Planning Commission.

This proposal seeks to ensure that consideration of affordable housing proposals includes appropriate attention to citywide priorities; reinforce the power of majorities of voters to influence land use decision-making at the ballot box; and ensure that the City Council remains a dominant player in land use matters, as it is today.

## **Question 4:** **Modernizing the City Map**

The City Map establishes the legally defined locations of street lines and widths, street names, and legal grades, as well as the locations of mapped parkland and public places. Consolidation of the five boroughs into New York City occurred over 125 years ago, but a unified City Map of all five boroughs has never been adopted. Today, the City Map consists of five different sets, one for each borough, totaling over 8,000 individual paper maps. The Commission heard testimony, including from practitioners and former Borough President staff, that this system can impose significant costs and time on infrastructure, housing, and other projects, and that consolidation is long overdue.



Confirming the location, width, and legal grade of mapped streets is necessary for a wide variety of housing and infrastructure projects, from determining the permitted density and height on a lot to the design of below-grade infrastructure. These confirmations and other City Map-related functions can face long delays at Borough President Topographical Offices, taking years just to get to the starting line and facing an unpredictable queue — rendering City Map changes perhaps the most feared ULURP actions among private applicants.

This proposal would require the City to consolidate the functions of the five borough maps into a unified City Map under the jurisdiction of the Department of City Planning (DCP) by January 1, 2028. DCP would administer the City Map change process, working with land use applicants before, during, and after formal public review to ensure consistency and accuracy as the City Map changes over time.

This proposal would also require the promulgation of a legally effective Digital City Map, with a city mapping action to begin ULURP for approval by January 1, 2029. This Digital City Map could allow processes that today take months or even years to occur nearly instantly.

## Elections and Voter Turnout

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

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

In 2019, New York City voters approved the implementation of ranked choice voting (RCV) with the aims of saving time and money by avoiding run-off elections, and incentivizing candidates to broaden their bases of support. Early results are promising: the 2021 and 2025 mayoral primary elections have seen the vast majority of voters ranking multiple candidates, with use of ranked-choice voting growing in each election.

### Question 5: Even-Year Elections

In the fifth ballot question, the Commission proposes an amendment to move the City’s primary and general election dates to even-numbered years, so that City elections are held in the same year as Federal Presidential elections. This reform is intended to improve voter turnout, make local democracy more inclusive, and save taxpayer money.

Today, local elections in New York City are generally held on odd-numbered years, rather than even years when statewide or federal elections are held. Even-year elections in New York see significantly higher turnout than odd-year elections — more than double, on average — and peer cities see significantly higher turnout in local elections held in even years. Indeed, other cities that have synchronized their local elections with the presidential election calendar have seen skyrocketing voter turnout.





A shift to even-year elections would also help ensure that New York’s voters represent the diversity of its people. As the Brennan Center for Justice testified to the Commission, “[e]lections in odd-numbered years ... exacerbate disparities in participation for voters who have historically faced barriers to the franchise, including voters of color and young voters,” and the Commission heard further testimony that a change to even-year elections would “decrease age and racial disparities in political participation” and thereby “make local democracy more inclusive, and City government more representative.” The analysis of Dr. Lisa Handley, a nationally recognized voting rights expert retained by the Commission to study the impact of potential election reforms, likewise concludes that a shift to even-year elections “is likely to benefit minority voters by substantially increasing their turnout.”

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

A shift to even-year local elections will require changes at both the local level and the state level. First, state law requires that a move to even-year elections must be approved through a local referendum approved by the voters — which this question, if approved, would be. A further change to the State Constitution would also be necessary before this reform could go into effect.

The Commission is forwarding this proposal to voters, even though additional state action is needed for it to take full effect, for at least three reasons. First, because a City referendum is necessary to effectuate the change, the choice is whether to act *before* or *after* an amendment to the State Constitution, not whether the city must take a vote at all. Second, acting now means that New York City will be in a position to quickly transition to even-year elections, and experience the benefits of doing so, as soon as an amendment to the State Constitution goes into effect. Third, acting now — when the timing of an amendment to the State Constitution is uncertain — allows the city to consider the benefits of a move to even-year elections without concern for which particular elected officials will experience a shortened, three-year term.



## Open Primaries

In addition to the five issues outlined above, the Commission has closely examined another question: whether to end the City’s closed primary system in local elections and establish open primaries, in which all voters and all candidates participate, regardless of party membership.

Throughout its public hearings, the Commission has heard more testimony on open primaries than on any other subject. Reform groups from the League of Women Voters of New York City, to Citizens Union and Reinvent Albany, academics and other experts, Democratic and Republican elected officials, faith leaders, and New Yorkers from every borough and every walk of life have called for an end to the City’s closed primary system.

Every member of the Commission is moved by their compelling testimony. As these New Yorkers have explained, ending the City’s closed primary system would give over one million

unaffiliated voters a more effective voice in City government. Experts have testified that it could boost turnout in local elections, make the city’s voting population more representative, increase electoral competition, encourage candidates to appeal to a broad cross-section of voters, and reinforce the importance of ranked choice voting.

At the same time, experts and advocates from across the country have proposed several credible alternative approaches to the Commission. The Commission has most closely examined a top-two system, in which all candidates and voters compete in one primary and the top two vote getters, as determined by ranked choice voting, proceed to a November election. However, the Commission has also heard compelling testimony in favor of a top-four system, the elimination of primaries altogether in favor of a single contest in November, or a more modest change to “semi-open” primaries.





In the Commission’s view, the need to reform the closed primary system is crystal clear. But the particular alternative that New York should adopt is not. As a result, the Commission is declining to place a reform proposal on the ballot this November. The Commission strongly recommends that a future Commission, building on the work of this one, be convened to examine potential primary reforms. New York City’s adoption of ranked choice voting provides a model. The 2018 Charter Revision Commission received considerable testimony about ranked choice voting but ultimately concluded that further examination was needed before a particular reform could be presented to voters. Just the next year, the 2019 Charter Revision Commission took up the mantle, and ultimately proposed the adoption of ranked choice voting for primary and special elections, which the voters adopted.

The Commission also notes that this year, with hotly contested local elections on the ballot, may create an inhospitable climate for discussion about an election reform of this magnitude. In this context, debate about primary reform may become unduly polarized, and may be viewed through the narrow prism of this year’s contests. This reform, which transcends partisanship and ideology, deserves to be evaluated on its merits. The Commission is hopeful that its extensive review of these reforms, including its Voting Rights Act analysis, consultation with experts across the country, and engagement with local civic organizations, will advance and inform future consideration of these issues.





# Introduction

## Background

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

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

## Public Outreach and Public Participation

Over the last seven months, the Commission has made extensive efforts to solicit input from New Yorkers across the city and conduct a transparent, accessible public process.

The Commission has held public input sessions in all five boroughs, including opportunities for virtual testimony. In total, the Commission has heard more than 30 hours of testimony and more than 800 New Yorkers have attended the Commission’s public hearings.

All of the Commission’s meetings and hearings have been public, and the Commission has made recordings of all meetings and hearings available online. The Commission has also posted official transcripts online, and it has partnered with the innovative open government tool [citymeetings.nyc](https://citymeetings.nyc) to provide the public with easily searchable clips of all public hearings.

- The Commission has published all of its hearing notices, press releases, resolutions, and transcripts on the Commission’s website.
- The Commission has solicited written testimony, and received more than 3,000 written comments. The Commission has also published all written testimony, on a monthly basis, on the Commission’s website.
- The Commission has offered translation services and provided sign-language interpretation at all public meetings and hearings. The Commission has issued translated notices of all hearings, and the Commission’s reports are available in translated form online at [charter.nyc](https://charter.nyc).
- The Commission has sought to inform the public through the media, including special attention to New York City’s community and ethnic media, as well as through Commission social media accounts.
- Commission staff have worked closely with elected officials and other stakeholders to promote awareness of public hearings and the Commission’s work.

## Members of the Commission

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



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

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



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

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



## Members of the Commission



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

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



### **GRACE C. BONILLA**

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

## Members of the Commission



### SHAMS DABARON

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



### ANITA LAREMONT

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



## Members of the Commission



### **DR. LISETTE NIEVES**

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



### **ANTHONY RICHARDSON**

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

## Members of the Commission



### **JULIE SAMUELS**

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



### **DIANE SAVINO**

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



## Members of the Commission



### CARL WEISBROD

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



### VALERIE WHITE

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

## Members of the Commission



### KATHRYN WYLDE

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

## Commission Staff

### ADAM BRODHEIM

#### Senior Advisor

Adam Brodheim is a Senior Advisor to the Charter Revision Commission. He previously served as special assistant to The Honorable Sara C. Bronin, chair of the Advisory Council on Historic Preservation. Prior to entering government service, he worked as a consultant in New York City. Brodheim is a graduate of Hunter College High School, Harvard University, and Columbia University’s Graduate School of Architecture, Planning and Preservation.

### ALAINA YURESKO

#### Legal Fellow

Alaina Greene is a New York City land use and zoning law consultant and J.D. candidate. Yuresko currently works at Urban Cartographics as the firm’s Director of Standards and Graphics. Prior to this, Yuresko worked in strategic communications at the NYC Department of Transportation. They graduated summa cum laude from Fordham University in 2018, with their B.A. in Journalism. Yuresko is currently pursuing their J.D. in the evening division at Fordham University School of Law, Class of 2027.

### ALEC SCHIERENBECK

#### Executive Director

Alec Schierenbeck is the executive director of the Charter Revision Commission. He previously served as general counsel and senior advisor for planning to Maria Torres-Springer, first in her role as Deputy Mayor for Housing, Economic Development, and Workforce and then as First Deputy Mayor. At City Hall, Schierenbeck helped guide the administration’s “City of Yes” initiatives to promote housing opportunity, carbon neutrality, and economic growth, as well as the City’s



successful advocacy in Albany to secure affordable housing tax incentives and new power to increase residential density. Prior to joining the Mayor's Office, Schierenbeck worked as a litigator in government and private practice. He also served as a law clerk on the U.S. Supreme Court to Justice Stephen Breyer, on the U.S. Court of Appeals for the District of Columbia Circuit, and on the U.S. District Court for the Southern District of New York.

Schierenbeck is a graduate of Stuyvesant High School, Grinnell College, where he was named a Truman Scholar and a Mitchell Scholar, and Stanford Law School.

### **ANITRA SINGH**

#### **Senior Advisor**

Anitra Singh currently serves as the Chief of Staff in the Office of Enforcement and Neighborhood Services at the Department of Housing Preservation and Development (HPD), where she oversees major projects, policy issues, strategic initiatives, and communications. Prior to joining HPD, Singh served at the Department of Finance and the Department of Environmental Protection. She holds an M.A. in Urban Studies from Queens College and a B.B.A. from Baruch College.

### **ARVIND SINDHWANI**

#### **Senior Advisor for Intergovernmental Affairs**

Arvind Sindhvani is the Senior Advisor for Intergovernmental Affairs for the Charter Revision Commission and currently serves as the Deputy Chief of Staff to the Deputy Mayor for Housing, Economic Development, and Workforce. Prior to working at City Hall, Sindhvani was the Executive Director for Government Affairs at the Department of Housing Preservation & Development. He has also held roles at the New York City Council and in the nonprofit sector. Sindhvani holds a MUP and B.A. from New York University.

### **CASEY BERKOVITZ**

#### **Director of External Affairs**

Casey Berkovitz is the director of external affairs for the Charter Revision Commission. He has also served as senior press secretary at the New York City Department of City Planning, where he led press strategy and shaped public communications about the agency's work. Prior to DCP, Berkovitz worked on state and local electoral campaigns in New York and California, at progressive think tank The Century Foundation, and at political communications firms. He is a proud graduate of the University of California, Berkeley.

### **CLAVA BRODSKY**

#### **General Counsel**

Clava Brodsky is a Senior Counsel in the Legal Counsel Division of the New York City Law Department. Clava joined the Law Department in 2019 as a Corporation Counsel Honors Fellow and has been with Legal Counsel since 2020. Prior to joining the Law Department, Brodsky served as a law clerk on the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Eastern District of New York.

### **CONNER REDDAN**

#### **Counsel**

Conner Reddan currently serves as Agency Attorney in the Mayor's Office of Contract Services. Prior to joining the Mayor's Office, he worked in private banking as a compliance officer. Reddan holds a J.D. from St. John's University School of Law and a B.Sc. from St. John's University.

## **DEVIN STUZIN**

### **Policy Advisor**

Devin Stuzin currently serves as a Graduate Intern in the Mayor's Office of Policy and Planning. They are passionate about government service and have previously worked in urban park management on Governors Island, as a case manager of major federal actions at a civil rights law firm, and as a City Planning Intern for the City of Santa Barbara. Stuzin will soon complete a Master's in Urban Planning at Hunter College and holds a B.A. in History from Columbia University.

## **EDWARD KIERNAN**

### **Special Counsel**

Ed Kiernan currently serves as senior counsel in the Office of the Chief Counsel to the Mayor and City Hall. He has previously served as general counsel to the 2024 Charter Revision Commission, special counsel in the Mayor's Office of Appointments, and as a legislative project manager at the New York City Department of Buildings. He has also worked in the State Senate, in the City Council, and at the New York City Department of Juvenile Justice (now part of the New York City Administration for Children's Services).

Kiernan holds a J.D. from New York Law School and a B.A. and MPA from New York University.

## **EMILY FORGIONE**

### **Senior Advisor**

Emily Forgione currently serves as the Director of Legislative and Intergovernmental Affairs for the New York City Fire Department (FDNY). Prior to joining FDNY, Emily served as a Senior Policy Analyst in the Division of Energy Management at the Department of Citywide Administrative Services and as a Senior Legislative Representative in the Mayor's Office of City Legislative Affairs. She also served as a Senior Legislative Policy Analyst at the New York City Council, where she staffed the Economic Development and Governmental Operations

Committees and led the Council's 2020 Census Task Force. She has also served as a Paralegal and Special Projects Coordinator at the New York City Campaign Finance Board.

Forgione holds an MPA from New York University and a B.A. from Mount Holyoke College.

## **ERIC OUYANG**

### **Senior Advisor**

Eric Ouyang is a Senior Policy Advisor in the Office of Policy and Strategy at the Department of Housing Preservation and Development (HPD), working across HPD and other city agencies to make housing more affordable and fairer. Previously, he has advised municipalities, housing developers, and community advocates on equitable land use and economic growth. He also built technology to solve public challenges. Ouyang is a graduate of Harvard University.

## **GENEVIEVE BOGDANOWICZ**

### **Policy Advisor**

Genni Bogdanowicz currently serves as an Urban Fellow in the Mayor's Office of Policy & Planning. She previously worked as a Research Assistant and Research Coordinator for Professor Tabitha Bonilla at the Northwestern Institute for Policy Research and was a leader in mental health advocacy on campus as an undergraduate student. She holds a B.S. from Northwestern University.

## **HELEN CHANANIE**

### **Senior Advisor**

Helen Chananie is a Senior Policy Advisor for Resilience and Capital Planning at the Mayor's Office of Climate & Environmental Justice. She previously served as Senior Manager of Strategic Initiatives at the Building Energy Exchange, where she advanced building decarbonization best practices. Chananie holds an MPP in Energy and the Environment from Duke University, with a focus in Community Based Environmental Management.



## **IAN SINCLAIR**

### **Senior Counsel**

Ian Sinclair is an Assistant Corporation Counsel in the Appeals Division of the New York City Law Department, where he appears before federal and state appellate courts on nearly any issue implicating the City's diverse interests. He was previously an Assistant Corporation Counsel in the Legal Counsel Division and a Corporation Counsel Honors Fellow. Prior to law school, he worked as a planner and urban designer for the City's Department of City Planning and its Department of Housing Preservation and Development.

Sinclair is a graduate of the City University of New York School of Law, the University of Pennsylvania Weitzman School of Design, and the University of Michigan Taubman College of Architecture and Urban Planning.

## **JACOB RUSSELL**

### **Policy Advisor**

Jacob Russell is a senior policy analyst for the Deputy Mayor of Operations. Prior to joining the Mayor's Office, Russell investigated organized and white-collar crime at the Manhattan District Attorney's Office Racket Bureau and litigated eviction cases with Brooklyn Legal Service's Right to Counsel unit. He holds a J.D. from Fordham Law, a B.A. from Bowdoin College, and is a proud alumnus of The High School of American Studies at Lehman College.

## **JAMES BRISTOW**

### **Senior Counsel**

James Bristow currently serves as Senior Assistant Director and Counsel for Intergovernmental Relations in the Mayor's Office of Management and Budget. He previously worked as a political analyst under former U.S. Secretary of Health, Education, and Welfare Joseph Califano. Prior to that he served as the law clerk to the Chief of Operations of the Maryland Legal Aid Bureau.

Bristow holds a J.D. from the University of Maryland and a B.A. from the University of South Carolina Honors College.

## **KALEY PILLINGER**

### **Policy Advisor**

Kaley Pillinger serves as a Policy Advisor with the Charter Revision Commission and a Legal Fellow with the Mayor's Office of Policy and Planning, and is a current J.D. candidate at Yale Law School. Prior to her current role, she worked as an affordable housing developer for a firm based in New York City. She is a graduate of Hunter College High School and holds a B.A. and M.A. from Yale University.

## **KARY HUDSON**

### **Director of Information Technology**

Kary Hudson is the Associate Director of IT Support at the Mayor's Office, where he has been serving since November 2021. With a strong focus on operational excellence and a commitment to public service, Hudson leads key IT support initiatives that ensure city systems remain efficient, secure, and responsive.

He holds a Bachelor's degree in Computer Systems Technology from New York City College of Technology and brings a deep technical foundation combined with leadership experience. Hudson is dedicated to leveraging technology to improve government services and drive lasting impact for the community.

## **JOHN MANGIN**

### **Director of Policy and Research**

John Mangin is the Director of the Housing Division at the Department of City Planning. In over a decade at the agency, he has played key roles in City of Yes for Housing Opportunity, the Mandatory Inclusionary Housing Program, Zoning for Quality and Affordability, and numerous neighborhood studies.

## **JOSHUA BEY**

### **Policy Advisor**

Joshua Bey currently serves as a Housing Policy Advisor for Deputy Mayor Carrión, Executive Director Leila Bozorg, and Executive Director Marjorie Velazquez. Prior to working at City Hall, Bey was an Asset Manager for a developer in the private sector and for the New York State Division of Housing and Community Renewal. He holds a B.A. from Albright College, a masters degree from Widener University, and J.D. from Seton Hall Law.

## **JULIA MEYERS**

### **Undergraduate Fellow**

Julia Meyers is an undergraduate fellow for the Charter Revision Commission. She previously served as an undergraduate fellow with the Deputy Mayor for Housing, Economic Development, and Workforce, working closely on City of Yes for Housing Opportunity. She holds a B.A. from New York University.

## **KATHLEEN SCHMID**

### **Senior Counsel**

Kathleen serves as Deputy Executive Director at New York City's Mayor's Office of Climate and Environmental Justice, where she leads the Resilient & Efficient Buildings, Clean Energy, and Operations teams. Prior to her tenure at the Mayor's Office, she also served as senior counsel in the Environmental Division of the New York City Law Department, where she represented and advised City agencies in environmental and climate litigation and special projects. Schmid founded The Newtown Creek Alliance in 2003 and teaches a course in municipal environmental law at Fordham Law School.

Schmid holds a J.D. from New York University School of Law and a B.A. from Columbia University.

## **LILY RICHMAN**

### **Policy Advisor**

Lily Richman serves as a Policy Advisor with the Charter Revision Commission and as an Urban Fellow focused on affordable housing and tenants' rights in the Office of the First Deputy Mayor. Prior to government service, she interned with The Legal Aid Society and taught a class for Boston Public Schools. She holds a B.A. from Harvard University.

## **MADELINE LABADIE**

### **Chief of Staff**

Madeline Labadie currently serves as Deputy Chief of Staff to Mayor Adams, where she oversees mayoral and citywide event teams and Gracie Mansion as well as coordinating City Hall priorities in the portfolios of the Deputy Mayors for Operations and Housing, Economic Development, and Workforce. She leads mayoral priority projects including State of the City and Ticker Tape production and interagency efforts including chairing the Vision Zero Task Force and Flexible Work Committee and co-chairing the E-Micromobility Task Force. She manages all large event bids for the Mayor's Office, including the 2026 FIFA World Cup.

Labadie previously served as the Director of Strategic Initiatives at the New York City Taxi & Limousine Commission (TLC), where she led Vision Zero efforts and priority projects under three Commissioners, as well as other government and advocacy positions. She holds an MPA and B.A. from New York University.



## **MARC HEINRICH**

### **Senior Counsel**

Marc Heinrich currently serves as Deputy Chief of Staff to the Police Commissioner. He previously worked as Policy Director within the Mayor's Office of Policy & Planning and a Senior Policy Advisor to former Mayor Bloomberg and Policy Director to then-Governor Bullock on their respective presidential campaigns. He also worked as a Senior Business Analyst at McKinsey & Company. Heinrich holds a J.D. from Harvard Law School and a B.A. from Columbia University.

## **MEAGAN CHEN**

### **Senior Counsel**

Meagan Chen currently serves as Deputy Agency Chief Contracting Officer of Policy for the Department of Transportation where she oversees various contracts, including those related to ferries and roadway repair and maintenance. She previously served as Deputy Chief of Staff for the Office of the First Deputy Mayor. She has also previously worked as Director of Strategic Initiatives for the New York City Council, as General Counsel for the Mayor's Office of City Legislative Affairs, in the Legislative Division of the City Council, and as a staffer in the New York State Assembly. She holds a J.D. from CUNY School of Law, a B.A. from the University at Albany, and an A.A. from Bard College.

## **MITCHELL BAKER**

### **Policy Advisor**

Mitchell Baker currently serves as a Policy Advisor to First Deputy Mayor Randy Mastro, where he oversees daily operations and strategic initiatives. He was previously an Urban Fellow for the Office of the First Deputy Mayor. Prior to his New York City government service, he was a Fulbright Scholar assigned to Taiwan. He holds a B.A. from the College of the Holy Cross.

## **ROBERT HOLBROOK**

### **Senior Advisor**

Rob Holbrook serves as the Executive Director of Get Stuff Built in the Mayor's Office of Planning and Policy. He has served in New York City government for 20 years at the Department of City Planning, New York City Economic Development Corporation, and the Mayor's Office. In 2022, he served as the executive director of the Building and Land Use Approval Streamlining Taskforce. Holbrook received a Master of Public Administration from Georgia State University and a Bachelor of Arts from St John's College.

## **SOPHIA ASKARI**

### **Communications Advisor**

Sophia Askari currently serves as Press Assistant in the office of Deputy Mayor of Communications Fabien Levy, where she handles administrative and strategic initiatives, contributing to media operations and public communication. She graduated in 2023 with a B.A. from Syracuse University.

## **TIM MCKERNAN**

### **Senior Counsel**

Timothy McKernan is currently an attorney at the New York City School Construction Authority. Prior to SCA, he served as senior assistant general counsel at the NYC Department of Buildings. Before DOB, McKernan was an assistant corporation counsel in the Contracts & Real Estate Division of the NYC Law Department. McKernan holds a B.A. and J.D. from the University of Virginia.

## WILLIAM FOWLER

### Senior Communications Advisor

William Fowler serves as a deputy press secretary and communications advisor in the New York City Mayor's Office of Communications where he works on communications for a range of issues including housing, city planning, economic development, health, and social services. Prior to the Mayor's Office, Fowler served as press secretary for the New York City Department of Housing Preservation and Development and the New York City Housing Development Corporation, and as a public relations aide for the New York City Campaign Finance Board. He received a Bachelor of Science in Integrated Marketing Communications from the University of Mississippi in 2015.

The Commission would also like to thank Frank Dwyer; Allison Stoddart, Bill Heinzen, Jennie Nagle-Yndigoyen, Richard Friedman, Maude Ann Rodrigues, Sandra Linen-Ward, and the New York City Law Department; Michelle Villar, Eric Goodnight, Jennifer Montalvo, Maryann Catalano, Bibi Rashid, Ryan McWilliams, Ali Farhat, JoAnn Castillo, and the New York City Economic Development Corporation (NYC EDC); Kenneth Cobb, Julia Robbins, and the Department of Records and Information Services (DORIS); Dr. Lisa Handley; Loretta Lynch, Zayn Siddique, Anne Simons, and Paul, Weiss; Orchestra, Erica Maybaum, and Alfred Twu for their invaluable support.

## Commission Records

All of the Commission's public documents — including its preliminary report, press releases, translations of Commission materials, and other notices — as well as recordings of all of the Commission's public hearings, may be found online at [nyc.gov/charter](http://nyc.gov/charter).

The text of the proposed Charter amendments is also available online at [nyc.gov/charter](http://nyc.gov/charter).



A view of New Amsterdam in the 1670s reproduced in I. N. Phelps Stokes's *The Iconography of Manhattan Island*. Source: Municipal Archives.



# **The Housing Crisis and New York City**

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



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

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

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

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

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

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

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

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

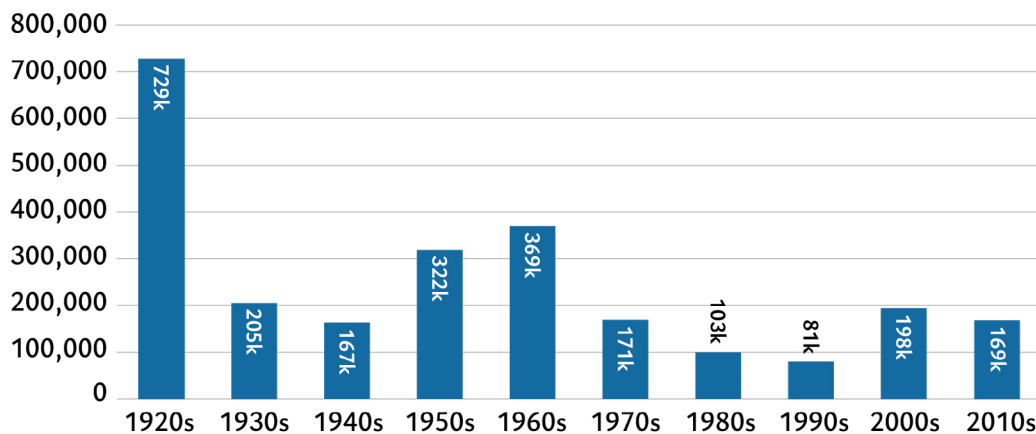
What's more, the housing that has been produced in recent decades is spread unevenly across the city. From 2014 to 2024, 12 community districts added as much housing as the other 47 combined.<sup>12</sup> While some neighborhoods see transformative levels of housing production, others — like portions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

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



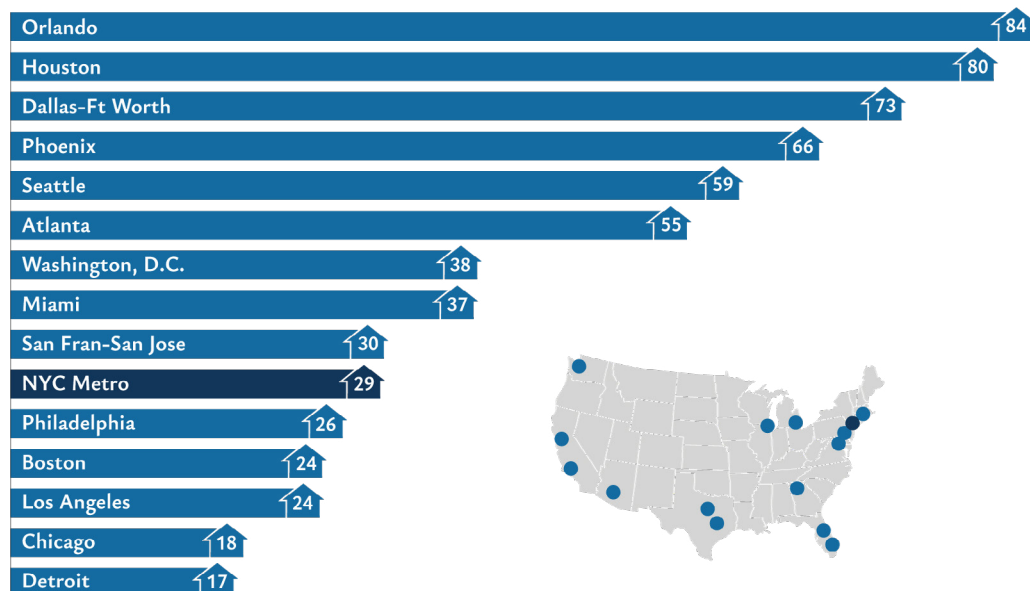
New York finances more affordable housing (~25,000 units per year) than many countries.<sup>14</sup> New York City’s public housing system (~177,000 units) is an order of magnitude larger than any other city’s, and New York remains committed to its system when other cities have abandoned the project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

### New Housing Production by Decade



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

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



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

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

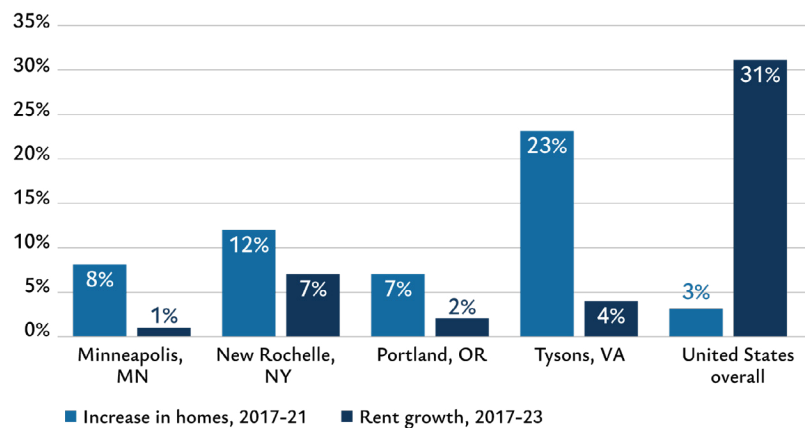
## A Segregated City

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

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

## Cities That Allow More Housing See Lower Rent Growth

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

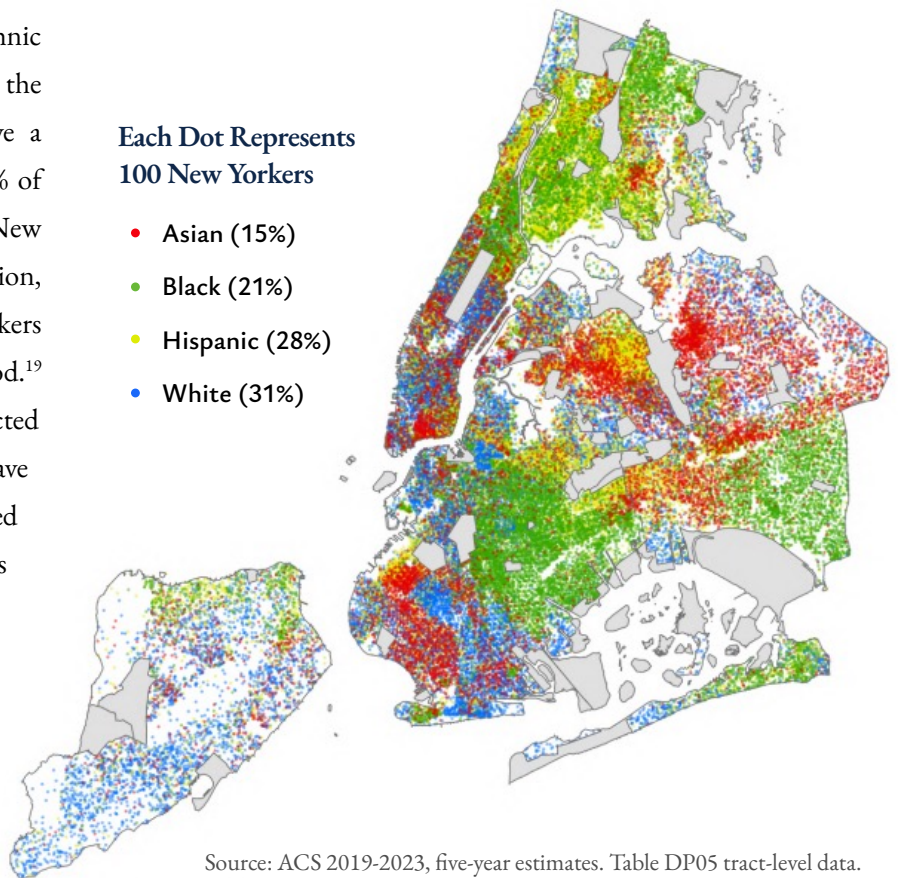


Note: The U.S. Census Bureau’s American Community Survey (ACS) data are one-year estimates, except for Tysons, for which only five-year estimates are available. The time frames are determined by data availability.

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

## Each Dot Represents 100 New Yorkers

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



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



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

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

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

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

## A Less Dynamic City

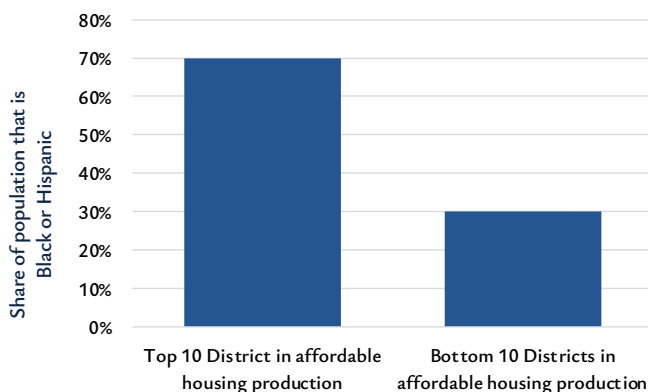
New York City’s housing crisis is felt most acutely by the low-income families that struggle to find shelter, but it ripples through the entire economy. The housing shortage makes it hard for employers to hire and retain talent in New York City. A recent estimate of the cost of the housing crisis for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

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

## A Waning National Presence

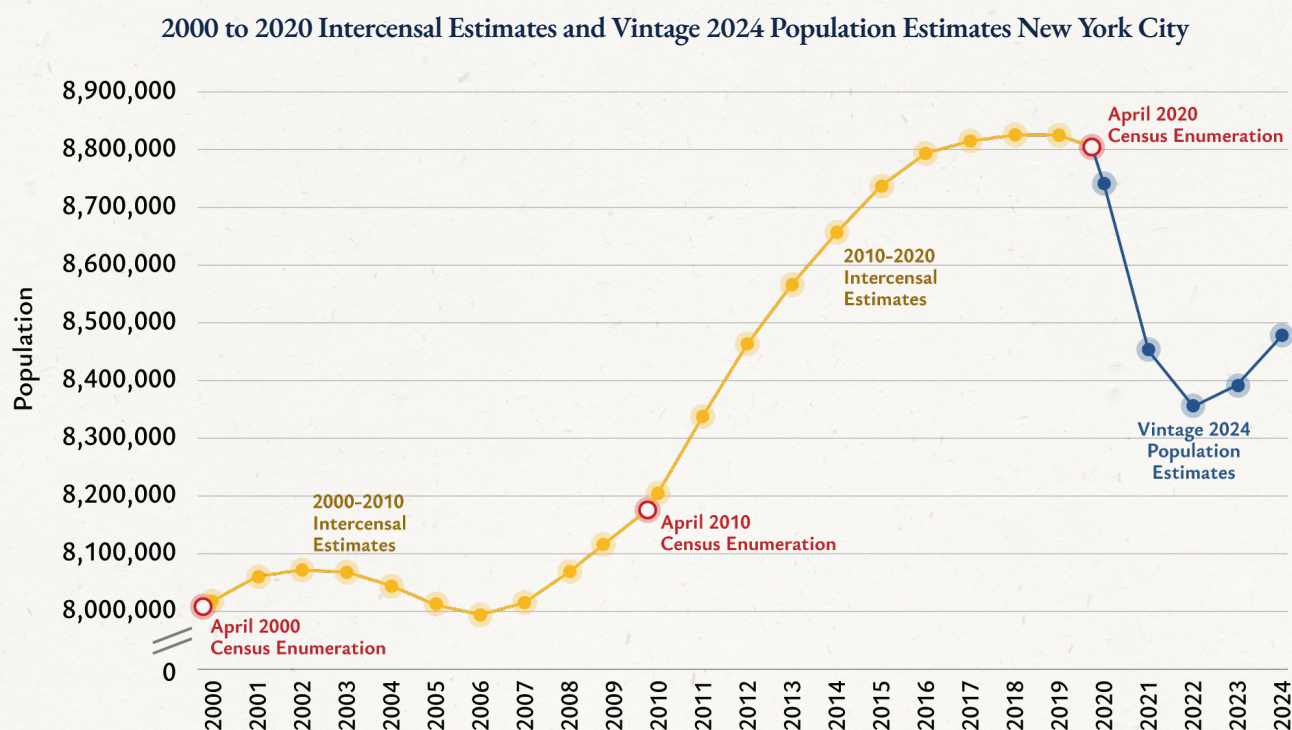
Recent reports of New York City’s population decline have been exaggerated, but the city’s growth was slowing even prior to COVID.<sup>31</sup> That declining growth will have significant implications for New York City’s future on the national stage.

**Districts that produce the most affordable housing are primarily Black and Hispanic**<sup>24</sup>



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

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



## Causes of the Housing Crisis

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

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

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



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

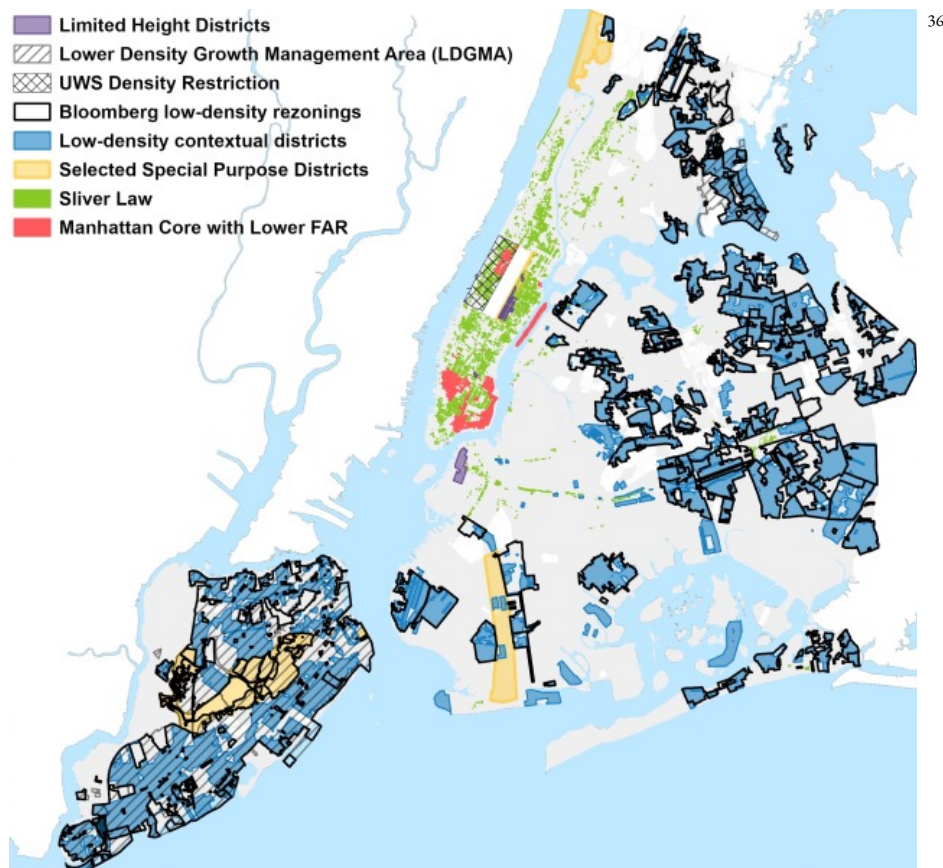
## Zoning and the Housing Shortage

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

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

theoretically be accommodated within the city, the 1961 update reduced the city’s population capacity from 55 million to 11 million.<sup>34</sup> In one fell swoop, the ubiquitous 6-story apartment building — a workhorse of affordable housing that defines the built context in countless outer-borough neighborhoods — was outlawed in most areas. In its place, in many neighborhoods the new zoning allowed only one- or two-family homes.

Subsequent zoning changes over the past 50 years tightened housing capacity further. The advent of lower density “contextual” zoning in the 1980s and decades of downzonings, including over one hundred in the Bloomberg Era, effectively ended housing production in low-density areas by the mid-2010s.<sup>35</sup> The steady march of “Limited Height Districts,” “Lower Density Growth Management Areas,” “Special Natural Areas Districts,” “Sliver Law,” and other arbitrary restrictions enabled wealthier and more politically powerful neighborhoods to use zoning as a shield against new development.



Landmarking and historic districting, while not zoning, has similarly evolved since its inception in 1965. Across all of New York City, fewer than 4% of properties have historic preservation protections, and in certain historic districts the conversion of office and commercial buildings into housing has increased the number of homes while maintaining and protecting the neighborhood's character. But about 30% of Manhattan lots are restricted by historic districting, and many of these higher-market areas have struggled to produce new housing.<sup>37</sup> Significant numbers of apartments have been combined, offsetting any gains from redeveloping non-historic properties and leading to housing loss in some areas.<sup>38</sup>

Although zoning is not the only factor that impacts the amount of housing New York builds, it is the clearest cause of limited housing production in recent decades and the one that the city has the most control over. Other cities and regions with more liberal zoning rules have seen much greater housing production than New York in recent years, despite facing similar economic conditions, including interest rates and tax environment. Just across the Hudson, Jersey City added nearly 26,000 units between 2010 and 2022, triple the per capita production of the New York metro area.<sup>39</sup> And while New York does face meaningful challenges, including the availability of land and rising construction costs, the fact that some parts of the city grow at a brisk pace while nearby areas languish under restrictive zoning shows that land use regulation today prevents housing construction where it would be feasible if it were only allowed.<sup>40</sup>

## Land Use Review Process and Member Deference

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

Not coincidentally, the procedures to change zoning have gotten significantly more onerous and unpredictable over this same period. The process for *changing* zoning, which is set out in the Charter, is a key connection between the housing crisis and the Commission. (For more on how this process has changed over time, see the Commission's supplemental report on the history of land use and the NYC Charter.)

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

Once begun, formal ULURP takes about seven months to complete. The process begins with an advisory opinion from affected Community Boards, followed by an advisory opinion from an affected Borough President. Then a land use application proceeds to review by the City Planning Commission (CPC), followed by review by the City Council, and ultimately the Mayor. If the Council rejects a land use application, the Mayor can technically veto the Council's decision, and the Council can overturn a Mayoral veto with a two-thirds majority.<sup>41</sup> In practice, the CPC and the Council are decisive — Mayoral vetoes are exceedingly rare, in part because the Council would, for institutional reasons, overrule any Mayoral veto.

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





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

This balance shifted after 1989, when the United States Supreme Court declared the BOE unconstitutional.<sup>42</sup> The 1989 Charter Commission, led by Frederick Schwarz, placed the City Council at the end of ULURP as part of a broader restructuring of a post-BOE city government. The newly empowered City Council became a districted legislative body with 51 members, each with a single vote. And the Charter Commission granted the Council review over the full range of land-use actions, big and small — from zoning map and zoning text changes to project-specific special permits and dispositions.

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

Through months of public hearings, member deference has been a significant focus of testimony before the Commission.

Supporters of member deference argue it is vitally important that communities have a mechanism to shape proposals for development, and that member deference helps ensure land use changes are informed by local views.<sup>43</sup> They maintain that member deference promotes political accountability in land use matters, with communities able to hold local members responsible for land use decisions and, if necessary, vote members out. They point out that members leverage their veto power to win concessions from those seeking land use approvals, including changes to the size of proposed developments, commitments to affordability, and various other community benefits.<sup>44</sup> And they note that while member deference is practiced on district-specific land use proposals, the City Council recently enacted a historic city-wide zoning reform — City of Yes for Housing Opportunity — that, because it impacted every district, was not subject to typical member deference dynamics and opened up possibilities for new housing even in districts where members opposed the changes.

Critics of member deference, including former Councilmember and current Queens Borough President Donovan Richards, charge that it is a form of "municipal feudalism" that treats the local member like "a feudal lord who gets to arbitrarily rule over public land as though it were a personal fiefdom" irrespective of citywide needs.<sup>45</sup> The overall result of member deference, critics argue, is a hyper-local planning process that deprives the city of sorely needed housing; drives inequitable patterns of development across the city; and, as Public Advocate Jumaane Williams has charged, perpetuates residential segregation.<sup>46</sup> Critics also argue that member deference thwarts democratic accountability by depriving the residents of every other district of a say on projects that would address a citywide housing crisis.

Whatever its merits, member deference is today a powerful force, especially in housing. According to research by Commission staff, the last time a district-specific housing proposal was approved through ULURP without the support of the local member was over 16 years ago.<sup>47</sup>

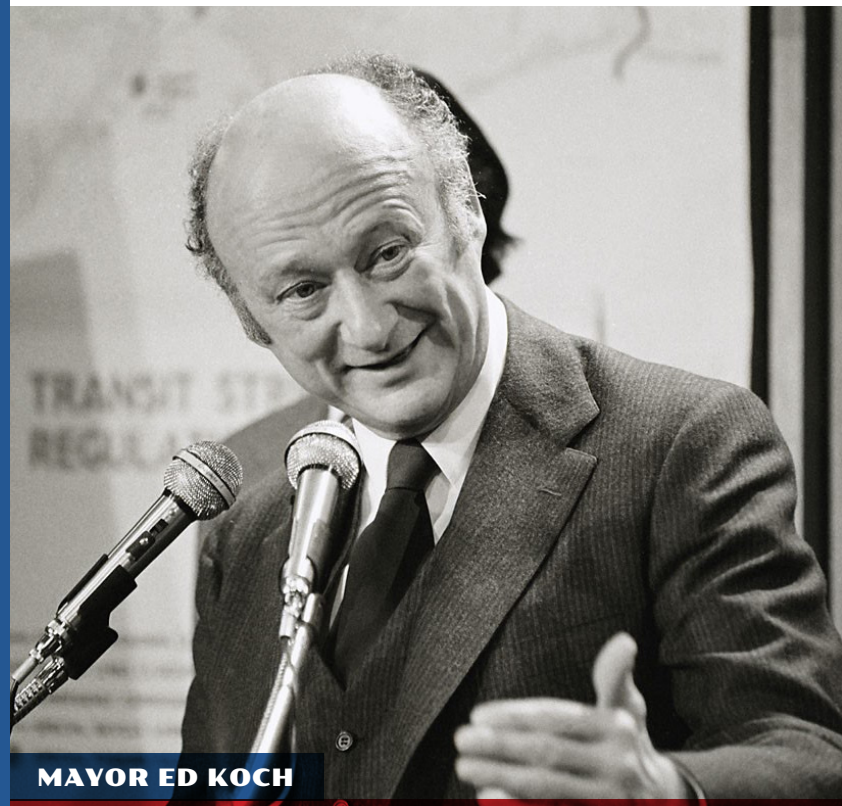
## The Evolution of Member Deference

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

“I fear that your proposal will give legislative legitimacy to the NIMBY reaction that now threatens to block any socially responsible land use policy. The legislative tradition of comity and deference, which grants one legislator, in essence, the power to determine the collective vote on matters affecting his or her district, means that any time a member of the City Council does not like a land use decision in his or her district, that member will have no difficulty mustering the required votes to take jurisdiction and vote it down. This is a sobering thought. We would run the risk of land use paralysis.”<sup>48</sup>

The New York Times Editorial Board expressed similar concerns, warning that the Commission’s proposal “makes an expanded and inevitably more parochial Council the final arbiter on most land-use issues.”<sup>49</sup> Eric Lane, the Commission’s Executive Director, similarly warned that “If you require council approval of [a zoning change] ... the Council member in whose district it would be would ... basically be able to stop the project.”<sup>50</sup>

In response to concerns about “land use paralysis,” the Commission had initially sought to give the newly empowered Council a role in broad citywide land use initiatives, like what would become City of Yes, but no role in particular, “project-specific” land use decisions. Ultimately, however, some members of the Commission felt that particularly controversial projects should receive political oversight from a legislative body, and numerous groups testifying before the Commission agreed.<sup>51</sup> As such, the final Charter proposal reached a compromise, including both a “Fair Share” framework that

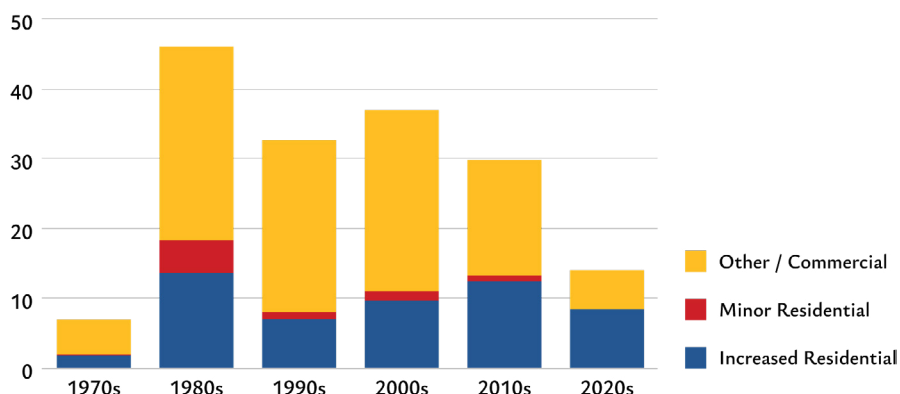


would help evenly distribute undesirable municipal necessities (such as incinerators and garages) and the ability for the City Council to review any action under ULURP. Reflecting on that compromise in an appearance before this Commission, Executive Director Lane testified that he still regrets the 1989 Commission’s failure to include a “mechanism that would stop ... individual members” from vetoing land use projects.<sup>52</sup>



An analysis by the Citizens Housing & Planning Council (CHPC) suggests that the 1989 revisions led to an immediate drop in the number of rezonings approved in the immediate aftermath of Charter changes:<sup>53</sup>

**Number of Zoning Map Changes and Special Permits Completed Per Year (By Decade)**<sup>54</sup>



In fact, the CHPC analysis found that “[d]espite an increasing share of housing-related ULURP applications, the volume of rezoning applications completed per year has never recovered to pre-1989 levels: so far this decade, rezonings are being approved at 61% of the pace during the 1980s, and the recent peak of the 2000s was still just 80% of the pre-1989 rate.”<sup>55</sup> These findings suggest that, all else equal, the 1989 reforms made zoning for more housing harder than it used to be.

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

Council Peter Vallone, who supported multiple rezonings over the wishes of local councilmembers.<sup>56</sup> As the *New York Times* put it: “There are many more participants than before [in the land use process]. Yet the Council is much more firmly under the control of one person,” [Council Speaker Vallone].<sup>57</sup>

Around the turn of the millennium, the practice began to change, with members overruled fewer and fewer times. Some practitioners attribute this change to the introduction of Council term limits, to City Council rules reforms that may have weakened the Speaker’s ability to influence individual members, and to a change in general political attitudes toward new housing, as development pressures accelerated in the 2000s.<sup>58</sup>

#### Examples of Member Deference Being Over-Ruled in ULURP Actions Since 2000:<sup>59</sup>

Year	ULURP #	Description	Category
2021	210351ZMM	New York Blood Center	Commercial
2009	090403 PSQ	New York Police Academy	City Project
2009	090184 ZSK	Dock Street Development	Residential / Mixed-use
2009	090415 HUK	Broadway Triangle Rezoning	Residential / Mixed-use
2009	090470 PPQ	College Point Corporate Park	Commercial
2007	070315 (A) ZRQ	Jamaica Rezoning	Residential / Mixed-use

Year	ULURP #	Description	Category
2007	20095400 SCQ	Maspeth High School	City Project
2004	040217 ZSK	Watchtower Development	Residential / Mixed-use
2004	040445 ZSM	Harlem Park Hotel	Commercial
2003	030158 PSK	NYCEM Headquarters	City Project
2002	010602 ZSM	Special Permit for Upper West Side Parking Garage	Other
2001	M 820995	Hotel near La Guardia Airport	Commercial

Whatever the reason, after 2000, there are only a few major examples of members being overruled — typically non-residential projects whose citywide importance were more legible, like a police academy in Queens. The last housing project to be approved through ULURP over the objection of a local member was in 2009 — 16 years ago.<sup>60</sup>

Today, member deference is firmly established. And because the views of the local member are decisive, the most critical phase in public review of a land use proposal has become the effort to win the local member’s support. In this way, member deference has come to serve as one of the foremost ways that local priorities — channeled through a community’s elected councilmember — shape proposals for development. In 2021, for example, then-Councilmember and now-Comptroller Brad Lander used his position to negotiate a broad set of neighborhood investments as part of the Gowanus Neighborhood Rezoning, including investments in local infrastructure and public housing, in return for his approval of a plan to add some 8,000 new apartments.<sup>61</sup>

Often, members use their power to reduce the size and scale of proposed development to respond to local concerns. A proposal for housing at 80 Flatbush Ave. in Brooklyn — a project to add

new housing, schools, and cultural space — was approved in 2018, but only after the local member negotiated changes that reduced the height of development allowed on the site, and, consequently, the amount of housing it would deliver.<sup>62</sup>

Elsewhere, councilmembers frequently use their power to block housing proposals altogether. The opposition of one former councilmember led to the withdrawal prior to a Council vote of three separate housing proposals in just ten months: 1880-1888 Coney Island Avenue<sup>63</sup>, 1571 McDonald Avenue<sup>64</sup>, and 1233 57th Street.<sup>65</sup> Together, these three projects would have created 397 homes, including 115 affordable homes, in a Council district that saw the creation of just 182 affordable units total from 2014-2023.<sup>66</sup>

These examples are a part of a broader trend. Based on an analysis of land use proposals that formally entered ULURP since 2022, some 3,547 units overall have been lost as a result of Council modifications to the scale of housing proposals or the withdrawal of housing proposals in the face of opposition.<sup>67</sup>

Notably, every one of these projects was slated to deliver affordable housing under the City’s mandatory inclusionary housing policy, or other City policies.<sup>68</sup>

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

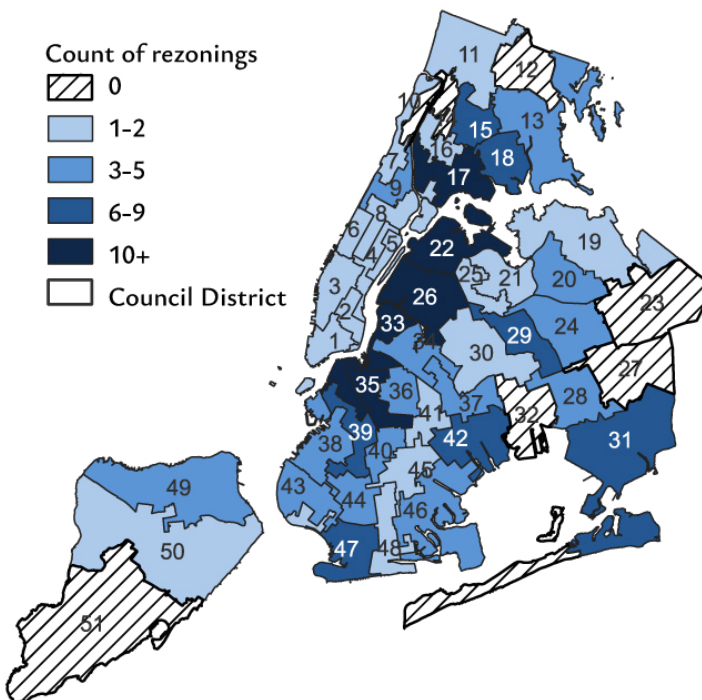
		Units as originally proposed	Income-restricted affordable units proposed	Units approved	Affordable units approved
Projects certified and withdrawn, or voted down	9	1,790	678	0	0
Projects approved with modifications	18	11,493	3,067	9,736	2,820
Total homes lost, at least:				3,547	
Total income-restricted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



## The Housing That Isn't Built

The most significant consequence of member deference is, however, the most difficult to measure: the projects that are never even proposed. As the Citizens Budget Commission has explained, “it is impossible to estimate how many projects never g[et] proposed or fail ... to advance beyond informal conversations because of the cost, length, and uncertainty of the land use decision-making process.”<sup>69</sup> If a potential project is in a district where a local member is likely to be hostile to new housing, it rarely reaches the filing stage. The costs of moving through the land use process — including upfront costs like environmental review, consultants, attorneys, and lobbyists — are so high that it does not make sense to initiate a land use proposal if the odds of approval are remote.

Adopted ULURP map changes to facilitate housing projects brought by private applicants from 2014-2024 organized by 2013-2023 Council District <sup>72</sup>



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

“If somebody calls me as a developer about a site ... to build affordable housing of scale, literally the first thing I do is I figure out who the councilmember is. Because if the councilmember is resistant to an entitlement or rezoning ... then it is dead on arrival. And no developer is going to spend time and money they can’t recover on an entitlement process when they know out of the gate that the councilmember is clearly opposed to it.”<sup>70</sup>



Or as Borough President Antonio Reynoso put it, there are “councilmember ... district[s]” where “they shut down every single project before it even starts.”<sup>71</sup> Indeed, an analysis of private applications for rezonings to enable housing over the last decade reveals that some City Council districts saw no applications at all, and only 5 of the city’s 51 Council districts averaged more than a single application per year.

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

The account of former Councilmember Marjorie Velázquez, who testified before the Commission, underscores the often-extreme pressure that councilmembers face to reject housing. Velázquez testified that during public review of a housing rezoning proposal in her district, she received multiple death threats from opponents of a project, had her home burglarized, was forced to obtain police protection for herself and her staff, and even needed a panic button installed in her home to alert the NYPD of threats to her safety.<sup>73</sup> Both Velázquez and political observers broadly attribute her support for the housing proposal as the reason she was defeated at the following election. As Citizens Housing & Planning Council summarized:

“There are some elected officials who have taken heroic steps to approve housing and the zoning to enable it ... But if it takes heroes to get housing built, we will never build enough housing.”<sup>74</sup>

New York is not alone in having a system like member deference. In Chicago, which has a similar district-based legislative branch with a role in land use, the practice is known as “aldermanic privilege.”<sup>75</sup> In 2023, an investigation by the U.S. Department of Housing and Urban Development found that Chicago’s practice disproportionately harms Black and

Hispanic households, perpetuates residential segregation, and effectuates opposition to affordable housing based on racial animus.<sup>76</sup> These dynamics give credence to the warning of then-Councilmember and now Public Advocate Jumaane Williams, who argued that, by giving local legislators who represent segregated communities the power to block housing, “member deference ... continues the segregation of the city.”<sup>77</sup>

## Other Process Costs

Even before ULURP formally begins, there is a lengthy period known as “pre-certification” that is often far longer than ULURP itself. State law — namely, environmental review requirements — is the leading reason why pre-certification has become so long. Today, it is common for large projects to spend seven figures and multiple years on environmental review, covering categories that are far afield from “environmental issues” as commonly understood.<sup>78</sup>

The growing length and cost of the pre-certification process mean that someone seeking land use changes in order to build housing must be able to withstand years of costs and payments to consultants or lawyers who are superfluous to the actual construction of the housing. Testimony before the Commission from the Citizens Budget Commission suggests that this dynamic increases the cost of a project by 11 to 16%, reaching over \$80,000 per new apartment.<sup>79</sup> These costs, like actual construction and labor costs, are ultimately carried through into the price of housing, and deter many projects from being proposed at all.

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





This selection bias can be seen in the types of land use changes that private landowners have applied for.

A staff analysis of rezonings over the past decade found that only *one* application in more than 120 private applications sought an increase in residential density of less than 40%. Only *one* additional application sought a change to a “low-density” district, defined as R5 or lower. Instead, the typical application seeks to double or triple residential density.

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

## Climate and Infrastructure

Many of the same procedural dynamics that inhibit the City’s ability to tackle the housing crisis constrain the City’s ability to make critical infrastructure improvements as well. The City has taken important steps to soften the blow of extreme weather, including investments in infrastructure, programs to support impacted residents, and improved warning and emergency response systems. But much more work must be done: thirteen years after Hurricane Sandy, the City is still building many of the coastal protection projects first conceived in the aftermath of that storm. And New York City needs more than coastal flood protection to withstand future extreme weather. Modernizing our infrastructure — from roads to buildings to sewers — is key to ensuring the city’s built environment can withstand extreme weather and serve New Yorkers.

Land use laws in the Charter received their last major overhaul in 1989 — just one year after NASA scientist James Hansen first testified to the U.S. Senate about the existence of a “greenhouse effect.”<sup>80</sup>



It should be no surprise, then, that our Charter was not designed to address the climate emergency with the urgency it requires.

As with the housing crisis, there are many factors related to the City’s resiliency efforts that are largely outside of the Charter, or this Commission’s, control, from coordination across levels of government to funding for major infrastructure projects. However, the “one-size-fits-all” land use process frequently slows resiliency improvements, adding cost to some and preventing some from being made at all. With rising temperatures and sea levels threatening more New Yorkers every year, the Commission believes now is the right time to make these processes more efficient.

## Guiding Considerations in Housing and Land Use Reform

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

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

The Commission has heard significant testimony suggesting tweaks and changes to ULURP. That the Commission has *not* heard significant testimony suggesting that ULURP be replaced wholesale is a testament to its enduring success over the last 50 years at incorporating meaningful public input from a variety of stakeholders, while clarifying and standardizing the application process and review timeline for those, both public and private, who seek land use changes. In keeping with what the Commission has heard, all of the amendments proposed by the Commission would preserve ULURP as the primary and most important form of public review for land use changes.





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

Second, the Commission heard about the barriers New York City agencies face in delivering valuable projects for New Yorkers. From building affordable housing on City-owned land, to partnering with private actors to build affordable housing on private land, to making critical infrastructure investments that protect New York City residents from flooding, agencies often contend with excessively complex and lengthy processes that hamper their ability to deliver change at scale.

Across these two issues the Commission was grateful to receive numerous opinions from elected officials, policy makers, academics, activists, and other members of the public. New Yorkers' thoughtful engagement has guided the Commission's work and informed the four related questions that the

Commission will forward to voters.

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

With these principles in mind, none of the proposals outlined below would by themselves allow development of any kind. Instead, each proposed reform would change the *process* by which the City decides whether to permit certain land use changes. Similarly, to preserve robust opportunities for local feedback, no proposal would curtail or shorten review by Community Boards where it exists today. And no proposal would alter environmental review, building or construction standards, or protections for historic districts or landmarks.





## **BALLOT QUESTION #1**

# **Fast Tracking Affordable Housing**



In the first ballot question, the Commission proposes an amendment that would create new fast track public processes for affordable housing. First, the amendment would create a new zoning action for publicly financed affordable housing projects administered by the Board of Standards and Appeals. Second, the amendment would establish an expedited public review procedure for applications that deliver affordable housing in the community districts that produce the least affordable housing.

These changes are intended to help New York City build more affordable housing, allow affordable housing to be produced more quickly and at lower cost, and ensure that every community adds affordable housing.

Both reforms stem directly from proposals made by the public. One of the most common suggestions heard by the Commission, including from the Citizens Housing & Planning Council, Regional Plan Association, Association for Neighborhood & Housing Development, New York State Association for Affordable Housing, elected officials, and others is to speed up the government's ability to deliver affordable housing projects through a new zoning waiver process.<sup>81</sup>



Another prominent proposal, put forward by the New York Housing Conference, Association for Neighborhood & Housing Development, Urban Land Institute, Open New York, Fifth Avenue Committee, Enterprise Community Partners, Urban Land Institute, Councilmember Pierina Sanchez, and others, has been to build on the City Council’s Fair Housing Framework by creating a mechanism to unlock projects that deliver affordable housing in the parts of the city that produce the least affordable housing today.<sup>82</sup>

In light of the urgent need to deliver affordable housing for New Yorkers, the Commission has decided to forward both proposals to voters.

## Background

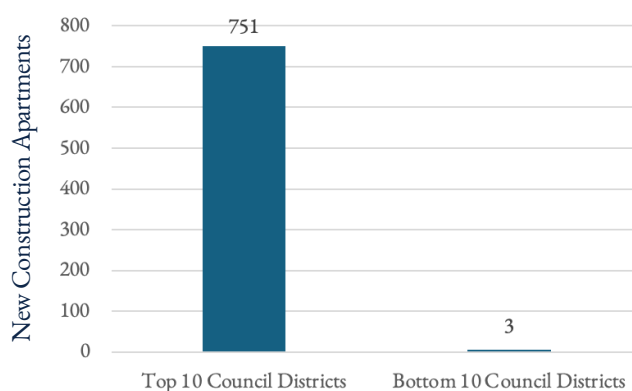
In hearings across the city, housing advocates, experts, builders of affordable housing, community members, and others have identified two distinct, but related, challenges that get in the way of affordable housing.

First, the Commission has heard that the existing Charter-mandated process for creating new affordable housing is too long, costly, and unpredictable. As builders, including minority- and women-owned businesses, policymakers, and others testified, today ULURP puts affordable housing projects through a long and complex public process that delays affordable housing and drives up costs.<sup>83</sup> Even the City itself, when it wishes to build affordable housing with taxpayer funds, faces obstacles rooted in the existing Charter. By streamlining the procedure for approval and reducing the amount of money that the City and builders spend on *process*, more money can go to housing itself: delivering more homes, at a lower cost, and at deeper levels of affordability.

Second, the Commission has heard that the while some neighborhoods are adding transformative levels of affordable housing, other neighborhoods produce little or no affordable housing today. In the last year, for instance, the top seven

Council Districts produced as much affordable housing as the other 44 districts combined, according to research from the New York Housing Conference.<sup>84</sup> While the top districts produce hundreds of affordable housing units in any given year, the bottom districts produce fewer than 10 units — orders of magnitude less.

Average New Affordable Housing Units p.a. (2022-2024)<sup>85</sup>



The Commission firmly believes that amendments targeting both problems are necessary and complementary. A citywide strategy for affordable housing must make it easier, faster, and cheaper to build publicly financed affordable housing projects across the city. At the same time, to build the volume of affordable housing needed to address the city’s housing crisis, reforms must make it easier for builders to deliver privately financed projects that, under the City’s Mandatory Inclusionary Housing program, are legally required to deliver affordable housing. Likewise, the City must continue to build affordable housing in low-income neighborhoods that have suffered through decades of neglect and disinvestment. But to ensure that every neighborhood has housing opportunities, the City must also produce more affordable housing in wealthier areas with the best access to jobs, transit, and amenities. Accomplishing these related goals will mean making it easier and cheaper to build affordable housing everywhere in the city, while paying particular attention to obstacles that block production in places that add little affordable housing today.

## The Commission's Proposal

The Commission's proposed amendment would create two distinct "fast track" review procedures. Only applications required to deliver affordable housing would be eligible for either path. Both paths would shorten the timeline for public review of eligible projects while preserving Community Boards' existing opportunities for public review.

### Fast Track Zoning Action

First, the proposed amendment would create a new zoning action for publicly financed affordable housing at the Board of Standards and Appeals (BSA). This new action would be available only to Housing Development Fund Companies (HDFCs), the legal vehicle for virtually all publicly financed 100-percent affordable housing projects in New York City. To receive zoning relief, an HDFC would need to demonstrate that an eligible project is consistent with neighborhood character and that relief will promote affordable housing development. This action builds upon, and expands, BSA's existing authority to grant zoning waivers, including for affordable housing projects.

The Board of Standards and Appeals (BSA) is an independent, expert body with five Commissioners appointed by the Mayor, each of whom is subject to advice and consent of the City Council.<sup>86</sup> Created to decide requests and resolve disputes about zoning and land use issues, today the BSA has the power to grant a zoning waiver — such as allowing a project to be denser or taller than otherwise allowed — to eligible applicants.

Under existing law, the BSA already possesses the power to waive zoning requirements to facilitate certain affordable housing developments. In 2018, for example, the BSA granted variances to allow for a six-story residential building with 66 units of low-income affordable and supportive housing in Queens.<sup>87</sup> BSA's existing authority is, however, limited to providing the "minimum variance necessary," a determination that can hinge on an onerous and exceedingly difficult inquiry into whether,

say, 65 units would be economically infeasible but 67 units would provide too much of a return.<sup>88</sup> This analysis adds time, cost, and restrictive caps on size, even in areas where a larger project is perfectly compatible with neighborhood character.

By creating a broader, shorter, and simplified action, the Fast Track Zoning Action would allow more affordable housing developments to obtain zoning relief through BSA. As a result, many affordable housing developments that today are required to go through a full ULURP action would be able to proceed through BSA. In this way, the Fast Track Zoning Action could be a powerful tool to promote affordable housing in neighborhoods where zoning poses insurmountable obstacles to affordable housing, and it could help the City move more quickly and efficiently in the places where it already builds.

Testimony from Ericka Keller of Brisa Builders Development — a minority- and women-owned development company dedicated to building affordable housing with faith-based and nonprofit partners — underscores the potential value of a Fast Track Zoning Action. Ms. Keller related her experience trying to secure permission to build a 100% affordable project that required a rezoning. When seeking a zoning waiver through BSA, an application receives a project-specific approval, meaning the BSA only studies a specific site.



Credit: Brisa Builders Development



However, because Ms. Keller’s project was required to go through a full ULURP, her rezoning application needed to cover additional properties and sites.<sup>89</sup> The larger rezoning, in turn, triggered time-consuming and expensive environmental review, imperiling the project and adding over \$700,000 in overall costs.<sup>90</sup> The City Planning Commission approved the project, but the City Council — after all the time and expense associated with the larger rezoning and associated environmental review — cut these other sites out of the rezoning area. If the Fast Track Zoning Action had been available, however, Brisa Builders would likely have been able to go to the BSA, avoid enormous delay and costs, and seek narrowly tailored, project-specific waivers that would not have disturbed the character of the neighborhood or the underlying zoning at all.

As mentioned, the proposed action would be available only to publicly financed affordable housing projects — that is, projects that will build affordable housing using city, state, or federal funds.<sup>91</sup> Likewise, only Housing Development Fund Companies, entities formed under Article XI of the

state Private Housing Finance Law, would be eligible for the action. The Charter already recognizes HDFCs and treats them differently for the purposes of ULURP: under Charter Section 197-d(b)(1), dispositions to “companies that have been organized exclusively to develop housing projects for persons of low income” — that is, HDFCs — are exempt from automatic review by the City Council.<sup>92</sup>

By requiring that eligible applications be HDFCs, the Fast Track Zoning Waiver will ensure that applications using this process meet the affordability requirements for HDFCs under state law. Critically, HDFCs are a flexible category that is compatible with the range of affordable housing projects that the City’s Department of Housing Preservation and Development (HPD) sponsors today, including affordable rental and homeownership projects, middle-income and deeply affordable housing, and supportive housing. A review of HPD’s last five completed HDFC projects illustrates the breadth of applications and depth of affordability that these projects can exhibit:

#### Recently Completed HDFC Projects Financed by HPD

	Total units <sup>93</sup>	Number of 2+ bedroom apartments	Monthly rent range	Annual income range, in thousands, for households of 1 to 5 people
The Bronx Grove <sup>94</sup>	127	37	\$0-\$2037	0-140
Hallets Point 7 <sup>95</sup>	145	73	\$665-\$1601	26-105
Help One A <sup>96</sup>	72	5	\$589-\$1421	24-105
Linden Terrace II <sup>97</sup>	129	52	\$397-\$1865	16-116
Apex Place <sup>98</sup>	122	72	\$738-\$2975	0-245



The ribbon-cutting to celebrate the completion of HELP ONE Building A and B, including the development team and City officials, March 14, 2024. Courtesy NYC Housing Development Corporation (HDC).

In addition, under state rules applicable to HDFCs, eligible applications will be required to execute a regulatory agreement that ensures units on the site remain affordable. HPD, for its part, generally requires a regulatory agreement for 40 to 60 years, and it structures its agreements to strongly encourage extensions of affordability after an initial 40- to 60-year term is finished.<sup>99</sup> In medium- and high-density districts, a significant portion of these developments will generally be permanently affordable under Mandatory Inclusionary Housing and the Universal Affordability Preference.

Separately, the Fast Track Zoning Action would only be available in zoning districts that already permit residential uses. The variance process, a BSA action already present in state law and the Zoning Resolution, would remain available for affordable

projects seeking to locate in areas where the underlying zoning does not permit residential use.

In order to grant waivers to zoning on the Fast Track, the BSA would have to make findings related to neighborhood character and programmatic necessity, with HPD providing support for the latter finding. The neighborhood character finding is common to other BSA actions. It provides assurance that an approved project will not clash with a neighborhood's existing built context. In a low-density neighborhood where buildings have a modest maximum height of 35 feet, for instance, a four-story, 45 foot affordable housing development is a far better candidate for this action than an out-of-place 14-story affordable housing development.



The programmatic necessity finding provides the BSA and the public with assurance that the affordable housing project is consistent with HPD development standards, including building size, layout, and affordability levels, and will likely receive backing from HPD or another government entity if approved by BSA. Generally, showing programmatic necessity will require an applicant to produce a letter from HPD or another government entity demonstrating a non-binding commitment to finance the project.

The process for a Fast Track Zoning Action would balance the need for community input with the imperative to move affordable housing projects more quickly. Once an application is filed, the BSA would be required immediately to refer a Fast Track application to the affected Community Board, where it will have a 60-day review as it does today. During its review period, the Community Board may hold a hearing and may provide a recommendation to BSA. Within 90 days of a filed application — a point at which most conventional rezoning applications are just starting the “precertification” process at the Department of City Planning and may be a year or more away from the *beginning* of ULURP — BSA must hold a hearing on the application. For a large majority of projects, the record would be closed and the BSA required to issue its decision within 30 days. If the BSA does not have enough information to make the findings, the applicant may request one 60-day extension for a second hearing and decision. Under the BSA Fast Track, virtually all projects would conclude in less time than a typical rezoning takes to even begin ULURP.

Taken together, the Fast Track Zoning Action would save affordable housing projects both time and money. By offering a process that can focus on a single project rather than a wider geography, both environmental review costs and the time to complete an environmental review would go down. By removing the strictest version of the “minimum variance necessary” constraint on BSA, the Fast Track would simplify and expand the pathway for affordable housing variances. And

because the Fast Track Zoning Action is project-specific, the land use review conducted by the BSA will be much simpler than the one required for a conventional rezoning.

## Affordable Housing Fast Track

The proposed amendment would also establish a new public review procedure for applications that deliver affordable housing in the community districts that permit the least affordable housing. Building on the City Council’s Fair Housing Framework, which was written into the Charter in 2023, the proposed amendment is intended to increase the production of affordable housing across the city and help ensure that every neighborhood contributes to the need for affordable housing.<sup>100</sup>

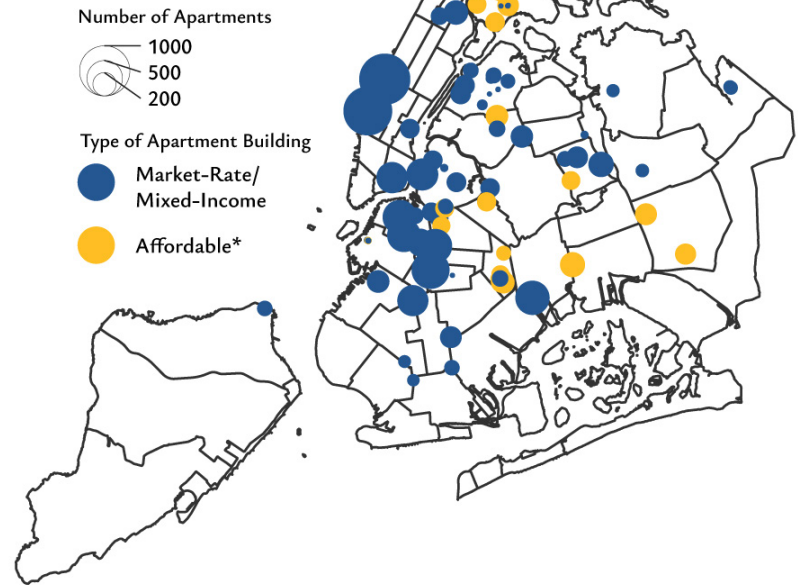
Every five years, beginning in October 2026, the City will release a report on the rate of affordable housing permitting in each of the 59 Community Districts over the past 5 years. In the 12 Community Districts that permitted the least affordable housing, rezoning applications that are required to deliver affordable housing under the City’s Mandatory Inclusionary Housing (MIH) program would have access to a new land use procedure: the Affordable Housing Fast Track. This procedure would include the same 60-day opportunity for Community Board review as exists under ULURP today. To speed review, the Borough President’s advisory review period would run concurrent with the Community Board. Following the Community Board and Borough President, the City Planning Commission would have 30 days to review an eligible application and hold a final vote.<sup>101</sup> From start to finish, this process would cut in half the amount of time that covered applications spend in public review.

As the Commission has heard from experts, practitioners, and members of the public, the City’s existing process for land use review has resulted in deeply uneven development patterns.

Today, a few neighborhoods produce the majority of affordable housing, others build mainly market-rate housing, and some produce no housing at all. For the reasons discussed above, these dynamics contribute to rising costs, segregation, displacement, and gentrification. They severely restrict housing opportunity in much of the city and push many lower income families and households to neighborhoods where they would not otherwise choose to live — or out of the city altogether. As a growing body of research demonstrates, where one lives has a profound effect on nearly every aspect of one's life.<sup>102</sup>

The Affordable Housing Fast Track is a targeted effort to promote more equitable development of affordable housing while preserving the ordinary process of land use review in most of the city. Under this proposal, the Affordable Housing Fast Track would only come into play in the 12 community districts that permit the least affordable housing — that is, the bottom fifth of all districts. By design, this proposal would affect only outlier districts: the few that produce the lowest affordable housing. In the rest of the city, the ordinary process of land use review would remain in place. Further, to account for important differences between lower-density and higher-density community districts, districts would be assessed based on *relative* growth in affordable housing rather than the absolute number of affordable housing units permitted.

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

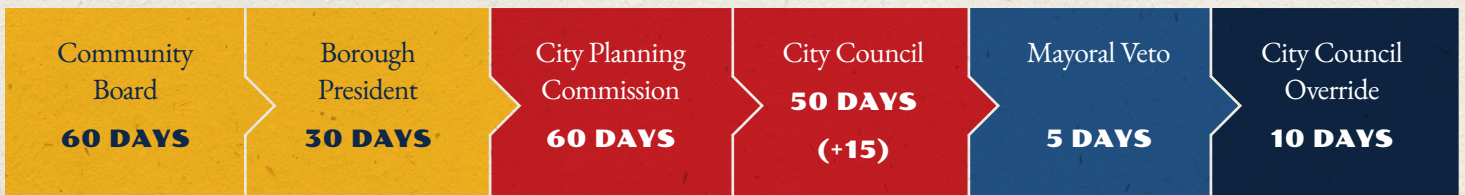


\*Affordable refers to buildings where at least 90% of the units are income restricted

By focusing on the *rate* of new affordable housing permitted relative to the existing housing stock, the Fast Track wouldn't measure whether a low-density district created as many units as a higher-density one, but instead whether it added a similar share of affordable housing.<sup>103</sup>

### EXISTING PROCESS

Would continue to apply in 47 of 59 Community Districts



### PROPOSED AFFORDABLE HOUSING FAST TRACK

Would apply only in the 12 Community Districts that produce the least affordable housing\*



\*Only projects subject to the City's mandatory inclusionary housing policy are eligible for the Fast Track



## Building on the City Council's Fair Housing Framework

In 2023, the City Council unanimously passed Speaker Adrienne Adams' "Fair Housing Framework" legislation, which amended the Charter to require the City to complete a fair housing plan every five years.<sup>104</sup> As a result, the Charter now directs the Administration to regularly assess the total number of housing units, affordable housing units, and other housing units needed across the city, and to propose district-level housing targets for each Community District, with a particular focus on equity and the desire to advance housing opportunities in every community.<sup>105</sup> Pursuant to that mandate, the City is set to produce its first assessment and set of targets in 2026.

Throughout the Commission's public process, it has heard repeated calls to build on the Council's Fair Housing Framework by creating an enforcement mechanism that would advance housing production in the parts of the city that fail to meet housing targets.<sup>106</sup> Because the Fair Housing Framework was enacted by ordinary local law, it did not change the fundamental structure of the Charter's land use review procedures, which can only be altered by referendum. As a result, the Council's Fair Housing Framework today promotes disclosure and transparency around patterns of housing development but cannot directly affect those patterns. If a Community District fails to meet a housing target, nothing about the land use process changes.

The Affordable Housing Fast Track would buttress the Council's Fair Housing Framework in important respects. Most critically, it creates an enforcement mechanism for the Fair Housing Framework, advancing the Framework's core goal to promote fair housing and equitable housing development. When reviewing whether to approve an application on the Fast Track, the City Planning Commission would be required to assess an application's consistency with the fair housing plan that serves as the foundation for the Fair Housing Framework.

The Commission's proposal would also go a step further in writing the Fair Housing Framework into the City's overall planning system, requiring the City's Ten-Year Capital Strategy to incorporate both the Fair Housing Framework and the Fast Track's geography. These changes will help ensure that planning in affected communities districts is proactive and does not turn exclusively on applications that happen to come before the City Planning Commission. Unlike a typical rezoning process, moreover, the proposed amendment would explicitly require that the City Planning Commission find that an application is adequately supported by transit, sewer, and other infrastructure before it can be approved on the Fast Track. These measures underscore that the Fast Track is not a rubber stamp; its review will require specific findings related to the Fair Housing Framework and local infrastructure, in addition to the usual requirement that any application be consistent with sound planning.



Speaker Adrienne Adams speaks at the bill signing of legislation that establishes a "Fair Housing Framework," with members of the Adams administration, labor, and housing advocates.

At the same time, the Affordable Housing Fast Track is a narrower reform to our planning system than many have proposed to the Commission. Although many have called to make the entire Fair Housing Framework enforceable, there has been much less consensus on how to do so.<sup>107</sup> The Fair Housing Framework itself sets goals for the whole city, and it includes goals for not only affordable housing but market-rate housing as well. Giving that plan and all of its goals a direct and sweeping effect on land use would work a significant change in land use decision-making across the city. The Commission’s proposal instead focuses on affordable housing production, it affects only outlier community districts that produce the least affordable housing, and it alters review only for proposals legally required to deliver affordable housing. It otherwise leaves the City’s system of land use review unchanged.

Likewise, the Commission has opted for a simple, direct, and objective measure to determine which Community Districts are subject to the Fast Track. Many proposed to the Commission

a more expansive, multistage, and inevitably political process to determine where Fast Track review would apply, involving the City Planning Commission, City Council, Community Boards, Borough Presidents, and so on. But experience from jurisdictions with analogous “fair share” requirements — including New Jersey and California — underscores the difficulty of crafting a political process that establishes effective and equitable housing targets.<sup>108</sup> Too often, fair share processes are lengthy and politically controversial, while resulting in precious little housing.<sup>109</sup> Complex processes can be subject to gaming.<sup>110</sup> Legal challenges can stall targets from taking effect.<sup>111</sup> And wealthier and more powerful constituencies can wield outsized influence, undoing the capacity of such plans to advance fair housing in the most exclusionary communities.

Moreover, in other parts of the country, the state — a higher level of government — imposes a fair share mandate on localities. But here, no external authority is requiring New York City to act. Instead, New York City would need to craft



HDFCs include a wide variety of organizations that build and manage affordable housing, including this future affordable homeownership opportunity in Brooklyn developed by Habitat for Humanity New York City and Westchester County, and slated to be owned and stewarded by the Interboro Community Land Trust. Credit: Union Street Studio Architects PLLC



a process to effectively impose fair share requirements on itself, posing an even greater danger that local politics will defang any targets before they deliver.

The Commission heard testimony on both sides of this question. ANHD, for example, advocated for a collaborative and political process, culminating in a vote on proposed targets by the City Council.<sup>112</sup> Others, like the Citizens Housing and Planning Council, believe that an open-ended process would be open to political manipulation without leading to more rational outcomes.<sup>113</sup> While the challenge of fashioning an effective target-setting process may not be insurmountable, the Commission is proposing a simple mechanism to advance affordable housing, less vulnerable to gamesmanship and more surgically targeted at promoting affordable housing in the neighborhoods that fail to contribute.

Under the proposed amendment, every five years (on the same cycle as, and alongside, the Council's Fair Housing Framework) the City would determine which 12 community districts had

permitted the least new affordable housing over the prior five years — a clear, objective determination. To account for differences between higher-density and lower-density districts, community districts would be assessed based on the rate of affordable housing permitting rather than the total number of new affordable units permitted. Once the bottom-performing districts are determined, Mandatory Inclusionary Housing rezonings filed in those districts would have the option of using the Affordable Housing Fast Track, with districts remaining subject to the Fast Track until the next cycle determines a new set of districts. Only after the bottom-performing districts are established would the Fair Housing Framework be used. Specifically, in reviewing whether to approve an application on the Fast Track, the City Planning Commission would be required to assess an application's consistency with the Fair Housing Framework.<sup>114</sup> In this way, the Commission seeks to strike the right balance between a citywide housing and planning process, and a simple targeted reform that will advance more equitable development of affordable housing.



HDfCs include a wide variety of organizations that build and manage affordable housing, including community land trusts like El Barrio CLT, which manages this building at 201 E 120th Street in Manhattan. © Cyclomedia

## Q&A

### What parts of the City will be subject to the Affordable Housing Fast Track?

No district would be subject to the Affordable Housing Fast Track until 2027. It is too early to say which 12 districts will have the lowest rate of affordable housing production at that time. In 2024, the City enacted City of Yes for Housing Opportunity, a citywide zoning change expected to boost affordable housing production and alter patterns of development across the city, including in neighborhoods that have historically lagged in affordable housing production. 485-x and 467-m, two recently enacted state tax programs that incentivize affordable housing, will also likely influence how much affordable housing is produced and where.

### Will either of the mechanisms create new affordable homeownership opportunities?

Both Fast Track mechanisms would create opportunities for both income-restricted rental housing and income-restricted homeownership opportunities. The Fast Track Zoning Action before the BSA is designed to work with existing HPD programs, including HPD's Open Door Program, which provides funding for 100% affordable homeownership developments. All applications for the Affordable Housing Fast Track are subject to the Mandatory Inclusionary Housing program, which also provides opportunities for affordable homeownership.

### What does “affordable” mean?

Housing is considered “affordable” when a family spends 30% or less of their income to live there. Both Fast Track processes would create income-restricted rental and homeownership opportunities affordable to families at lower incomes.

The Affordable Housing Fast Track is only available for applications subject to the Mandatory Inclusionary Housing program. MIH allows for more market rate housing, but it requires all developments to include permanently affordable housing at a range of incomes, generally between 40 and 80 percent of Area Median Income, or AMI, the HUD-calculated figure used for affordable housing programs. In concrete terms, for a family of three in a new two-bedroom apartment, 40% AMI translates to about \$1,450 in rent and 80% AMI translates to about \$2,900 in rent.

The Fast Track Zoning Action before BSA would only be available for affordable housing projects subsidized by the City or other governmental entity. These developments are generally 100% affordable and reach families at even lower incomes.

### How long are apartments affordable?

Affordable homes developed under the Affordable Housing Fast Track would be affordable in perpetuity pursuant to the requirements of MIH.

Homes developed via the Fast Track Zoning Action would remain affordable for the length of their regulatory agreement (or any successor agreement). For affordable housing not permanently affordable under MIH or other zoning programs, HPD agreements generally run for 40 to 60 years and agreements are structured to strongly encourage extensions of affordability after an initial 40- to 60-year term is finished.



## **Why is the City Planning Commission given the final say in the Affordable Housing Fast Track?**

As the New York Housing Conference, the Anti-Discrimination Center, Fifth Avenue Committee, Urban Land Institute, Open New York, and others suggested, the process for Fast Track applications will end at the City Planning Commission.<sup>115</sup>

In recent decades, hyperlocal planning practices have blocked affordable housing in much of the city. The Affordable Housing Fast Track is a narrow intervention to address inequitable production. It only impacts a minority of projects in outlier districts (never more than one fifth of all districts) while leaving the land use review in the lion's share of the city unchanged. Given the limited scope of the Fast Track, allowing the City Planning Commission a final say on Fast Track projects strikes an appropriate balance between preserving the dominant role of the City Council and ensuring that affordable housing is built in the parts of the city where the present land use system has proven itself broken. Were the Fast Track to give the Council the same final say over land use applications that it possesses today, the Commission has no reason to believe that the dynamics of hyperlocal review would prove any different.

The City Planning Commission is well positioned to play this role. The City Planning Commission has a citywide view, with representation from all five boroughs, and is charged under the Charter with responsibility for “the orderly growth, improvement, and future development of the city, including...[the] health and welfare of its population.”<sup>116</sup> With 12 of the 13 members of the City Planning Commission subject to the advice and consent of the City Council, the Council retains an important check over the Commission that will promote accountability.<sup>117</sup> Today, the City Planning Commission is the final stop for well over one hundred land use actions, including authorizations for

significant increases in floor area and height, use allowances, reductions in parking, and more. The Affordable Housing Fast Track adds another category to the list of actions the City Planning Commission already handles.<sup>118</sup>

## **Are environmental review or historic preservation procedures changed by this amendment?**

No, applications in both processes are subject to state and local environmental review requirements, which remain unchanged. Both state and local historic preservation requirements are also unchanged by the proposed amendment.

## **Do the fast tracks remove any opportunity for community board review and other public input?**

No. Existing Charter requirements for BSA actions, including Community Board and Borough Board review, will remain unchanged. Similarly, projects making use of the Affordable Housing Fast Track would still be required to meet all the same Community Board requirements that they do under ULURP.

## **Why isn't the Commission proposing a comprehensive plan?**

The Charter's Fair Housing Framework may ultimately be a bridge to “comprehensive planning,” and a basis for future Charter reforms. But the Commission does not believe an amendment requiring a comprehensive plan is advisable at this time.

Comptroller Brad Lander, Borough President Antonio Reynoso, the Thriving Communities Coalition, and others

have proposed that the Charter be amended to require that the City adopt a comprehensive plan that would touch not only housing but other critical aspects of planning, including economic and workforce development, transportation, sustainability, schools, and access to open space.<sup>119</sup> Other cities, including Seattle, develop comprehensive plans of this kind, frequently pursuant to state law.<sup>120</sup> They do not represent hyper-detailed, block-by-block and lot-by-lot assessment of appropriate zoning, transit investments, and so on. Instead, these plans are used to help guide later decision-making over specific land use, infrastructure, and other proposals.

To move beyond a mere planning exercise, these proposals would, upon adoption of a comprehensive plan, create an alternative public review procedure for projects in line with a plan. Comptroller Lander's proposal, for example, would task the City with developing a comprehensive plan, condition the adoption of that plan on approval by the Council, revise the City's 10-year capital plan requirement to reflect a comprehensive plan, and create a "streamlined and expedited 90-day ULURP clock for rezoning actions that comply with the Comprehensive plan" that ends with the City Planning Commission.<sup>121</sup> At the heart of these proposals is the belief that the City will most effectively tackle the housing crisis if it considers its housing needs on a citywide basis, and alongside all its other planning priorities, rather than through a series of piecemeal projects that tend to be viewed through a hyperlocal lens. Rooted in principles of sound planning and supported by models from around the country, these proposals have much to recommend them.

Nevertheless, the Commission declines to propose an amendment requiring a comprehensive plan for a number of reasons. First, an enforceable comprehensive plan like the one proposed by Comptroller Lander would work a far more seismic shift in the City's land use review procedure than any change proposed by the Commission. As stated above, the Commission believes that 50 years of experience have revealed

ULURP to be fundamentally sound, even if time has revealed that targeted reforms are necessary.

Second, the City's Fair Housing Framework is in its infancy, with no plan proposed under that framework yet adopted. If it succeeds as a planning tool, it may point the way to further reforms in the direction of comprehensive planning. Indeed, the Commission's proposal, which builds upon and buttresses the Fair Housing Framework, may be viewed as a concrete step in the direction of a comprehensive plan. But a jump to full comprehensive planning would, at this stage, be premature.

Third, the Commission is mindful of New York City's own history with comprehensive planning. The City Charter once required the City to adopt a comprehensive plan: Both the 1936 and 1961 Charters required the City Planning Commission to adopt what it deemed a "master plan."<sup>122</sup> In 1969 the Lindsay administration produced one such master plan — the "Plan for New York City."<sup>123</sup> That sweeping multivolume plan touched everything from jobs to transit, education, housing, industrial growth, open space, and more. But the plan was never adopted and "came to be viewed as a costly failure," leading to the removal of "master plan" requirements from the Charter in 1975 in favor of a nimbler strategic planning approach that can shift focus to crucial problems as they emerge.<sup>124</sup>

Fourth, the thrust of the Commission's reforms is to streamline process to deliver badly-needed housing, and the Commission is wary of injecting substantial procedural complexity into New York City's planning. In testimony before the Commission, a major theme surfaced by practitioners, advocates, and others is the danger of trying to solve problems by adding more process. A comprehensive plan in a city of our scale — one that attempts to capture needs ranging from housing, to transit, to schools, job growth, air quality, and infrastructure — is guaranteed to be staggeringly complex. The development of that plan, its adoption (or not) through the political process, and potential litigation after its adoption would no doubt consume years



of effort and significant resources. But while that project is guaranteed to deliver process, it is not guaranteed to deliver results. In the face of the urgency of the City’s housing crisis, the Commission has opted for interventions that more directly result in housing.

Fifth, and finally, the Commission is acutely aware of the ways in which neighborhood disparities in wealth, educational attainment, social capital, and other factors can imprint themselves on irreducibly political land use procedures.

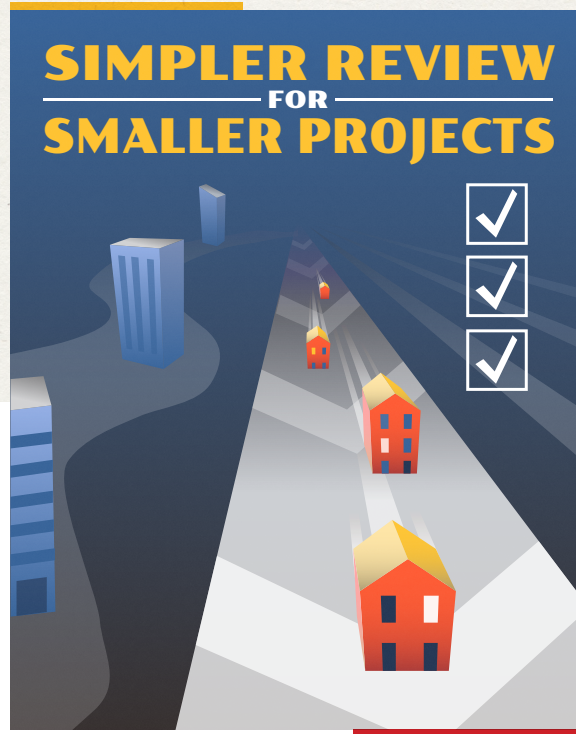
In many ways, the status quo this Commission is charged to address emerges from a system where neighborhoods with more resources are more effective at tilting outcomes toward their preferences than neighborhoods that lack these resources. The Commission believes that a clear and fair set of rules may be far less susceptible to entrenched political interests. Under the Commission’s proposed Affordable Housing Fast Track, the only way to “game” the system will be to produce affordable housing.



Mayor Lindsay’s Plan for New York City, 1969.

## BALLOT QUESTION #2

# Simplify Review of Modest Housing and Infrastructure Projects



**In the second ballot question, the Commission proposes an amendment to create an Expedited Land Use Review Procedure (ELURP) for certain land use changes and projects, including:**

- Modest housing proposals that increase residential capacity by no more than 30% or allow housing with a standard height no taller than 45 feet;
- Acquisition, disposition, and City Map changes related to affordable housing; and
- Minor infrastructure and resiliency projects, like raising the grade of a street to protect a community from flooding and adding solar panels on public land.

Today, ULURP — the City’s land use review process — is one-size-fits-all, subjecting both big and small changes to the same process of public review. As a result, many modest changes, such as proposals to enable a small amount of additional housing, build affordable housing on public land, or protect flood-prone communities, are forced into a lengthy, costly, and uncertain public process. To address this problem, the Citizens Budget Commission, historic preservation advocacy organizations including the Municipal Art Society and the Historic Districts Council, the Regional Plan Association, and others have proposed a shorter, simpler, and more predictable process for modest and categorically beneficial projects.<sup>125</sup>



ELURP responds to those calls, creating an expedited review procedure for many smaller projects while leaving ULURP unchanged for larger ones.

## Background

ULURP was written into our Charter some fifty years ago, and in many ways it is a national model for land use decision-making. It provides a clear timeline for review. It incorporates local feedback, borough feedback, expert feedback, and the views of democratically accountable elected officials. And it grants ultimate authority to bodies with a citywide perspective. This basic design solves many of the problems that bedevil land use review in places like Chicago or San Francisco, where politically inconvenient projects disappear and others are buried in process without end.<sup>126</sup>

Since its inception, ULURP has worked well for many types of projects and produces a steady pipeline of public and private land use actions that help the city grow and change over time. As described above, however, the projects in ULURP today are not enough to overcome the city's profound housing shortage or address the accelerating effects of climate change, sea level rise, and extreme weather. Decades of experience with ULURP now show that the length, cost, and uncertainty of the process deter a significant number of potential applications that are too modest to justify ULURP's costs or have the misfortune to be located in parts of the city where approval would be impossible. A fundamental objective of this Commission is to maintain ULURP where it is working, while creating new pathways for projects that cannot successfully navigate ULURP.

Front of mind for the Commission is the need to balance the benefits of simplifying public review for certain categories of modest, crucial, or categorically beneficial projects, and the need to ensure that any new public process is transparent, responsive to both local and citywide needs, and consistent with principles of democratic accountability. The Commission has heard loud and clear the importance of Community

Boards and to that end, the proposed ELURP review would not eliminate or shorten Community Board review in any instance.<sup>127</sup> Environmental review, historic district and landmarks protections, and construction and safety standards remain unchanged. And while ELURP gives some kinds of proposals a streamlined review, no proposal would become exempt from public review and “as of right.” In fact, because many of the projects eligible for ELURP are virtually unknown in ULURP today, ELURP is designed to *increase* the volume of projects subject to public review.

## The Commission's Proposal

The proposed amendment would create the Expedited Land Use Review Procedure (ELURP), a streamlined review process for specific categories of housing and infrastructure projects that ULURP effectively blocks or bogs down in unnecessary and costly delay. Categories eligible for ELURP are described more fully below, but include modest multifamily developments in low-density areas and modest increases in residential capacity in medium- and high-density areas. ELURP would also cover certain dispositions, acquisitions, site selections, and City Map changes that are modest in nature, or which support affordable housing, resiliency, open space, or solar energy needs.

From start to finish, ELURP would cut in half the amount of time that covered applications spend in public review. As with ULURP, ELURP would begin with advisory review by the Community Board and Borough President. The Community Board would have the same opportunity for public review that it has today: 60 days, as well as extended time for applications that are reviewed in the summer. To save time, the Borough President's review period would run concurrently with that of the Community Board. Following this 60-day period, the City Planning Commission would have a 30-day review period to hold a public hearing and vote to approve, approve with modifications, or disapprove the project.<sup>128</sup>

## EXISTING PROCESS



## PROPOSED PROCESS FOR PROJECTS ELIGIBLE FOR ELURP



The City Council, rather than the City Planning Commission, will have 30 days when state law requires Council review or approval.

The City Planning Commission’s decision would be final, with no subsequent review by the Mayor or the City Council.

With appointments from each Borough President, the Public Advocate, and the Mayor — and with 12 of the 13 members of the Commission subject to the advice and consent of the City Council — the City Planning Commission is well positioned to make final determinations on the matters subject to ELURP. More significant changes would continue to go through ULURP, including review by the City Council, as they do today. And to avoid any risk that successive ELURPs could be a path to larger changes on a given site, ELURP rezonings would be available only once in any ten-year period for any site.

ELURP is only for projects that categorically lack potential significant adverse impacts on communities. Specifically, if a project by its size or nature requires an environmental impact statement (EIS) under state and local law, it will remain subject to ULURP in order to receive a more extensive public and environmental review.

## Modest Housing

Today, ULURP does not work for proposals to add modest amounts of housing. Only large projects, resulting in a doubling

or tripling of how much housing is allowed on a site, can sustain the cost and risk associated with ULURP.

As a result, zoning in much of the city is either frozen in place or subject to the kind of significant change that is most likely to spur community opposition. By limiting opportunities for smaller projects, ULURP serves as a significant barrier to entry for smaller builders, nonprofit developers, and minority-and-women-owned business enterprises. As Kirk Goodrich told the Commission,

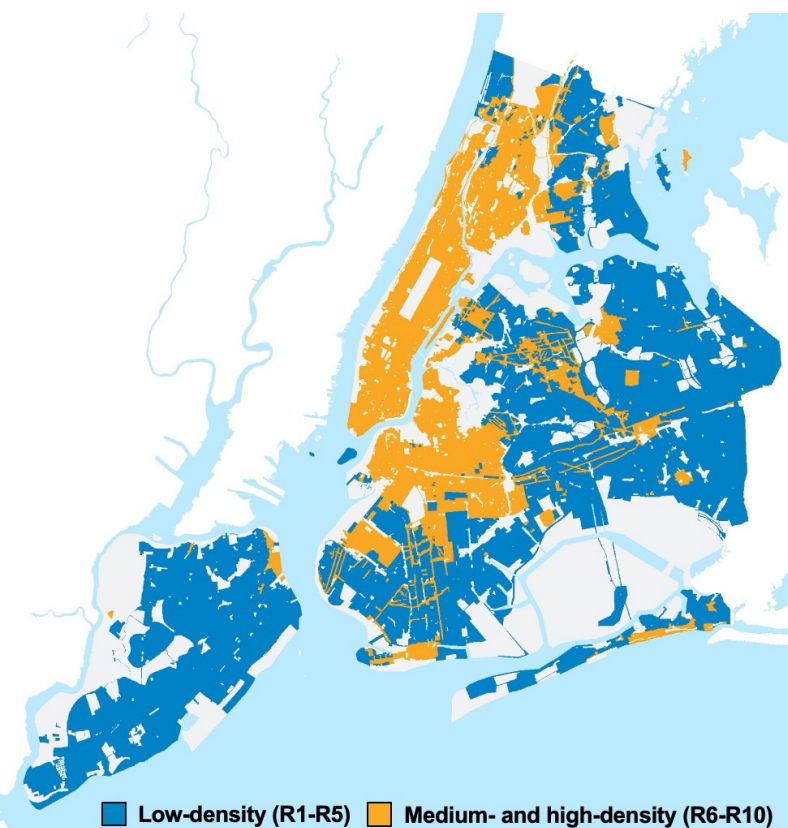
“the reality is that ... because it costs so much and takes so long, you can’t really expect anyone who is a fledgling developer or somebody who’s not a multi-generational developer to be involved in this at all.”<sup>129</sup>

Instead, ULURP favors a small number of large and well-capitalized firms who can secure the lobbyists, lawyers, and consultants needed to navigate the City’s labyrinthine process.



A review of every private residential rezoning in the last decade confirms that when it comes to modest changes to enable housing, ULURP is broken. In the last ten years, New York saw over 120 rezonings by private applicants to increase residential density. While dozens of these doubled, tripled, or quadrupled residential capacity, only *one* increased residential capacity by less than 40%. In low-density districts, only *two* increased residential capacity while remaining within a low-density district — meaning virtually all rezonings in low-density parts of the city involved a jump to medium or high densities.

ELURP would provide a path for modest housing changes that ULURP virtually never enables today. In medium- and high-density districts (zoned R6 and above), it would allow zoning map changes that increase residential capacity by 30% or less. In low-density parts of the city (zoned R1 through R5), it would enable zoning map changes that allow small-scale multifamily housing, up to a standard height limit of 45 feet and a maximum floor area ratio (FAR) of 2.



## In medium- and high-density areas, zoning map changes that increase residential capacity by 30% or less would be eligible for ELURP.

In medium- and high-density areas (zoned R6 and above), ELURP would enable a type of gentle increase in density that ULURP effectively prohibits. Specifically, zoning map changes that result in an increase in standard residential capacity of 30% or less would be eligible for ELURP. In the last ten years, there was *no* private application to increase residential capacity by 30% or less.

Eligibility would be based on the maximum residential FAR for the respective districts.<sup>130</sup> Generally, a 30% increase would allow only one “step” up the zoning hierarchy. See the table below for several examples of zoning map changes that would be eligible for ELURP under this proposal:

Existing District (Floor Area Ratio)	Proposed District (Floor Area Ratio)	Percent Increase in Residential Capacity
R6B (2.4 FAR)	R6D (3 FAR)	25%
R6D (3 FAR)	R6A (3.9 FAR)	30%
R6A (3.9 FAR)	R7A (5.01 FAR)	28.5%
R7A (5.01 FAR)	R7D (5.6 FAR)	11.8%
R7A (5.01 FAR)	R7X (6 FAR)	19.8%
R8A (7.2 FAR)	R9A (9.02 FAR)	25%
R10 (12 FAR)	R11 (15 FAR)	20%

All sites subject to this ELURP action will be required to deliver permanently affordable housing to use their full development potential. ELURP map changes would generally trigger Mandatory Inclusionary Housing (MIH) requirements, meaning housing on the site would be legally required to include affordable housing, and ELURP would enable MIH text amendments to effectuate these mandates. Only the most modest increases — such as a mere 7% increase from R7D (5.6 FAR) to R7X (6 FAR) — would not trigger MIH. But even in the unusual instance where MIH cannot be required, sites would be required to deliver permanently affordable housing at an average of 60% AMI to use their full development potential under the City’s Universal Affordability Preference program.<sup>131</sup>



Photos of newly constructed apartment buildings in Brooklyn and Queens in R5 zoning districts, the largest that a site currently in a low-density zoning district could achieve through the ELURP proposal. © Cyclomedia

Finally, to ensure that ELURP delivers only contextually appropriate development, ELURP could not be used to rezone from a district with height limits (“contextual districts”) to a district without height limits (“non-contextual districts”).

### **In low-density districts, zoning map changes that increase residential capacity to any district with a standard height limit of 45 feet would be eligible for ELURP.**

In low-density districts (zoned R1 through R5), ELURP would be available only for zoning map changes to another low-density district, enabling modest multifamily housing with a standard height limit of not more than 45 feet and a maximum residential FAR of not more than 2. In the last ten years, only two rezonings out of well over 100 private applications would have qualified for this action, underscoring that ULURP today only accommodates large-scale changes in some low-density districts, and it does not enable modest development of the kind enabled by ELURP.

This ELURP pathway is designed to encourage contextually appropriate multifamily housing of a kind that is familiar in virtually every neighborhood throughout the five boroughs. As experts including Professor Mitchell Moss and Vishaan Chakrabarti testified to the Commission, these low-rise multifamily buildings are lower cost to build, fit well within the

built context of New York’s neighborhoods, and are especially conducive to homeownership opportunities.<sup>132</sup>

Low-density districts vary in terms of standard heights and FARs, from 35 feet and 0.75 FAR at the lowest (in R1 districts), to 45 feet and 2 FAR at the highest in R5 districts. In limited instances, such as large sites near transit, sites on low-density commercial corridors, and sites with churches, libraries, and other community facilities, R5 districts can enable up to 55 feet in height. ELURP would be available on these sites too, but only — as with any ELURP — after advisory opinions from Community Boards and the Borough President, and only after the City Planning Commission weighs the appropriateness of the action and issues a final approval.

Critically, ELURP would not allow any property to exit the low-density family of districts (R1 through R5 and their equivalents). A zoning map change from any of these districts to a medium or high-density district (R6 district or above) would continue to require full ULURP.

### **Acquisitions, Dispositions, and City Map Changes**

As the city grapples with the ongoing housing shortage and affordability crisis, there is near-universal acknowledgment from elected and other government officials, advocates, practitioners, and members of the public that the City should



be leveraging underutilized publicly owned land to the greatest extent possible.<sup>133</sup> The City exerts far greater control over property it owns than over property it does not, and that power gives the City greater latitude to ensure that land is developed in ways that address the city’s most pressing problems. The Commission has received extensive testimony on this topic and the rules that presently govern City activation of public land, including Charter procedures governing dispositions and acquisitions of City-owned property.

The Department of Housing Preservation and Development (HPD) handles most dispositions of City-owned property for housing under various sources of authority, including the Urban Development Action Area Act and Article XI of the Private Housing Finance Law, which are subject to ULURP. These dispositions are almost always for projects executed by Housing Development Fund Companies (HDFCs), organized under state law to provide affordable housing. Because the City generally tries to leverage its property to the greatest extent appropriate, dispositions often happen in conjunction with other ULURP or ULURP-like actions such as zoning map changes, special permits, and zoning text amendments to map Mandatory Inclusionary Housing.

After decades of dispositions for affordable housing, there are fewer large sites that can support affordable housing without rezonings, and today’s disposition pipeline frequently includes creative uses of small, medium, or irregular sites. City dispositions require a full ULURP, even where any other owner would be able to build the same site as-of-right. As a result, it is far more challenging to use public land for public use than it otherwise would be if it were privately owned.

The Department of Citywide Administrative Services (DCAS) handles dispositions involving residential property as well, though these dispositions tend to be considerably more modest. DCAS’s main disposition pipeline is the “SAIL Away” program, which sells to adjacent property owners City-owned slivers, accessways, and interior lots (hence the “SAIL”



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

acronym) that cannot support independent development. Even though these lots are by definition too small, irregular, or otherwise encumbered to be of any possible use to the City — some slivers are just inches wide — they currently require the exact same process as major projects, like the dispositions to facilitate Hudson Yards.

This is not the first time that Charter reforms to allow easier disposition of small properties have been considered. Initially, the 1989 Charter Commission proposed to exempt such projects from automatic review by the City Council. However, critics at the time suggested that city disposition of large tracts of land were “the functional equivalent of a zoning change” for poor communities and, as such, should be subject to full ULURP just as rezonings are.<sup>134</sup> Even then, however, community concerns about disposition of public land related to market-rate and other commercial developments — not dispositions for affordable housing.<sup>135</sup>

In response, the 1989 Commission tried to reduce process by adding an exception for “dispositions ... to companies that have been organized exclusively to develop housing projects for persons of low-income” — that is, HDFCs.<sup>136</sup> Under this exception, applications go to City Council only if a majority of the Council votes to review it. In practice, this exception has been rendered irrelevant by City Council’s broader tendency to call up any application over which it has that authority, meaning that virtually all dispositions now go through full ULURP.

As a result, today’s procedure, which was intended to capture the largest outliers and ease the path for affordable housing, instead captures *all* actions, no matter how small or how urgent. The result is a Charter that requires a multiyear process for (1) dispositions to affordable housing nonprofits, even for projects that meet zoning requirements, and (2) the sale of unusable sliver lots to adjacent owners, impeding the City’s ability to leverage public property.

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

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

of size or other criteria, all acquisitions must go through ULURP.

The 1989 Commission’s one-size-fits-all approach to ULURP — in which all acquisitions and dispositions are subject to a full review — was part of a move late in that Commission’s process to eliminate gradations and tiers among project types in favor of a simpler approach that the Commission believed stood a better chance of being approved by voters.<sup>137</sup> According to testimony received by this Commission, decades of experience indicate that this regime makes many projects involving City property unnecessarily difficult, delaying or rendering infeasible affordable housing projects, new parks, and vital infrastructure (discussed more fully in separate sections below), among other projects.

### **HPD dispositions to Housing Development Fund Companies (HDFCs) would be eligible for ELURP.**

To enable the City to more effectively leverage City-owned land for affordable housing, dispositions to HDFCs would be eligible for ELURP. HDFCs are the vehicle for virtually all HPD-subsidized, 100% affordable housing projects. Because HDFCs are formed exclusively for the purpose of developing and managing affordable housing, and are bound by state law to that purpose, limiting dispositions to HDFCs helps unlock the potential of City-owned land while ensuring this pathway is limited to affordable housing.

Today, dispositions of City-owned property to HDFCs require full ULURP even when any development will occur entirely within the existing zoning, adding significant time and expense to affordable housing projects and reducing the City’s capacity to take on more projects. As described above, the 1989 Charter Commission tried to exempt HDFCs from full ULURP, but actual practice has rendered this exception moot. This Commission believes that dispositions for affordable housing are appropriate candidates for ELURP.

Importantly, state law sometimes requires project review or approval by City Council for HDFC projects on City-owned



land. Where this is the case, ELURP would substitute a 30-day Council review and vote for the 30-day CPC review period.<sup>138</sup> In other words, ELURP would continue to remain a 90-day process, but the Council — and not the City Planning Commission — would make the final determination.

### **HPD acquisitions of property restricted to use as affordable housing would be eligible for ELURP.**

HPD often simultaneously acquires and disposes of land for affordable housing, with an HDLC becoming the ultimate owner or lessee. In many cases, the City must reacquire properties with City-imposed restrictions that can only be removed while in City ownership. These legacy projects include many underutilized parking lots that could become housing, or sites with vacant, underbuilt buildings approved for renovation that would be more cost-effective to redevelop with new affordable housing instead.

Making acquisitions for affordable housing subject to ELURP, just like dispositions, will ensure that the acquisition component of such projects does not force the projects back into ULURP. Acquisitions subject to this action would be restricted to affordable housing, providing a guarantee that the ultimate use of the property will be affordable housing.

### **DCAS dispositions pursuant to DCAS’s “SAIL Away” program will be eligible for ELURP.**

DCAS has a program to dispose of slivers, accessways, and interior lots to adjacent property owners. Only lots that are too small, irregular, or otherwise encumbered to be developed independently are eligible. Nonetheless, disposition of these modest lots — some mere inches wide — requires as much process as the largest City-owned properties. The Charter already defines the relevant universe of lots in section 384(b) (4-a), and the Commission proposes to make disposition of this category of modest lots subject to ELURP, getting them out of City hands and onto the tax rolls faster.

### **City Map changes for affordable housing projects or to facilitate low-density housing will be eligible for ELURP.**

Changes to the City Map — no matter how minor or the nature of the project they facilitate — require ULURP, adding months or years to the development timeline of affordable housing projects, or preventing entire forms of lower-density housing from being built. The City Map shows the location and grade of streets, blocks, parks, and other features that define and limit where housing and infrastructure can be built, which agencies have jurisdiction, and what procedures must be followed. At times, “paper streets” — that is, streets that appear on the City Map but have never been constructed — must be “demapped” before housing can move forward. When this is the case for an HPD-sponsored affordable housing project, it can add six months or more to projects already going through ULURP for other actions.

Elsewhere, new streets must be added to the City Map and then built in order to meet street-access requirements for new housing development under the state General City Law (GCL). Historically, when new plots are subdivided for residential development, developers have either mapped streets or sought a GCL waiver from the Board of Standards and Appeals (BSA). Today, however, such changes typically require a full ULURP, a process that is so onerous for many low-density projects that it renders them nonviable. The result has been to curtail a source of housing development in some of the city’s lowest-density areas, such as parts of Staten Island, which have had an increasingly difficult time contributing to the city’s housing production in recent years.

City Map changes for government-sponsored affordable housing projects, including street mappings and demappings of unbuilt streets, would also be subject to ELURP. Sometimes projects on large sites need to map and build streets to meet access requirements under state law. Other times projects need

to remove mapped but unbuilt “paper streets” from the City Map in order to render sites developable. Regardless, mappings or demappings can add six or more months to projects that are already going through ULURP.

Separately, street mapping requirements can act as an insurmountable obstacle to housing, particularly on large sites in low-density areas that require street networks for new subdivisions. City Map actions necessary to meet state law street access requirements for new housing would be subject to ELURP. This change would allow for more housing while also responding to calls, particularly on Staten Island, for official street mappings rather than the BSA waiver process that has led to uncertainty and inconsistency in recent decades.

## Infrastructure and Resiliency

For all the City’s planning and preparation, the climate crisis is here. Extreme heat, extreme precipitation, and coastal floods are impacting New Yorkers now, with worse yet on the way. Unfortunately, much of our existing infrastructure isn’t prepared, and time is running out to protect vulnerable communities and build a more resilient energy infrastructure. To ensure these projects are delivered with the urgency required, we need to bring them to fruition years sooner than we currently are. To that end, the Commission heard broad support for creating an expedited approvals process for infrastructure and resiliency projects, including from Borough Presidents, the Planning and Land Use director for the City Council, and private practitioners.<sup>139</sup> These proposals identified several land use changes that warrant faster, simpler review.

First, raising the grade of a public street can be a simple and effective way to promote resiliency in flood-prone communities. However, as Manhattan Borough President Mark Levine testified to the Commission, today the City cannot elevate the grade of a street more than a *de minimis* amount without changing the City Map, triggering ULURP.<sup>140</sup> The need to undergo ULURP before raising a street’s grade as part of a flood protection project can make it more difficult to protect flood-prone communities with the speed the climate crisis requires. At the same time, to avoid the delay that comes along with ULURP, many street reconstruction, rehabilitation, or maintenance projects fail to incorporate resilient design measures into periodic state-of-good-repair work.

Second, it is not uncommon for resiliency and other infrastructure projects to surface decades-old inaccuracies in the City Map and small slivers of property in and adjacent to the right of way that don’t have an owner of record. This is especially true along the waterfront, where coastlines have changed over time and property records can be spotty. Even minor map inaccuracies and small parcels that the City needs to acquire can trigger lengthy public process because acquisitions





or changes to the City Map trigger ULURP, regardless of how minor the map change, small the parcel, or crucial the project. The result is delay and added cost for necessary projects.

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

Fourth, the need to acquire small properties for resiliency projects can significantly slow their progress, even when the parcels in question are exceedingly small and the projects in question exceedingly urgent. Coastal infrastructure projects, like levees and seawalls, or open space to serve as drainage areas for blue belts, often occur in waterfront areas where hundreds of years of change to coastlines and applicable law have left spotty property records, parcels with no known owner, ancient encumbrances, and numerous small and irregular lots that cannot be independently developed. Allowing these resiliency projects to more expeditiously acquire small properties can make it easier to protect communities vulnerable to flooding and other climate change impacts.

Fifth, the Commission heard testimony that existing Charter-mandated "site selection" processes slow down and impair resiliency measures, waterfront access, or other urgent infrastructure projects even when the City wants to use

property it already owns or controls. The Charter requires capital projects that include a change in a property's use to go through a "site selection" ULURP, even when that change is necessary for critical resiliency infrastructure or new public open space that does not raise the issues that site selection requirements were intended at their core to address, like the siting of noxious uses. For instance, the ULURP requirement for site selections has significantly delayed the Department of Environmental Protection (DEP) from installing pump stations to remove stormwater from low-lying areas to protect area residents. To avoid ULURP for site selection today, City agencies may decline to incorporate resiliency elements into project design, or they may site projects in the location that do not provide the greatest benefits.

Finally, the Commission heard testimony about the urgent need to streamline approvals for solar energy generation to support efforts to reduce greenhouse gas (GHG) emissions, expand solar energy, and slow the progress of climate change. Modernizing the City's energy systems makes them work better and makes the air cleaner for people who live, work, and move through the city.

**City Map changes for resiliency projects, including street raisings and clean-up actions in conjunction with acquisitions adjacent to mapped streets or parks, would be eligible for ELURP.**

To speed up projects that protect vulnerable communities from flooding, this proposal would allow ELURP for projects that raise the grade of a street. Specifically, ELURP would be available for street raisings within the 100-year flood plain up to the Base Flood Elevation (BFE) plus 2.5 feet, to account for the projected 2050 sea level rise.<sup>141</sup>

To account for stormwater flooding outside of the 100-year flood plain, where there is no BFE, the proposal would allow ELURP for street raisings up to 2.5 feet above the existing mapped grade. As weather events have gotten more extreme,

inland flooding has gotten more common. The need to expedite street raisings is imperative inland as well.

When necessitated by street raisings, the proposal would also allow *de minimis* widenings up to five feet without triggering full ULURP.

Because inaccuracies, unclear jurisdiction, and changing coastlines often necessitate cleanup land use actions for these projects — adding a year or more to their timelines — this proposal would also allow ELURP for changes to the City Map in conjunction with resiliency projects. Acquisitions of slivers or other small and irregular lots adjacent to publicly owned rights of way or parks — addressed below — are also common and can trigger City Map changes as well, so City Map changes related to those acquisitions would be eligible for ELURP too.

### **Site selections for resiliency, open space, and solar energy generation would be eligible for ELURP.**

Because site selections often occur in conjunction with City Map changes and acquisitions for resiliency, open space, and solar energy projects, this proposal would allow ELURP for site selections for these capital projects as well. This reform can

help speed up resiliency projects, like pump stations to protect low-lying areas from flooding, create open space assets from underutilized parcels of City-owned land, or otherwise enable uses of City-owned land to evolve with changing needs. To ensure these projects are modest, ELURP would be limited to capital projects in these categories, with buildings or other structures less than 5,000 square feet in area. And, as explained above, no application requiring an EIS would be eligible for ELURP.

### **Acquisitions of small or irregular sites adjacent to City-owned property for resiliency purposes and voluntary buyouts (acquisitions) within the 100-year flood plain would be eligible for ELURP.**

The proposal would allow ELURP for specific categories of acquisitions related to resiliency and open space projects as defined below. These include small or irregular sites or wetlands that are not independently developable and that are adjacent to existing publicly owned land, such as streets or parks, when necessary for resiliency projects, open space for drainage or coastal buffering, or other resiliency uses. In general, these lots are not occupied or improved.





The proposal would also allow ELURP for voluntary buyouts from homeowners of one- to four-family homes within the 100-year flood plain upon enactment, and also voluntary buyouts as subsequently authorized through a buyout program created by local law. This change would significantly streamline the process for owners who want to get out of harm's way and do not wish to wait for the years it can take to initiate and complete a full ULURP. For obvious reasons, there is little or no private market for these homes.

Acquisitions of any properties would also be possible via ELURP in an area declared by the federal government to be a disaster and within five years of the declaration.

### **Dispositions for solar energy generation would be eligible for ELURP.**

The proposal would allow ELURP for a disposition for solar energy generation, such as solar panels on public property. Sale of City-owned property is generally not necessary for this purpose, but even leases that give developers sufficient certainty to construct and maintain clean-energy infrastructure are still dispositions that require ULURP today. This proposal would allow ELURP for those dispositions. Notably, this pathway does not allow dispositions for standalone Battery Energy Storage Systems (BESS), which would still require ULURP.

### **The Charter would also allow the enumerated ELURP categories to be expanded through concerted action of the City Planning Commission and City Council.**

Particularly in the climate and clean energy space, changing needs and new technologies may make it advisable to add new categories of actions to ELURP in the future. The proposed Charter amendment would allow the CPC to propose new categories for ELURP through a public hearing and majority vote. If adopted by a vote of the City Council, the category would be added to the enumerated list of actions eligible for ELURP.

## **Q&A**

### **Why create a separate process (ELURP) rather than making general changes to ULURP?**

ULURP has proved a largely successful model for regulating changes to land use since it was adopted by New York City voters 50 years ago. The Commission believes that only a small set of activities related to modest zoning or City Map changes to facilitate housing and climate resiliency (outlined above) require the abbreviated timeline that ELURP proposes. For other, larger projects, ULURP strikes a sensible balance between robust public process and timeliness for projects.

### **Why ELURP and not a zoning administrator?**

In response to recommendations, the staff considered whether a new official — a zoning administrator — should instead be entrusted to make these determinations. A survey of practices in other jurisdictions indicated that zoning administrators typically make even smaller and more technical determinations than the ones envisioned in ELURP. The Commission thus prefers that ELURP decisions are made by the City Planning Commission, a familiar body with appointments from a cross-section of elected officials and whose members are subject to advice and consent of the City Council.

### **Can an application that requires an EIS go through ELURP?**

No. Full environmental impact statements (EIS) are required for a minority of rezonings and other projects that may have potentially significant adverse impacts on the environment. These will be categorically excluded from ELURP and will remain subject to the same land use review — generally ULURP — that applies today.

## **Why not shorten Community Board timelines?**

Community Boards play a central role in the City's land use review process and it is appropriate that they retain a full 60 days to weigh in. This is especially the case given that many Community Boards use the first month for a committee hearing before considering the application at a full board meeting the following month.

## **Do Community Boards still get more time for review in the summer?**

The Charter reforms made in 2019, giving Community Boards additional time during the summer to consider ULURP applications, would continue in ELURP.

## **What does resiliency mean, for the purposes of ELURP?**

Resiliency projects are those that enhance the city's ability to prepare for, withstand, and recover from extreme weather events.

These include stormwater drainage infrastructure and other stormwater flood management solutions, coastal flood protection measures that mitigate impacts from chronic tidal inundation and storm surge events, nature-based solutions like wetland protection and expansion, and heat mitigation measures like increased tree canopy and shade cover, vegetated surface area, and other cooling interventions.

Today, ULURP can add years of vulnerability to areas of the city that are especially exposed to flooding, or prevent common-sense measures that are unable to bear the process costs.

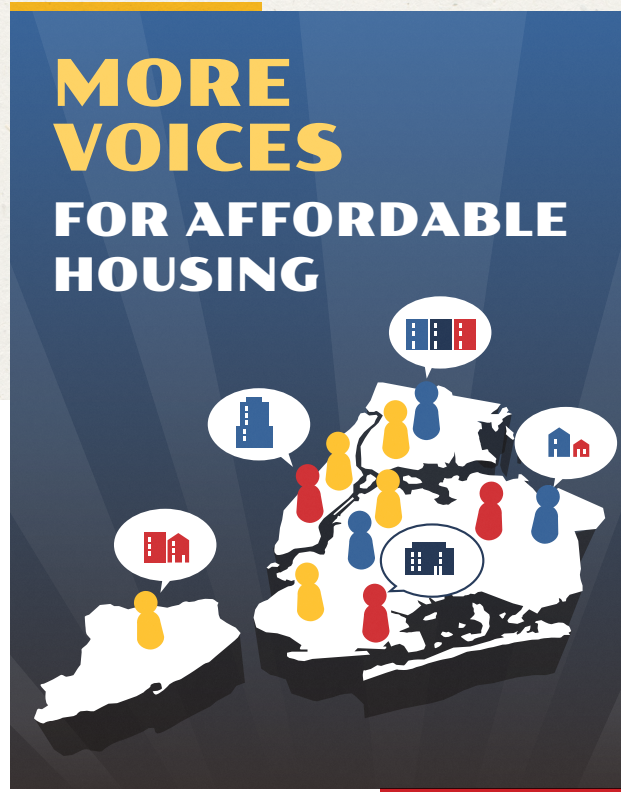
## **What kind of open space projects are eligible for ELURP?**

Open space projects are those that create new public open space on City-owned property and adjacent acquired property — including projects that incorporate resiliency, heat mitigation, and flood protection benefits maintained by the NYC Department of Environmental Protection, parks under the jurisdiction of the NYC Department of Parks and Recreation, and other open space managed by City agencies.



### BALLOT QUESTION #3

# Establish an Affordable Housing Appeals Board with Council, Borough, and Citywide Voices



In the third ballot question, the Commission proposes an amendment to establish a new Affordable Housing Appeals Board, consisting of the Borough President of the affected borough, the Speaker of the City Council, and the Mayor.

The Appeals Board would have the power to reverse City Council land-use decisions that reject or change applications creating affordable housing — but only if two out of these three democratically elected officials agree. This change is intended to strike a better balance between local, boroughwide,

and citywide voices in the land-use process. ULURP would otherwise remain the same, from community board review through consideration by the Council.

Across months of testimony, perhaps the leading complaint heard by the Commission about the City’s planning process is that it gives too little attention or force to boroughwide and citywide perspectives. Housing advocates, community leaders, elected officials, builders of affordable housing, and others have explained that, largely as a result of the informal practice of “member deference,” the current land use process gives decisive weight to local views, irrespective of borough and

city priorities.<sup>142</sup> As a consequence, worthy projects that could help address the city’s housing crisis are rejected, downsized, or never even proposed. And as the Commission has heard, this hyperlocal approach to planning exacerbates uneven and inequitable patterns of housing development and results in ever-increasing burdens on areas of the city that allow for growth.

These voices have called for a reform that continues to emphasize local perspectives, but with a check that gives broader citywide or boroughwide perspectives additional weight. Drawing on suggestions from Borough Presidents Antonio Reynoso and Vanessa Gibson, the Municipal Art Society, Citizens Budget Commission, and others, the creation of the Affordable Housing Appeals Board would attempt to restore the balance of perspectives that ULURP was intended to achieve.<sup>143</sup>

## Background

ULURP, as approved and amended by the people of the City of New York, attempts to strike a careful balance between local input and citywide perspectives. Through community boards and borough presidents, local views are given an advisory role: a voice, but not a veto.<sup>144</sup> The Charter instead vests binding authority in a City Planning Commission, the full City Council, and the Mayor, giving ultimate power for land use decisions to those that represent the whole city and can take

account of citywide interests. But as detailed above, political dynamics outside the Charter have come to give hyperlocal voices an outsized role in land use decisions — especially when it comes to projects that deliver affordable housing. Reform is needed to ensure that the process of land use review envisioned by the Charter works as intended.

In 1975, when it was originally approved by voters, ULURP ended at the Board of Estimate, a hybrid executive-legislative body comprising the Mayor, the Comptroller, City Council President, and the Borough Presidents.<sup>145</sup> The structure of ULURP ensured that Borough Presidents played a prominent role in land use matters, as democratically accountable officials with land use expertise, a boroughwide perspective, and a close relationship to community boards. At the same time, citywide elected officials held a majority of votes on the final decision, ensuring that citywide interests would play an important part in the consideration of land use matters.

In 1989, after the Board of Estimate was declared unconstitutional, ULURP was altered as part of a more sweeping reorganization of City government.<sup>146</sup> The historic role of Borough Presidents in land use matters was diminished — Borough Presidents would now play an advisory function, much like a community board. Ultimate authority over land use decisions was given to the City Planning Commission and the





full City Council, which now occupied the position previously held by the Board of Estimate. At the time, as discussed in detail above, the framers of the 1989 Charter expressed great concern that placing the City Council at the end of the ULURP process might give rise to hyperlocal planning, at the expense of citywide needs.<sup>147</sup>

To emphasize the need for citywide perspectives in land use matters, the framers of the 1989 Charter added a new step to ULURP: a mayoral veto. Specifically, the Charter gave the Mayor the power “to file a written disapproval” of a Council action in ULURP.<sup>148</sup> The Council, in turn, was given the power to override the mayoral veto by a two-thirds vote.<sup>149</sup> On matters as important as land use, it was deemed important that the Mayor be given a concrete and direct say as a check on legislative action, analogous to the Mayor’s power to veto ordinary Council legislation.<sup>150</sup>

Although it was intended by the framers as an important protection for “citywide needs,”<sup>151</sup> experience has revealed the mayoral veto to be largely ineffectual. In the 36 years since 1989, the mayoral veto has been rarely used — and even more rarely effective. Despite thousands of land use actions, the mayoral veto has only effectively been wielded twice — both times to support City-sponsored projects. Perhaps most striking, the veto has *never* been effectively used for any private application — that is, a land use application brought by a party other than the City itself.

As a result, when it votes to approve or disapprove an action, the City Council’s determination is essentially final. And because of member deference and political dynamics outside the Charter, virtually all applications in land use are determined by the views of the local member, irrespective of citywide interests.

### Mayoral Vetoes of Land Use Applications Since 1989

Application	Year	Applicant	Description	Type	Council Vote	Mayoral Veto Result
Post Graduate Center for Mental Health	1992	City	Supportive housing for formerly homeless individuals	Disposition	Deny application	Sustained
Pathmark Supermarket	1995	Private	Large supermarket in Queens that provided \$400,000 to the community in connection with the application, raising concerns	Special Permit	Approve application	Overridden
Marine Transfer Stations	2004	City	Three waste transfer stations to support the Mayor’s Solid Waste Management Plan	Site Selection	Deny application	Sustained
Kingsbridge Armory	2009	City	Rehabilitation of Bronx armory as a mall	Disposition and change in City Map	Deny application	Overridden
Civic Center Plan	2012	City	Sale of two City-owned office buildings	Disposition	Deny application	Overridden

The problem of hyperlocal review exists across the land use process, but it is particularly problematic in the area of housing — and especially affordable housing. Today, affordable housing production is highly concentrated in just a few neighborhoods, while others see barely any affordable housing production at all.

## The Commission's Proposal

To strike a better balance between local, boroughwide, and citywide voices, this proposal would alter the way ULURP works for applications that create affordable housing. For these applications, the amendment would replace the mayoral veto with a new three-person body: an Affordable Housing Appeals Board with representation from the Borough President of the affected borough, the Speaker, and the Mayor, or their designees. If two-thirds of the Appeals Board agrees, a City Council disapproval of an action creating affordable housing, or individual modifications made by the Council, could be reversed.

The process of ULURP that exists today and has existed since 1989, including the advisory review of the community board and Borough President, the decision of the City Planning

Commission, and consideration by the City Council, would remain the same. And for actions *not* involving the creation of affordable housing, nothing about ULURP would change. But where ULURP involves an action creating affordable housing, the Mayor's existing power to veto a City Council action in ULURP — a power that has proved both largely ineffectual and concentrates authority in the hands of a single official — would be removed, as would the Council's power to override that veto with a two-third majority.

This change would elevate the role of the Borough President in the land use review process, as a democratically accountable official who occupies a middle point between hyperlocal and citywide perspectives. It would empower the Speaker as an official who can channel local interests as well as citywide needs, given that a Speaker is both elected by one council district and selected by, and accountable to, the Council as a whole. And while removing the Mayor's veto power in ULURP for these applications, it would give the citywide perspective of the Mayor a concrete — but qualified — role.

The power of the Affordable Housing Appeals Board would be limited in important respects. First, the Appeals Board could take no action unless two of these three independently elected officials agree. With different perspectives and constituencies, the members of the Appeals Board must act with two-thirds support, or the Board would take no action at all.

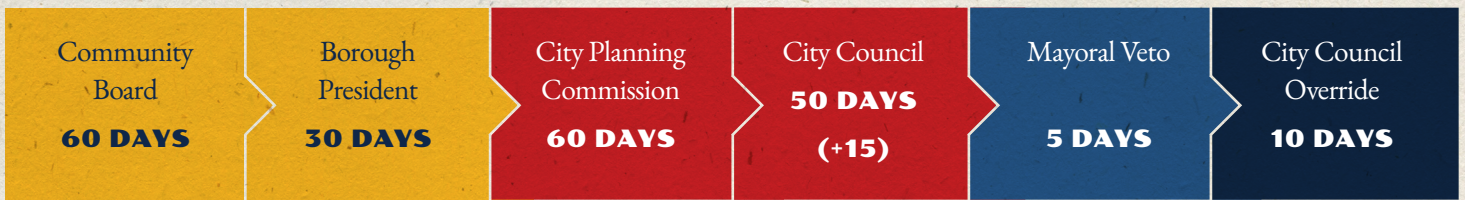
Second, the Appeals Board would come into play only for land use actions that would create additional affordable housing, such as a land use action that will involve, in whole or in part, application of the City's mandatory inclusionary housing requirements.

Third, the Appeals Board would come into play only for land use applications affecting a single borough, meaning citywide changes, and changes affecting more than one borough, would continue to receive the same review as they do today.

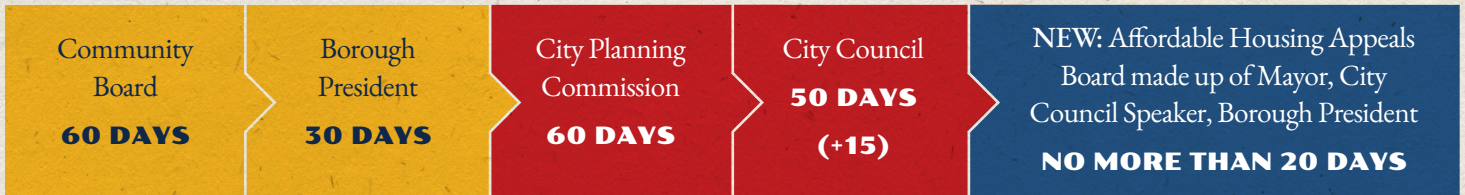


Mayor David N. Dinkins speaks at ribbon cutting ceremony for new low income HPD Housing Cooperative Apartments, March 3, 1992. Joan Vitale Strong, photographer. A mayoral veto of the denial of a separate land use application from HPD, also in 1992, was the only time the mayoral veto has been effectively used on a housing proposal. Mayor Dinkins Photograph Collection, NYC Municipal Archives.

## EXISTING PROCESS



## PROPOSED APPEALS BOARD PROCESS



Fourth, no land use action would automatically go to the Board. If an application is approved by the Council absent modifications, the Board would lack jurisdiction to review an application. Only if an application is disapproved or approved with modifications would Appeals Board review become possible.

Fifth, the Appeals Board's power in land use matters would be much narrower than that of the City Council or City Planning Commission, which have the power not only to approve or disapprove land use actions, but to craft new modifications to a land use proposal (such as a change to how much housing is allowed on a site). The Appeals Board would lack the power to reject a project approved by the Council without modifications. The Board would also lack the power to craft new modifications. Instead, the Board would only have the power to reverse the Council's disapproval of an action approved by the City Planning Commission, or — when an action is approved with modifications — to restore an application in relevant part to the form approved by the City Planning Commission.

By empowering officials with boroughwide and citywide perspectives, the Affordable Housing Appeals Board would make it more likely that consideration of proposals involving affordable housing includes appropriate attention to the citywide interest in addressing the housing crisis. And because the Board is composed of democratically

accountable elected officials, the Board would reinforce the power of majorities of city voters to influence land use decision-making at the ballot box.

At the same time, by limiting the Appeals Board's power to review City Council actions, by limiting its review to actions that would create additional affordable housing, by ensuring that the Appeals Board can only act by two-thirds majority, by providing no mechanism for automatic review by the Board, and by placing the Speaker or her designee on the Board, the Commission seeks to ensure that the City Council remains the dominant player in land use matters, as it is today. The Appeals Board would serve instead as a limited check on the hyperlocal perspectives that have grown to dominate housing development decisions in recent decades, reinforcing the need to balance local, borough, and citywide interests.

## Q&A

### Why the Borough President, Speaker, and Mayor?

The Appeals Board for any given application will include the Borough President of the affected borough, the Speaker, and the Mayor, or their designees. Each of these democratically elected officials brings helpful, but different, perspectives to bear.



One of the primary benefits of the Appeals Board is to elevate the role of the Borough President in the land use process. During the course of this Commission, Borough Presidents have made a compelling case for restoring to that office a more consequential role in land use matters, as was the case prior to 1989. Borough President Reynoso testified in favor of giving Borough Presidents a material role after the Council, to ensure that proposals receive a “borough-wide view on how development should happen” rather than a “very local view.”<sup>152</sup> Indeed, as a former councilmember who ascended to boroughwide office, Reynoso recounted how representing a wider constituency gave him the opportunity to take a broader perspective on land use matters.<sup>153</sup> Similarly, Borough President Gibson has suggested that Borough Presidents should have “more of a final decision and say” in ULURP, given that they possess a “lens that extends beyond a local council district.”<sup>154</sup>

Giving Borough Presidents a seat on the Affordable Housing Appeals Board is a natural extension of their existing role. Borough Presidents today offer input on land use applications that travel through ULURP, albeit through advisory opinions, and thus have experience providing thoughtful suggestions on land use matters. The close relationship between Borough

Presidents and Community Boards will further help Borough Presidents reflect the interests of the communities they represent on the Appeals Board.<sup>155</sup>

The Speaker brings multiple perspectives to bear. She is a voice for the interests of the City Council. She is also an official who can channel the need to weigh both local interests as well as citywide needs, given that a Speaker is both elected by one council district and selected by, and accountable to, the Council as a whole. In keeping with current Council practice, a Speaker may elect to cast her vote on the Appeals Board by reflecting the views of a local member or simply reaffirming the Council action on review. But history — including Speaker Adrienne Adams’ recent efforts to secure the passage of City of Yes for Housing Opportunity — suggests that Speakers can be a powerful force for reconciling citywide interests and local concerns.<sup>156</sup>

Finally, the Mayor — as an elected official who represents the entire city and has special responsibility to steer City government as chief executive officer — would bring the interests of the larger city to the Appeals Board. The Mayor’s seat on the Appeals Board also serves as a substitute for the loss of the power to veto Council decisions.

To emphasize the importance of democratic accountability, the Appeals Board would be composed of elected officials, or designees appointed solely for each project they consider — not appointed officials nominated for fixed terms. These elected officials would thus take credit or blame for the decisions they make, and they will be accountable to New Yorkers through the ballot box.

Placing the appeals process in the hands of elected officials has another benefit: it would help ensure that proposals involving affordable housing are considered within the larger context of community and citywide needs. In deciding whether to approve a project, elected officials could consider, among other things, a proposal’s economic and workforce benefits, its benefits for the local community, the capacity of local infrastructure to support growth, and the need — if any — for additional investments



City Council Speakers from Peter Vallone, Sr. to Adrienne Adams have shown they can be a powerful force for reconciling citywide interests and local concerns.

alongside anticipated growth. As they may today, elected officials could take this broader context into account when casting their votes on the Appeals Board.

At the same time, owing to the many responsibilities held by the Mayor, Speaker, and Borough Presidents, these officials may elect to make their decisions on the Appeals Board through a designee selected by each official and replaceable at will. Elsewhere in the Charter, the Mayor and other officials are similarly empowered to act through designees.<sup>157</sup> Indeed, especially because the Appeals Board does not have three fixed members, but is reconstituted for any given application with the affected Borough President, it may be that those designated by each official to serve on the Board will differ from application to application.

## How would the appeals process work?

This proposal would leave most steps in ULURP unchanged. Community Board review, the advisory opinion of the Borough President, City Planning Commission review, and review by the City Council would all remain unaffected. The proposed amendment would change only what occurs after the City Council acts, and only if they disapprove an action or approve it with modifications.

In those instances, a proposal could go to the Affordable Housing Appeals Board in two ways: through an appeal by an applicant, or because two members of the Appeals Board have opted to “call up” a City Council action. Either an appeal or a call up must occur within five days of a City Council action, or else the Council’s action would be final. If a matter comes before the Board, the Board would then have fifteen days to determine whether to take action or allow the Council’s decision to lapse into effect.

The Board can only act if two of its three members agree. If it has consensus, it may reverse a City Council decision to disapprove an action. Alternatively, if the City Council approves an application with modifications, the Board can

remove individual modifications made by the Council, restoring the application in relevant part to the one approved by the City Planning Commission. The Board would not have the power to impose new modifications.

When it hears an application, the Appeals Board could make two kinds of changes. First, it could reverse a City Council decision to disapprove a land use proposal. This is the core function of the Appeals Board: to provide a new path for worthy projects that serve important local, borough, and city needs in the land use process. In this way, the existence of the Appeals Board may resurrect beneficial projects rejected by the City Council, incentivize applicants to complete the full public review process rather than withdrawing from ULURP in the face of City Council opposition, and allow projects that would otherwise never have been proposed to enter public review.

Second, if the City Council approves an application with modifications, the Board can remove individual modifications made by the Council, restoring the application in relevant part to the one approved by the City Planning Commission.

If the Appeals Board reverses any modifications, its determinations would be reviewed by the City Planning Commission to examine whether additional review of the application is needed, just as the City Planning Commission does today with respect to City Council modifications.<sup>158</sup>

It would apply only when a land use proposal pertains to a single borough — if more than one borough would be affected, ULURP would remain entirely unchanged.

## Why would the Affordable Housing Appeals Board have the power to restore an application as approved by the City Planning Commission?

If the Appeals Board could only review disapprovals by the City Council, rather than modifications, there would be a danger that the Council could render the Appeals Board nonfunctional by

formally approving affordable housing projects but imposing poison-pill modifications that substantially or entirely reduce the capacity of an application to deliver housing. For example, an application concerning a full city block could be “approved” but modified so that it only applied to a single, undevelopable lot.<sup>159</sup>

The Appeals Board’s power to remove individual modifications would allow the Board to fulfill its purpose even if a project was modified in a way that was functionally a denial. At the same time, to ensure the Board can remove an objectionable modification while leaving the rest of the Council’s modifications undisturbed, the Board would have the power to consider each Council modification individually.

The Commission anticipates that most matters would arrive at the Board through an appeal by an applicant dissatisfied with a City Council disapproval or modification. However, even absent an appeal, the Appeals Board could “call up” a matter if at least two members of the Board agree. In other words, the Appeals Board could review land use applications even if the applicant itself is not dissatisfied with the result. The need for such a power is demonstrated by the Council’s frequent practice of removing non-applicant sites from rezoning applications. When an applicant proposes a zoning map change, they are often required to include nearby or neighboring sites that they do not control, because sound planning requires that those sites also receive an update. While the inclusion of these “non-applicant sites” serves important planning principles and creates new opportunities for growth, a private applicant has no financial interest in non-applicant sites, and the inclusion of such sites increases the cost and complexity of the ULURP process. Unsurprisingly, it is frequently the case that the Council and a private applicant agree to cut non-applicant sites from a land use proposal, easing a path to approval but sacrificing principles of sound planning. The Board’s power to call up applications helps ensure that the Board can reinforce principles of sound planning in these private applications.

## **Does the Appeals Board only relate to actions involving affordable housing?**

Yes. In response to feedback from stakeholders, the Commission is proposing to limit the power of the Appeals Board to actions that would create additional affordable housing, such as a rezoning application that will require development to include affordable housing under the City’s mandatory inclusionary housing program. Actions facilitating the development of affordable housing may be small, such as an action relating to a single affordable housing project. Or they may be large, such as a neighborhood rezoning that involves not only new affordable housing created through the mandatory inclusionary housing program, but also economic development, new public space, and more. But all actions subject to the Board must involve, in whole or in part, the creation of affordable housing. Other kinds of discrete land use actions, such as the siting of a new City-owned facility, or the creation of a hotel, are inherently non-residential and would remain subject to ULURP as it exists today.

As documented above, the problems of hyperlocal decision-making, and the ineffectiveness of the existing Mayoral veto, are not confined to housing. But housing proposals face particular challenges in the City’s existing land use process, and there is a special need to bring more boroughwide and citywide perspectives to bear on land use decisions that create new housing. Indeed, while no housing proposal has been approved through ULURP in the last sixteen years over the objection of a local member, non-housing proposals have on occasion been approved without the support of a local member.

The Appeals Board would not have power to review actions that qualify for the proposed Expedited Land Use Review Procedure, or ELURP, more fully described in Question 2.



## BALLOT QUESTION #4

# Modernize the City Map



**In the fourth ballot question, the Commission proposes an amendment to require the City to modernize the City Map.**

Currently, the City Map exists as over 8,000 individual paper maps separately administered by each borough. By replacing that decentralized City Map with a single digital City Map administered by the Department of City Planning, this reform could expedite development and reduce costs for housing, infrastructure, and other projects.

The City Map establishes the legally defined locations of street lines, widths, names, and legal grades, as well as the locations of mapped parkland and public places. Consolidation of the five boroughs into New York City occurred over 125 years ago, but a unified City Map of all five boroughs has never been adopted. Terminology, symbology, scale, and even datums (basic reference points for height measurements) vary from borough to borough. At its hearings, the Commission heard testimony, including from practitioners, industry, and former Borough President staff, that consolidation is long overdue.<sup>160</sup>

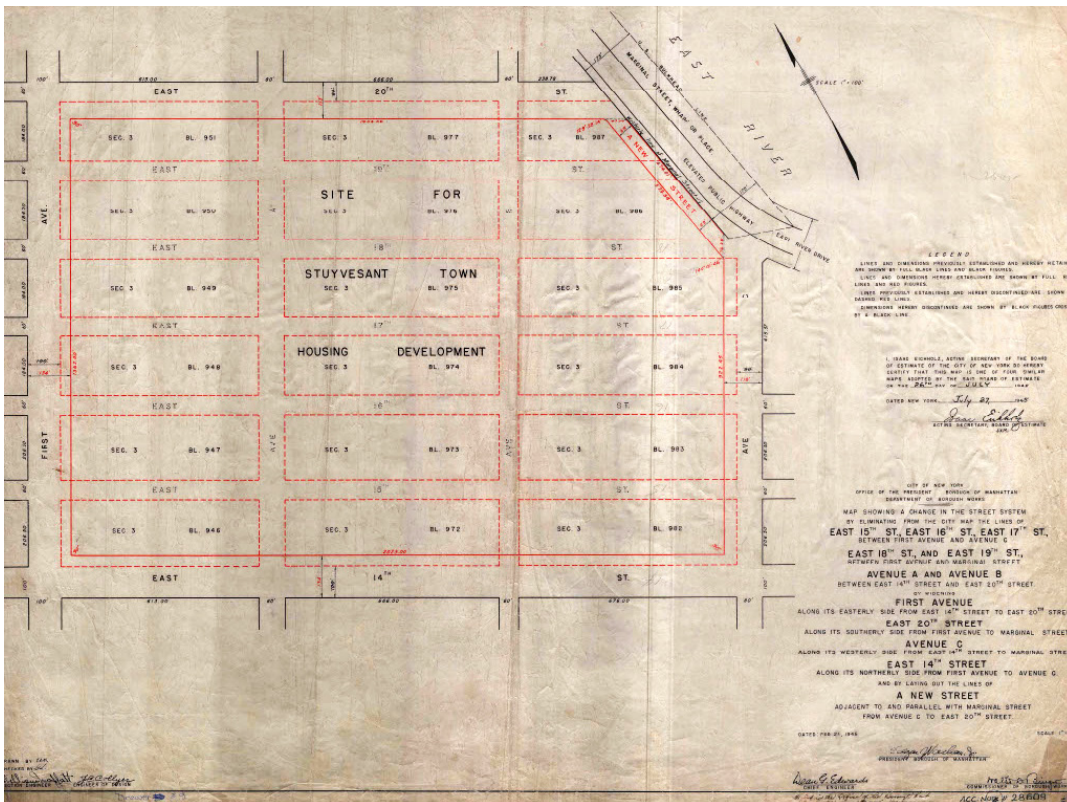
## The Commission's Proposal

As the Commission heard, startlingly anachronistic methods can impose significant costs in time and money on infrastructure, housing, and other projects (both public and private) that require confirmation of, or changes to, the City Map. Confirmation of jurisdiction for an infrastructure project in a waterfront area, where coastlines have changed over time and property records can be spotty, can require a physical trip to consult fragile canvas maps from over 100 years ago. A street demapping for an HPD-sponsored affordable housing project can add close to a year of additional time, even for projects that are already going through ULURP.

Confirming the location, width, and legal grade of mapped streets is necessary for a wide variety of housing and infrastructure projects. In some districts, permitted density and height depend on whether a street is “wide” or “narrow” — that is, more or less than 75 feet in width on the City Map.<sup>161</sup> The grade of streets establishes the base elevation for allowable building height and determines location for points of access for

vehicles and pedestrians. Grade also drives the design of below-grade infrastructure, such as utility lines and subways, which must have a minimum two feet of soil cover to protect them, but not so much that it compromises the structure or limits access. The slope of streets, a product of legal grade, determines the direction, drainage shed area, and sizing of our sanitation and storm sewer system. Street status letters are included in title reports, and address verification letters are often necessary to satisfy access requirements so that DOB can issue permits.

If a clean-up City Map change is required for a public project, it can face a long queue at Borough President Topographical Offices, which oversee the City Map for their respective boroughs, and which sometimes have the capacity for only three or four map changes per year. Virtually all other land use functions formerly assigned to Borough Presidents have been centralized for over 60 years — since the 1963 Charter — and it has become difficult to staff Borough President Topographical Bureaus and sustain this function within Borough President Offices over time.<sup>162</sup>



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



Routine alterations can take years to get to the starting line. The queue is also unpredictable, since priorities of the Mayor, Borough President, or other officials may bump private applicants to the end of the line. The length and complexity of this process has rendered City Map changes perhaps the most feared ULURP actions among private applicants.

To bring City Map administration into the 21st century, the Commission proposes to replace the existing, decentralized paper City Map with a single digital City Map administered by the Department of City Planning. This reform would modernize a small but important corner of City government that creates significant headaches for urgent infrastructure, housing, and other projects.

## Consolidate the City Map and Centralize Administration

The Commission proposes a deadline of January 1, 2028, to consolidate the five borough maps into a unified City Map under the jurisdiction of the Department of City Planning (DCP).

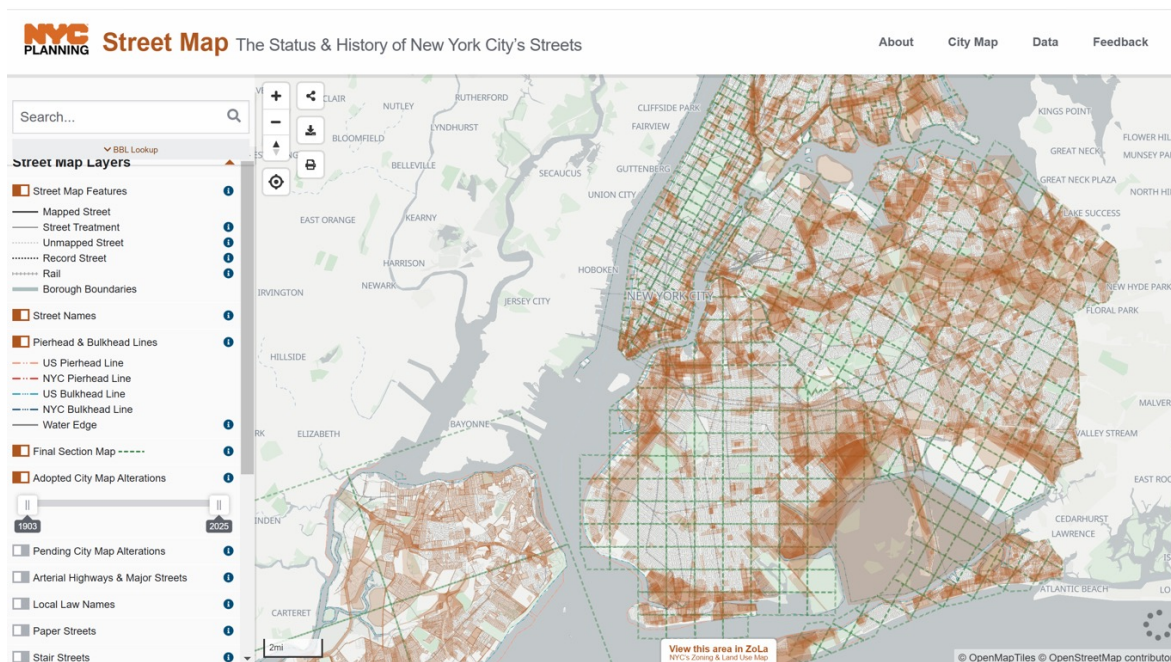
Consolidating the borough maps into a unified City Map is not a task that can be accomplished in an instant. DCP staff estimate it will take approximately 18 months to translate the borough maps into a unified language and scan pre-1938 maps — that is, maps from before DCP’s creation — that exist only in paper form in borough Topographical Bureaus.

DCP would also administer the City Map change process, working with land use applicants before, during, and after formal public review to ensure consistency and accuracy as the City Map changes over time.

## Digitize the City Map

The Commission also proposes promulgation of a legally effective Digital City Map, setting a deadline of January 1, 2029, to enter the Digital City Map into review for formal approval via a citywide ULURP city mapping action.

Once all extant paper maps are in DCP’s possession and scanned, DCP will be in a position to create a digital version of the City Map. To give this Digital City Map legal effect, and to obviate



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



the need to consult paper maps for almost all confirmations, the Digital City Map must be formally approved through a citywide ULURP. This would render the Digital City Map generally effective for instant confirmations of the City Map, which today can take months or even years.

### Centralize Address Assignment

The Commission also proposes a deadline of January 1, 2027, to centralize address assignment at DCP.

The process of tracking the unique addresses of properties and buildings is the backbone of many of our property information systems maintained by DCP and used by 40 agencies to locate buildings for permitting, tax assessment, and emergency service, among other functions. Initial address assignment after a City Map change is handled by Borough President Topographical Bureaus, raising many of the issues leading to delay and inconsistency. DCP would be given control of initial address assignment to ensure efficiency and consistency in address assignment in the years ahead.

## Q&A

### Would this proposal eliminate Borough President's Topographical Bureaus?

Since 1901, Borough Presidents have had the critical role of maintaining the City Map.<sup>163</sup> That role has remained consistent even as changes to the Charter reshaped other elements of Borough Presidents' role in city government.<sup>164</sup> In written testimony, Borough Presidents have supported digitization of the City Map, but expressed concern about the effect of centralization on Borough Presidents' topographic offices and their expert staffs.<sup>165</sup>

The Commission strongly believes that any transition to a City Map maintained by the Department of City Planning will rely on the expertise of the Borough Presidents' topographic staff, and that administration of a unified City Map will likewise rely on that expertise. The proposed Charter amendment does not require elimination of Borough President's Topographical Bureaus, but instead would allow Borough Presidents additional flexibility, following City Map consolidation, by removing the Charter requirement that they maintain a Topographical Bureau staffed by a professional engineer. Likewise, the proposed amendment would not alter Charter requirements for Borough Presidents to maintain planning offices.



# Elections and Voter Turnout

New York City has a vibrant civic life. But voter turnout in New York City elections is abysmal. In 2021, just 23% of registered voters participated in the general election, even though every local elected official, including the Mayor, was on the ballot.<sup>166</sup> Indeed, while the city has over 4.7 million active registered voters, only around 1 million of them voted in the 2021 mayoral election.<sup>167</sup>

Some elections have even lower turnout. In the 2023 City Council elections, a member won a contested Democratic primary with just 2,126 votes<sup>168</sup> in a district with over 35,069 registered Democratic voters and approximately 146,495 total voting-age residents.<sup>169</sup> Just 6% of registered Democrats and 1.45% of all voting-age residents in that district selected the eventual councilmember.

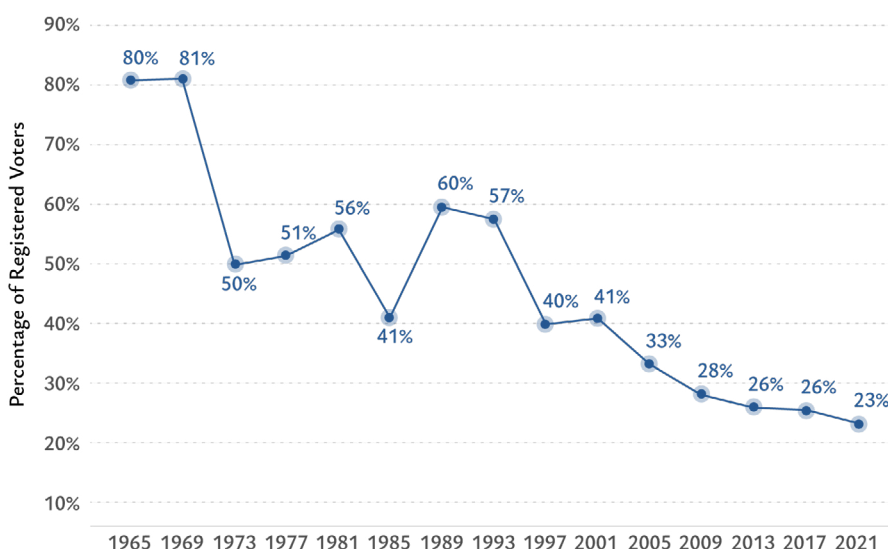




**This problem is not new. New York has suffered from chronic voter disengagement for decades.**

Although turnout levels were consistently above 50% throughout the 1970s and 1980s, participation has steadily declined since then. Registered voter turnout has not exceeded 40% in a mayoral election since 2001 and has been below 30% in every mayoral election since 2009.<sup>170</sup>

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



Source: NYC Board of Elections 2022 Annual Report

While many New Yorkers are registered to vote, few consistently turn out.<sup>171</sup> Turnout is particularly low among young people.<sup>172</sup> In the 2021 mayoral elections, turnout among eligible voters was lowest for the 18-29 age group and was only above 30% for individuals aged 60-69 and 70-79.<sup>173</sup>

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

#### Community District Profiles — Ten Lowest Turnout in 2021 Primary Election<sup>175</sup>

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

#### Turnout by Age in 2021<sup>174</sup>

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



#### Community District Profiles — Ten Highest Turnout in 2021 Primary Election<sup>176</sup>

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



New York State has signaled a growing interest in improving voter participation in recent years. In 2019, New York State combined state and federal primaries.<sup>177</sup> A law enacted in 2022 relaxed voter registration deadlines from 25 to 10 days prior to elections, reducing a considerable obstacle to voting.<sup>178</sup> A series of measures enacted in 2023 bolstered absentee ballot and mail-in voting access, streamlined early-voting protocols, improved electoral education efforts at local correctional facilities and schools, and developed a robust training program for poll workers.<sup>179</sup> The State also enacted legislation moving town and village elections outside New York City to even-years as part of a broader package of election reforms intended to improve voter turnout.<sup>180</sup>

At the local level, in 2019 New York City voters approved a significant change to the way the City's elections are conducted: ranked choice voting. Beginning in 2021, ranked choice voting is now used for primary and special elections. Ranked choice voting permits voters to rank up to five candidates in order of preference. If no candidate receives more than 50% of first-choice votes in the first round, then the candidate with the fewest first-round votes is eliminated. Voters who cast their first-round votes for the eliminated candidate then have their votes transferred to their next-ranked choice among candidates that have not been eliminated. This process continues until a single candidate has a majority of votes.<sup>181</sup>

Until recently, elections in New York City were largely decided by a plurality system ("first-past-the-post"), as is common across much of the country. Certain high-profile citywide posts — including Mayor, Comptroller, and Public Advocate — used a distinct, hybrid approach in which the top two primary performers would progress to a run-off election if neither won over 40% of the vote.<sup>182</sup>

New York City's transition to ranked choice voting in 2021 was expected to save time and money by allowing primary voters to select winning candidates without having to participate in separate, costly run-off elections. Perhaps even more consequentially, ranked choice voting aimed to encourage

voters to select their preferred candidates, rather than cast their votes strategically in order to block undesirable candidates from winning. Similarly, ranked choice voting allowed voters to support comparable candidates simultaneously instead of dividing their support and inadvertently improving the chances of alternative, less desirable candidates. Ranked choice voting was also expected to incentivize candidates to broaden their bases of support and abstain from adversarial campaigning strategies.<sup>183</sup>

As the League of Women Voters of the City of New York testified to the Commission, the early results from ranked choice voting are encouraging.<sup>184</sup> The 2021 mayoral primary elections saw 26.5% of eligible New Yorkers turn out to vote.<sup>185</sup> 88.3% of voters ranked more than one candidate in at least one race<sup>186</sup> with 89.3% of Democrats and 56.6% of Republicans ranking multiple candidates.<sup>187</sup> 46.2% of Democrats utilized all five of their ranks in the mayoral contest, and just 13% ranked only one candidate.<sup>188</sup> Rates of ballot error were also much lower in the 2023 primary cycle than in 2021, suggesting that the public has become increasingly comfortable with the mechanics of RCV.<sup>189</sup> (Turnout in the 2025 mayoral primary was even higher, but a full analysis of the ranked-choice results is not yet available.)

Throughout its process, the Commission has received more testimony on the subject of election reform than any other topic. At hearings, experts and members of the public have made the case for several reforms intended to broaden participation in local elections. Building on this public input, the Commission has partnered with experts on elections and election law, including Loretta Lynch, former Attorney General of the United States, to examine the effects of any potential changes. Informed by the thoughtful and passionate testimony of New Yorkers and expertise from around the country, the Commission has decided to forward a proposal to align the City's local elections with the Federal Presidential calendar. And, as detailed further below, the Commission recommends that a future Commission examine how to reform the City's system of closed party primaries in local elections.

## BALLOT QUESTION #5

# Even Year Local Elections



In the fifth ballot question, the Commission proposes an amendment to move the City’s primary and general election dates to even-numbered years, so that City elections are held in the same year as Federal Presidential elections. This reform is intended to improve voter turnout, make local democracy more inclusive, and save taxpayer money.

Shifting elections to even-numbered years is perhaps the simplest and most effective way for New York City to significantly increase voter turnout. A similar change has been implemented successfully in many cities across the country, which have seen immediate improvements in voter participation — including electorates that are more demographically representative of the public at large.



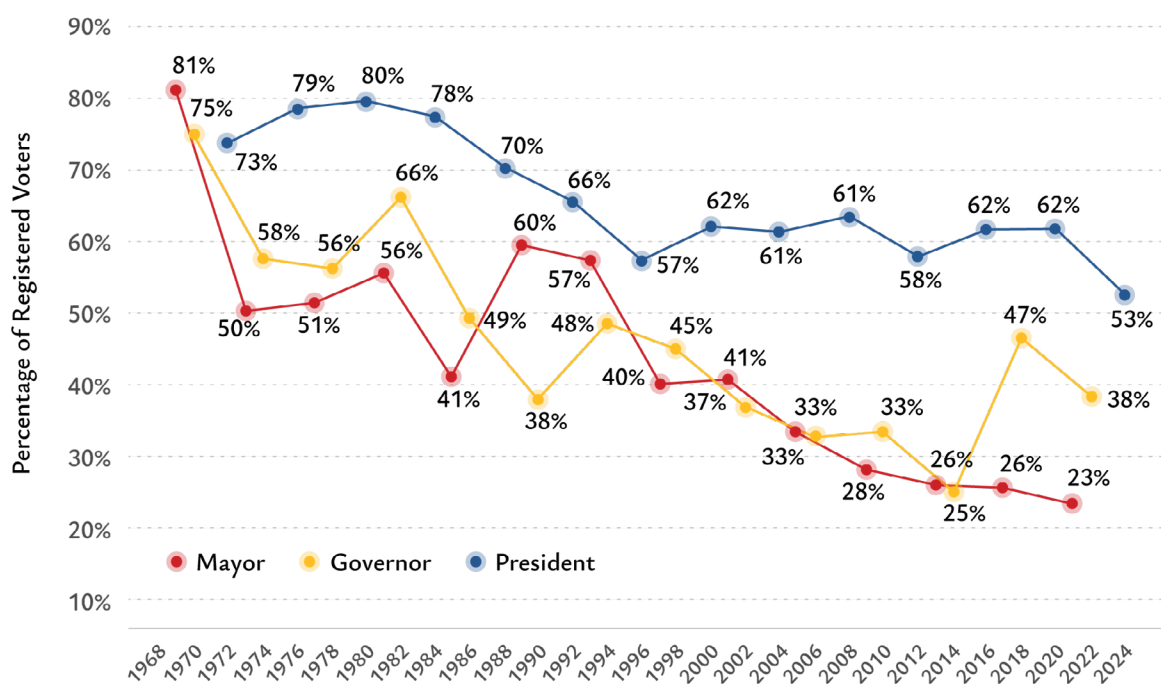
The Commission has heard considerable testimony in favor of shifting local elections to even years. At public hearings of the Commission, the Brennan Center for Justice, Citizens Union, League of Women Voters of NYC, Common Cause, Reinvent Albany, Citizen Action, Councilmember Gale Brewer, and others testified in favor of this change.<sup>190</sup> The independent Campaign Finance Board has similarly called for the City to align its local elections with even-year state and federal elections as “a proven way ... to increase voter turnout.”<sup>191</sup>

As these supporters have observed, local elections in New York City are generally held in odd-numbered years that do not coincide with other statewide or national races, resulting in significantly lower turnout in local elections than elections that occur in even years. While 53% of registered voters cast a ballot in the 2024 presidential election, just 23% voted in

2021’s odd-year mayoral election.<sup>192</sup> Indeed, turnout in the last three presidential general elections was between 53% and 62% — more than twice as high as turnout in the last three general elections for city office.

Across the country, voter turnout is consistently higher in municipalities with even-year elections. According to a study by Citizens Union, “[t]he six largest U.S. cities that hold local elections in odd-numbered years see average mayoral turnouts of 10% to 38%, while the six largest cities that have their elections in even-numbered years see average mayoral turnouts that range between 50% and 75%.”<sup>193</sup> Compared to the 23% of registered voters who participated in the 2021 New York City mayoral election, 44.9% voted in Los Angeles’s 2022 mayoral election, and 78.9% voted in San Francisco’s 2024 mayoral election.<sup>194</sup>

New York City Voter Turnout in General Elections, 1968-2024



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

Other cities have experienced significant increases in voter participation by synchronizing their local elections with presidential elections. Just 21% of registered voters participated in Phoenix’s final odd-year mayoral election, whereas 77.4% voted in the first even-year election in 2020 (a 266% increase) and 76.8% voted in 2024.<sup>195</sup> Likewise, turnout in Baltimore skyrocketed from 13% of registered voters in 2011 to over 60% after the city transitioned to even-year elections in 2016 (a 361% increase).<sup>196</sup>

Comparisons within New York City further suggest that a shift to even-year elections would boost turnout. Turnout in State Assembly races, which occur in even years, is often higher than in City Council elections in odd-years. For example, in 2023, City Council District 13 had a competitive election and turnout of approximately 13% of registered voters.<sup>197</sup> By contrast, the 2024 election in the mostly overlapping Assembly District 82 had 56% turnout.<sup>198</sup> Similarly, in City Council District 47 turnout was approximately 20% in a competitive 2023 general election, much lower than the 56% turnout rate in the 2024 general election for the largely overlapping Assembly District 46.<sup>199</sup>

A shift to even-year elections would also help ensure that New York’s electorate represents the diversity of its people. As the Brennan Center for Justice testified to the Commission, “[e]lections in odd-numbered years ... exacerbate disparities in participation for voters who have historically faced barriers to the franchise, including voters of color and young voters” meaning that “moving municipal elections to even-numbered years can make the city’s democracy more inclusive.”<sup>200</sup> An analysis by the Harvard Law School Election Law Clinic likewise noted that “[s]tudies have consistently shown that off-cycle elections significantly depress voter turnout, and in doing so disproportionately suppress the ability of young people and people of color to participate in the democratic process.”<sup>201</sup> For this reason, the Harvard Clinic argued that New York City’s current system of odd-year elections “dilutes the voices of

Black and Brown voters and young voters” in New York and that a change to even-year elections would “decrease age and racial disparities in political participation” and thereby “make local democracy more inclusive, and City government more representative.” The Brennan Center likewise cited research from California showing that even-year elections result in voter turnout that is significantly more demographically representative, with “the most pronounced effects in cities where minorities represent a larger share of the population.”<sup>202</sup>

The analysis of Dr. Lisa Handley, a nationally-recognized voting rights expert retained by the Commission to study the impact of potential election reforms, likewise concludes that a shift to even-year elections “is likely to benefit minority voters ... by substantially increasing their turnout.”<sup>203</sup> Dr. Handley finds that “the difference in the turnout rates of minority voters in even and odd year elections is especially dramatic,” with minority turnout much higher in presidential years than in odd-year elections.<sup>204</sup> The average turnout rate of Black voters triples from odd-numbered years to presidential years (15.5% to 46.5%), Asian turnout also triples (7.5% to 23.5%), and the average turnout of eligible Hispanic voters is almost five times greater (6.3% to 30.0%).<sup>205</sup> Loretta Lynch’s analysis likewise concludes that “[w]hile all racial groups will benefit” from a move to even-year elections, “Black, Hispanic, and Asian voters would see an even greater improvement in turnout.”<sup>206</sup> A shift to even-year elections would also help ensure that those who vote in New York represent the city’s diversity.

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





Fiscal 2026 budget (\$46,736,000).<sup>207</sup> Although savings might be limited by the need to administer county-based judicial and district attorney elections in odd-years, such elections cost significantly less than those for municipal offices.<sup>208</sup> Moreover, a move to enable even-year city elections might encourage state-law changes to the election cycle for these positions as well.

Even-year elections could also reduce the number of special elections in New York City, which arise when sitting elected officials run for and win other positions, forcing vacancies for their previous seats mid-term. The current election schedule enables a sitting elected official to run for office on another election cycle while holding onto their existing role. When they win, it prompts a special election. Special elections can cost hundreds of thousands or millions of dollars, are prone to particularly low turnout, and leave positions vacant and constituents without representation for extended periods of time.<sup>209</sup>

A shift to even-year local elections will likely require changes at both the local level and the state level. First, state law requires that a move to even-year elections must be approved through a local referendum approved by the voters<sup>210</sup> because it will entail a change to the terms of office for elected officials set out in the

City Charter.<sup>211</sup> In other words, a local referendum amending the New York City Charter, like the one being proposed by the Commission, is necessary to enact a shift to even-year elections. At the state level, because Article XIII Section 8 of the New York State Constitution requires that all city officers be elected in odd-numbered years, a state constitutional change is also necessary before New York City may shift its local elections to even years.<sup>212</sup>

The prospect of state-law reform may be promising. In recent years, there has been considerable momentum behind transitioning to even-year elections across New York State. In 2023, the Legislature and Governor enacted legislation to move many village and town elections to even years.<sup>213</sup> In 2024, a state-wide constitutional amendment that would give New York City the option to move its local elections to even-years passed the State Senate, but that state constitutional amendment would still necessitate an additional citywide referendum approved by New York City to opt in and make the change.<sup>214</sup> Thus, as Councilmember Brewer testified, a Charter amendment can remove local-law rules requiring odd-year elections and establish new rules to govern even-year elections that would come into effect should the State give New York City the power to move to even-year elections.

In view of these potential benefits — higher turnout, more representative electorates, and significant cost savings — the Commission will forward to voters a proposal that would move local elections to the Presidential general election cycle, if and when permitted by state law.

## Q&A

### Why move local elections to the presidential cycle, instead of the gubernatorial cycle?

The Commission proposes aligning local elections with the presidential cycle, rather than the gubernatorial cycle, because general election turnout is significantly higher in presidential years, yielding greater participation in local elections and more demographically representative electorates. Indeed, since 2010, turnout in presidential general elections has been roughly 23% higher on average than turnout during gubernatorial general elections.<sup>215</sup> Dr. Handley’s analysis for the Commission likewise shows that minority turnout in New York City is much higher in presidential years than gubernatorial years.<sup>216</sup> Research from California further underscores that while moving local elections to even-years “leads to an electorate that is more representative in terms of race, age, and partisanship” this is “especially” the case when “local elections coincide with a presidential election.”<sup>217</sup>

### Will holding local elections at the same time as federal elections divert attention from local issues?

One argument against aligning local elections with presidential elections is that, even if more voters will participate in local elections, there could be less focus on local elections because national and state politics may distract from local issues.

As a preliminary matter, the Commission observes that the relationship between federal elections and attention to local government is complex. Consider this election cycle: although this year’s local elections are occurring at a time when there is no federal election on the ballot, federal politics continues to receive significant local attention and candidates for local office frequently discuss federal issues. In other words, holding a low turnout election in an odd year is no guarantee that voters will focus on local issues. And given that federal and local policy is frequently intertwined, local elections will invariably involve discussion of national politics, no matter when local elections are held.

Election experts testifying before the Commission have almost universally argued that a move to even-year elections will, if anything, increase engagement with local government. For example, the League of Women Voters testified to the Commission that aligning local and national elections may bring greater media coverage and public attention to local concerns, as more people pay attention to an election that they are likely to vote in.<sup>218</sup> In a detailed report on the benefits of moving to even-year elections, Citizens Union likewise observed that such a move might “increase focus on city issues and candidates as more voters engage in the election process generally.”<sup>219</sup>

At the same time, some evidence indicates that a shift to even-year elections may make no substantive difference in voters’ familiarity with local issues or media coverage. Research into school board elections in California indicates that voters have similar knowledge about local issues regardless of whether such elections coincide with state and federal races, and that media attention to school board races is the same regardless of election timing.<sup>220</sup>

For these reasons, the Commission believes that a shift to even-year elections, by leading many more New Yorkers to participate in local elections, will likely increase engagement in local government and local issues.



### Voter turnout gains and ballot drop-off after consolidating elections

	Increase in total votes for down-ballot race	Increase in voter roll off for down-ballot race	Type of down-ballot race	Election years
Baltimore	↑ 178,882	↓ 13,069	Comptroller	2011 municipal election; 2016 consolidated election
El Paso	↑ 159,847	↓ 33,539	Local judge	2017 municipal election; 2020 consolidated election
Phoenix	↑ 430,043	↓ 113,793	Ballot proposal	2015 municipal election; 2020 consolidated election

Source: Citizens Union Policy Report, Moving Municipal Elections to Even-Numbered Years (2022)

## Will longer ballots lead to voter fatigue?

Another potential downside to aligning local elections with even years is the possibility that an increase in the length and complexity of the ballot will lead to some “voter roll off” — that is, voters failing to complete their ballots. While voter roll off is a documented phenomenon, evidence suggests that it is not significant when compared to the overall increase in participation that comes with moving to even-year elections.<sup>221</sup>

As Citizens Union has noted, evidence from Baltimore, Phoenix, and El Paso indicates that the “loss” of votes on down ballot races is quite modest compared to the increase in participation experienced from aligning local elections with even years.

Separately, a study comparing voter roll off across cities found “no evidence that roll off is greater in more racially diverse or more Democratic cities or in jurisdictions with a younger electorate,” indicating that the representational gains achieved by moving to even-year elections are not lost through voter roll off.<sup>222</sup> Loretta Lynch’s analysis likewise concludes that there is “strong evidence that any limited roll-off effect will likely be significantly outweighed by the additional voter turnout.”<sup>223</sup>

## How does the transition from odd to even-year elections work?

Under the Commission’s proposal, a shift to even-year elections on the presidential cycle will, when it goes into effect, require a one-time transition in which elected officials would serve a term of three (as opposed to the usual four) years. Exactly when this one-time transition cycle occurs will depend on whether New York City voters approve the amendment proposed by this Commission this November, and whether and when the State Constitution is amended to permit New York City to move its elections to even years. A State Constitutional amendment generally requires the passage of a proposed amendment by the legislature in two successive sessions, followed by approval by voters in a statewide referendum. Upon approval by the voters, the constitutional amendment takes effect on the following January 1.<sup>224</sup>

How this transition will play out depends on the timing of an amendment to the State Constitution. If, for example, voters approve the ballot proposal forwarded by this Commission this fall, but State law does not authorize even-year elections to be held until the end of 2028, then the last odd-year election cycle

would occur in 2029. In that 2029 election, local officials would be elected to serve a three-year term, through 2032, followed by a new election for four-year terms to occur in 2032 at the same time as that year’s presidential election.

If the constitutional amendment truncates the term of a sitting elected official originally elected for a four-year term, then the shortened three-year term would not be treated as a full term for purposes of term limits. This is consistent with the Charter’s current treatment of non-full terms for the purposes of term limits.<sup>225</sup>

These transition rules are set out in the Commission’s proposed amendment and would go into effect when authorized by State law. But on this and other aspects of the Commission’s proposal, the State (as always) retains the power to mandate a different approach.

## **Why send this proposal to voters if additional state action is needed before it can take effect?**

The Commission is forwarding this even-year proposal to voters, even though additional state action is needed for it to take full effect, for at least three reasons. First, as explained above, a city referendum like the one being forwarded to voters is currently necessary to effectuate the change. Even if the State Constitution is amended to permit New York City to

move its elections to even-numbered years, state law separately requires that New York City proceed through its own, separate referendum to transition to even-year elections. Because a local referendum is separately necessary, the choice is whether to act *before* an amendment to the State Constitution or *after* an amendment to the State Constitution, not whether the city must take a vote at all.

Second, acting now — prior to an effective amendment to the State Constitution — means that New York City will be in a position to quickly transition to even-year elections and experience the benefits of doing so.<sup>226</sup> If New York City waits until after an amendment to the State Constitution goes into effect, then (unless there are further changes to state law) another Charter Revision Commission would likely need to be convened, that Commission would need to deliberate and choose to propose an amendment to voters, and voters would need to approve such an amendment before it goes into effect.

Third, acting now — when the timing of an amendment to the State Constitution is uncertain — allows the city to consider the benefits of a move to even-year elections without concern for which particular elected officials will experience a shortened, three-year term. If the city waits until after a State Constitutional amendment, by contrast, then local consideration of the merits of the proposal may be clouded by concern about whether a particular elected official will serve an abbreviated term.





## What about “off-off” year elections?

The Charter provides for a shortened two-year Councilmember term every 20 years in order to coordinate City Council terms after a redistricting.<sup>227</sup> As a result, every two decades — and most recently in 2023 — the City holds elections for City Council but not for citywide or boroughwide elected officials.

These so-called “off-off” year elections are prone to especially low turnout, given the absence of citywide or boroughwide contests to help drive voter interest.<sup>228</sup> As detailed above, in 2023, a councilmember won a contested Democratic primary with the votes of just 6% of registered Democrats and 1.45% of all voting-age residents in her district.<sup>229</sup>

New York’s “off-off” elections are a consequence of holding elections in odd-years, and the move to even-year elections is an opportunity to eliminate them. As the 1989 Commission explained, it needed to adopt shortened, two-year terms to account for a quirk in the timing of Census data, which informs redistricting.<sup>230</sup> But as the Executive Director of the 1989 Commission observed at the time, “If you could do an even year [election], you wouldn’t have a problem.”<sup>231</sup>

As a consequence, there will sometimes be a longer delay in the use of new district lines following a redistricting than there is today. But the longer wait is hardly unusual: in California, Colorado, and Florida, for example, where state senators are elected for four-year terms, there is the same delay between the decennial redistricting and the use of new district lines.<sup>232</sup>

As a result, the Commission’s proposed amendment would eliminate the practice of electing councilmembers to shortened two-year terms every twenty years, in favor of electing councilmembers to standard four-year terms.

# Open Primaries

**In addition to the five issues outlined above, the Commission has closely examined another question: whether to end the City’s closed primary system in local elections and establish open primaries in which all voters and all candidates participate, regardless of party membership.**

Throughout its public hearings, the Commission has heard more testimony on open primaries than on any other subject. Reform groups from the League of Women Voters of New York City,<sup>233</sup> to Citizens Union and Reinvent Albany,<sup>234</sup> academics and other experts,<sup>235</sup> Democratic and Republican elected officials,<sup>236</sup> faith leaders,<sup>237</sup> and New Yorkers from every borough and every walk of life<sup>238</sup> have called for an end to the City’s closed primary system.

Every member of the Commission is moved by their compelling testimony. As these New Yorkers have explained, ending the City’s closed primary system would give over one million unaffiliated voters a more effective voice in city government. Experts have testified that it could boost turnout in local elections, make the city’s voting population more representative, increase electoral competition, encourage candidates to appeal to a broad cross-section of voters, and reinforce the importance of ranked choice voting.

At the same time, experts and advocates from across the country have proposed several credible alternative approaches to the Commission. The Commission has most closely examined a top-two system, in which all candidates and voters compete

in one primary and the top two vote getters, as determined by ranked choice voting, proceed to a November election.<sup>239</sup> But advocates from Boston to Alaska have testified in favor of a top-four system as preferable to top two.<sup>240</sup> Others, drawing on New York City’s own experience with nonpartisan special elections, have called for eliminating primaries altogether in favor of a single contest in November.<sup>241</sup> Still others have called for a more modest change to “semi-open” primaries, which would maintain each party’s separate nominating process, but allow unaffiliated voters to participate in party primaries.<sup>242</sup>

In the Commission’s view, the need to reform the closed primary system is crystal clear. But the particular alternative that New York should adopt is not. As a result, the Commission is declining to place a reform proposal on the ballot this November. The Commission strongly recommends that a future Commission, building on the work of this one, be convened to examine potential primary reforms. New York City’s adoption of ranked choice voting provides a model. The 2018 Charter Revision Commission received considerable testimony about ranked choice voting but ultimately concluded that further examination was needed before a particular reform could be presented to voters.<sup>243</sup> Just the next year, the 2019 Charter Revision Commission took up the mantle, and ultimately proposed the adoption of ranked choice voting for primary and special elections, which the voters adopted.<sup>244</sup> The Commission is mindful that after this November there is no citywide local election cycle until 2029, meaning there is time to examine and implement a reform to open our primary system, as well as educate voters about it, before the next election.



The Commission also notes that this year, with hotly contested local elections on the ballot, may create an inhospitable climate for discussion about an election reform of this magnitude. In this context, debate about primary reform may become unduly polarized, and may be viewed through the narrow prism of this year's contests. This reform, which transcends partisanship and ideology, deserves to be evaluated on its merits. The Commission is hopeful that its extensive review of these reforms, including its Voting Rights Act analysis, consultation with experts across the country, and engagement with local civic organizations, will advance and inform future consideration of these issues.

## BACKGROUND

New York City currently uses a “closed primary” system followed by a general election. In a closed primary, voters must be registered with a specific party to vote in that party's primary.<sup>245</sup> As a result, more than one million unaffiliated<sup>246</sup> New York City voters — those who are not registered as a member of any officially recognized political party — are excluded from the primary process.<sup>247</sup> And because, in New York City, partisan primaries are frequently the most important contest in determining who will win a local office, New York City's closed primary system often deprives unaffiliated voters of an effective voice in local elections altogether.

Jurisdictions throughout the country run their primaries differently. At the municipal level, most cities — 42 of

America's 50 largest cities — use some form of open or nonpartisan primary.<sup>248</sup> At the state level, New York is one of only ten states that uses a closed primary system.<sup>249</sup> In other states, by contrast, party affiliation does not limit voters' choices in primary elections. In Texas, Georgia, and Michigan, for example, voters can choose which party's primary to vote in without being registered as members of that party.<sup>250</sup> Other jurisdictions allow unaffiliated voters to participate in partisan primaries. In Connecticut, political parties themselves can choose whether to allow unaffiliated voters to vote in their primaries.<sup>251</sup> In Colorado, parties must allow unaffiliated voters — though not voters affiliated with other parties — to vote in the primary election of their choosing.<sup>252</sup>

Other places use “top two,” “top four,” or “jungle” primary election systems, which refer to primary elections in which candidates from all parties are listed on a single ballot. In a top-two primary system, the two candidates with the most votes advance to the general election; in a top-four system, the four candidates with the most votes advance to the general election. In these systems, some states list the party affiliations of candidates on the ballot, whereas others do not identify party on the ballot at all. California and Washington both use a top-two system, although these jurisdictions do not use ranked choice voting.<sup>253</sup> Seattle voters recently passed a referendum to add ranked choice voting to city races; starting in 2027, Seattle will have a system with both top two and ranked choice voting.<sup>254</sup>



Alaska, by contrast, uses a top-four system.<sup>255</sup> In the Alaska primary, all candidates are listed on the same ballot with their party registration, and voters vote for one candidate in each race. The four candidates with the most votes move on to the general election, which is conducted with ranked choice voting. Boston, for its part, recently advanced a similar reform: an open contest where the top four candidates proceed to the general election and ranked choice voting is used to determine the ultimate winner.<sup>256</sup>

New York City already has experience with open elections, as special elections to fill vacancies are conducted without partisan primaries. In 1988, New York City voters overwhelmingly adopted Charter revisions to conduct special elections to fill vacancies in this manner, rather than through appointment or succession.<sup>257</sup> The new special election process provided that empty positions would be “filled temporarily ... at specially called elections, with nominations by independent nominating petitions [without] party designations.”<sup>258</sup> In such elections, traditional parties are not used to designate candidates; instead, candidates use new party lines.<sup>259</sup>

Other Charter Revision Commissions have examined whether New York City should move away from its system of closed party primaries. The 2003 Commission went so far as to draft and present a top-two proposal to voters — albeit one that did not employ ranked choice voting — which was rejected by a margin of ~70% in opposition to ~30% in favor.<sup>260</sup> As the 2003 Commission explained, its proposal was designed to address a wide range of issues with the City’s electoral system.<sup>261</sup> The Commission’s final report argued that closed primaries disenfranchised independent voters, created a low threshold for victory, narrowed debate on policy issues, protected incumbents, and incentivized voters and candidates who did not align with a political party to participate in that party’s primary.<sup>262</sup> Under the 2003 Commission’s proposal, candidates’ party affiliation would be listed on the primary ballot to preserve the important role of parties in signaling to voters candidates’ policy

positions.<sup>263</sup> Opponents of the proposal argued that the change would make it easier for wealthy candidates to get elected and expressed concern about its effects on minority candidates.<sup>264</sup> Ultimately, voters rejected the change.

In revisiting the issue, the 2010 Commission noted that the landscape of support had changed significantly since the proposal was rejected in 2003 — good government groups including Citizens Union that had previously opposed the 2003 proposal had since come out in support of a top-two system, in part because of declining voter turnout.<sup>265</sup> But the 2010 Commission ultimately did not propose any changes, opting to include other election administration reforms instead.<sup>266</sup>

## The Commission’s Review

Over the past seven months, the Commission has conducted a close review of the City’s closed primary system, aided by testimony from experts across the country. Drawing on a plan put forward by Citizens Union, the Commission has most closely examined a change that would end New York City’s closed partisan primaries for local elections in favor of a system of open primaries, using ranked choice voting, to be followed by a top-two general election.<sup>267</sup>

Under this system, all candidates regardless of party would participate in a single primary contest, and all voters would be eligible to vote regardless of their party affiliation. As in today’s system, voters would use ranked choice voting in the open primary to select their preferred candidates. The top-two vote getters — as determined by ranked choice voting — would then proceed to a general election. In both the primary and general election, the party affiliation of candidates, if candidates are registered members of a political party, would appear on the ballot as an important source of information for voters.<sup>268</sup> But as outlined above, several credible alternatives to a top-two system have also been proposed, including a top-four system and a single election with ranked choice voting.



A move to open or nonpartisan elections would be intended to have a number of benefits. First, and most critically, it would give the over one million unaffiliated voters in New York City a more effective voice in city government. Today, more than one in five voters in New York City is unaffiliated, meaning they are not a registered member of a political party.<sup>269</sup> In fact, unaffiliated voters are the second largest bloc of New York City voters, with almost twice as many unaffiliated voters as Republicans.<sup>270</sup>

#### New York City Voter Registration by Political Party – 2024<sup>271</sup>

Political Party Affiliation	Percent of Voters
Democratic Party	65.2%
Unaffiliated	21.6%
Republican Party	10.7%
Other Parties	2.5%

New York City’s growing share of unaffiliated voters is part of a national trend. At the national level, more Americans now identify as “independents” (43%) than as Democrats (27%) or Republicans (27%).<sup>272</sup>

As the independent Campaign Finance Board has observed, New York’s system of closed party primaries “excludes unaffiliated voters from the candidate nomination process,” which “mean[s] that unaffiliated voters are unable to weigh in on which candidates will appear on the ballot in the general election, and thus candidates are less likely to reflect the interests and priorities of unaffiliated voters.”<sup>273</sup> And because, in New York City, the most consequential contest is often a closed party primary, the current system often deprives unaffiliated voters of a say in the most important stage of the electoral process. Indeed, in most local races, the winner of the Democratic party primary is very likely to prevail in the general election, while in some parts of the City, especially in some City Council races, the winner of the Republican party primary is equally likely to prevail.

Among the nation’s largest cities, New York is an outlier in maintaining a system that denies unaffiliated voters an effective voice in government. Los Angeles, Chicago, and Boston, for example, each hold some form of open or nonpartisan contests where all voters, regardless of party affiliation, can participate and the top-two vote getters proceed to a run-off or general election.<sup>274</sup> A move to open primaries would allow New York’s unaffiliated voters to have the same say in local elections as unaffiliated voters in peer cities.

Second, a shift to open primaries may increase turnout in local elections. As the Campaign Finance Board has explained, “[r]esearch shows primary systems that are open to unaffiliated voters or entirely nonpartisan tend to result in higher voter turnout.”<sup>275</sup> A study by the Bipartisan Policy Center, for example, found that when jurisdictions “allow unaffiliated voters to participate in primaries for the first time, voter turnout increases.”<sup>276</sup> Specifically, an examination of reforms in Colorado, Idaho, and Oklahoma found that “[s]tates see voter turnout rise 5 percentage points when they open their primaries to unaffiliated voters.”<sup>277</sup> Another study, which specifically compared New York’s closed party primary system with other approaches across the country, concluded that “primary voter turnout increases as the primary process becomes more open.”<sup>278</sup> Yet another found that reforms to open primaries increase turnout in primary elections by 1.5 to 6 percentage points.<sup>279</sup> Other research indicates that Alaska’s top-four system with ranked choice voting resulted in higher turnout and increased electoral competition in the state’s first top-four election cycle.<sup>280</sup> That said, any turnout increase from opening primaries is likely much smaller than the increase from moving to even-year elections.<sup>281</sup>

Some have suggested that California’s experience since 2011 — the year California made its switch to an open primary with top-two — indicates that a move to open primaries does not increase turnout. The reality is more complex. California’s pre-2011 primary system *already allowed* unaffiliated voters to

participate in most party primaries.<sup>282</sup> So it's hardly a surprise that California voter turnout did not surge post-2011: that change did not significantly increase the number of people able to vote in the primary because unaffiliated voters had not been shut out of California's electoral system.<sup>283</sup> In NYC, by contrast, unaffiliated voters are shut out of party primaries altogether. Evidence from California further indicates that unaffiliated voters have higher participation in open primaries compared to semi-open and closed contests.<sup>284</sup>

It makes sense that opening primaries has a positive impact on turnout: closed party primaries by definition exclude unaffiliated voters from participating. But some research indicates that closed party primaries also have the secondary effect of reducing turnout among unaffiliated voters in general elections, when unaffiliated voters are legally eligible to participate.<sup>285</sup> Scholars suggest that the exclusion of unaffiliated voters from closed primaries may have this effect because unaffiliated voters fail to develop the habit of frequent participation in elections; because campaigns spend fewer resources mobilizing unaffiliated voters given that they cannot participate in primaries; because general election races are often seen as foregone conclusions due to partisan majorities, disincentivizing turnout; or because of dissatisfaction among unaffiliated voters with the candidates that emerge from party primaries they cannot participate in.<sup>286</sup> As the Campaign Finance Board has noted, "[t]he exclusion of unaffiliated voters, both from primary elections and from input in party platforms, impacts attitudes around voting" and encourages disillusionment, with one survey finding that "only a third of independent voters across key swing states felt that their vote mattered."<sup>287</sup>

A shift to open primaries in New York City may also increase turnout by reducing the importance of party registration deadlines, which can serve as a barrier to participation. Today, returning voters must change their party enrollment by February 14 in order to be eligible to vote in a party's primary that year.<sup>288</sup> This means that unaffiliated voters who seek to register with

a party in order to participate in a party primary must do so months in advance of a primary contest or else be barred from participating altogether.<sup>289</sup> As a result, it is not unusual for unaffiliated voters, or voters registered with minor parties, to show up at the polls on election day only to learn that is too late to change their party registration and vote in their preferred primary contest.<sup>290</sup> Opening up local primaries to unaffiliated voters would eliminate this additional obstacle to participation.

Third, as the Campaign Finance Board has noted, "[o]pening New York's closed primary system to unaffiliated voters would likely ... make the electorate more representative."<sup>291</sup> Today, "a majority of unaffiliated voters (54.5%) are minority voters, with more than a third (35.3%) consisting of Black and Hispanic voters; and the Asian share of unaffiliated voters is twice their share of all registered voters (19.2% versus 11.4%)."<sup>292</sup> A study by the Bipartisan Policy Center concluded that opening primaries to unaffiliated voters makes "the electorate ... more demographically and politically representative," as "[t]urnout gaps among racial and ethnic groups, especially Latinos and Asians, are lower on average in open and nonpartisan primaries than closed primaries" and open primaries lead to "increases [in] Asian and Latino participation as a share of the overall electorate."<sup>293</sup> National experts likewise testified to the Commission that open primaries see more participation from Asian and Latino voters, and that "independents of color are much less likely to turn out to vote in a general election when they live in a closed-primary state."<sup>294</sup> That said, if a shift to open primaries did not increase turnout, then the benefits to representativeness by race and ethnicity would be small or negligible. Today, Black and Hispanic voters on average constitute about the same share of voters in closed Democratic primaries (38.1%) as they do in general elections (38%), where all voters are already eligible to participate regardless of party registration. And Asian voters comprise only a slightly higher proportion of the voters in general elections (7.6%) than in closed Democratic primaries (5.1%).<sup>295</sup>

### Percentage by which share of unaffiliated 70-79 year-olds is exceeded by share of unaffiliated 18-29 year-olds<sup>300</sup>

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

Opening up New York City’s closed primary system may boost participation among young voters, making the city’s electorate more representative by age. Research indicates that open primaries tend to have more younger voters than closed primaries.<sup>296</sup> And in New York City, “unaffiliated voters are disproportionately younger than their affiliated peers” with “nearly half of all unaffiliated voters ... under 40.”<sup>297</sup> “Because of New York’s closed primary system, young voters are shut out of New York City primary elections at higher rates than their older peers[,]” the Campaign Finance Board has found, and “candidates are less likely to represent the issues most important to young people.”<sup>298</sup>

Further, as Reinvent Albany testified, while “younger voters are significantly more likely to be unaffiliated with a political party than older voters” regardless of race, the general shift away from registration with a political party is most pronounced among young voters of color.<sup>299</sup> As a result, a shift to open primaries could have particular benefits to young voters of color.

In fact, a recent analysis by Dr. John Mollenkopf of CUNY found that Black voters aged 18-29 are now more likely (27.3%) than White 18-29 year-olds (25.5%) to be unaffiliated.<sup>301</sup> Hispanic voters under 40 are also more likely to be unaffiliated than White voters under 40.<sup>302</sup> Asian voters of all ages are more likely to be unaffiliated than White voters.<sup>303</sup>

Fourth, research indicates that open primaries can increase electoral competition.<sup>304</sup> As already discussed, general elections in New York City are frequently less competitive, with the winner of the dominant party’s primary all but assured to prevail in the general election. But open primary systems can turn “elections that would have been decided in low-turnout primaries and br[ing] them to the general election, decreasing the number of uncontested races and giving more voters meaningful options in November.”<sup>305</sup> Alaska’s shift to top-four open primaries, for example, has been credited with an increase in competitive elections.<sup>306</sup>

To understand how open primaries can encourage electoral competition, consider New York’s 2021 mayoral contest. In 2021, Curtis Sliwa won the Republican mayoral primary election with ~41,000 votes and consequently advanced to the general election ballot.<sup>307</sup> But Sliwa received far fewer first-round votes than four candidates who were eliminated in the Democratic primary election: Scott Stringer (~52,000 votes), Andrew Yang (~115,000 votes), Kathryn Garcia (~184,000 votes), and Maya Wiley (~200,000 votes).<sup>308</sup> The resulting 2021 general election was not competitive: Sliwa lost to now-mayor Eric Adams by a margin of more than 2-1.<sup>309</sup> In an open primary, by contrast, the 2021 general election may well have been different and presented voters with choices that appealed to a wider swath of the electorate.





While there is no way to know for certain how that contest would have played out with an open primary, if the 2021 general election had featured the top-two vote getters across all party primaries, the November race would have featured now-Mayor Eric Adams and Kathryn Garcia.<sup>310</sup>

Fifth, open primaries can encourage candidates to appeal to a broader cross-section of New Yorkers. Today, candidates in closed primaries are incentivized to appeal to only those registered party members who can participate in the party primary. Open primaries, by contrast, give candidates an incentive to appeal to voters in every party, as well as unaffiliated voters. Some research suggests that, as a result, candidates that emerge from open primary systems are incentivized to appeal to a greater share of the electorate.<sup>311</sup>

Sixth, and finally, a shift to open primaries could reinforce ranked choice voting and address a peculiar gap in New York City's present use of ranked choice voting. Today, while ranked choice voting applies in primary elections, it does not apply in the general election. As a result, in a fragmented general election field with multiple candidates, it remains possible for a candidate with a fraction of support in the electorate to prevail — something ranked choice voting is expressly intended to eliminate. An open primary system could ensure that the candidates who prevail at the general election were selected

using ranked choice voting, guaranteeing that whoever prevails in the general election has garnered broad support. Indeed, a staff analysis of all jurisdictions with ranked choice voting could not find another locality (aside from New York City) that uses ranked choice voting in a closed primary.<sup>312</sup>

## Q&A

### What local offices could open primaries apply to?

An open primary system could apply to every local elected office: the Mayor, Public Advocate, Borough Presidents, Comptroller, and City Council members. Establishing one system for all local offices helps promote public understanding of election rules. Special elections for local offices, when required, could remain subject to the City's existing special election procedure, which already does not include partisan primaries.<sup>313</sup> State and federal offices would continue to be governed by different rules set out in state law.

### Should party identification remain on the ballot?

In the Commission's view, any reform should continue to identify candidates on the ballot by their party affiliation (if any), in light of the important organizing and voter-education

functions that parties continue to play in public life. As the 2003 Commission concluded, party identification helps voters make “informed choice[s]” because party labels can help voters “determine candidates’ values and ideologies.”<sup>314</sup>

Research since 2003 continues to conclude that voters find party designations valuable. One recent study found that including party identification on the ballot helps ensure that voters choose candidates that reflect their preferences.<sup>315</sup> Another study similarly concluded that open primaries that do not list party affiliation on the ballot see lower turnout, with voters finding it more difficult to discern their preferences.<sup>316</sup> As Professors David Schleicher and Christopher Elmendorf have put it, “[v]irtually everything we know ... indicates that voters are harmed by the lack of relevant party information. Turnout is lower in [elections without party labels], and incumbents are stronger, suggesting that informed voting is costly and voters rely more on name recognition and familiarity when denied information about party.”<sup>317</sup>

## **Do open primaries affect the role of money in politics?**

New York has a generous campaign financing system, contribution and expenditure limits on all campaigns, and robust disclosure rules – including disclosures rules for the top donors to independent expenditure committees.<sup>318</sup> Especially after the Supreme Court’s decision in *Citizens United*, which starkly limits the ability of local governments to regulate political spending, these rules are an important bulwark against the influence of money in politics.<sup>319</sup>

Some have argued to the Commission that a shift to open primaries will increase the role of money in politics.<sup>320</sup> But evidence from other jurisdictions is limited and suggests no clear relationship between political spending and open primaries. A study of Alaska’s shift to an open primary with top-four system found minimal effects on the amount of money raised in Alaska elections, although it observed an

increase in the number of small donations.<sup>321</sup> A different study, by contrast, found evidence that opening primaries leads to an increase in campaign fundraising, with a particular increase in contributions from individuals that previously participated in closed party primaries.<sup>322</sup> Elsewhere, research has found that open elections may decrease the impact of spending by political action committees, with spending by political action committees resulting in smaller boosts to candidates in open elections than in closed primaries.<sup>323</sup> Other research, by contrast, suggests that when a top-two contest features candidates from the same party, campaign expenditures are more important.<sup>324</sup>

Unrestricted outside spending in elections is a growing problem, both here in New York City and across the country. The Commission is mindful, however, that increased campaign spending is not always negative. Increased voter engagement can lead to increased numbers of small-dollar donations that are subject to public matching funds under the City’s campaign finance system. Likewise, an open primary system is intended to increase electoral competition, and more competitive contests may naturally attract greater spending than less competitive ones. In short, increased spending is sometimes a sign that a system is delivering healthy engagement and electoral competition, instead of sleepy, noncompetitive elections where one candidate is all but guaranteed to win.

## **How would open primaries affect minority and marginalized communities?**

As outlined above, evidence from around the country suggests that opening primaries to unaffiliated voters can make electorates more demographically representative and close turnout gaps. But to understand how a move to open primaries might impact New York, a close examination of New York’s particular political context is necessary.

To study the potential impact of a shift to open primaries on minority and marginalized communities in New York City, the



Commission has sought the assistance of nationally-renowned legal and voting rights experts. Loretta Lynch, former Attorney General of the United States, and her colleagues have examined how a shift to an open primary with top-two system would affect voter participation and the ability of minority communities to elect the candidate of their choice. Dr. Lisa Handley, a voting rights and redistricting expert with over forty years of experience, has likewise conducted a careful examination of New York City’s voting patterns to inform the Commission’s work. Both analyses are publicly available on the Commission’s website.<sup>325</sup>

As the Lynch analysis concludes, a shift to open primaries with a top-two system is likely to increase minority voter participation and unlikely to harm the ability of minority communities to elect the candidates of their choice.<sup>326</sup> As to participation, Lynch concludes “there is no basis for finding that this proposal would in any way diminish the ability of any protected class [i.e. any minority community] to participate in the political process.”<sup>327</sup> After all, “[a] significant benefit of the proposed change would be to give more voice to unaffiliated voters.”<sup>328</sup> “[A] majority of unaffiliated voters (54.5%) are minority voters, with more than a third (35.3%) consisting of Black and Hispanic voters; and the Asian share of unaffiliated voters is twice their share of all registered voters (19.2% versus 11.4%).”<sup>329</sup> “Furthermore, the change would not only enable more voters to participate in primaries but may have some beneficial impact on turnout, especially among young people.”<sup>330</sup>

Lynch further concludes “that a shift from a closed to open primary system is unlikely to ... diminish[] the ability of a protected class to elect the candidates of their choice.”<sup>331</sup>

In City Council elections, the ability of minority communities to elect preferred candidates “may in some cases, actually increase” where a minority group “might have divided their support across two candidates in [a closed] primary” but could now “coalesce in the general because one of their preferred candidates is still likely to advance to a top-two general election.”<sup>332</sup> In boroughwide and citywide races, a shift to open primaries will not “diminish the ability of a protected class to elect its preferred candidate as compared to the benchmark.”<sup>333</sup> Where a top-two race involves a Democrat and Republican, the race will be largely indistinguishable from a typical major-party general election under the current system. Where a race involves two Democrats, dynamics may differ – for example, a Democrat will be guaranteed to prevail, and Black and Hispanic voters typically prefer Democrats. As compared to a multicandidate general election, where there are more than two viable candidates, a top-two general “may improve the ability to elect of a coalition of Black and Hispanic voters because it necessarily limits the general election to two candidates and thus eliminates the possibility” that multiple candidate fields will reduce cohesion.<sup>334</sup>

But fundamentally the dynamic will remain as it is today: Black and Hispanic voters can frequently elect candidates of their choice in boroughwide and citywide elections, but only with crossover support of White voters. In sum, Lynch finds “no reason to expect that the ability of a coalition of voters in protected classes to elect the candidates of their choice” will be diminished “as a result of the proposal.”<sup>335</sup>



# Proposals for Future Consideration

The following issues were the subject of significant interest by members of the public, or among members of the Commission, but — in the view of the Commission — require further study, are not within the Commission’s authority, or for other reasons should be reserved for the future.





## Nonprofit Payment and Procurement

The City contracts with a variety of outside organizations to provide essential services to New Yorkers. From afterschool programs and childcare centers, to shelters and supportive housing, many of the most critical services that New Yorkers depend on are delivered by nonprofits that rely on City funding. Unfortunately, the City is frequently late in paying these vital partners for the work that they perform — putting both these services and the organizations themselves at risk.<sup>336</sup>

Since its inception, the Commission has given particular attention to the issue of nonprofit payment and procurement, and it was poised to propose several Charter reforms related to this subject, including elevating and empowering the Mayor's Office of Contract Services (MOCS) in the Charter. Recently, however, the City Council considered several pieces of legislation targeted at the same issue, including one that would similarly establish MOCS and another that would mandate advance payments for certain nonprofit vendors.<sup>337</sup> In view of the Council's pending action on these important reforms and to avoid impeding the implementation of these initiatives, the Commission is declining to advance amendments touching on the same subject to voters.

As further reforms to the procurement process advance, testimony before the Commission has highlighted several areas that warrant action — each of which was identified in the Commission's preliminary report. An expanded and empowered MOCS should establish rules in particular areas of need, including the partial payment of invoices, contract renewal, and master contracts. New disclosure of City procurement and payment practices is necessary to promote transparency and accountability. To promote regular and transparent operations of the Procurement Policy Board (PPB), meetings of which have historically been inconsistent, the PPB should be required to meet on a quarterly basis.<sup>338</sup> And to ease contract backlogs, agencies should consider treating certain small contracts as grants, rather than as invoice-based contracts, at least up to the amounts already authorized for micro-purchases.

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## Capital Planning

Investment in capital and infrastructure is one of the most important roles of City government. To promote sound capital planning, the Charter requires the City to produce and regularly update a 10-year capital strategy.<sup>339</sup> Today, that capital planning process is primarily led by the Office of Management and Budget, with input from the Department of City Planning. However, as some have testified, the City's current OMB-led approach may not adequately reflect the need to ensure capital investments align with the City's broader planning goals, from housing growth to economic development.<sup>340</sup>

Earlier iterations of the Charter put these broader questions of planning at the center of the City's infrastructure and planning process. In 1936, when the City Planning Commission was created, it played a primary role in the development of a capital plan, helping to support the growth of the city through new highways, tunnels, parks, and neighborhoods. Over the ensuing decades, however, and culminating in 1975, this power was reduced as the city's greenfield land diminished and fiscal concerns took center stage.<sup>341</sup> The current 10-year capital strategy requirement dates to 1989, which formalized Mayor Koch's practice of releasing a 10-year capital plan, while "re-introduc[ing] the [Department of City Planning] to the process, but not to the extent they had been included prior to 1975."<sup>342</sup>

The 1975 move away from a planning-centered approach to capital investment toward a fiscal-centered approach to capital investment reflected a broader shift in New York City away from growth-oriented policy and toward a vision of New York City as a place with a stable or declining population. In recent decades, however, New York's population has steadily grown, and the need to address housing, climate challenges, and other regional needs requires new focus on the infrastructure investment needed to support growth. To this end, a future Commission should consider whether to recenter the City's broader planning needs in the capital planning process,

perhaps by increasing the role of the Department of City Planning or the City Planning Commission in the City's capital planning process.

## Non-Charter Housing and Land Use Changes

The land use systems that this Commission seeks to reform are critical to housing production and planning and relate closely to the Charter's structure. There are, however, a wide array of other policy levers that influence housing production, but which are not amenable to reform through the Charter. As described in the preliminary report, policies ranging from tax policy to building codes to public subsidy are critically important to addressing the city's housing crisis. One area of particular interest that is ripe for narrowly-targeted reform, though outside of the scope of a Charter Revision Commission, is environmental review.

Environmental review requirements are the leading reason why the "pre-certification" process, which precedes ULURP, has become so long. It is now common for large projects to spend seven figures and multiple years on environmental review, covering categories that are far afield from "environmental issues" as commonly understood.<sup>343</sup> In this way, environmental review now frequently serves as a protector of the status quo, even when the status quo inhibits the city's ability to address and adapt to climate change, promote resiliency in flood-prone communities, expand clean energy, and build critically needed housing.

In New York State, environmental review regulations are governed by the State Environmental Quality Review Act (SEQRA), which passed in 1975.<sup>344</sup> The City Environmental Quality Review (CEQR) builds on top of that "floor" to establish regulations within New York City.<sup>345</sup> These regulations have evolved significantly in policy and practice in the past five decades, often in response to litigation.<sup>346</sup>



Because environmental review is largely a creature of state law, not local law, the Commission’s ability to reform this process is limited.<sup>347</sup> However, environmental review reform at the state level could make a significant difference in addressing the city’s housing crisis alongside the Commission’s proposed reforms, and the Commission urges state policymakers to explore potential updates to more urgently address the housing and climate crises.

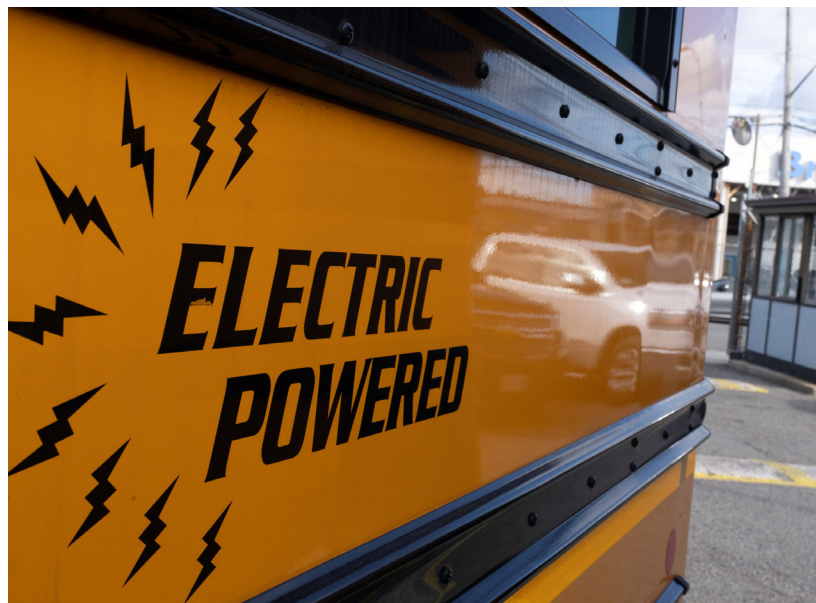
Another significant source of delay for housing and other major projects in New York City is the process of applying for and receiving the permits and inspections needed to initiate and complete construction. From 2010 to 2023, the average time to be granted a building permit for a new residential building of five or more units was 1.5 years.<sup>348</sup> As described in the preliminary report, Commission staff spent considerable time searching for an effective amendment to the Charter to shorten and simplify permitting. But these processes do not appear to be susceptible to effective intervention through the City Charter. To be sure, the City has made some progress on improving these processes through the *Get Stuff Built* initiative in recent years.<sup>349</sup> Nevertheless, the City’s permitting process remains dizzyingly complex, and bottlenecks across the dozens of involved agencies abound.<sup>350</sup> The Commission urges renewed

attention and focus on streamlining permitting, including through agency technology and coordination improvements, and local law changes.

## Revocable Consents for Electric Vehicle and Outdoor Dining Infrastructure

The Commission heard testimony that Charter-mandated processes currently frustrate the City’s ability to encourage the deployment of electric vehicle (EV) chargers on streets and sidewalks. New York City has a goal of 10,000 electric vehicle chargers by 2030,<sup>351</sup> but according to expert testimony, charger installations to date have been extremely costly and Charter rules that govern revocable consents and franchises do not create a clear and efficient pathway for the City to work with private developers to install chargers where they are most needed and best suited.<sup>352</sup>

Revocable consents grant an entity the right to construct and maintain certain structures like benches and trash receptacles on, over, or under the inalienable property of the City, including streets and sidewalks.<sup>353</sup> Current Charter provisions stipulate that certain revocable consents can only be applied for



by an adjacent property owner.<sup>354</sup> Therefore, in practice, an EV charger may be installed under a revocable consent only if an adjacent property owner agrees to apply and pay for a revocable consent, making it challenging for charger companies to deploy EV chargers at scale.

Allowing revocable consents for chargers in accordance with a City plan would make it easier to build charging infrastructure across the city. Amendments to the Charter could facilitate revocable consents or other mechanisms to enable EV charging on public streets and sidewalks in accordance with a plan developed by the Department of Transportation. These modifications could also apply to outdoor dining and other programming in the public right-of-way that is managed by DOT.

More broadly, Councilmember Gale Brewer testified that present rules governing revocable consents are “encumbrances” to sensible uses in the public right of way and suggested replacing them with straightforward permits. Councilmember Brewer also testified about the importance of outdoor dining and called for a streamlined process to approve outdoor dining applications.<sup>355</sup> The Charter currently exempts sidewalk cafes, but not roadway dining, from the mandated revocable consent review process, creating confusion and forcing DOT to maintain two separate and inconsistent processes for practically identical installations.<sup>356</sup> Furthermore, Elijah Hutchinson, Executive Director of the Mayor’s Office of Climate and Environmental Justice, testified that the present revocable consent system is out of step with contemporary needs and predates our understanding of urgent issues like climate change.<sup>357</sup> Similarly, Con Edison submitted testimony stressing that the process for revocable consents can be a barrier to a range of critical energy infrastructure and resiliency projects.<sup>358</sup>

Hutchinson also testified that existing provisions of the Charter respecting revocable consents and franchises should be updated to promote transparency and efficiency.<sup>359</sup> Currently, the Charter establishes notice and hearing requirements for revocable consents and franchises, requiring applicants

to publish notice at least twice; to send separate notices to any affected Borough Presidents, Community Boards, and councilmembers in certain instances; and to sometimes require City Council consideration at multiple points in the process.<sup>360</sup> At the same time, numerous committees, boards, and government entities are required to conduct lengthy, consecutive reviews of franchises — all processes that could be streamlined.<sup>361</sup> Reforms to the review, notice, and hearing process could promote public input, ease burdens on applicants for revocable consents and franchises, and reduce attendant delays.

## Civilian Complaint Review Board

Protecting public safety is one of the most basic obligations of government. Under the Charter, several mayoral agencies are charged with duties to protect public safety. Most prominently, the Charter provides for the Police Department and charges it with the duty to “preserve the public peace, prevent crime, [and] detect and arrest offenders.”<sup>362</sup> The Police Department’s ability to fulfill that mission depends, in large part, on public trust; without public confidence in law enforcement, the ability of officers to protect New Yorkers is significantly impaired.

To promote public trust in, and oversight over, law enforcement, the Charter establishes two separate bodies: the Inspector General for the Police Department (OIG-NYPD)<sup>363</sup> and the Civilian Complaint Review Board (CCRB).<sup>364</sup> An additional third body, the Mayor’s Commission to Combat Police Corruption, was established by executive order in 1994.<sup>365</sup>

The CCRB was established in 1993 to “investigate allegations of police misconduct.”<sup>366</sup> Specifically, the CCRB reviews complaints alleging misconduct “involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability.”<sup>367</sup> CCRB may determine that an allegation is substantiated, unsubstantiated, or unfounded; refer the complaint to another investigative agency; close a case if it cannot be pursued; or





indicate that the complaint has been resolved. If a charge is substantiated, the CCRB recommends disciplinary action to the Police Commissioner who has final approval.<sup>368</sup>

In 2019, voters approved several proposals regarding the CCRB. These changes included increasing the number of board members and altering the appointment structure of the CCRB, mandating the CCRB's annual personnel budget be sufficient to fund an employee headcount equal to .65% of the Police Department's uniformed officer headcount (with limited exception<sup>369</sup>), and requiring that the Commissioner issue a written report to the CCRB whenever the Commissioner departs from the discipline recommended by the CCRB.<sup>370</sup>

In its public hearings, the Commission has heard testimony about further potential reforms to the CCRB intended to increase public trust and accountability. The Commission has heard from individuals<sup>371</sup> and organizations,<sup>372</sup> as well as reviewed reports,<sup>373</sup> that suggest potential reforms for the CCRB. One reform of particular interest is improving the CCRB's access to New York Police Department information, particularly body-worn camera footage.

According to the CCRB, access to "video footage is integral to determining whether an officer behaved professionally or engaged in misconduct."<sup>374</sup> However, historically such footage has not always been provided to the CCRB from the NYPD in a timely manner. In 2020, Pro Publica published a CCRB

memo detailing challenges obtaining body-worn camera footage from the NYPD.<sup>375</sup> The memo stated that over 1,100 requests for such footage were outstanding, with at least 40% of the requests over 90 days old.<sup>376</sup>

More recently, CCRB's access to this evidence appears to have substantially improved. At a March 11, 2025 hearing before the City Council, the CCRB testified that in 2023 and 2024 it took on average eight days to receive a response to a body-worn camera footage request. CCRB also testified that since December 2023, the CCRB has enjoyed greater access to additional evidence related to investigations. At the same time, CCRB testified that it believed reforms to grant CCRB direct access to NYPD files would make its investigations more efficient and increase public confidence in the integrity of CCRB investigations.<sup>377</sup>

The Commission believes that reforms to strengthen public confidence in law enforcement are integral to public safety and to ensuring that New York City government is just and equitable. However, in view of recent reforms approved by voters in 2019, progress in promoting CCRB access to needed information, and indications by our sister Charter Revision Commission — the NYC Commission to Strengthen Local Democracy — that it may seek to forward CCRB reforms to voters,<sup>378</sup> this Commission is declining to advance its own proposals related to CCRB.



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- 68 Notably, as these examples illustrate, the result of member deference is often not the formal vote rejecting of a housing proposal, but instead the withdrawal of a proposal by an applicant prior to any vote at the Council – often prior to an advisory vote by a Community Board or borough president. In fact, formal rejection of a proposal in a Council vote, which under the ULURP process triggers an opportunity for a disapproval by the Mayor and a potential override of that disapproval by two-thirds of the Council is rare. In this way, member deference frequently short-circuits the Charter’s ULURP procedure before it runs its course, depriving communities, the City Planning Commission, and elected officials of their opportunity to weigh in on potential development.
- 69 Citizens Budget Commission, “Improving New York City’s Land Use Decision-Making Process,” Sep. 2022, at 20, [https://cbcny.org/sites/default/files/media/files/REPORT\\_Land-Use\\_09062022\\_0.pdf](https://cbcny.org/sites/default/files/media/files/REPORT_Land-Use_09062022_0.pdf).
- 70 Rafael Cestero and Kirk Goodrich, “The Charter Revision Commission,” The Housing Problem Podcast (Jan. 22, 2025).
- 71 Antonio Reynoso, Brooklyn Borough President, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 60.
- 72 Staff Analysis of rezoning applications based on Zoning Application Portal dataset available at <https://www.nyc.gov/content/planning/pages/resources/datasets/zoning-application-portal>.
- 73 Marjorie Velázquez, former Councilmember, Bronx Hearing (Mar. 4, 2025) (testimony) at 26.
- 74 Howard Slatkin and Ray Xie, “The Elephant in the Room: How ULURP’s Skewed Political Incentives Prevent Housing,” Citizens Housing & Planning Council, Feb. 2024, at 2, <https://chpcny.org/wp-content/uploads/2025/02/Elephant-in-the-Room.pdf>.
- 75 Also known as aldermanic prerogative.
- 76 US Department of Housing and Urban Development, Concerns Regarding Cafha, et al. v. City of Chicago, Case No. 05-19-3886-6/9 (Oct. 24, 2023), <https://news.wttw.com/sites/default/files/article/file-attachments/HUD%20Letter%2011.28.23.pdf>.
- 77 Jonathan Lentz, “Jumaane Williams: Too much member deference can be a bad thing,” City and State, Nov. 17, 2017, <https://www.cityandstateny.com/policy/2017/11/jumaane-williams-too-much-member-deference-can-be-a-bad-thing/181155/>.
- 78 For instance, CEQR requires redundant analysis of categories such as Urban Design, Neighborhood Character, and Land Use, Zoning, and Public Policy that never trigger impacts because these are part and parcel of the issues considered in the primary land use review. See CEQR Technical Manual (2021) <https://www.nyc.gov/site/oec/environmental-quality-review/technical-manual.page>.
- 79 Sean Campion, Director of Housing and Economic Development Studies at Citizens Budget Commission, Bronx Hearing (Mar. 4, 2025) (testimony) at 85. See Citizens Budget Commission, Improving New York City’s Land Use Decision-Making Process, Sep. 2022, <https://cbcny.org/research/improving-new-york-citys-land-use-decision-making-process>.
- 80 Dr. James E. Hansen, Director of NASA’s Institute for Space Studies, U.S. Senate Committee on Energy and Natural Resources Hearing (Jun. 24, 1988) (testimony).

- 81 Homeless Services United, Testimony by Homeless Services United, (June 23, 2025) (written testimony); Citizens Housing and Planning Council, Testimony to Charter Revision Commission Manhattan Hearing on Housing and Land Use (Apr. 23, 2025) (written testimony); Moses Gates, Vice President for Housing and Neighborhood Planning, Manhattan Hearing (Apr. 23, 2025) (testimony) at 142; The Association for Neighborhood & Housing Development, Testimony for the New York City Charter Revision Commission from the Association for Neighborhood and Housing Development (ANHD) (Mar. 19, 2025) (written testimony); New York State Association for Affordable Housing, NYSAFAH Testimony (Apr. 23, 2025) (written testimony); Brooklyn Borough President Antonio Reynoso, (June 3, 2025) (written testimony); Councilmember Pierina Sanchez, Councilmember Pierina Ana Sanchez Testimony (May 19, 2025) (written testimony); Brendan Cheney, Director of Policy and Operations at the New York Housing Conference, Manhattan Hearing (Apr. 23, 2025) (testimony) at 130.
- 82 Thriving Communities Coalition, Testimony for the New York City Charter Revision Commission from the Thriving Communities Coalition (Mar. 21, 2025) (written testimony); Barika Williams, Executive Director ANHD, Bronx Hearing (June 10, 2025) (testimony); Annemarie Gray, Executive Director of Open New York, Charter Revision Committee Testimony – February 11, 2025 (Feb. 11, 2025) (written testimony); Enterprise Community Partners, Testimony for the New York City Charter Revision Commission (Apr. 2025) (written testimony); Michelle de la Uz, Executive Director of Fifth Avenue Committee, Manhattan Hearing (Apr. 23, 2025) (testimony) at 150; Brendan Cheney, Director of Policy and Operations at New York Housing Conference, Manhattan Hearing (Apr. 23, 2025) (testimony) at 131; Urban Land Institute of New York, ULI New York Charter Revision Recommendations (June 16, 2025) (written testimony); Councilmember Pierina Ana Sanchez, Councilmember Pierina Ana Sanchez Testimony (May 19, 2025) (written testimony).
- 83 Kirk Goodrich, President Monadnock Development, Bronx Hearing (Mar. 4, 2025) (testimony) at 28; Ericka Keller, Managing Member of Brisa Builders Development, Bronx Hearing (Mar. 4, 2025) (testimony) at 137-138; Vicki Been, Professor New York University, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 13.
- 84 New York Housing Conference, “2025 NYC Housing Tracker Report,” Apr. 29, 2025, <https://tracker.thenyh.org/wp-content/uploads/2025/05/NYHC-Tracker-2025.pdf>. Testimony from the New York Housing Conference described that the top ten housing-producing districts have financed over 3,500 units of affordable housing each over the last ten years; the bottom ten housing-producing districts financed under 200 units each. Brendan Cheney, Director of Policy and Operations at the New York Housing Conference, Bronx Hearing (Mar 4, 2025) (testimony) at 103.
- 85 New York Housing Conference, “NYC Housing Tracker,” June 2023, <https://tracker.thenyh.org/wp-content/uploads/2023/07/NYHC-Tracker-2023-Booklet-Final-Final.pdf>; New York Housing Conference, “NYC Housing Tracker,” June 2024, <https://tracker.thenyh.org/wp-content/uploads/2024/06/NYHC-Tracker-2024-Web.pdf>; New York Housing Conference, “NYC Housing Tracker,” June 2025 <https://tracker.thenyh.org/>, <https://tracker.thenyh.org/wp-content/uploads/2025/05/NYHC-Tracker-2025.pdf>.
- 86 Charter § 31.
- 87 Board of Standards and Appeals, 2018-156-BZ, <https://www.nyc.gov/assets/bsa/downloads/pdf/decisions/2018-156-BZ.pdf>.
- 88 “[T]he variance, if granted, is the minimum variance necessary to afford relief” See Zoning Resolution, 72-21(e).
- 89 The General City Law requires that New York City maintain a “well considered plan” and courts have held that the rezoning of individual sites can constitute spot-rezonings, which do not adhere to the requirement to have a well-considered plan. As such, the Department of City Planning sometimes requires applicants to include non-applicant sites in rezoning applications. See General City Law §20-25; *Rodgers v. Village of Tarrytown*, 302 N.Y. 115, 124 (1951).
- 90 Ericka Keller, Bronx Hearing (Mar. 4, 2025) (testimony) at 140.
- 91 Where an applicant is not already an HDFC, the BSA would be able to issue approvals contingent on post-approval formation of an HDFC.
- 92 This language is borrowed from a reference to a requirement that a Housing Development Fund Corporation Company must be a “company that has been organized exclusively to develop a housing project for persons of low income.” See PHFL 573(3)(a).
- 93 Total does not include units for formerly homeless individuals and families pursuant to city policy that requires at least 15% of all units in buildings greater than 40 units to be reserved for such groups.
- 94 NYC Housing Connect, The Bronx Grove, <https://housingconnect.nyc.gov/PublicWeb/details/3487>.
- 95 NYC Housing Connect, Hallets Point 7, <https://housingconnect.nyc.gov/PublicWeb/details/3176>.
- 96 NYC Housing Connect, Help One Building A, <https://housingconnect.nyc.gov/PublicWeb/details/3863>.
- 97 Vanessa Londono, “Affordable Housing Lottery Launches for Linden Terrace II In East New York, Brooklyn,” New York YIMBY, Sep. 18, 2022, <https://www.newyorkyimby.com/2022/09/affordable-housing-lottery-launches-for-linden-terrace-ii-in-east-new-york-brooklyn.html>; Anna Bradley-Smith, “Lottery Opens for More Than 100 Affordable Units With Solar, A/C, Geothermal in East New York,” Brownstoner, Sep. 20, 2022, <https://www.brownstoner.com/development/affordable-housing-lottery-573-emerald-street-solar-ac-geothermal/>.

- 98 NYC Housing Connect, Apex Place, <https://housingconnect.nyc.gov/PublicWeb/details/2384>.
- 99 For example: Department of Housing Preservation and Development, Housing Preservation Opportunities Program: Term Sheet, <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/hpo-term-sheet.pdf>.
- 100 Local Law No. 167 of 2023 (codified as City Charter Sec. 16-a).
- 101 This process mirrors the Expedited Land Use Review Procedure (ELURP) described in Ballot Question #2, with limited modifications to accommodate a wider range of rezonings with affordable housing.
- 102 Raj Chetty and Nathaniel Hendren, “The Impacts of Neighborhoods on Intergenerational Mobility II: County-Level Estimates,” *The Quarterly Journal of Economics* vol. 133, no. 3.
- 103 The rate of affordable housing is calculated by dividing the sum of new construction affordable housing unit permits for a five-year period by the number of housing units present in the community district at the beginning of the five-year period.
- 104 Local Law No. 167 of 2023 (codified as City Charter Sec. 16-a).
- 105 Charter § 16-a.
- 106 Craig Gurian, Executive Director Anti-Discrimination Center, Bronx Hearing (Mar. 4, 2025) (testimony) at 64; Julie Won, Council Member, Queens Hearing (Feb. 24, 2025) (testimony) at 85.
- 107 Barika Williams, Executive Director ANHD, Bronx Hearing (June 10, 2025) (testimony); Howard Slatkin, Executive Director Citizens Housing and Planning Council, Bronx Hearing (June 10, 2025) (testimony).
- 108 Noah Kazis describes “difficulties of implementation” in New Jersey’s Mount Laurel Doctrine and the need to address “weaknesses in California’s [housing element] system” in Noah Kazis, “Models and Questions to Reform Exclusionary Zoning in New York,” Furman Center, (Jan. 2022), <https://furmancenter.org/research/publication/ending-exclusionary-zoning-in-new-york-city8217s-suburbs>.
- 109 Liam Dillon, “California lawmakers have tried for 50 years to fix the state’s housing crisis. Here’s why they’ve failed,” *Los Angeles Times*, Jun. 29, 2017, <https://www.latimes.com/projects/la-pol-ca-housing-supply/>. See Noah Kazis, reflecting on California housing element plan, Kazis, “Models and Questions to Reform Exclusionary Zoning in New York,” *Id.*
- 110 Jeremy Levine, Sonja Trauss, Jordan Grimes, “How Bay Area cities are still trying to cheat their way out of building housing,” *San Francisco Chronicle*, Feb. 3, 2023, <https://www.sfchronicle.com/opinion/openforum/article/california-bay-area-housing-element-builder-remedy-17756651.php>.
- 111 Brianna Kudisch, “27 N.J. towns try to delay new affordable housing law, again,” *NJ.com*, Jan. 17, 2025, <https://www.nj.com/news/2025/01/27-nj-towns-try-to-delay-new-affordable-housing-law-again.html>; *Kaufman v. Zoning Commission of Danbury*, 232 Conn. 122 (1995).
- 112 Barika Williams, Executive Director ANHD, Bronx Hearing (June 10, 2025) (testimony).
- 113 Howard Slatkin, Executive Director Citizens Housing and Planning Council, Bronx Hearing (June 10, 2025) (testimony).
- 114 At the time of certification of a Fast Track project, the City Planning Commission will be required to confirm that a primary purpose of the application is to facilitate housing and affordable housing. All other projects would still be required to go through ULURP.
- 115 Brendan Cheney, Director of Policy and Operations at New York Housing Conference, Manhattan Hearing (Apr. 23, 2025) (testimony) at 130; Craig Gurian, Executive Director of Anti-Discrimination Center, Bronx Hearing, (Mar. 4, 2025) (testimony) at 65-7; Michelle de la Uz, Executive Director of Fifth Avenue Committee, Manhattan Hearing (Apr. 23, 2025) (testimony) at 150; Urban Land Institute of New York, ULI New York Charter Revision Recommendations (June 2025) (written testimony); Annemarie Gray, Executive Director of Open New York, Charter Revision Committee Testimony – February 11, 2025 (Feb. 11, 2025) (written testimony).
- 116 Charter § 192-d.
- 117 Charter § 192-a.
- 118 See, e.g., NYC Zoning Resolution §§ 66-51 (a significant floor area bonus and bulk modifications for transit station improvements); 75-23 (significant floor area allowance and height increase to facilitate housing in existing noncomplying buildings) 78-311 (the ability to transfer floor area and modify height and setback regulations within large-scale developments).



- 119 Comptroller Brad Lander, “Testimony on Behalf of Brad Lander, New York City Comptroller & 2025 Mayoral Candidate,” (Apr. 2025) (written testimony); Borough President Antonio Reynoso, Brooklyn Hearing (Feb. 11, 2025) (Testimony) at 55; Barika Williams, Executive Director of the Association for Neighborhood and Housing Development, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 25.
- 120 “One Seattle Plan—Draft for Public Review,” 2024, at 12, <https://www.seattle.gov/documents/Departments/OPCD/SeattlePlan/OneSeattlePlanDraftPlan2024.pdf>. See Revised Code of Washington State 36.70A.070 “Comprehensive Plans—Mandatory Elements.”
- 121 Brad Lander, “State of Emergency – Addressing NYC’s Housing Crisis,” Mar. 2025, <https://static1.squarespace.com/static/5b2052b12487fd3fa17f00a6/t/67c9104eae4d1348ec66894/1741230159290/State+of+Emergency+-+Addressing+NYCs+Housing+Crisis.pdf>.
- 122 Charter (1938) § 197-a; Charter (1963) § 197-a.
- 123 New York City Planning Commission, “Plan for New York City, 1969: A Proposal,” 1969, <https://digitalcollections.nypl.org/items/8b252450-c603-012f-14f1-58d385a7bc34#/?uuiid=8b8613f0-c603-012f-563f-58d385a7bc34>. An additional plan (the Harrison, Ballard & Allen plan) had been proposed in 1950, which ultimately culminated in a plan that was approved in 1960. See “Plan for rezoning the City of New York; a report submitted to the City Planning Commission,” 1950, <https://babel.hathitrust.org/cgi/pt?id=mdp.39015020941954&seq=7>.
- 124 Eric Kober, Senior Fellow Manhattan Institute, Follow-Up Testimony to the New York City Charter Revision Commission, (Mar. 27, 2025) (written testimony).
- 125 Sean Campion, Director of Housing and Economic Development Studies at Citizens Budget Commission, Bronx Hearing (Mar. 4, 2025) (testimony) at 85; Municipal Art Society, Initial Comments on ULURP Reforms for NYC Mayoral Charter Revision Commission Consideration, (Apr. 14, 2025) (written testimony); Frampton Tolbert, Executive Director of the Historic Districts Council, Manhattan Hearing, (Apr. 23, 2025) (testimony) at 194; Moses Gates, Vice President for Housing and Neighborhood Planning, Regional Plan Association, Manhattan Hearing (Apr. 23, 2025) (testimony); Annemarie Gray, Executive Director of Open New York, Charter Revision Committee Testimony — February 11, 2025 (Feb. 11, 2025) (written testimony); Mark Levine, Manhattan Borough President, Testimony of Manhattan Borough President Mark Levine, (Apr. 23, 2025) (written testimony).
- 126 Yonah Freemark, “In Chicago, New Apartment Buildings Typically Require City Council Approval, Which May Delay Construction and Increase Costs,” Urban Institute, (Dec. 16, 2024), <https://www.urban.org/urban—wire/chicago—new—apartment—buildings—typically—require—city—council—approval—which—may—delay>; Sarah Wright, “How San Francisco Makes It Insanely Hard To Build Housing,” The San Francisco Standard, (Sep. 13, 2022), <https://sfstandard.com/2022/09/13/how—san—francisco—makes—it—insanely—hard—to—build—housing>.
- 127 This was emphasized by both Community Board members in their individual capacity as well as through Community Board resolutions. See for example: Paul DiBenedetto, Chair Queens Community Board 11, (Apr. 22, 2025) (written testimony); Charles Moerdler, Bronx Community Board 8, Staten Island Hearing (June 23, 2025) (testimony); Manhattan Community Board 8, “Re: ULURP Process,” (Apr. 23, 2025) (written testimony); Manhattan Community Board 8, “re: Even if ULURP is revised, the Community Board’s role in the ULURP process should not be diminished,” (May 23, 2025) (written testimony); Queens Community Board 14, “Opposition to the Proposed Removal of Community Boards from the ULURP Process,” (June 18, 2025) (written testimony).
- 128 For projects for which state law requires City Council approval, the Council would have a 30-day review period with a public hearing and vote, in place of the City Planning Commission. This period would be extended to 45 days for projects filed with City Council in July to accommodate the Council’s typical summer meeting schedule.
- 129 Kirk Goodrich, President of Monadnock Development, Bronx Hearing (Mar. 4, 2025) (testimony) at 48.
- 130 The maximum residential FAR is the FAR for qualifying affordable housing (that is developments subject to MIH, UAP, or an affordable housing regulatory agreement), which is higher than the FAR for market—rate housing in the relevant zoning districts. See ZR 23-22.
- 131 AMI is “Area Median Income,” a number generated for each Metropolitan Statistical Area by the US Department of Housing and Urban Development to help define eligibility for affordable housing programs. In New York City in 2025, 60% of AMI translates to a rent of \$2187 for a family of 3 in a 2-bedroom apartment.
- 132 Mitchell Moss, Professor at New York University, Bronx Hearing (Mar. 4, 2025) (testimony) at 92-93; Vishaan Chakrabarti, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 74-75.
- 133 Annemarie Gray, Executive Director of Open New York, Charter Revision Committee Testimony - February 11, 2025 (Feb. 11, 2025) (written testimony); Enterprise Community Partners, Testimony for the New York City Charter Revision Commission (Apr. 2025) (written testimony); Howard Slatkin, Executive Director Citizens Housing and Planning Council, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 42; Brendan Cheney, Director of Policy and Operations at the New York Housing Conference, Manhattan Hearing (Apr. 23, 2025) (testimony) at 131; Jolie Milstein, President New York State Association for Affordable Housing, NYSAFAH Testimony, (Apr. 23, 2025) (written testimony).
- 134 Frederick A.O. Schwarz Jr. and Eric Lane, “The policy and politics of Charter making: the story of New York City’s 1989 Charter,” 42 N.Y.L. Sch. L. Rev. 723 (1998) at 932.

- 135 Marla Simpson, Bronx Hearing (June 18, 2025) (testimony) (explaining that community concerns about dispositions in 1989 were not about dispositions for the purposes of affordable housing, and that dispositions for affordable housing were never intended to be slowed or impeded by the 1989 reforms).
- 136 Charter § 197-c.
- 137 Frederick A.O. Schwarz Jr. and Eric Lane, “The policy and politics of Charter making: the story of New York City’s 1989 Charter,” 42 N.Y.L. Sch. L. Rev. 723 (1998) at 865.
- 138 In order to accommodate City Council’s summer schedule, the review period would be extended to 45 days for projects filed in July.
- 139 Antonio Reynoso, Brooklyn Borough President, (May 2025) (written testimony); Mark Levine, Manhattan Borough President, (Apr. 23, 2025) (written testimony); Perris Straughter, Director Planning and Land Use New York City Council, Bronx Hearing (June 10, 2025) (testimony); Elijah Hutchinson, Executive Director of the Mayor’s Office of Climate and Environmental Justice, Testimony of Elijah Hutchinson, Executive Director, Mayor’s Office of Climate & Environmental Justice Delivered before the New York City Charter Revision Commission, April 9, 2025 (Apr. 23, 2025) (written testimony); Steve Levin, CEO Solar Technologies, Staten Island Hearing (Apr. 9, 2025) (testimony) at 30.
- 140 Mark Levine, Manhattan Borough President, Testimony of Manhattan Borough President Mark Levine, (Apr. 23, 2025) (written testimony).
- 141 The 100-year flood plain is also known as the 1% flood plain, since there is a 1% chance of coastal flooding in any given year, or FEMA A Zone. The BFE is defined as the elevation reached by surface water in a 1% flooding event. BFE plus 2.5 feet streamlines street raisings that make vulnerable areas safer in the event of flooding and provides a cushion to account for future sea level rise or an increase in the incidence of extreme weather.
- 142 Antonio Reynoso, Brooklyn Borough President, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 60; Annemarie Gray, Executive Director of Open New York, Charter Revision Committee Testimony – February 11, 2025 (Feb. 11, 2025) (written testimony); Kirk Goodrich, President of Monadnock Development, Bronx Hearing (Mar. 4, 2025) (testimony) at 39; Jessica Katz, Manhattan Hearing, (Apr. 23, 2025) (testimony) at 69.
- 143 Antonio Reynoso, Brooklyn Borough President, (May 2025) (written testimony); Ben Max, “Borough President Vanessa Gibson on the State of the Bronx,” Max Politics, (Mar. 21, 2025); Municipal Art Society, Initial Comments on ULURP Reforms for NYC Mayoral Charter Revision Commission Consideration, (Apr. 14, 2025) (written testimony); Citizens Budget Commission, Testimony on Recommendations for Improving New York City’s Land Use Decision-Making Process, (Mar. 4, 2025) (written testimony); New York State Association for Affordable Housing, NYSAFAH Testimony, (Apr. 23, 2025) (written testimony).
- 144 Department of City Planning, Public Review, <https://www.nyc.gov/content/planning/pages/planning/public-review>.
- 145 Charter § 62 (1975).
- 146 Board of Estimate of City of New York, et al. v. Morris, et al., 489 U.S. 688 (1989).
- 147 Eric Lane, Executive Director, Charter Revision Commission Hearing (May 10, 1989) (testimony) at 383-384.
- 148 Charter § 197-d(f).
- 149 Id.
- 150 Frederick A.O. Schwarz Jr., Chairman, Charter Revision Commission Hearing (May 13, 1989) (testimony) at 24; Eric Lane, Executive Director, Charter Revision Commission Hearing (June 21, 1989) (testimony) at 34-35.
- 151 Judah Gribetz, Commissioner, Charter Revision Commission Hearing (Aug. 1, 1989) (testimony) at 183.
- 152 Antonio Reynoso, Brooklyn Borough President, Brooklyn Hearing (Feb. 11, 2025) (testimony) at 61.
- 153 Id. at 61-62.
- 154 Ben Max, “Borough President Vanessa Gibson on the State of the Bronx,” Max Politics, (Mar. 21, 2025).
- 155 The Borough President plays a key role in the work of community boards. See Charter § 2800(a).
- 156 Samantha Maldonado, “Council Approves Adams’ ‘City of Yes’ Housing Agenda, With Many ‘No’ Votes,” The City, Dec. 5, 2024, <https://www.thecity.nyc/2024/12/05/city-of-yes-council-approves>.
- 157 See Charter § 373(a) (providing that the franchise and concession review “committee shall consist of the following officials or their designees: the mayor ... ; the director of the office of management and budget; the corporation counsel; the comptroller; and one additional appointee of the mayor” as well as the borough president of the affected borough).

- 158 Charter §197-d(d).
- 159 When a similar practice is carried out in lower-density suburbs, it is widely recognized as exclusionary. See for example the study of Bronxville in Noah Kazis, “Ending Exclusionary Zoning in New York City’s Suburbs,” NYU Furman Center for Real Estate and Urban Studies (Nov. 9, 2020), at 16-17.
- 160 Sue E. McCoy, Recommendations for Modernizing the City Map (Apr. 30, 2025) (written testimony); Marla G. Simpson, Testimony of Marla G. Simpson to the New York City Charter Revision Commission (June 10, 2025) (written testimony); The Real Estate Board of New York, 2025 Charter Revision Commission regarding the Preliminary Report (June 13, 2025) (written testimony); Melanie E. La Rocca, Former Department of Buildings Commissioner, Staten Island Hearing (June 23, 2025) (testimony); Nicole Campo, Staten Island Hearing (June 23, 2025) (testimony); Bob Kelly, Staten Island Hearing (June 23, 2025) (testimony).
- 161 See for example Zoning Resolution, 23-432.
- 162 Department of City Planning, Changes to the City Map, Jan. 2018, at 23 (“Prior to the charter revision of 196[1], many city functions were decentralized, performed by line bureaus under the Borough Presidents. These included the Department of Buildings, the Department of Sanitation, the Department of Highways, the DEP - Bureau of Sewers, the Department of Parks and Recreation as well as a bureau of topography, all under a borough engineer. The 196[1] City Charter revision centralized most of these functions into line agencies under the Mayor, thereby vastly reducing the power and prestige of the Borough Presidents. Only the topographical bureaus, which had been important service bureaus serving the engineering needs of the other bureaus in the Borough Presidents’ offices, remained under the Borough Presidents. As the power of the Borough Presidents waned, their perceived need for the topographical bureaus also waned and consequently their interest in supporting the somewhat arcane functions of the topographical bureaus also waned. Over the last several decades, staffing has been radically reduced; junior staff has not been trained to take over and sustain the functions; and professional staff has not been replaced. As senior staff retires, the functions will largely disappear and the institutional memory necessary to revive them will be lost”).
- 163 Charter § 390 (1901).
- 164 For example, in 1961 voters choose to remove the Borough Presidents control of streets and sewers, but a decade and a half later would give the power of Community Board appointment to Borough Presidents.
- 165 Donovan Richards and Antonio Reynoso, Borough President of Queens and Brooklyn (respectively), “New York City Charter Revision Commission 2025 Testimony,” (June 23, 2025) (written testimony).
- 166 Board of Elections in the City of New York, Annual Report 2022, at 40, [https://vote.nyc/sites/default/files/pdf/annualreports/BOE\\_Annual\\_Report\\_2022\\_Online\\_Final.pdf](https://vote.nyc/sites/default/files/pdf/annualreports/BOE_Annual_Report_2022_Online_Final.pdf).
- 167 Board of Elections in the City of New York, Annual Report 2024, at 12, [https://www.vote.nyc/sites/default/files/pdf/annualreports/BOE\\_Annual\\_Report\\_2024.pdf](https://www.vote.nyc/sites/default/files/pdf/annualreports/BOE_Annual_Report_2024.pdf); NYC Campaign Finance Board, Voter Analysis Report: 2021 - 2022, Apr. 29, 2022, at vi, [https://www.nycfb.info/pdf/2021-2022\\_VoterAnalysisReport.pdf](https://www.nycfb.info/pdf/2021-2022_VoterAnalysisReport.pdf).
- 168 Board of Elections in the City of New York, 2023 Primary Election Official Ranked Choice Rounds: DEM Council Member 43rd Council District, July 18, 2023, [https://www.vote.nyc/sites/default/files/pdf/election\\_results/2023/20230627Primary%20Election/rcv/DEM\\_Council\\_Member\\_43rd\\_Council\\_District.pdf](https://www.vote.nyc/sites/default/files/pdf/election_results/2023/20230627Primary%20Election/rcv/DEM_Council_Member_43rd_Council_District.pdf).
- 169 Board of Elections in the City of New York, New York City Board of Elections Council District Summary Report as of 2/21/2023, Feb. 2023, at 31, [https://www.vote.nyc/sites/default/files/pdf/vote/2023/City\\_Council\\_Enrollment\\_stats\\_Feb\\_21\\_2023.pdf](https://www.vote.nyc/sites/default/files/pdf/vote/2023/City_Council_Enrollment_stats_Feb_21_2023.pdf). To calculate registered voters, Commission Staff examined all registered voters, including “inactive” voters and conducted the following analysis: Total voting-age residents = Total population – Total persons under 18 years. Department of City Planning, Census Demographics at the NYC City Council district (CNCLD) level, [https://data.cityofnewyork.us/City-Government/Census-Demographics-at-the-NYC-City-Council-distri/ye4r-qmpm/about\\_data](https://data.cityofnewyork.us/City-Government/Census-Demographics-at-the-NYC-City-Council-distri/ye4r-qmpm/about_data).
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- 361 Specifically, a franchise authorizing resolution must be reviewed by City agencies, the Corporation Counsel, the Mayor, and the City Council. If the authorizing resolution is approved, the RFP and franchise agreement are reviewed by the Franchise and Concession Review Committee, relevant elected officials, the Department of City Planning, and the Comptroller. If the Department of City Planning finds a franchise has land use impacts, it must go through ULURP. Charter §§ 363, 371-73, 375.
- 362 Charter §§ 431, 435.
- 363 “The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the New York city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public’s confidence in the police force, thus building stronger police-community relations.” Charter § 803(c)-1.
- 364 Charter § 440(b).
- 365 Rudolph W Giuliani, Exec. Order No. 18, Establishment of Commission to Combat Police Corruption, (Feb. 27, 1995).
- 366 Local Law No. 1 of 1993.
- 367 Charter § 440(c)(1).
- 368 Civilian Complaint Review Board, Complaint Process, <https://www.nyc.gov/site/ccrb/complaints/complaint-process/complaint-process.page>.
- 369 The Mayor may make a written determination that fiscal necessity requires a lower budget amount.
- 370 NYC Campaign Finance Board, Ballot Question #2: Civilian Complaint Review Board (CCRB), <https://www.nycfb.info/nyc-votes/vgwelcome/general-election-2019/ballot-proposals/ballot-question-2-civilian-complaint-review-board/?languageType=English>; Charter § 440-441.
- 371 Dareth Ogle, Queens Hearing (May 28, 2025) (testimony) at 85-87; Chanel Porter, Bronx Hearing (June 10, 2025) (testimony).
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- 376 Olan Carayannis and Dane Buchanan, BWC Landscape, (June 26, 2020), <https://embed.documentcloud.org/documents/6980787-CCRB-Memo-on-Body-Cam-Footage/>.
- 377 Mohammad Khalid, Interim Chair of the Civilian Complaint Review Board, City Council Testimony: Committee on Public Safety (Mar. 11, 2025) (testimony).
- 378 NYC Commission to Strengthen Local Democracy, Updated Recommendations, June 6, 2025, <https://static1.squarespace.com/static/678ab684e1a2cb193dfc38af/t/684897193b69af6b6e886301/1749587738022/6.6.25+Updated+Recommendations+Memo+Final.pdf>.



