

**Testimony to the Charter Revision Commission 2019
Medgar Evers College, September 17, 2018**

Good Evening. My name is Dr. Susan Williams representing the Legislative Working Group of the Campaign for an Elected Civilian Review Board. I am a retired physician and former delegate of Doctors Council, Local 10MD of SEIU.

Commissioners, I will address a number of questions you raised on September 12 regarding the legislation which has been presented to the City Council calling for revision of the City Charter and Administrative Code to create an Elected Civilian Review Board.

Question: Would the Elected Civilian Review Board provide due process for accused police officers?

Yes, due process is explicitly guaranteed. This would include the right to timely notification of any charges and specifications and of the hearing date; the opportunity to present testimony and witness; and the right to be represented.

Question: Does the proposed ECRB infringe on police officers' right of collective bargaining?

No, it would not change their collective bargaining rights. To clarify, police officers are already precluded by law from addressing disciplinary procedure in contract negotiations. In *The City of New York v MacDonald* in 1994 it was decided—and upheld by the Appellate Court and in subsequent cases—that disciplinary procedures as outlined in the City Charter section 434 and in the Administrative Code section 14-115 could not be superseded by contract demands.

These two sections define the authority of the Police Commissioner in disciplinary matters. The proposed Elected Civilian Review Board legislation amends these so that the Commissioner's authority remains intact except in those specific cases under the purview of the ECRB.

Question: How would the election be structured?

Based on the City Council districts, combining three adjacent districts for each ECRB representative. Four additional members would be elected on the basis of districts with the highest number of reported misconduct complaints.

Question: Regarding the Special Prosecutor, aren't District Attorneys established under state law?

Yes. However, our reading of the statute is that it does not preclude creation of a Special Prosecutor. Under current law, the Governor may ask the Attorney General to appoint a special prosecutor when murder is charged. Under the new legislation, assignment to the Special Prosecutor would be mandated for all charges against persons, not only murder, but also rape, sexual battery, assault. Other criminal acts committed by police officers, such as the publicized arrests last week for corruption and drug dealing, would remain under the jurisdiction of the District Attorney.

Request for research documentation.

We will provide the Commission with many of the key documents and online links to our research. Among these are studies of review boards across the country concluding that systemic flaws have resulted in virtual universal failure to achieve true police accountability.

Notable among these are: 1) Boards being comprised of appointees whose allegiance to the Mayor, City Council or Police Department precludes real independence or any organic connection or accountability to the community. 2) The lack of any power to enforce its determinations, i.e., being advisory and having its recommendations ignored. Without these, review boards are set up to fail, and have.

But this is information you can get on the streets of New York. We've talked to thousands of people who attest to youth of color arrested to meet quotas; ongoing racial profiling; women subjected to sexual harassment and assault; people targeted for investigation based on their religious or political beliefs; community activists and union strikers and picketers subjected to intimidation and trampling on free speech. Lives are being ruined, and lost.

The existing Citizens Complaint Review Board, Internal Affairs, mayoral oversight, the Inspector General have not held police accountable. Will the Elected Civilian Review Board be a magic panacea for police violence and misconduct? No—but it will be a huge step forward toward improving the lives of New Yorkers, and it is doable. And for the next year, you, Commissioners, are the only ones who can do it, by putting this proposed legislation on the ballot.

Our question for the Commission is, "Do you accept that New York has a serious, ongoing problem with police misconduct, and are you prepared to step up to advocate a plan for improving accountability and curbing police violence?"

Note: the oral presentation of the testimony was edited for a three-minute time limit.

CAMPAIGN ENDORSERS

Annelise Orleck - Author of "We Are All Fast-Food Workers Now", Anthony Beckford - Green Party Candidate for NYS Assembly District 42, Artists Against Police Violence, Association of Legal Aid Attorneys - UAW Local 2325, Ayotzinapa NY, Black Lives Matter Greater New York, Bridging Access to Care, Bronx Community Greens, Caribbean Unity Alliance, Citizen Action - NYC Chapter, Concerned Residents of Flatbush Gardens, Copwatch Patrol Unit - Brooklyn Sector, NYC-DSA Racial Justice Working Group, Erik Ljung - Director of "The Blood Is At The Doorstep", Francisco Torres (former San Francisco 8), Freedom Socialist Party, GAPIMNY, Manhattan Greens, Green Party of Brooklyn, Jabari Brisport - Green Party Candidate for NY City Council District 35, Juanita Young - mother of Malcolm Ferguson; killed by an NYPD Officer, Marc Fliedner - Candidate for Brooklyn DA, Mothers Cry for Justice, Newark Student Union, NYC Jericho, Pro-Libertad Free-dome Campaign, St. Mary's Episcopal Church - Manhattanville, Racial Justice BK, Radical Women, Release Aging People in Prison (RAPP), Ripple Effect Artists, National Stolen Lives Family Tour, True Freedom Political Club, Veterans for Peace NYC Ch 34, VOCAL NY, YA-YA Network

Email stoppoliceviolencenyc@gmail.com to add your organization to the list!

WHAT WE STAND FOR

We are a coalition of groups and individuals dedicated to replacing New York City's Civilian Complaint Review Board with an Elected Civilian Review Board (ECRB).

We also seek an elected Special Prosecutor to replace the District Attorney in police violence cases. Our goal is to amend the NYC Charter with these reforms, either via the City Council, or Charter Revision Commission.

To get there, we work democratically and with participation and leadership from people most affected by police violence. We make decisions by majority vote, in meetings open to all who agree with the campaign's goals.

HOW TO JOIN

ATTEND A MONTHLY MEETING

Held the second Saturday afternoon of every month. Call or check [Facebook.com/holdpoliceaccountableNYC](https://www.facebook.com/holdpoliceaccountableNYC) for meeting event info.

VOLUNTEER

Help table in the community, tweet, design, research or call volunteers. You can make a difference, so get in touch and get connected to a working group.

CONTACT

stoppoliceviolencenyc@gmail.com
212.222.0633

[facebook.com/holdpoliceaccountableNYC](https://www.facebook.com/holdpoliceaccountableNYC)
Instagram: @holdpoliceaccountable
stoppoliceviolencenyc.org

DONATE

Venmo @holdpoliceaccountable

HOLD POLICE ACCOUNTABLE WITH AN ELECTED CIVILIAN REVIEW BOARD

@HoldPoliceAccountable

REAL JUSTICE
STARTS HERE.

WHAT DOESN'T WORK

NYC CIVILIAN COMPLAINT REVIEW BOARD

- X APPOINTED**
by the Police Commissioner,
the Mayor and the City Council.
- X BIASED**
towards NYPD through relationship
with city establishment.
- X INEFFECTIVE**
because Commissioner maintains
control over what punishment,
if any, gets enacted.
- X UNTOUCHABLE**
because CCRB rulings cannot be
challenged by the public without
new evidence or new witnesses.
- X THE D.A.**
works too closely with police to per-
form objective prosecution of them.

WHO IS ON THE CCRB?

Five members appointed by the Mayor, three members from law enforcement chosen by the Police Commissioner, and five members selected from the City Council, one from each borough.

WHAT WE NEED

AN ELECTED CIVILIAN REVIEW BOARD

- ✓ ELECTED**
by their neighbors.
- ✓ REPRESENTATIVE**
of communities affected by
police misconduct and violence.
- ✓ EMPOWERED**
to investigate, discipline and/or order
retraining. Has subpoena power.
- ✓ ACCOUNTABLE**
to the community through local
offices and regular meetings.
Members subject to voter recall.
- ✓ SPECIAL PROSECUTOR**
Elected, independent, and performs
unbiased prosecution of officers who
commit crimes.

WHO WILL BE ON THE ELECTED BOARD?

Community members, mothers, people of color, young people, LGBT people, elders, people in public housing, students, teachers, nurses, workers...

POLICE VIOLENCE HAPPENS EVERY DAY.

LET'S HOLD THEM ACCOUNTABLE.

In NYC, most victims of police abuse who file complaints with the current review board realize it's a dead end. The CCRB consists of people appointed by the city and police with no incentive to hold the NYPD accountable. And the Police Commissioner routinely overrules the CCRB's recommended decisions preventing justice from being served. Out of the 518 officers the CCRB found fault with in 2016, **not a single one was fired.**

The system is heavily biased against the majority of civilians, people of color, youth and the poor, and the current CCRB can't and won't protect us.

There's a much better way: an **Elected Civilian Review Board**. The ECRB would be made up of people in the community concerned about police abuse who are elected to represent their neighborhoods. Along with an elected Special Prosecutor, the ECRB would discipline and prosecute abusive police officers and hold the entire NYPD accountable.

Real justice starts with an

ELECTED CIVILIAN REVIEW BOARD.

Campaign Finance & Lobbying Reform – Democracy Vouchers

My name is John F. Manning. I am a Civil Servant and a resident of Bay Ridge, Brooklyn. I am speaking, as a concerned citizen, on the pressing need for campaign finance and lobbying reform, how this issue is the root cause of many other problems, and to ask the Charter Revision Commission to consider Democracy Vouchers as a viable, realistic alternative to the status quo. Thank you for the opportunity to testify this evening.

The American system of government and politics has been defined by the principal - "Of the People, by the People, for the People". Our system has been a work in progress since its inception. That principal still guides us. In order to address the shortcomings of our system today, we have to recognize the major problem that is hindering the further improvement of our democratic process; the corrupting influence, the perniciousness, of big money in campaign finance and public policy making.

The difficulty of running for office without accepting large sums of bundled money from special interests and lobbying firms prevents honest and competent people from being elected. The seemingly unchallengeable power of the Real Estate Industry in New York City and State government is just one example of how our democratic process has been thoroughly corrupted.

The lobbying industry, as it currently exists, is nothing less than legalized bribery. The Mayor, Governor, our City Council Members and our State Legislators, are supposed to wrestle with representing the interests of their constituents and doing what is best for the society as a whole. They should not be responding to whichever lobby donates the greatest amount of money to their campaigns, or what special interest dangles lucrative post-government employment in front of them. That corruption, fraud and "Pay to Play" have become so pervasive in New York Government is just one of the many negative effects created by our campaign finance and lobbying laws.

What can the Charter Revision Commission do? If every registered voter were allocated 4 Democracy Vouchers worth \$50 each, to give to the candidate(s) of their choice, it would encourage higher voter turnout and enable well-meaning people of modest means to run for office. This is currently being done in Seattle, Washington. Democracy Vouchers are not a radical idea; they are a common sense solution. What is outrageous is that we allow dishonest, but powerful, people to control our political system.

Democracy Vouchers, limiting other campaign donations to small amounts, and ending third-party donations from lobbying firms and bundlers, could cause the current political climate of cynicism and complacency to be replaced with idealism, leadership and community involvement. It is horrible

that in many local elections, ten percent voter turnout is the norm. Voter turnout should be sixty percent regularly.

Democracy vouchers, and an end to large and bundled donations, will open up our political process, giving voters better choices. It will enable schoolteachers, police officers, small business owners, retirees, indeed all kinds of citizens who care about their communities and our great City, to run for office or otherwise get involved in civic affairs. The City of New York being the national leader of honest, competent, good government and real progressiveness has happened before. When Fiorello H. LaGuardia took the oath of office as Mayor on January 1, 1934, during the depths of the Great Depression, the City's finances were a mess and corruption had practically been official policy. His name became synonymous with government of, by, and for the people.

Let's end the grip that big money has on our noble democratic process. Please amend the New York City Charter to create Democracy Vouchers, and to end large bundled and third party donations.

Thank you,

John F. Manning
6901 Narrows Avenue
Brooklyn, NY 11209
(718) 491-3701
jmanngf@verizon.net

City Council Charter Revision Commission, Sept. 18, 2018

Edward Jaworski

1821 East 28 St., Brooklyn, NY 11229; coachedj@aol.com ; 718-375-9158

President, Madison-Marine-Homecrest Civic Assn., in southern Brooklyn's Community Bd #15.

NYC has nearly \$1 Billion in unpaid Dept. of Buildings/ Environmental Control Board violations, including \$235 million "written-off," according to figures from NYC's Office of Administrative Trials & Hearings (OATH):

Outstanding Dept. of Buildings Summonses / Issued Before August 01, 2017

Borough of Issue	No. of Summonses	\$BalanceDue
1_MANHATTAN	18,807	73, 526,279.37
2_BRONX	19,692	109,097,777.35
3_BROOKLYN	44,427	247,440,466.61
4_QUEENS	40,062	300,919,282.06
5_STATEN IS	4,375	22,050,573.36
TOTAL	127,363	\$753,034,378.75

The amount that has been written off by OATH since January 1, 1980
\$235,781,171.23

A clause in the City Charter allows uncollected fines to be "written off" after 8 years: ***NYC Charter chap. 45A, re. "Environmental control board" para. 1049-d (1)(i) "A judgement entered pursuant to this paragraph shall remain in full force and effect for eight years."***

I and other civic leaders, suggest this clause should be eliminated from the City Charter.

Because of DOF's failure collecting the ECB fines for DOB violations, they will continue. This endangers the public AND denies a significant revenue source to benefit residents --as long as violations can be ignored, and fines eventually erased.

COMMITTEES

Aging
Alcoholism and Drug Abuse
Economic Development, Job Creation,
Commerce and Industry
Energy
Small Business
Social Services

Black, Puerto Rican, Hispanic and
Asian Legislative Caucus



OFFICE OF
ASSEMBLYMAN
CHARLES BARRON
60TH DISTRICT

DISTRICT OFFICE:
669 Vermont Street
Brooklyn, New York 11207
718-257-5824
Fax: 718-257-2590

ALBANY OFFICE:
Legislative Office Building 532
Albany, New York 12248
518-455-5912
Fax: 518-455-3891

EMAIL:
barronc@assembly.state.ny.us

September 17, 2018

New York City Charter Revision Commission 2019 Notice of Public Meeting

Good Evening,

My name is Ameria Lennard and I am the community liaison for Assembly Member Charles Barron of the 60th Assembly District. I am here today representing Assembly Member Charles Barron.

- The Assembly Member is in support of New York City Council Member Inez Barron's proposed idea of creating an elected civilian review board with power to have the final decision on all cases before the board. Thereby, removing the police commissioner from the process.
- In addition, we are in the process of proposing:
 1. The election of the police commissioner
 2. On the community board level, expanded influence and control of land use in their communities

Further details on these proposals will be forthcoming during the 2019 hearings.

Respectfully,
Ameria Lennard
Community Liaison
Assemblyman Charles Barron
669 Vermont Street
Brooklyn, N.Y. 11207
(718) 257-5824



COMMUNITY DEVELOPMENT PROJECT

11

Testimony of Paula Segal to the 2018 City Charter Revision Commission

September 17, 201

Commissioners,

My name is Paula Segal; I am a senior staff attorney in the Equitable Neighborhoods practice of the Community Development Project (CDP). CDP works with local coalitions to foster responsible, equitable development and help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress." We work together with our clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive.

We are extremely excited to collaborate with this Commission on a thorough review of the City Charter, which is long overdue in the land use context.

We encourage you to examine the following areas closely and are happy to provide background or expertise on any of them. This list echoes what we have heard from our clients and partners: Northwest Bronx Community and Clergy Coalition, St Nicks Alliance in Brooklyn and GOLES: Good Ole Lower East Side in Manhattan, CAAAV: Organizing Asian Communities in Manhattan and Queens, among others:

Ensure that more land is subject to approval through the City's Uniform Land Use Review Procedure (ULURP) process.

1. A change to Section 197-c(a) of the Charter, which currently enumerates 11 specific categories of actions that require ULURP, to add the disposition of New York City Housing Authority (NYCHA) land to this list would ensure that all NYCHA residents and their elected representatives have a say in new private development on public housing authority land.

CDP has been working with residents at Wyckoff Gardens, LaGuardia Houses, and Cooper Park Houses – three of the sites where NYCHA and Housing Preservation and Development intend to allow private developers to construct half-market rate and half below-market housing under the NextGen Neighborhoods program. The program is an ambitious one; NYCHA and HPD anticipate that the City will eventually seek to build between 30 and 40 of these 50/50 buildings, and an additional 50-60 fully affordable buildings on NYCHA land across the City, generating over 10,000 units of housing on public land with rare opportunity for public review. Our clients have voiced many

concerns with this program, most prominently that it will bring incredible burdens to NYCHA residents with very little benefit to them. Many of the issues are problems with the program's design and beyond the scope of charter reform. But one key concern can and should be addressed in the charter: *all infill developments on NYCHA land should be subject to public review under the ULURP process.*

Today, residents of campuses that would need to be rezoned to permit construction and other New Yorkers concerned about how public land is used to resolve housing scarcity are given an opportunity to voice their concerns within the ULURP, but this chance is denied where no rezoning is required. No rezoning is required on a vast majority of NYCHA campuses and so meaningful public review does not take place. Imperfect though it is, the ULURP process creates transparency around proposed projects and allows for open discussion of concerns and potential solutions before projects move forward.

2. Eliminate the Urban Development Action Area Program (UDAAP), which now allows some public land to go to private developers without full public review through ULURP. When a property goes through UDAAP, meaningful opportunities for public input are not provided. The program was designed at a time when a surplus of public land was itself considered a dangerous "blight" on the city and any transfer to private ownership for housing development considered an improvement. Times have changed and this streamlined program no longer serves any purpose that supports community self-determination.

Streamline the ULURP process and create greater transparency.

3. Unify the process of public land disposition. Prohibit City agencies and the Economic Development Corporation from holding land they are not using in an inventory separate from the general City inventory managed by the Department of Citywide Administrative Services. This will ensure uniform treatment across public land dispositions and make public participation in the disposition of our most valuable assets more likely.
4. Limit how long a ULURP approval can be used after it is obtained to two years or the term of the City Council that approved it, whichever is longer.
5. Add timelines and disclosure requirements to the pre-ULURP process, including disclosure of all Department of City Planning pre application meetings with developers or other agencies, so that community members can know what is planned before it's too late for their input to be meaningful in developing proposals. ULURP only provides a mechanism for review before the public by elected and appointed government actors, not for public participation in creating proposals. Equitable development requires a meaningful opportunity to participate in the making of the City, not just a clear view of the actors who are actually making decisions.

Leverage the City's oversight and disposition powers to ensure greater and more long-term public benefit.

6. Require the City to track and enforce all deed restrictions and remainder interests it holds for the public benefit. The City does not have staff to enforce such restrictions now; the Department of Citywide Administrative services does have staff to respond to requests from property owners to lift these restrictions. Given that the “permanence” of permanently affordable housing this administration is financing to tackle our homelessness and affordability crises is premised on the effectiveness of remainder interests that the City plans to hold on private properties that contain “permanently affordable” units, a tracking and enforcement mechanism – and staff to use it – is crucial missing piece of infrastructure..
7. Prioritize community control and permanent affordability for all sold and leased city property, particularly by mandating disposition of public land to community land trusts and similar stewardship entities to ensure stable, long-term benefit from public land.
8. Alter the baseline requirement that city owned property must be leased or sold to the highest bidder. Instead, make public benefit the mandate and the sale to the highest bidder an exception of last resort.

Reform the tax lien sale process to protect existing community spaces and create new opportunities for the production of deeply affordable housing on vacant land.

9. Add a provision to the City Charter prohibiting the City from selling any liens on properties owned by charity organizations that have had property tax exemptions within the last five years, are in the process of appealing an exemption denial or those that have filed applications that the Department is in the process of reviewing. Such a provision is key to ensuring community institutions (gardens, churches, mosques, community centers) are not lost due to administrative hurdles created by the Department of Finance and/or the Department of Environmental Protection.
10. Prohibit lien sales on privately owned vacant buildings and lots with arrears which only work to facilitate their transfer to speculative new owners. Instead, the agencies can implement a rapid timeline for transferring these properties to non-profit developers and community land trusts, leveraging the existing Third Party Transfer program and other existing mechanisms.

Strengthen rights and protections for low-income renters and small businesses.

11. Enshrine a Right to Housing in the City Charter. This would go a critical step further than the “right to shelter” guaranteed in the New York State (NYS) Constitution. In practice, the right to shelter has had both positive and negative ramifications for our city, setting up both an essential safety net for thousands of New Yorkers and a self-perpetuating crisis. As housing costs have risen citywide, the requirement to provide shelter without an

accompanying requirement to provide housing for those in need, has resulted in a system serving over 32,000 households and roughly 60,000 people. In spite of this crisis, the city has created very few new units of housing each year for the past four years for households of the lowest incomes. According to the most recent Housing New York data, only 5,441 new units of housing for people of extremely low income have been constructed since 2014--an average of 1,361 units per year. During this time, the average daily shelter census increased by roughly 2,000 households per year. The public cost of this system is over \$1.8 billion dollars in city, state, and federal funding, over \$1 billion of which comes directly from city taxpayers. *See* FY2018 DHS Expense Budget, February 2018. This spending amounts to just over half of the total capital spending on housing each year and many times more what is spent on the provision of housing for households of extremely low income.

While renters who earn below \$20,000 make up roughly 1/5 of the city's population, the city's current median rents are well above what a typical household of extremely low-income can afford. The waitlists for public housing have over 250,000 names; the waiting list for section 8 has over 140,000 names. The competition for a single unit of "affordable" housing through NYC housing lotteries can be tens of thousands of households. The impact of this disparity in legal obligation reveals itself in ballooning city expenditures on shelter.

By failing to provide a right to housing, we ensure the perpetuation of a shelter system that destabilizes families, disrupts jobs and education, and exacerbates medical and mental health issues. We place those most vulnerable in positions that decrease their stability, in effect undermining the very goals of the NYS Constitution.

12. Create a financial disincentive for warehousing residential and commercial units, for example by creating a vacant property registry with a progressive registration fee.
13. Create a requirement that all new development approvals be done in light of climate change and its resulting sea level rise.
14. Create a requirement that the true impact of speculation on rent stabilized, rent-controlled, and existing subsidized housing be considered before any rezoning is permitted. For these purposes, the City must acknowledge the reality – ignored in the City Environmental Quality Review (CEQR) manual – that tenants with legal protections are vulnerable to displacement from rapidly gentrifying areas.
15. Require that mitigations for developments, re-zonings, and other land use actions found to have adverse impacts not only be disclosed as CEQR requires now, but fully funded, implemented, and enforced via binding legal mechanisms.
16. Add processes to protect commercial tenants to the Charter to protect the small businesses and cultural institutions are the life blood of the City.

Make sure that community planning is genuinely participatory, equitable, and well-supported by data and technical assistance.

17. Require consistent neighborhood profile data collection that will permit residents and City agencies to evaluate the impacts of land use actions in the long term; tracking demographic and market shifts in the wake of rezoning and/or redevelopment will allow us to clearly understand the relationships between private and public actions and changes we see in our neighborhoods.
18. Require Fair Share distribution of all new facilities and housing so that all neighborhoods equally benefit from new facilities and housing, and are equally burdened by the infrastructure that supports the entire City.

We look forward to working together to put proposals before the voters of New York City in November 2019 that increase community power in the planning process and advance the equitable distribution of City resources, facilities and new development.

For further information, contact:

Paula Z. Segal, Esq.
Staff Attorney, Equitable Neighborhoods Practice
Community Development Project
123 William St, 16th Floor, New York, NY 10038
<http://cdp-ny.org/cdp-equitable-neighborhoods>
psegal@urbanjustice.org
Tel. 646-459-3067

Attachment:

Inclusive City: Strategies to achieve more equitable and predictable land use in New York City <http://library.rpa.org/pdf/Inclusive-City-NYC.pdf>



Inclusive City

Strategies to achieve more equitable and predictable land use in New York City

January 2018

Acknowledgments

This report summarizes meetings, discussion, research, and draft documents created collaboratively among members of a land use reform working group in 2017, facilitated by the Offices of Manhattan Borough President Gale Brewer, Council Member Antonio Reynoso and Regional Plan Association. We would thank the following individuals who provided factual information, insights, and suggestions throughout the drafting and editing of this report:

Working Group Participants

Organizations

596 Acres: Mara Kravitz
Association for Neighborhood and Housing Development: Christopher Walters, Emily Goldstein
Brooklyn Legal Services Corporation A: Adam Meyers
Committee Against Anti-Asian Violence (CAAHV): Seonae Byeon, Roxy Chang
Collective for Community, Culture, and the Environment: Eva Hanhardt
Common Cause New York: Susan Lerner
Community Development Project at the Urban Justice Center: Paula Segal, Missy Risser, Adrien Weibgen
Cypress Hills Local Development Corporation: Teg Sethi, Humberto Martinez
Faith in New York: Reverend Yolanda Brown
George M. Janes and Associates: George M. Janes
Good Old Lower East Side (GOLES): Jessie Ngok
Greater New York Laborers-Employers Cooperation and Education Trust: Karla Cruz, Rebecca Lamorte
Inwood Preservation: Maggie Clarke, Nancy Preston
Local Initiatives Support Corporation of NYC: Edward Ubiera
Municipal Art Society of New York: Tom Devaney, Joanna Crispe, Tara Kelly, Marcel Negret
New York Academy of Medicine: Kim Libman
New York Communities for Change: Celia Weaver
New York Lawyers for the Public Interest: Melissa Iachan, Melissa Legge, Surbhi Sarang
Pratt Center for Community Development: Elena Conte
Pratt Institute Graduate Center for Planning and the Environment: Eve Baron
SEIU 32BJ: Bryant Brown, David Cohen, Sharon Cromwell
Type A Projects: Annie Tirschwell

Government

Office of the Public Advocate: John Petro, Bick Ha Pham
Office of the Bronx Borough President: James Rausse AICP, Sam Goodman
Office of the Brooklyn Borough President: Richard Bearak
Office of Council Member Margaret Chin: Roxanne Earley
Office of Council Member Ben Kallos: Jesse Townsen
Office of Council Member Brad Lander: Anna Levers
Manhattan Community Board 3: MyPhuong Chung
Manhattan Community Board 11: Marie Winfield

Additional Advisors

Banana Kelly Community Improvement Association, Inc.: Harry DeRienzo
Community Voices Heard: Susannah Dyen
Hester Street Collaborative: Isella Ramirez
Make the Road New York: Jose Lopez
Neighborhoods First Fund: Joan Byron
New York City Council Land Use Division: Raju Mann
Nos Quedamos: Jessica Clemente
Office of City Council Member Brad Lander: Annie Levers
Office of City Council Member Daneek Miller: Gregory Rose
Pratt Institute Graduate Center for Planning and the Environment: John Shapiro
Regional Plan Association: Christopher Jones, Kate Slevin, Mandu Sen, Melissa Kaplan Macey, Sarah Serpas
Right to the City: Mark Muyskens Swier

Facilitation Team

Office of City Council Member Antonio Reynoso: Jennifer Guitierrez, Asher Freeman, Lacey Tauber
Office of Manhattan Borough President Gale Brewer: Basha Gerhards, Ahmed Tigani
Regional Plan Association: Pierina Ana Sanchez, Moses Gates, Renae Widdison

Contents

Executive Summary / 4

Working Group Recommendations / 7

1. Dramatically increase the amount of proactive planning in New York City / **8**
2. Increase communication, participation, and transparency in development decisions before and during formal procedures / **12**
3. Improve accountability, oversight, and enforcement in the City Environmental Quality Review process / **16**
4. Update the City Environmental Quality Review Technical Manual Guidelines to Ensure Accuracy / **18**

Acronyms / 22

Executive Summary

Introduction

Mayor Bill de Blasio's first term was marked by many accomplishments, including the enactment of one of the most expansive inclusionary housing programs in the nation.¹ At the end of the first term, the administration was on track to surpass its 2013 goal to create and preserve 200,000 units of housing,² and even increased the goal to 300,000. Yet, one area of the administration's housing plan had seen slower progress. Efforts to upzone 15 communities to create more capacity for affordable housing across the City encountered fierce resistance. To date, only three of these rezonings have passed, while one stalled and others are making much slower progress to address community and stakeholder concerns.

The public remains in the dark about why these places were chosen, how other neighborhoods will contribute to the citywide goal of addressing the affordable housing crisis, and whether sufficient resources exist to aid communities in accommodating the growth without displacement. The de Blasio administration's proposed neighborhood rezonings have been almost exclusively in low-income communities of color. While it isn't wrong for the city to turn an eye toward these neighborhoods — many of which have been disinvested in and ignored for decades — efforts to upzone these and other neighborhoods would be aided by a public rationale for how the neighborhoods are selected, and clarity about how resources will be allocated to ensure fair neighborhood outcomes.

A comprehensive citywide planning framework would provide this rationale. It would create publicly accepted criteria and guidelines for where and how rezonings should occur, and more broadly, it would enable the City to reach a shared vision with community level targets for its accomplishment. Creating an Office of Community Planning would enable more local stakeholders to have a say in the future of their neighborhoods, and could

serve to strengthen the entities most likely to engage in neighborhood-level planning efforts, including community boards. More community based plans would be a boon to the city's planning efforts, as these surface important priorities and ideas that are often broader and more holistic than what can be contained in individual land use proposals, including opportunities for schools, jobs and economic development, daycare, housing, open space and more. Next, increasing transparency in land use processes before and during formal procedures would improve public faith in the city's land use procedures. In a city with a comprehensive planning framework and strong community planning, less pressure would fall on environmental review studies used to analyze actions that are not as-of-right. Still, transparently revising the analysis tools and formulas in environmental review would ensure stakeholders have the best information available to make land use decisions where environmental review is triggered, and ensuring adverse impacts are mitigated as promised would restore public trust.

As the mayor and New York City elected officials enters their second term, they should explore how land use governance reform can yield better outcomes for all stakeholders, including for developers who seek less local opposition and more predictability, and especially for the most vulnerable in our city who fear displacement from their neighborhoods.

A land use reform working group of over 40 community and land use experts convened to identify strategies for reform. Facilitation was provided by the Offices of Manhattan Borough President Gale Brewer, City Council Member Antonio Reynoso and Regional Plan Association. The working group drew on recommendations from the Campaign for Community Based Planning's taskforce, active from 2000 to 2009, with the goal to support and strengthen the role of community planning citywide. The working group updated the taskforce's proposals to reflect today's planning landscape, but the goals remain similar and are perhaps even more relevant as the city's economy continues to improve, and communities seek to balance the need for growth against the displacement pressures of gentrification. The working group also drew from the white paper titled *"Proposal to Increase Community Engagement in Private Development Plans"* produced by the Office of Council Member Antonio Reynoso in 2016, Manhattan Borough President Gale Brewer's strong positive results with pre-

¹ New York City. 2016. "Builders of Affordable Housing Applaud Passage of Historic Housing Reforms." Retrieved from: <http://www1.nyc.gov/office-of-the-mayor/news/296-16/builders-affordable-housing-applaud-passage-historic-housing-reforms>

² de Blasio, William and Alicia Glen. 2013. "Housing New York: A 5 Borough 10 Year Plan." Retrieved from: http://www1.nyc.gov/assets/housing/downloads/pdf/housing_plan.pdf

ULURP planning processes and community screening and training initiatives, and Regional Plan Association's *Fourth Regional Plan* recommendations on local planning. The challenges and opportunities identified by the working group are summarized below.

Challenges

There is no overarching public framework driving land use decisions; entities charged with making land use decisions are under resourced; processes including environmental review requirements for evaluating and approving proposed development projects are time-consuming, expensive, arcane and inefficient; and finally, public review requirements often exclude residents, many who are shut out of the process until it is too late to affect decisions, especially in low-income communities of color.

The result is that our land use governance tools and processes are not delivering the homes, commercial space and other infrastructure the city sorely needs. Even beneficial projects take too long or cost too much to reach completion. And for projects that do reach completion, the benefits are often uneven, with adverse impacts overlooked and unmitigated. At the neighborhood scale, these inefficiencies come together to deepen inequality as wealthier neighborhoods are often able to identify resources to navigate the complex processes, while low-income communities are less able to affect outcomes.

Opportunities

To create growth that better meets the city's needs and ensure current residents benefit, New York City's planning and approval processes should be reformed to be more inclusive, equitable, and predictable, using the best tools available for addressing a wide range of impacts. The working group offered four primary strategies for consideration:

1. Dramatically increase the amount of proactive planning in New York City.

- ▶ Create a citywide comprehensive planning framework with community-district level targets, including for housing creation and public facilities siting, in collaboration with communities and local elected officials.
- ▶ Increase resources and support for neighborhoods to engage in community planning, with standing, by creating an Office of Community Planning.



Working Group Meeting

Source: RPA

- ▶ Reform community boards by standardizing the application and selection process, taking steps to ensure they are representative of the communities they serve, professionalizing and resourcing boards, and increasing their visibility to the general public.
- ▶ Ensure citywide and community goals are transparently met through cross acceptance, a negotiating process to achieve alignment between the citywide framework and community plans.
- ▶ Explore new revenue streams to increase resources and support for communities to engage in planning.

2. Increase communication, participation, and transparency in development decisions before and during formal procedures.

- ▶ Improve and democratize available information about private and publicly initiated land use proposals to ensure that residents have a voice in the decisions that shape their communities.

3. Improve accountability, oversight, and enforcement in the City Environmental Quality Review process.

- ▶ Address inaccuracies in environmental review report preparation.
- ▶ Ensure funding and implementation of mitigation measures identified in environmental impact statements.
- ▶ Track neighborhood outcomes after land use actions are approved for lessons learned.

4. Update the City Environmental Quality Review technical manual to ensure accuracy.

- Convene an expert panel to review and propose updates to metrics and evaluation methodologies in the City Environmental Quality Review (CEQR) Technical Manual, and subject updates to public review and comment, and update regularly.

In addition to these strategies, the working group recommended that New York City examine best practices from other cities, both in and outside of the U.S. Many cities complete reviews and approvals in far less time, and often with more effective public engagement.

Getting it done

Implementation of these strategies would be through one of three mechanisms: administrative changes, legislation or the convening of a Charter Revision Commission. Some strategies could be implemented through simple administrative changes, such as the convening of an expert panel to review CEQR guidelines, while others might best be accomplished through legislative action. Still others would require more fundamental changes best achieved through reforms to the New York City Charter. Reforms are not without precedent in New York City. Charter Revision Commissions have been convened as close together as every four years,³ with the last one taking place in 2010,⁴ and one was recently proposed in Public Advocate Letitia James and Manhattan Borough President Gale Brewer.⁵ Charter revision commissions may be convened through State or City legislative action, as well as by public referendum, but all except one in New York City's history have been convened by mayoral action.^{6,7}

³ Katz, Miranda. Gotham Gazette. 2016. "Why Do NYC Community Boards Have So Little Power?" Retrieved from: http://gothamist.com/2016/01/12/nyc_community_board_explainer.php

⁴ New York City Charter Revision Commission. 2010. "Final Report of the 2010 New York City Charter Revision Commission." Retrieved from: http://www1.nyc.gov/assets/charter/downloads/pdf/final_report_of_the_2010_charter_revision_commission_9-1-10.pdf

⁵ James, Letitia and Gale Brewer. 2017. "Introduction 1939-2017: A Local Law in relation to establishing a charter revision commission to revise or draft a new city charter." Retrieved from: [https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3297424&GID=C21C8C6D-85B1-49E1-8F1E-444FA8C597A3&Options=ID\[Ten\]&Search=charter%20review](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3297424&GID=C21C8C6D-85B1-49E1-8F1E-444FA8C597A3&Options=ID[Ten]&Search=charter%20review)



⁶ New York State Division of Local Government Services. 2015. "Revising City Charters in New York State." Retrieved from: https://www.dos.ny.gov/dg/publications/Revising_City_Charters.pdf

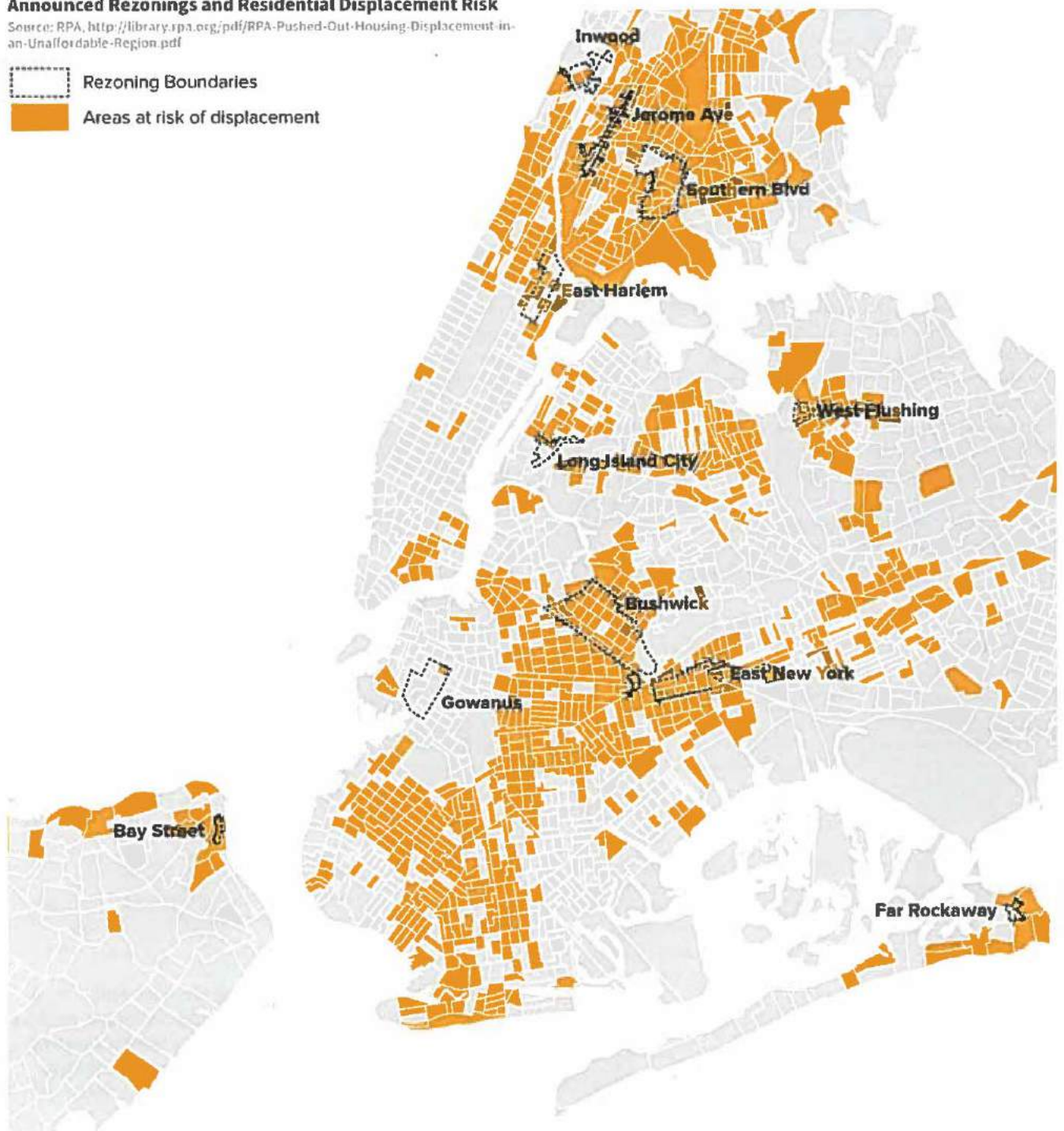
⁷ Friedlander, Jeffrey. 2002. "New York City Charter Revision" [New York Law Journal]. Retrieved from: <http://www.nyc.gov/html/law/downloads/pdf/092203.pdf>

Working Group Recommendations

Announced Rezoning and Residential Displacement Risk

Source: RPA, <http://library.rpa.org/pdf/RPA-Pushed-Out-Housing-Displacement-in-an-Unaffordable-Region.pdf>

-  Rezoning Boundaries
-  Areas at risk of displacement



Objective 1

Dramatically increase the amount of proactive planning in New York City

New York City has heard from prominent civic groups and academics for decades about potential benefits that would come from a comprehensive planning framework that sets direction for neighborhood and site proposals.^{8,9,10,11} Attempts in 1939 and 1950 were defeated,¹² and in 1969, the City even prepared a comprehensive plan with community targets but failed to adopt it.^{13,14} Reasons often cited for the failure include how onerous it was to obtain information, and a sense the plan was obsolete by the time it was complete.

But decades later, more advanced technologies have greatly expanded access to information, and the City has the tools to create and maintain a comprehensive planning framework as never before. *PlaNYC* and *OneNYC* demonstrate the City's ability to think long term and holistically, and a citywide comprehensive planning framework would go a step further by including community district level targets, including those for housing creation and public facilities. A comprehensive planning framework would greatly ease public concerns around disproportionate impacts by ensuring proposed zoning changes and other actions analyze and disclose how they further or undermine adherence to the comprehensive planning framework, which would in turn have been produced with strong, meaningful public participation.

The City already has the building blocks for the creation of a comprehensive framework. It has a strategic plan, collects statements of district needs annually from each community board, and maintains updated public dashboards with

copious amounts of information, including facilities needs and updated demographic and economic information for each community district. The City also has long-range plans for some agencies and on specific topics such as *Housing New York*. The initial framework could be a publicly digestible compilation of these existing priorities and needs, with borough and community district level goals informed by the public, and updated regularly via a prescribed process.

Once the comprehensive planning framework is in place, it would serve as a foundation for community-based planning efforts. Strengthened community planning would help set specific planning goals at the neighborhood level that are aligned with the citywide framework, but would need greater administrative support in order to function well.

Through adopting a process like New Jersey's "cross acceptance" — a negotiating process designed to align plans produced at different levels of government — both the citywide planning framework and community goals can be met. In the case of private applications, a comprehensive planning framework would help communities better respond to developers, and give developers more certainty with respect to what projects are likely to be approved.

Strategies

1. Create a citywide comprehensive planning framework, in collaboration with communities and local elected officials.

The initial framework could be an integration of existing priorities and planning resources made public, in robust conversation with communities and local elected officials. The framework would provide much-needed guidance and context for both public and private planning proposals, and would ensure planning takes place through an equity lens as the City continues to grow. The framework would:

- **Engage all stakeholders** including community boards, community-based organizations, and borough presidents' offices in establishing guiding principles for future developments.
- **Be based, initially, on existing citywide and community district level planning resources, such as agency strategic plans, needs statements, *OneNYC*, *Housing New York*, as well as existing community-based plans.** As such, the framework would create a thorough inventory of existing needs.

8 Citizens Housing and Planning Council. 2010. "Land Use and the City Charter." Retrieved from: <http://chpcny.org/wp-content/uploads/2010/06/City-Charter-CHPC-Final-Position-Paper.pdf>

9 Pratt Center for Community Development. 2010. "City Charter Revision: Where Land Use Fits In." Retrieved from: <http://prattcenter.net/sites/default/files/pratt-center-Charterbrief.pdf>

10 RPA. 2017. Fourth Regional Plan: Fix the Institutions that are Failing Us - Make the planning and development process more inclusive, predictable, and efficient." Retrieved from: www.fourthplan.org

11 Augoth, Tom. 2010. "Land Use and the New York City Charter." Retrieved from: <http://www.hunter.cuny.edu/cpd/repository/files/charterreport-augoth-2.pdf>

12 Murphy, Jarret. 2010. "Five Boroughs, One City, No Plan." Retrieved from: <https://citylimits.org/2010/12/21/live-boroughs-one-city-no-plan/>

13 Dunlap, David. 1992. "Some Land use History Highlights." *The New York Times*. Retrieved from: <http://www.nytimes.com/1992/01/12/realestate/some-land-use-history-highlights.html>

14 New York University Center for UIC Law. 2013. "Former C.P.C. Chair Discussed 1969 Plan for NYC." Retrieved from: <http://www.citylandnyc.org/former-cpuchair-discussed-1969-plan-for-new-york-city/>

- ▶ **Be updated regularly in an integrated fashion with the documents that inform it**, via a prescribed process. The framework should be updated at least every 10 years.
- ▶ **Be publicly available online at all times**, for public consumption and to aid community planning efforts.
- ▶ **Include citywide and community district targets** for growth, affordable housing, fair share of facilities siting, infrastructure needs, economic development, sustainability benchmarks, and propose how these targets could generally be achieved citywide and at the community district level, in collaboration with community boards, community-based organizations, and borough presidents' offices.
- ▶ **Protect residents from displacement.** The framework should account for the need to protect vulnerable communities against residential displacement.
- ▶ **Inform citywide efforts** including agency plans, rezonings and the City's 10-year Capital Strategy.

2. Increase resources and support for neighborhoods to engage in community planning by creating an Office of Community Planning.

The 1975 Charter revision sought to give communities a central role in the planning process and introduced community planning as a broad practice that was subsequently narrowed to Section 197A of the Charter, enabling community boards, the City Planning Commission, and borough presidents to submit local plans for the development, growth, and improvement of the city and boroughs. Since 1975, fewer than a dozen 197A plans have been approved due to a combination of factors, including how onerous 197A plans are to prepare. Despite this low number, as of 2009, over 100 community based plans had been completed, indicating local appetite for community planning.¹⁵ Community plans are valuable and if well-resourced and given standing, can result in a more equitable system, where even less-resourced communities with technical assistance can engage effectively in planning processes.

The working group recommends the City create and fund an Office of Community Planning that would:

- ▶ **Be driven by community priorities, have technical expertise, and be independent.** The Office would

enable bottom-up planning efforts, and serve as a resource to communities, instead of driving planning efforts. The Office should have the technical expertise and resources to support community planning, including 197A efforts, but should also be independent enough to allow work to be driven by communities. As such, there are several options as to where to house the Office, including within the Department of City Planning, directly within the Office of the Mayor, with a citywide elected official, or as a standalone entity, similar to New York City's Independent Budget Office. Other cities, including Seattle, WA,¹⁶ Arlington VA¹⁷ and Denver CO,¹⁸ have offices of community planning housed in different areas. New York City could consult with them regarding the best location and structure for this Office.

- ▶ **Provide technical assistance** for community groups and community boards that engage in planning initiatives.
- ▶ **Assist with development and implementation of community-based plans both within and outside the 197A framework** in partnership with borough president's offices. Criteria for community plan acceptance by the Office could be established following the Philadelphia model,¹⁹ which validates community plans led by non-governmental entities according to objective criteria. Funding could be made available to borough presidents and City Council members pursuing and implementing community plans with local community boards and/or community-based organizations.
- ▶ **Approve consultants to produce formal environmental review documents**, with the Office of Environmental Coordination, including for Environmental Assessment Statements (EASs) and Environmental Impact Statements (EISs) for both public and private projects. Regarding environmental review, the Office could incentivize the compilation of data from multiple EISs to reduce duplication of such efforts. In the long

¹⁶ City of Seattle. 2018. "Office of Planning and Community Development." Retrieved from: <http://www.seattle.gov/opcd/>

¹⁷ City of Arlington. 2018. "Department of Community Planning, Housing and Development." Retrieved from: <https://departments.arlingtonva.us/planning-housing-development/>

¹⁸ City of Denver. 2018. "Community Planning and Development." Retrieved from: <https://www.denvergov.org/content/denvergov/en/community-planning-and-development.html>

¹⁹ Philadelphia City Planning Commission. 2010. "Community Planning Guidelines." Retrieved from: <http://www.phila.gov/CityPlanning/plans/FDF/Community%20Plan%20Acceptance%20Guidelines.pdf>

¹⁵ The Municipal Arts Society of New York. 2009. "Resources." Retrieved from: <https://communitybasedplanning.wordpress.com/>

term, the Office could consider shifting all environmental review studies to DCP.

- ▶ **Review land use proposals and plans for cross acceptance with other plans and/or the comprehensive planning framework.** The office could review land use proposals for consistency with community based plans, and with the citywide comprehensive planning framework. Given the track record of participatory budgeting - arrived at through an inclusive process with broad community participation for the purposes of empowering residents and strengthening communities²⁰ — the Office would ensure a direct tie between community planning and participatory budgeting ballot items by maintaining information about participatory budgeting ideas and priorities to inform community planning efforts, and vice versa.
- ▶ **Waive fees for community-based plans that lead to ULURP** (Uniform Land Use Review Procedure) on a case-by-case basis.
- ▶ **Ensure NYC OpenData, PLUTO and other community district data is consistent and readily available to the public.** To further strengthen the ability of communities to engage in community planning, the Office should ensure data and project information necessary for meaningful analysis is publicly available in a consistent and accessible manner (e.g. consistent geographies), for use by ordinary residents. Information available to the public should be standardized, comprehensive, and available for all community districts. User friendly scenario planning tools, such as those that measure jobs access or evaluate health impacts, should also be included. DCP's community profiles are an excellent place to start. In addition, the City should make preset queries within the NYC Open Data portal and/or elsewhere available to aid in evaluating land use proposals.

3. Reform community boards by standardizing the application and selection process, professionalizing and resourcing boards, and increasing visibility to the general public.

In 1975, Mayor Lindsay codified community planning boards as the most local unit of government into the City Charter. The codification followed the establishment of 12 community planning councils under Mayor Wagner in

1950,²¹ which became 62 planning districts with boards to advise the development of the 1969 master plan that were subsequently consolidated to 59 community planning boards. Today's 59 community boards remain a model for local governance across the country, and yet, they represent a promise made and broken.

There is a general lack of public awareness about community boards. They do not always reflect the demographics — including the racial/ethnic composition, age distribution, educational attainment levels, and housing tenure — of the communities they serve. Lack of planning expertise on boards can lead to challenges proactively engaging in planning processes, and with planning proposals. Lack of transparency requirements can lead to undisclosed real and apparent conflicts-of-interest. This is particularly unacceptable given the available technology that could address these issues.

In order to maximize the potential of community boards, the working group recommends that the City:

- ▶ **Create a standardized application form for all boards/boroughs.** Supplemental forms may be added on a borough or community district basis, but general consistency around a base-form across boroughs is necessary.
- ▶ **Institute independent screening committees** within the offices of the borough president as part of the selection process. Members should be publicly announced and charged with instructions and selection criteria. The screening committee will be comprised of representatives from good government groups, civic organizations, a member of the Public Advocate's office, and staff members of the borough president's office. Screening committee responsibilities would include: reviewing all new applications, and recommending applicants to advance to the selection process. Decisions regarding board appointments should be made after review of all assessment materials, which should include applications, attendance records for renewals, committee participation, board member performance, Council Members and community board chairs consultations, unique and needed skill sets, interviews, and observations from participation in borough-specific activities.
- ▶ **Require each borough president to annually document and report upon the composition of each**

²⁰ Participatory Budgeting in New York City, 2016. "About the NYC Process" Retrieved from <http://pbny.org/content/about-new-york-city-process>

²¹ New York City Office of the Mayor, 2010. Handbook for Community Board Members. Retrieved from <http://www.nyc.gov/html/can/downloads/pdf/handbook.pdf>

community board in the borough, using the Community District Profile for each district.

- ▶ **Require each borough president to address inconsistencies** between community demographics and community board membership, as documented in the composition report by creating targeted outreach plans for each community district.
- ▶ **Fund a full-time planner for each board** to be hired and employed directly by the board, and work closely with the Department of City Planning on their district's behalf, as recommended in the New York City Charter.
- ▶ **Require annual, standardized training** for board members and staff, especially in land use, zoning, housing, transportation, budget, service delivery, and conflict-of-interest.
- ▶ **Implement consistent attendance requirements and appointment timelines.** Make attendance and voting records available to the public online.
- ▶ **Reduce real, potential and apparent conflicts of interest.** Require members to annually submit conflict-of-interest documentation, monitored by the borough president's office or the City.
- ▶ **Provide support for more meeting outreach.** Provide boards with funding for community outreach and engagement, including but not limited to website management, social media, advertising in local press, events, direct resident engagement, and translation services.
- ▶ **Enable broader participation** by providing boards with funding for childcare, interpretation and refreshments at meetings.
- ▶ **Publicize community boards.** Create an ongoing, citywide outreach and public service announcement campaign to inform New Yorkers about what community boards do, and membership opportunities.

4. Ensure citywide and community goals are transparently met through mandated cross acceptance.

- ▶ **Require cross acceptance.** With a comprehensive planning framework, well-resourced community planning, and professionalized community boards in place, cross acceptance would be the requirement that ensures community and citywide goals achieve



Community Planning in Bushwick

Source: www.bushwickcommunityplan.org

and remain in alignment. Cross acceptance is a negotiation process to compare and achieve alignment between plans for overlapping places produced by different entities, in this case, community plans and the comprehensive planning framework. The City could model its process after New Jersey's,²² with DCP conducting the comparison process on the City's behalf, and community boards, neighborhood organizations and city council members responding and negotiating with the City at specified intervals. The process would result in a cross acceptance report comparing community plans with the comprehensive planning framework and outlining compromises reached, which could be approved through a process similar to ULURP. The report would contain written consistency findings between the citywide comprehensive planning framework and any community plans registered with the Office of Community Planning.

5. Explore new revenue streams to increase resources and support for communities to engage in planning.

Because the aforementioned strategies require funding, the City could consider instituting additional fees to cover some portion of implementation:

- ▶ **Impose a fee for processing applications** for private development to support community planning initiatives, with oversight by the Office of Community Planning.

²² New Jersey State Department of State: 2004. "2004 Cross-Acceptance Manual." Retrieved from: <http://www.state.nj.us/documents/planning/crossacceptance/camanual.pdf>

Objective 2

Increase communication, participation, and transparency in development decisions before and during formal procedures

At first glance, there may seem to be an inherent tension between expanding stakeholder engagement and making the planning process faster and more predictable. Experience has shown, however, that not taking stakeholder input into account — and especially early in the process — can slow down projects, or even stall them indefinitely. Early and inclusive participation in project planning can reduce opposition and litigation — especially when combined with clear timelines and evaluation criteria — and thereby provide greater predictability overall.

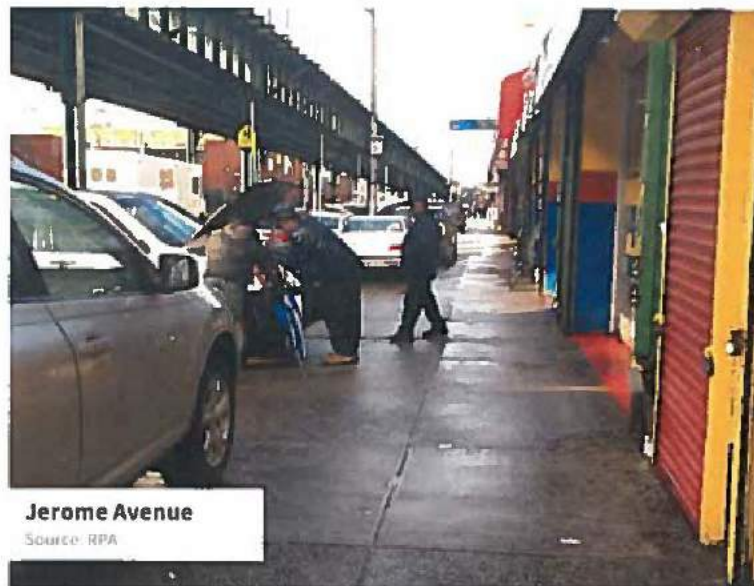
New York City leads in the area of predictability. Most actions in the city take place as-of-right, meaning they require no public approvals process so long as they conform to existing zoning regulations. However, non-conforming actions, also called discretionary actions, require environmental and public review or ULURP. As summarized in the Office of Council Member Antonio Reynoso's 2016 *Proposal to Increase Community Engagement in Private Development Plans*,²³ the City recently implemented a new system called BluePrint²⁴ to further streamline projects into public review, which includes the following steps:

1. **Initial meeting:** The applicant sets up an informational meeting with their corresponding DCP borough office, presents basic information to DCP staff, and submits a Pre-Application Statement (PAS).²⁵ DCP then works with the applicant to refine the proposal and to determine what level of environmental review will be required.
2. **Environmental Impact Statement:** The applicant submits a draft Environmental Assessment Statement (EAS) and a Land Use Application. The EAS provides

²³ Taubien, Lacey, 2016, "Proposal to Increase Community Engagement in Private Development Plans." Retrieved from: <https://www.ohio.gov/record/document/331904134>. Proposal from Council Member Antonio Reynoso.

²⁴ Chalton, Matt, 2012, "A New Blueprint: City to Speed Up Land Use Reviews." Retrieved from: <http://observer.com/2012/04/a-new-blueprint-city-to-speed-up-land-use-reviews/>

²⁵ New York City Department of City Planning, 2016, "Pre-Application Statement." Retrieved from: <https://www3.nyc.gov/assets/cityplanning/downloads/pdf/applicants/applicantportal-preappstatement.pdf>



Jerome Avenue

Source: RPA

an initial analysis of the environmental impact that the development may have on the surrounding area. If the EAS results in a "negative declaration" of adverse impact, no public input is required at this phase.

3. **Environmental Impact Statement:** If the EAS finds that the proposal will potentially have an adverse environmental impact, the applicant must prepare a more detailed environmental review, known as an Environmental Impact Statement (EIS). The preparation of an EIS requires a public hearing to introduce the scope of work to all parties that may be affected and allow public comment. The period of time in which the scope of work is determined is called "scoping." After the scope of work is determined, a Draft EIS is completed.
4. **Certification:** Once the EAS and if necessary the Draft EIS are complete, DCP may certify the application for the ULURP.²⁶
5. **ULURP begins:** The City's ULURP formally starts at the time of certification of the application, and mandates that the proposal be reviewed within no more than 215 days. ULURP is the public's opportunity to weigh in, since the affected community boards and borough presidents hold non-mandatory public hearings on the proposal before arriving at non-binding recommendations. Then, the City Planning Commission and City Council hold public hearings on the proposal, and ultimately either disapprove it or approve it, often with minor, mostly technical, changes.

ULURP is a model around the country of a clear and predictable approvals timeline, but only once a proposal is certified as ready for review. Prior to certification, there is not a clear process or timeline for public input. And after certification, it is difficult to substantively change a project in response to community feedback.

²⁶ New York City Department of City Planning, 2016, "Application Process Overview." Retrieved from: <http://www3.nyc.gov/assets/cityplanning/downloads/pdf/applicants/applicantportal-application-process-14750>

In fact, the land use reform working group originally convened to address precisely the issue of a lack of opportunity for public participation early on in tions that trigger ULURP. Specifically, working group members were concerned that communities do not have adequate opportunity to engage with private development proposals. By the time a project gets to ULURP or even scoping, many of the substantive decisions have already been made. This is disempowering to communities, which has been expressed through community protests over the last few years. Members expressed concerns about outreach, engagement, participation, and transparency in both public and private proposals.

Even in recent cases where the City has attempted to engage in community planning prior to certification, such as in East Harlem and East New York, there is room for improvement with respect to level of community participation, or predictability around what happens with community recommendations even after a very effective planning process. The strategies below would democratize available information across all proposals, privately initiated proposals, City-sponsored proposals (including rezonings,) and also to improve other types of proposals that do not trigger ULURP. They would increase low public participation, and importantly, aid the City in doing more to ensure outcomes have not been predetermined before community stakeholders are able to engage. The implementation of an Office of Community Planning, described in the previous section, would also aid these goals.

Strategies

1. All Proposals.

Outreach requirements:

- **Make a set of potential development scenarios available for review online.** The preparation of an EIS requires analysis of possible alternatives to the proposed development. Currently, the alternatives analysis generally only covers the “no-build” scenario and the proposed project “with-action” scenario. If a community-based plan, vision or principles exists for the associated area, a development scenario that fits into the parameters of such plan should be considered as a third alternative. The third alternative should also take public input into account, and be finalized and available for public review before scoping begins — including but not limited to what is required in the City Environmental Quality Review technical manual. Ultimately, through

Community Planning Work Supported by the Neighborhood First Fund, with related analysis and coverage

Source: <https://neighborhoodfirstfund.nyc/the-work/>



this process, for applicable actions, a “Community Input Alternative Scenario” would be reached and evaluated in an EIS in addition to the No-Build and With-Action development scenarios.

- ▶ **Ensure public materials are accessible.** Materials distributed before and during scoping must comply with the City’s language access laws,²⁷ use plain-language, and include visuals, including zoning maps and accurate renderings and photo-simulations.
- ▶ **Acknowledge and mitigate for the digital divide.** In addition to publication online, ensure that information about proposals (including visuals, and public input opportunities) are distributed in local and/or ethnic press; on signage in the affected area; as well as through community-based organizations, churches, television, radio, subway and bus advertisements.
- ▶ **Require community boards to maintain a list of neighborhood groups.** This list should be used to notify about participation opportunity, and should include (but not be limited to) community-based organizations, faith-based groups, block associations, parent associations, as recommended in the NYC Charter.

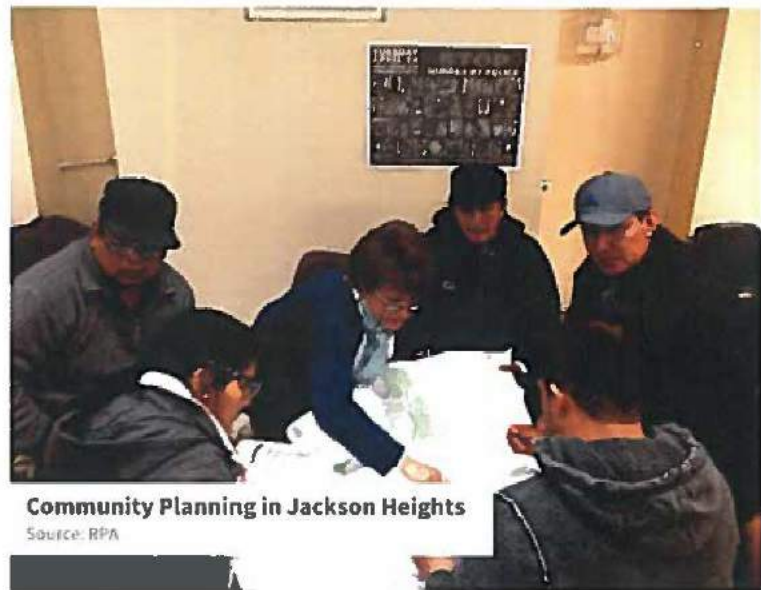
Public participation requirements

- ▶ **Require documentation of outreach efforts and participation,** including number of attendees at meetings and hearings, as well as constituencies represented. Ensure that this documentation is included in public materials at each phase of the approval process.
- ▶ **Ensure that the Office of Community Planning and borough presidents’ offices provide technical assistance** for community boards and community based organizations that are engaging with proposals.

2. Private Development Proposals.

- ▶ **Publish Department of City Planning accepted complete Pre-Application Statements (PAS)** within a set timeframe with the associated community board, borough president, Council member(s), and the public online.
- ▶ **Enable community boards, borough presidents or City Council members to require a public meeting before submission of an EAS.** These three entities

²⁷ New York City Law Department, 2008. “Law Department Language Access Implementation Plan.” Retrieved from: <http://www.nyc.gov/html/law/downloads/pdf/language-access-plan-law-department.pdf>



Community Planning in Jackson Heights

Source: RPA

should require a private applicant proposing substantial development to hold a public meeting to share their proposal and solicit input about community priorities. The threshold for substantial developments should be set for projects that do not require an EIS; one option would be to base on gross square footage or size of project area. Community members should have the opportunity to provide comments at this event and in writing for a period of 30 days, which the developer should use to inform the EAS. The developer should then present a revised plan to the entities.

- ▶ **Require on-site signage during pre-certification and ULURP** that includes visuals, notice of public input opportunities, contact information including phone number and email, and web links to more detailed information about the proposal.

3. Public (City-Sponsored) Development Proposals.

- ▶ **Provide consistent baseline data.** City agencies and the newly established Office of Community Planning should provide consistent baseline data to inform participation (e.g. consistent geographies).
- ▶ **Conduct community needs assessment before initiating disposition of public sites.** For public site dispositions that require ULURP, the City should not initiate ULURP until a significant community needs assessment is completed that accompanies the RFP, to inform applicants on City selection criteria.
- ▶ **Require community input for disposition of public sites prior to approval before ULURP.** Include information about community priorities in any request for proposal (RFP) documents, and make good faith efforts to get the word out to the public about planned dispositions.

4. Other Types of Proposals.

- ▶ **Create a public database of active Board of Standards and Appeals²⁸ (BSA) variance applications and notify community boards and Council members.**

BSA variances grant relief from zoning to unduly restricted parcels. The working group recommends that the City make applications public and notify community boards and local elected officials about any applications. Relief granted should be limited to the minimum needed to alleviate the hardship.

- ▶ **Support implementation of New York City Council Intro 1533-2017,²⁹** which would create reporting and notice requirements for summary actions regarding Urban Renewal Plans.

- ▶ **Democratize decision making in the public realm.** Work with additional City agencies with purview over elements of the public realm, including streets and parks, to democratize decision making around these public assets.

²⁸ New York City Board of Standards and Appeals. 2012. "Rules of Practice and Procedure." Retrieved from: http://www1.nyc.gov/assets/bso/forms/rules_of_practice_procedure.pdf

²⁹ New York City Council. 2017. "Reporting requirements for summary actions involving urban renewal plans." Retrieved from: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3213575&GUID=3EC960FE-44B3-4E56-A978-E1FF212AAFB5&fullText=1>



East Harlem, NY

Source: RPA

Objective 3:

Improve accountability, oversight, and enforcement in the City Environmental Quality Review process

Proposals that may potentially have adverse environmental impacts require applicants to prepare an environmental review study, known as an EIS. Yet, there are several troubling aspects built into preparation and follow-through. First, project applicants - whether a private developer or a City agency - choose and hire their own EIS preparation consultants, or prepare the EIS in-house in the case of a city agency. This can create a conflict-of-interest, where consultants are incentivized to please the applicant and find no adverse impacts even where they may exist. Oversight, as proposed below, would ensure consultants or agency staff preparers have not made errors in the EIS preparation.

Finally, even when environmental review analyses do find that adverse impacts are likely to occur, there is no formal mechanism, either through agency rules or within the *CEQR Technical Manual*, to compel applicants to fix the problem. This should be remedied. In some cases, agency or private applicants do commit to mitigation measures, yet until recently, those have not been systematically tracked. Passage of Local Law 175 of 2016³⁰ created a Citywide Commitment Tracker that enabled tracking for City-initiated rezoning applications, but for private applications, this information is still difficult to access, and accountability for developers to implement mitigation measures is lacking.

Strategies

1. Address inaccuracies environmental review report preparation.

- ▶ **Ensure lead City Agency staff review all externally produced DEIS' for accuracy** and proactively address any issues before the approval of a DEIS and ULURP certification. The Office of Community Planning may also identify neighborhood stakeholders to aid in review of draft materials. Create consequences for the preparer for use of irrelevant, false, misleading, and/or

incomplete information, including claw back provisions for decisions made using improperly prepared EIS'. Deny certification or invalidate ULURP decisions made with false, misleading, or incomplete information.

2. Ensure funding and implementation of mitigation measures identified in an EIS.

- ▶ **Allow community stakeholders to weigh in** on mitigation measures during EIS preparation.
- ▶ **Track all mitigation measures in the Citywide Commitment Tracker.** For all EIS' prepared, including publicly and privately initiated projects.
- ▶ **Ensure funding exists** to cover mitigation costs. An escrow account can be created to hold mitigation funds before proposed mitigation measures are deemed acceptable by a lead agency. The Office of Community Planning and borough president offices should monitor the funds to ensure sufficient funding is available throughout implementation. Any mitigation funding would be held in this account. Alternatively, the model pursued in the approvals for 1 Vanderbilt in East Midtown, where all improvements and mitigations had to be completed prior to issuance of the certificate of occupancy.³¹
- ▶ **Contract with independent organizations to monitor implementation.** Where a proposed project requires mitigation, encourage identification of an independent organization or organizations willing to monitor implementation of mitigation measures via a contract with the applicant by the time the DEIS is released. The independent organization(s) should have no conflict of interest, and be equipped to monitor the implementation of the mitigation measures.
- ▶ **Aid smaller non-profit applicants** to ensure the community receives mitigation measures where adverse impacts are predicted.

3. Track neighborhood outcomes after land use actions are approved for lessons learned.

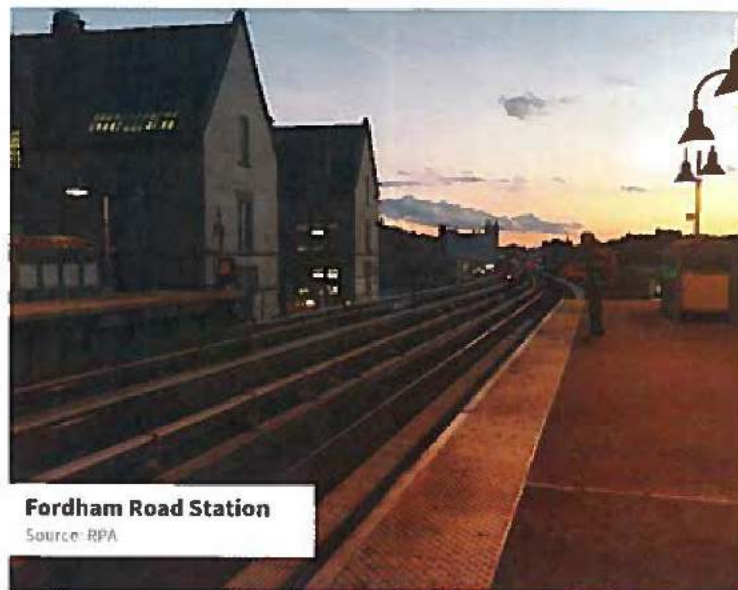
After an EIS is prepared and approved and ULURP is complete, communities do not have the opportunity to revisit whether what was predicted in EIS came to fruition. Furthermore, specific future as-of-right actions should be

³⁰ New York City Council. 2016. "Establishing a public list of commitments made by the city in connection with city planning commission decisions subject to council review." Retrieved from: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=263711&GID=AB629863-4E14-4F38-BAEC-D03AED71C090>

³¹ Hawkey, Andrew. 2014. "\$210M upgrade for Grand Central's subway unveiled" Retrieved from: <http://www.cbs2news.com/article/20140903/BLUGS04-140903874/-110m-upgrade-for-grand-centrals-subway-unveiled>

evaluated against the land use applications that enabled them. The working group recommends that the City:

- ▶ **Assist community stakeholders.** The Office of Community Planning should assist community stakeholders who seek information about what a prior EIS predicted.
- ▶ **Analyze post-EIS as-of-right actions** Actions that increase density, such as zoning lot mergers, transfer of development rights, and assemblages that were not evaluated in an EIS should be evaluated in a technical memorandum, which could be prepared by the Office of Community Planning.



Fordham Road Station

Source: RPA

Land Use, Zoning & Public Policy		Socioeconomic Conditions	Community Facilities & Services	Open Space
Shadows	Historic & Cultural Resources	Urban Design & Visual Resources	Natural Resources	
	Hazardous Materials		Water & Sewer Infrastructure	Solid Waste & Sanitation Services
Energy	Transportation	Air Quality		Greenhouse Gas Emissions
Noise		Public Health	Neighborhood Character	Construction

CEQR Technical Manual Analysis Areas

Source: http://www.nyc.gov/html/oec/downloads/pdf/2014_ceqr_tm/2014_ceqr_technical_manual.pdf

Objective 4:

Update the City Environmental Quality Review Technical Manual Guidelines to Ensure Accuracy

While public review and participation for discretionary land use applications is governed by ULURP, environmental review analyses are outlined in the *City Environmental Quality Review (CEQR) Technical Manual*.³² Environmental review analyses and chapters are long and winding, often leaving community board members and residents alike daunted by their length and technical language.

Length and complexity aside, to many, environmental reviews often seem to apply arbitrary criteria that downplay residents' concerns, such as displacement fears. For instance, the 2005 proposal to rezone industrial areas in Williamsburg to residential was determined to have no significant impact on business displacement in the area, though the area saw a dramatic shift in the ensuing years. In 2007, 5,000 new apartments in Jamaica were deemed to represent no significant adverse impact for subway crowding.³³ And a 2006 plan led to a new Yankee Stadium being constructed on a former large city park, which was to be replaced at public expense over a number of years by a collection of smaller parks, was said to have no significant adverse impact on open space. In 2017, some of the land slated to replace the old park was being considered by the de Blasio administration for housing development.³⁴ In recent neighborhood rezonings including East New York,³⁵ East Harlem,³⁶ and Jerome Avenue,³⁷ environmental review documents have predicted no adverse impact on residential

displacement, despite the deep economic vulnerability of residents³⁸ and reports of increased tenant harassment.³⁹

Thus, critical CEQR methodologies are not keeping up with the dramatic changes to New York City's ecological, social, and built environments. In *Housing New York*, the administration indicated that it would review the CEQR process to improve efficiency and make EIS more comprehensible to the general public and affected communities. The City said it would examine how environmental review is undertaken in other jurisdictions in order to incorporate best practices. The City should prioritize this recommendation and involve the public in this update.

Strategies

1. Convene an expert panel to review and propose updates to metrics methodologies in the *CEQR Technical Manual*, subject updates to public review and comment, and update regularly.

All chapters of the *CEQR Technical Manual* should be thoroughly reviewed. Suggestions are included below regarding chapters and issues that require particular attention. The expert panel should include representatives from community-based organizations that engage in environmental review in their advocacy work, especially those that have brought into question prior CEQR actions to engage them on improvements. Newer firms with proposals to innovate arcane procedures should be invited to comment as well. In revising the technical manual, the expert panel should consider how to highlight positive benefits, instead of just negative impacts, of proposed projects. And, a broader range of topics, including the social determinants of health, should be evaluated. The panel's recommendations should be reviewed by the public. Possible updates to existing chapters are offered below.

Chapter 4: Land Use, Zoning and Public Policy

Regulations and Coordination

► Require consideration of existing community-based plans in the public policy section of EIS' and in EAS

³² New York City Department of Environmental Coordination. "CEQR: City Environmental Quality Review Technical Manual." Retrieved from: http://www.nyc.gov/html/oeq/downloads/pdf/2014_cerq_tiny2014_exp_tech_manual.pdf

³³ Murphy, Jarret. 2010. "Five Boroughs, One City, No Plan." Retrieved from: <https://citylimits.org/2010/12/31/five-boroughs-one-city-no-plan/>

³⁴ Arden, Patrick. 2017. "De Blasio Housing Plan Seeks Land Promised as Yankees Replacement Park." Retrieved from: <https://www.villagevoice.com/2017/09/05/de-blasio-housing-plan-seeks-land-promised-as-yankees-replacement-park/>

³⁵ New York City Department of City Planning. 2015. "East New York Rezoning Proposal: Final Environmental Impact Statement." Retrieved from: <https://www1.nyc.gov/site/planning/applicants/env-review/east-new-york.page>

³⁶ New York City Department of City Planning. 2017. "East Harlem Rezoning Proposal: Final Environmental Impact Statement." Retrieved from: <https://www1.nyc.gov/site/planning/applicants/env-review/east-harlem.page>

³⁷ New York City Department of City Planning. 2017. "Jerome Avenue Rezoning: Final Environmental Impact Statement." Retrieved from: <https://www1.nyc.gov/site/planning/applicants/env-review/jerome-avenue.page>

³⁸ Sanchez, Pierina, Gates, Moses & Sarah Seijas. "Pushed Out: Housing Displacement in an Unaffordable Region." Retrieved from: <http://librar.rpa.org/pdf/RPA-Pushed-Out-Housing-Displacement-in-an-Unaffordable-Region.pdf>

³⁹ 2015. Bissanich, Marc. "Development Spurs Tenant Harassment in Bronx, Group's Say." Retrieved from: <https://citylimits.org/2015/10/19/development-spurs-tenant-harassment-in-bronx-protesters-say/>

form. Community-based plans — 197A or otherwise — should be used to develop a third alternative.

- ▶ **Require assessment of cumulative impacts and citywide equity.** How a proposed project may interact or worsen existing environmental conditions should be considered.

Sustainability

- ▶ **Enforce NYC Sustainability goals.** All projects should be evaluated for reduction of GHG, water use, sewer system impacts, energy use, and sustainable construction methods in relation to citywide sustainability goals. Actions found to negatively affect the City's progress in meeting sustainability goals should be considered to have a potential significant adverse impact, and be required to identify mitigation measures and alternatives.
- ▶ **Require the evaluation of an Optimal Sustainable Alternative.** This alternative would show a project utilizing the highest feasible level of sustainable practices for construction, energy, daylighting, urban heat island reduction, air quality, noise, water use, solid waste generation, shadow impacts, GHG reduction, and protection of view corridors.
- ▶ **Add Social Resiliency as area of analysis.** A social resiliency analysis would measure a proposed project's effect on the ability of residents, infrastructure and social networks to adapt and recover after an emergency. The analysis could include social network mapping in partnership with residents and community-based organizations with deep collective knowledge of the area. This could be evaluated in tandem with impacts on climate change readiness.

Fair Share & Cumulative Impact

- ▶ **Require Fair Share analysis in Environmental Justice communities.**⁴⁰ Depending upon existing socioeconomic conditions of the neighborhood (e.g. low-income status per U.S. Census and DCP definitions), fair share analysis should be required. The evaluation should address if a project encourages an equitable distribution of city facilities and the *CEQR Technical Manual* should be updated to include methodologies for conducting the assessment.
- ▶ **Strengthen cumulative impact analyses.** EISs should be required to include a list of all projects included in

⁴⁰ New York State Department of Environmental Conservation, 2000 "County Maps Showing Potential Environmental Justice Areas." Retrieved from: <http://fw.nysdec.gov/public/S92.html>



the No-Action development scenario that would occur within the project area or would affect the project area by the build year of the proposed project. The cumulative impacts, including but not limited to greenhouse gas emissions, shadows, traffic, and construction should be evaluated and mitigation identified, if applicable.

Chapter 5: Socioeconomic Conditions

Indirect residential displacement

- ▶ **Expand indirect displacement evaluation to include all housing units.** The *CEQR Technical Manual* allows EIS preparers to presume that tenants living in rent regulated or stabilized housing (buildings with 6 units or more built before 1974) are safe from indirect displacement risk, disregarding the overwhelming number of such units that have been removed from stabilization either lawfully or through deceptive practices. Yet, tenants in many regulated or stabilized units are under threat, especially those in units that may soon be aging out of protections. In addition to including these units in indirect displacement risk analyses, the City should make accurate information and mapping on the number and location of citywide rent-regulated and rent-stabilized units publicly available.
- ▶ **Remove assumption that new housing units directly reduce potential for displacement.** The *CEQR Technical Manual* should not assume that new market rate or luxury development at the neighborhood level mitigates against income- or race-based displacement; there is no evidence for this assumption. The addition of units affordable to existing residents are the best tool for mitigating displacement.
- ▶ **Evaluate how new development may accelerate ongoing trends of neighborhood change that contribute to displacement.** Methodology should be developed to project how new development may accelerate trends of socioeconomic change, for instance,

by considering increased speculation or harassment incentives given citywide housing market trends.

- **Require qualitative evaluation of neighborhood housing trends, including interviews.** To better understand local dynamics and economics of neighborhood change, quantitative analysis of neighborhood change should be supported with qualitative research. The *CEQR Technical Manual* should require that people familiar with housing trends and pressures in the neighborhood be interviewed to more fully understand the role that the proposed project may play in neighborhood change, including neighborhood associations or organizations, real estate professionals, and landlords.

Fair Housing

- **Require analysis of fair housing impact.** Evaluate new development's impact upon issues of fair housing and segregation. As a recipient of federal housing funds, New York City is under an obligation to "affirmatively further" the purposes of the Federal Fair Housing Act.⁴¹ The *CEQR Technical Manual* should be modified to require the evaluation of direct and indirect residential displacement, and whether a project would result in disproportionate impacts on protected classes of residents or would perpetuate or exacerbate an area's historical patterns of segregation. The City should also complete its required Assessment of Fair Housing according to the timetable set out by the U.S. Department of Housing and Urban Development in 2015⁴² in order to provide the foundation for much-needed modifications to the *CEQR Technical Manual*.

Workforce and Small Business

- **Require analysis of workforce/quality jobs impact.** Development proposals touted as opportunities for local economic development should include requirements for targeted training and contracting, wage standards, benefit packages, and safety training, which would empower workers to support themselves and their families in New York City. Effects on small businesses should also specifically be evaluated.

Chapter 6: Community Facilities

School capacity

- **Update school capacity metrics.** The school capacity methodology should account for the space consumed by Charter schools within public school buildings. The EIS should not take into account school seat capacity for projects in the Department of Education's five-year capital plan unless expansions are underway.

Chapter 8: Shadows

Shadow Assessment

- **Evaluate shadow and light impacts more broadly.** EIS' should disclose shadow impacts on public assets, including streets, sidewalks, public buildings; non-park public lands, and publicly owned private areas. A daylighting evaluation should also accompany projects subject to CEQR.
- **Evaluate potential for solar.** The *CEQR Technical Manual* should evaluate how proposed projects could impact the development of solar energy systems for buildings in the study area. Use of solar energy systems should be included an optimal sustainable development alternative analysis.

Chapter 10: Urban Design and Visual Resources

Assessment

- **Require broader evaluation of urban design.** Require photo-simulations to depict the full height of proposed development, not just from the pedestrian perspective.
- **Add urban design metrics.** Add metrics for urban design impacts that are measureable, including, streetwall, active ground floor uses and transparency, curb-cuts, outdoor uses (sidewalk cafes / public plazas / arcades), sidewalk width and on-street parking at curb.

Chapter 20: Public Health

Public Health Assessment Framework

- **Update the definition of health to reflect current understanding of the broad determinants of health, and consideration for health equity.** Update the *CEQR Technical Manual's* definition of health to reflect current standards for health equity and to acknowledge the social determinants of health. Definitions should align with those used by the global public health community (e.g. World Health Organization; Robert Wood Johnson

⁴¹ U.S. Department of Housing and Urban Development. 2015. "Affirmatively Furthering Fair Housing." Retrieved from: https://www.huduser.gov/portal/affht_1pt.html

⁴² U.S. Housing and Urban Development. 2015. "HUD Rule on Affirmatively Furthering Fair Housing." Retrieved from: https://www.huduser.gov/portal/affht_1pt.html#final-rule

Foundation; U.S. Office of Disease Prevention and Health Promotion).

- ▶ **Include an analysis of the social determinants of health.** All EIS' should consider well-established social determinants of health and health equity in terms of impact on existing health disparities and environmental justice. Examples include housing adequacy and affordability; economic diversity; proximity of retail food sources; and residential segregation by race, ethnicity, or class.
- ▶ **Structure the chapter as a Health Impact Assessment.** A Health Impact Assessment (HIA) is a structured process to assess the potential health impacts of a policy, plan, or project, and make recommendations on how to mitigate negative health impacts and to maximize potential health benefits.
- ▶ **Transit accessibility.** Analyze ADA compliance in area transit.

Chapter 22: Construction

Appropriateness of evaluation

- ▶ **Revise the threshold for requiring detailed construction analysis.** A detailed construction analysis should be required for all major buildings as defined by New York City Department of Buildings — buildings that will have 10 or more stories, will be 125 feet or taller, or have a footprint of 100,000 square feet or more⁴³ — or plots of land up for review that are large enough to accommodate a major building. These criteria should apply regardless of the expected duration of the construction.

Assessment

- ▶ **Expanded construction analyses.** Construction analyses should include health and safety considerations of the immediate environment being developed, any abatement work that may be required to make the site safe for workers and the general public, the size of the workforce needed for the project, whether and which skilled trades are needed to safely develop the site based on the construction analysis, assessment of the percentage of these workers that can be hired from the local community, and the impact the construction

workforce would have on the local environment with respect to wages and benefits, career longevity, safety training and safety record of contractors.

Scoping

Study Area

- ▶ **Broaden the analysis area.** A project EIS should be required to analyze possible future developments adjacent but outside of specific EIS scoping areas, in order to more holistically account for impacts. While the working group recommends that the City should identify a framework for determining overall study boundaries, project should not be permitted to advance to ULURP until the impacts from proposed or possible nearby developments are taken into account in the DEIS.

⁴³ New York City Department of Buildings. 2017. "Obtain a Site Safety Manager Certification." Retrieved from: <https://www1.nyc.gov/site/buildings/industry/site-safety-manager-certification.page>

Acronyms

NYC: New York City

DCP: The New York City Department of City Planning

CB: Community Board

EAS: Environmental Assessment Statement

EIS: Environmental Impact Statement

DEIS: Draft Environmental Impact Statement

FEIS: Final Environmental Impact Statement

ULURP: Uniform Land Use Review Procedure

CEQR: City Environmental Quality Review

Scoping: The time period in which the public can provide input into the scope of work for an EIS

RFP: Request for Proposals

BSA: Board of Standards and Appeals

Variance: An exception to zoning law, that allows you to develop your property in a way that is at odds with the zoning laws in place because you were able to prove your unduly restricted parcel needs relief from the zoning code

NYC Open Data: A web portal that allows the public to access data about New York City, available here <https://opendata.cityofnewyork.us/>

PLUTO: Extensive land use and geographic data at the tax lot level made available by DCP, here <https://www1.nyc.gov/site/planning/data-maps/open-data/dwn-pluto-mappluto.page>



THE COMMUNITY DEVELOPMENT PROJECT

URBAN JUSTICE CENTER

STRENGTHENING NYC COMMUNITY ORGANIZATIONS SINCE 2001.

CONTENTS



- 2 Contents**
- 3 About CDP**
- 4 Letter from the Director**
- 5 Capacity-Building**
- 6 Consumer Justice**
- 7 Equitable Neighborhoods**
- 8 Immigrants' Rights**



- 9 Participatory Research & Policy**
- 10 Tenants' Rights & Housing Justice**
- 11 Workers' Rights**
- 12 Racial Justice Work at CDP**
- 13 CDP in the Media**
- 14 CDP Partners and Funders**
- 15 CDP Staff**



**URBAN
JUSTICE
CENTER**



COMMUNITY DEVELOPMENT PROJECT



ABOUT CDP

OUR MISSION

The Community Development Project (CDP) provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression.

OUR APPROACH

CDP employs a unique model of partnership with grassroots and community-based groups. Our partners take the lead in determining the priorities and goals for our work, and advance our understanding of justice. This upends the traditional power dynamics between communities and service providers. We believe in a theory of change where short-term and individual successes help build the capacity and power of our partners, who in turn can have longer-term impact on policies, laws and systems that affect their communities. Our work has greater impact because it is done in connection with organizing, building power and leadership development.

OUR PARTNERS

CDP believes that community organizing should be at the center of any effort to create sustainable, systemic change. We partner with grassroots and community-based organizations that build leadership and power within New York City's low-income communities, particularly immigrants, communities of color and others who are traditionally excluded from policy-making.

OUR STRUCTURE

The Community Development Project (CDP) was started in 2001 as a project of the Urban Justice Center. CDP supports grassroots and community-based groups in New York City in the areas of capacity-building, consumer justice, equitable neighborhoods, immigrants' rights, participatory research and policy, tenants' rights and housing justice and workers' rights. We model our internal structure on anti-oppressive and democratic principles in order to create an environment that mirrors the progressive change we pursue through our work.

In this report, we have highlighted some of CDP's notable achievements, alongside descriptions of our work grouped by practice area and a showcase of some of our racial justice work.

FROM OUR DIRECTOR

Dear Friends,

For over 16 years, the Community Development Project (CDP) has helped strengthen the work of grassroots and community-based groups in New York City. We have grown tremendously since CDP's inception, particularly in the last couple of years, in which we grew to a staff of over 50. In the midst of this growth, we have updated our mission statement to reflect our commitment to racial justice and our commitment to growing in this area. We pride ourselves on being responsive to the needs and priorities of our partners, representing communities who are historically excluded from avenues to power—immigrants, Muslims, LGBTQ communities, people of color, and those who exist within those intersecting identities.



Photo: Jamie Fishman

Guided by our partnerships, CDP has provided legal assistance or representation to over 20,000 New Yorkers: immigrant restaurant workers seeking redress for stolen wages or workplace discrimination, tenants fighting for fair housing, consumers dealing with abusive debt collection and immigrants and victims of labor trafficking seeking asylum and other forms of relief from the threats of detention and deportation. We have also provided key capacity-building assistance to dozens of community organizations, supported efforts for equitable neighborhood development and collaborated with our community partners to release more than 60 reports using participatory action research.

The cases we win and the reports we publish increase public awareness of the issues around which our partners organize and help achieve victories for their long-term campaigns. We support work that pursues systemic change through law and policy reform, increases political power in low-income and excluded communities, and rejects the targeted, abusive and exploitative practices affecting our communities.

We are living in difficult and troubling times; however, CDP's fundamental beliefs—that community organizing amplifies marginalized voices, creating community power—remains the foundation of our work.

Change starts small. A tenant becomes a leader in one of our partner organizations after participating in a successful rent strike with her building. Immigrants organize with support of our partner organizations to know their rights, stop the wage theft and seek legal status through creative legal strategies. Low-wage workers become business owners who earn a living wage by forming a worker-owned cooperative, which in turn creates dozens more well-paying jobs in their community. Small victories such as these build momentum for great things.

To the individuals, foundations, and agencies that contribute to CDP financially, I extend my sincere gratitude. I am also thankful for the countless hours donated by volunteers and pro bono attorneys, whose efforts greatly expand CDP's capacity to support movement-building organizations. Whether you are just becoming acquainted with CDP or have resisted alongside us from the beginning, I hope you will support us as we fight for restorative justice.

In solidarity,
Harvey Epstein

CAPACITY-BUILDING

CDP's capacity-building team offers community groups the legal assistance they need to establish, grow, build power, and bring new opportunities to their neighborhoods. CDP attorneys help build nonprofits' capacities for effective organizational management and support their organizing and advocacy efforts in the communities we serve. We also assist with the formation of worker cooperatives, which give workers greater control over their working conditions, income, and economic futures. CDP provides support in a variety of areas including entity selection and formation, obtaining and maintaining tax exemption, creating governance documents, complying with employment laws, negotiating and executing community benefits agreements, and engaging in real estate and lease transactions.

CDP's capacity-building team has helped more than 350 non-profit organizations form and represented over 100 existing non-profits with critical legal issues. CDP has also represented over 50 new worker-owned cooperatives.



Photo: CDP Capacity-Building law graduate Rodrigo Bacus reviewing the bylaws of a migrant worker-led cooperative. Photo Credit: Gowri Krishna.

Case Spotlight: Supporting a Women of Color Owned and Operated Doula Cooperative

CDP's capacity-building team worked closely with a group of women from Upper Manhattan and the Bronx who came together to form Uptown Village Cooperative, a worker-owned cooperative providing holistic birthing services to families in underserved communities who often don't have access to these services. Since 2015, Uptown Village Cooperative has provided support for mothers and families around birth, postpartum care, breastfeeding, womb health, lactation, health, wellness and nutrition in the fight for reproductive health justice.

CONSUMER JUSTICE

CDP's consumer justice team partners with community organizations to help build capacity, power and public awareness around consumer justice and financial empowerment issues such as unlawful debt collection practices, breach of lease, medical debt, student loans, and identity theft. Our work has also included support of our partners' advocacy campaigns to bring reform in the areas of employment agency fraud, injustice in the bail bond industry, and increased regulation of debt collectors in NYC.

CDP has provided nearly 2,500 low-income consumers with assistance around consumer justice issues in the last decade.

Notable Work: Combatting Abuses in Consumer-Tenant Cases

With housing costs skyrocketing in NYC, some debt collection law firms have developed lawsuits to collect rental arrears (unpaid rent) from former tenants into a new and lucrative niche in the consumer debt collection industry, full of baseless lawsuits and ripe for abuse of the court system.

CDP's consumer justice attorneys have litigated many of these cases and succeeded in saving clients thousands of dollars.

We are also members of a citywide task force of consumer and housing attorneys looking for ways to combat abuses and build awareness among consumer-tenants, legal practitioners, judges and funders.

Case Spotlight: Clearing an Unlawful Debt

CDP's consumer justice practice frequently sees clients who are sued for debts that do not belong to them. One such client discovered that her wages were being garnished to pay a judgment for rental arrears on an apartment she hadn't lived in for 16 years. It turns out that our client had fully paid her portion of the rent before moving out, and the landlord was trying to collect money that was allegedly owed by the Section 8 housing voucher program. CDP was able to show the Court that not only was the landlord trying to collect on a debt allegedly owed by Section 8, which is illegal, but that the debt had already been paid. With CDP's intervention, the client was able to avoid paying a nearly \$18,000 debt she did not owe. Even with this success, the landlord's law firm froze the client's bank account two more times unlawfully.

Community Partner Spotlight: New Immigrant Community Empowerment (NICE)

CDP provided legal support to our community partner NICE on their campaign to pass the Justice for Job Seekers Bill (J4JS) to combat employment agency fraud at the state level. J4JS has been signed into law and will provide much needed oversight in an industry that preys upon low-income and immigrant workers in NYC. The coalition has also been working with the NYC Department of Consumer Affairs to improve upon their Job Seekers Bill of Rights. We will continue to support NICE as they embark on the task of spreading the word about the law and working with regulators on effective implementation of the law.



CDP Consumer Justice attorney Nasoan meeting with a client.

EQUITABLE NEIGHBORHOODS

CDP fights alongside grassroots groups, neighborhood organizations and community coalitions to ensure that people of color, immigrants, and other low-income residents can directly influence decisions that shape their communities. We work together with our partners and clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive—so that those who have built our City are not pushed out in the name of “progress”.

CDP is one of the only legal services organizations in NYC that provides tools and support to make sure that residents have a say in the future of their neighborhoods.

CDP's Equitable Neighborhoods practice supports groups when they respond to City-initiated projects and plans, including neighborhood rezonings; when they want to understand and influence big development projects coming to their area; as they create or defend important community spaces; and when they work to ensure public assets are used for public good. We also support grassroots efforts to change laws and policies that perpetuate structural inequality and displace local people, businesses, and community institutions.

Case Spotlight: South Brooklyn Groups Preserve Neighborhood Supermarket and Create New Affordable Housing

In early 2016, residents of Park Slope, Gowanus and Boerum Hill were outraged when they learned that Avery Hall Investments (AHI) had plans to raze a local Key Food supermarket—a large, affordable market that has served the diverse community of South Brooklyn for almost 35 years. Neighbors quickly sprang into action. Local groups forced AHI to the negotiating table, reminding AHI that any changes to the plan would have to be approved by the City and that the community was prepared to oppose AHI's plans, if needed. CDP worked with the groups for over a year to identify specific concerns about the planned development, come together around shared goals for the project, and negotiate with AHI. In March 2017, ten community groups including the Fifth Avenue Committee, Families United for Racial and Economic Equality (FUREE), and three local NYCHA residents' associations signed a contract with AHI that will guarantee a lease for a large supermarket at the future development for 20 years and create 40 apartments at below-market rents, including 16 affordable to families of four making \$37,000 a year or less.

Community Partner Spotlight: Community Action for Safe Apartments (CASA)

CASA, a powerful leader in the Bronx Coalition for a Community Vision, is a membership-driven tenant organizing project that works to protect and maintain affordable and safe housing in the Southwest Bronx. CDP's Equitable Neighborhoods practice partnered with CASA on advocacy around the proposed rezoning of Jerome Avenue, which would dramatically change development on over 70 blocks in the Bronx. CDP provided ongoing advice and technical support to CASA and the Coalition, including by conducting research to support the development of the Coalition's policy platform, supporting the Coalition's strategic planning and campaign development, and working with the Coalition to develop responses to the City's plans.



Photo: A community group forum around a proposed rezoning in the Bronx that drew close to 500 people. CDP is working closely with the Coalition that convened the event. Photo credit: Community Action for Safe Apartments (CASA).

IMMIGRANTS' RIGHTS

CDP's Immigrants' Rights team uses community education, direct legal services, and legislative and policy advocacy to advance the rights of low-income immigrants connected to community organizing efforts. We aim to protect individuals from detention and deportation, keep families together, and build power in immigrant communities. We assist with a wide range of immigration case types including citizenship, T and U visas, asylum, Special Immigrant Juvenile status, and much more. Our attorneys are also involved in efforts to support the development of immigrant community defense networks, challenge harsh immigration laws and enforcement practices, promote language access and combat immigration fraud.

Case Spotlight: Winning Relief for a Victim of Labor Trafficking

CDP has worked extensively on cases of domestic workers who were subjected to labor trafficking. In one such case, our client, a member of African Communities Together (ACT), was tricked into working for the family of a powerful diplomat as a nanny and housekeeper. Once she was in the diplomat's household, she worked over a hundred hours per week without stopping for almost two years. She was monitored constantly, trapped in the family's residence, and threatened into submission. After managing to escape, she found ACT and CDP. Together, ACT and CDP helped her find a residence, get counseling, report her trafficking to law enforcement, and seek a T visa, a type of immigration status for victims of human trafficking. Our client won her T visa case in December 2016. She is thrilled not only to have her freedom, but to have work authorization and to be on a pathway to a green card.

Community Partner Spotlight: Damayan Migrant Workers Association (Damayan)

CDP's Immigrants' Rights practice works in close partnership with Damayan, a grassroots organization working to educate, organize and mobilize low-wage Filipino workers to fight for their labor, health, gender and im/migration rights. Through bimonthly legal clinics coordinated by Damayan, CDP's immigration attorneys provide free legal consultations and advice to community members, including many undocumented immigrants, some in the midst of ongoing deportation proceedings. CDP's Immigrants' Rights team also provides emergency preparedness support to Damayan's members, many who are at heightened risk of detention and deportation under newly-released immigration enforcement priorities. The Immigrants' Rights team also serves as a critical emergency response partner, helping to locate and secure the release of detained community members.



Photo: CDP Immigrants' Rights Attorney Melanie Zuch, and Amaha Kassa, Executive Director of African Communities Together, at "City of Refuge" a 24-hour action for refugees.

PARTICIPATORY RESEARCH & POLICY

CDP's Research and Policy Initiative partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a "participatory action research model" in which low-income and excluded communities are central to the design and development of research and policy in a way that is community-driven, power-building and action-oriented.

Over the past seven years, CDP has produced 60 collaborative reports with community-based partners.



Notable Work

Research for Organizing (RFO) Toolkit: CDP created an interactive, web-based toolkit (www.researchfororganizing.org) designed for organizations and individuals that want to use participatory action research (PAR) to support their work towards social justice. The RFO Toolkit compiles trainings, tools and tips from CDP's work over the last decade into an online resource that includes case studies featuring CDP's community partners, workshops, worksheets and templates. Additionally, we launched a 10-part webinar series that unpacks the RFO Toolkit and helps participants execute the various stages of a participatory research project, expanding the Toolkit's audience across the country and beyond. Recordings of all the webinars are available at <https://cdp.urbanjustice.org/cdp-trainings/research>.

Participatory Budgeting in NYC: Participatory Budgeting (PB) is a civic engagement process that allows community residents as young as 14 to directly decide how to spend taxpayer money. CDP has coordinated the research and evaluation for all six years of PB in NYC in partnership with Community Voices Heard, the Participatory Budgeting Project and many other New York City organizations. The findings of our research are featured in a report series "A People's Budget". In 2017, we authored an article in the academic journal *New Political Science*, titled *Participatory Budgeting and Community-Based Research*.

Rezoning and Equitable Development: CDP has worked extensively with members of low-income neighborhoods of color slated for rezoning under Mayor de Blasio's affordable housing plan to prevent displacement and create equitable development. Through this work, we've won new legislation to track commitments made to communities during the rezoning process, documented the priorities of thousands of community members through community-driven research and helped community groups to develop policy platforms outlining their proposals for their neighborhoods.

Community Partner Spotlight: Center for Frontline Retail (CFR)

Center for Frontline Retail promotes awareness, leadership and action to achieve quality employment in the retail sector, one of America's fastest growing industries and one that is made up predominately of women and people of color. CDP is working with CFR on a participatory action research project to explore barriers to training and education for retail workers in New York City to be released by the fall of 2017.

TENANTS' RIGHTS & HOUSING JUSTICE

CDP works with tenant-organizing groups to bring lawsuits against landlords who are violating tenants' rights. Issues include illegal evictions, failure to make repairs, lack of heat and hot water, lead paint, and illegal rent overcharges. We believe safe, affordable housing is a fundamental right, and we stand with communities and tenants as they work to preserve affordable housing citywide.

CDP has helped thousands of low-income tenants fight slumlords to obtain essential repairs, prevent evictions, and preserve affordable rents.

Notable Cases:

CDP and Fifth Avenue Committee Save the Homes of Park Slope Tenants

We represented tenants at 78 Marks Place in Park Slope, Brooklyn, opposing their landlord's application to DHCR to permanently evict them from their apartments in order to demolish their rent stabilized building. Through the combination of organizing and advocacy, the application was denied by DHCR, saving the homes of the tenants, who are largely Latino families that have lived in the building for decades, from demolition.

CDP and Cooper Square Committee Win \$250,000 in Rent Abatements for Tenants in Harassment Case

When landlord Samy Mahfar used construction fallout to harass regulated members of the Mahfar Tenants Alliance, CDP and Cooper Square partnered to represent the tenants and supplement their organizing efforts. CDP settled the case with strict construction protocols that protected the tenants from exposure to hazardous materials and along with a redress for the tenants in the form of a rent abatement, saving the tenants \$250,000.

Community Partner Spotlight: Northwest Bronx Community and Clergy Coalition (NWBCC)

CDP has partnered with Northwest Bronx Community and Clergy Coalition for nearly a decade, supporting their efforts on behalf of tenants' rights and social, economic, environmental and racial justice in the Bronx. NWBCCC has organized and instigated efforts to obtain repairs for hundreds of low-income tenants in partnership with CDP, including a successful 7A petition in which the landlord of 4619 Park Avenue was stripped of ownership and the dilapidated building was taken over by an independent administrator.



Photo: CDP Housing attorney Kerriann Pauls speaking at a Stabilizing NYC press conference at City Hall alongside members of CDP partner organizations.

WORKERS' RIGHTS



New Immigrant Community Empowerment members organizing to protest stolen wages. Photo credit: NICE.

Representing low-wage workers in New York City has been a core component of CDP's mission since its founding. Our workers' rights program engages in strategic litigation aimed at those employer practices that have been identified by our partners as requiring the most attention. As such, our workers' rights team has developed deep experience in litigating claims for violations of federal and state wage and hour laws, anti-harassment and anti-discrimination laws, anti-trafficking laws, and the right to engage in concerted protected activity, and has won more than \$25 million in judgments and settlements for low-wage workers in a wide variety of industries, including those working in restaurants, nail salons, as domestic workers, livery car drivers, construction workers and day laborers.

Our workers' rights team has also been pivotal in policy reform benefitting low-wage workers. For the past couple of years, CDP has lead a statewide coalition of 65 organizations to draft a state level bill that will provide critical enforcement tools for workers who have suffered from wage theft. Our workers' rights team also advocates for bills seeking greater protections for workers in the construction industry before the City Council.

CDP has won more than \$25 million in back wages and compensation for low-wage workers who were exploited and mistreated by their employers.

Notable Work: Increasing the Minimum Wage for Workers in NYC

As a result of the direct efforts of the Coalition for Real Minimum Wage Increase, in 2015, Governor Andrew Cuomo convened a Wage Board, which resulted in the minimum wage for tipped food service workers going up from \$5.00 per hour to \$7.50 in 2016 and to \$8.75 in 2018. The Coalition for Real Minimum Wage Increase is a coalition of more than 30 organizations, and has on its steering committee CDP, Chinese Staff and Workers Association, National Mobilization Against Sweatshops, Flushing Workers Center, and other ally groups.

Community Partner Spotlight: CDP's Continuing Commitment to Domestic Worker Rights

CDP had a key role in drafting and successfully moving forward New York's Domestic Worker Bill of Rights in 2009. Since then, CDP has continued its commitment to domestic worker rights. Partnering with Damayan Migrant Workers Association, Adhikaar, African Communities Together, and National Domestic Workers Alliance, CDP has engaged in groundbreaking work to fight labor trafficking and other fraudulent labor contracting schemes targeting foreign-born domestic workers.

Together with partners Chinese Staff and Workers Association and National Mobilization Against Sweatshops, CDP's workers' rights attorneys are also engaged in litigating several class-action cases involving home care workers. Home care workers operate in one of the fastest-growing industries in the United States. In New York State alone, there are approximately 315,000 people employed as home care workers. Home care workers are overwhelmingly female and more than half are women of color. Approximately fifty-percent of all home care workers are also on some kind of public assistance because the wages they earn are so low. The vast majority of agency employers in New York pay workers assigned to 24-hour shifts \$10 per hour for 13 hours only, irrespective of the actual number of hours worked, and pay no overtime wages. If successful, our cases would establish the right of all agency-employed home care aides to be paid for all hours worked or on-call.

RACIAL JUSTICE WORK AT CDP

CDP adopted a new mission statement that explicitly names racial justice as a core component of CDP's advocacy:
CDP provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. TTT COMMUNITY DEVELOPMENT PROJECT

CDP pursues opportunities for collaboration with racial justice organizers and leaders, including sending a cohort of staff to Facing Race, a national conference on racial justice movement making.



Photo: CDP Staff at Facing Race, the largest nationwide racial justice gathering in the country.

We formed a racial justice committee charged with providing forward momentum and initiative for CDP's work on issues that have a disproportionate negative impact on communities of color racial justice initiatives. So far we have convened our community partners and other groups led by and for people of color to discuss their priorities and projects.



Photo: Convening with CDP Partners to discuss racial justice initiatives.

CDP supports direct actions organized by our partners, such as the 24 hour City of Refuge mobilization organized by African Communities together to save Asylum after the executive order banning refugees.



Photo: CDP attorneys Tito Sinha and Laura Misumi at African Communities Together's City of Refuge.

We Support Equitable Neighborhoods: CDP works with grassroots groups and coalitions to help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress." Together, we highlight the ways in which current City policies perpetuate the harms of past racist policies – including redlining, urban renewal, and planned shrinkage – and fight to ensure that residents in historically under-resourced areas have opportunities that allow people to thrive.



Photo: A community forum around a proposed rezoning in the Bronx drew close to 500 people.
 Photo credit: Community Action for Safe Apartments (CASA).

CDP filed a discrimination complaint on behalf of tenants at 430 61st Street in Sunset Park, raising claims of harassment based upon race and ethnicity, including allegations that the landlord used racist and abusive language, commenced frivolous eviction proceedings, charged illegal fees, and failed to provide adequate services and maintenance to apartments, leading to illegal and unsafe conditions. Concurrently, CDP filed an HP proceeding in housing court in order to address immediate repair issues, including C-violations such as lead-based paint in apartments with children under 6 years of age. As of May 2017, the vast majority of repair issues have been resolved.



Photo: CDP is awarded the People's Voice Award at Neighbors Helping Neighbors' (NHN) 2016 Benefit Bash in recognition of our work with tenants at 430 61st Street in Sunset Park.

CDP IN THE MEDIA

dna info NEW YORK

Bronx Tenant's \$2K of Insulin Ruined Due to Landlord's Failures: Lawsuit

October 20, 2016 - This lawsuit was not about trying to get money but just about trying to make sure residents of 949 Ogden Ave. had safe living conditions. "This case is specifically about repairs done in a real manner that addresses them and leaves their apartments safe."
- Korian Pauls

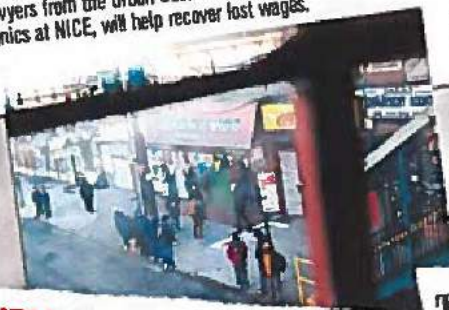


Korian Pauls said his partner is at 949 Ogden Ave.

The New York Times

New Weapon in Day Laborers' Fight Against Wage Theft: A Smartphone App

March 1, 2016 - The app has workers record their hours and wages, which are then saved in a profile. That profile, which lists a phone number but no name, is linked to the organization's database. If a worker reports not being paid or being underpaid, NICE will contact the employer. If necessary, lawyers from the Urban Justice Center, who conduct monthly clinics at NICE, will help recover lost wages.



CITYLIMITS.ORG

De Blasio Admin. Opens Door to Community Land Trusts

January 10, 2017 - Paula Segal at the Community Development Project... says that many community groups are well poised to take advantage of the city's invitation. She also noted a lot of CLT organizing is taking place in neighborhoods where the potential for a rezoning have spurred discussions on how to best create deep and permanent affordable housing, including the South Bronx, East Harlem and Bushwick.

NEW YORK

RESISTANCE

These Are the Attorneys Fighting Trump's Immigration Ban at Airports Around the Country



January 31, 2017 - As protesters descended on airports nationwide to protest Trump's executive order banning entry to the U.S. from a number of Muslim-majority countries, hundreds of lawyers from organizations and firms around the country were busy setting up impromptu crisis centers to offer their legal services to those impacted by the order.

I was so inspired by the people that were there. People really stepped into action to put systems in place to make a more cohesive effort." -Melanie Zuch

The Washington Post

What makes young people more excited about politics? Deciding how to spend municipal budgets

October 17, 2016 - Participatory budgeting (PB) is one way to get young people more engaged. In participatory budgeting, community members are the ones who decide how to allocate some public funds. Research suggests that participatory budgeting can open up the black box of local policymaking, especially for youth, offering a profound civic education.



AP Famed NYC bakery's immigrant workers defy Trump

April 8, 2017 - The 31 workers are represented by the Urban Justice Center "in their struggle to remain in their jobs and inspire working people around the country to resist immigration enforcement actions," the nonprofit said in a statement released by attorney Reena Arora.



NYN media NewYorkNonprofit Media

IMMIGRANTS FUEL THE RISE OF WORKER COOPERATIVES

November 7, 2016 - Advocates say worker cooperatives, often simply called co-ops, provide a unique opportunity for poor New Yorkers by allowing workers in typically low-wage industries, like cleaning and child care, to form their own businesses and take collective control over how much revenue should go to advertising versus wages, for example.



THE WALL STREET JOURNAL

U.S. | NEW YORK

Rezoning Worries in South Bronx

Oct 21, 2015 - A report to be released Wednesday by Bronx Coalition for a Community Vision urges the administration to make more apartments permanently affordable - and to set aside 50% of the unites for current neighborhood residents - while protecting and creating local jobs and including more community input.

Reports: <https://cdp.urbanjustice.org/cdp-reports>

OUR COMMUNITY PARTNERS: CDP partners with dozens of grassroots community groups in New York to support their work toward social, economic and racial justice. Not only are we proud to partner with them but we are also proud of their work. Our partners include:

596 Acres	Community Action for Safe Apartments (CASA)	Mary Mitchell Center	Participatory Budgeting Project
Adhikaar	Community Voices Heard	Minkwon Center for Community Action	Picture the Homeless
African Communities Together	Cooper Square Committee	Mirabal Sisters Cultural & Community Center	Queens Community House
Asian Americans For Equality	Cypress Hills LOC	Mothers on the Move	Right to the City alliance
Atlas: DIY	Damayan Migrant Workers Association	Movement for Justice in El Barrio	Sapna NYC
Banana Kelly Community Improvement Association	Desis Rising Up and Moving	National Domestic Workers Alliance	St. Nicks Alliance
Brandworkers International	Domestic Workers United	National Mobilization Against Sweatshops	Start Small, Think Big
Brooklyn Movement Center	Families for Freedom	Neighbors Helping Neighbors	Staten Island Community Job Center
Brownsville Cultural Coalition	Families United for Racial and Economic Equality	New Immigrant Community Empowerment	Streetwise and Safe
CAAAV Organizing Asian Communities	FIERCE!	New York Taxi Workers Alliance	Tenants & Neighbors
Center for Family Life in Sunset Park	Fifth Avenue Committee	PA'LANTE Harlem	Ugnayan
Center for Frontline Retail	Flatbush Tenant Coalition	Par-African Community Development Initiative	University Settlement
Chhaya Community Development Corporation	Flushing Workers Center		VOCAL-NY
Chinese Staff and Workers' Association	Good Old Lower East Side		Women Organizing Neighborhoods
Cidadão Global	Green Worker Cooperatives		Woodside on the Move
La Colmena	IMPACCT Brooklyn		Worker's Justice Project/Proyecto Justicia Laboral
COLORS Restaurant	Laundry Workers Center		Youth Ministries for Peace and Justice

OUR PRO BONO PARTNERS: CDP gratefully acknowledges the many firms that have served as co-counsel and donated countless pro bono hours and resources in support of our legal work, including:

Alterman & Boop, LLP	Dewey & LeBoeuf LLP	Morrison & Foerster LLP
Archer, Byington, Glennon & Levine LLP	DLA Piper	Orrick
Arkin, Kaplan Rice LLP	Frankfurt Kurnit Klein & Selz PC	Outten & Golden LLP
Bryan Cave LLP	Gibson, Dunn & Crutcher LLP	Patterson Belknap Webb & Tyler LLP
Chadbourne & Parke LLP	Gladstein, Reif & Meginniss	Paul, Weiss, Rifkind, Wharton & Garrison LLP
Cleary Gottlieb Steen & Hamilton LLP	Jenner & Block LLP	Serrins Fisher LLP
Covington & Burling LLP	Kattin Muchin Rosenman LLP	Seward & Kissel LLP
Credit Suisse	Kaye Scholer LLP	Shearman & Sterling LLP
Crowell & Moring LLP	Kirkland & Ellis LLP	Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates
Cuti Hecker Wang LLP	Law office of Peter Goselin	Stroock & Stroock & Lavan LLP
Davis Polk & Wardwell	Liane Fisher Law PLLC	Vladeck, Waldman, Elias & Engelhard, P.C.
Debevoise & Plimpton LLP	Linklaters LLP	
Dechert LLP	Milbank, Tweed, Hadley & McCloy LLP	

OUR PAST and PRESENT FUNDERS: CDP would like to gratefully acknowledge our funders, without whom our work would not be possible. Listed below are some of the funders who have generously supported us over the years.

Andrus Family Fund	New York State Assembly	Robin Hood Foundation
Capital One Bank	New York State Interest on Lawyer Account Fund	Rockefeller Foundation
Equal Justice Works	New York State Office of Court Administration	Scherman Foundation
Furman Academic Fellowship Program	New York State Senate	Skadden Fellowship Foundation
Immigrant Justice Corps	New York Women's Foundation	Sociological Initiatives Foundation
M&T Bank	NYC Department of Housing Preservation and Development	Solidago Foundation
Mertz Gilmore Foundation	NYC Department of Small Business Services	Surdna Foundation
Neighborhoods First Fund	NYC Human Resources Administration	TD Bank
New York City Council	NYC Dept of Youth & Community Development	The Manhattan Borough President's Office
New York Commons	Poverty Justice Solutions	The New York Bar Foundation
New York Community Trust	Center for Court Innovation	Wachs Family Fund
New York Foundation		

COMMUNITY DEVELOPMENT PROJECT STAFF



Photo: CDP Staff at our annual event supporting movements for change, celebrating our 15th anniversary, in 2016.

Harvey Epstein • <i>Director</i>	Jane Li • <i>Staff Attorney, Housing</i>
Zarin Ahmed • <i>Research & Policy Associate</i>	Margaret Lyford • <i>Paralegal, Housing</i>
Danielle Alvarado • <i>Staff Attorney, Immigrants' Rights</i>	Bianca MacPherson • <i>Paralegal, Housing</i>
Reena Arora • <i>Senior Staff Attorney, Workers' Rights</i>	Erin Markman • <i>Research & Policy Coordinator</i>
Wendy Baez • <i>Executive Assistant</i>	Maggie Marron • <i>Staff Attorney, Capacity Building</i>
Rodrigo Bacus • <i>Law Graduate, Capacity Building</i>	Linden Miller • <i>Poverty Justice Solutions Fellow, Housing</i>
Greg Baltz • <i>Staff Attorney, Housing</i>	Laura Misumi • <i>Staff Attorney, Workers' Rights</i>
Melissa Brannan • <i>Supervising Attorney, Immigrants' Rights</i>	Adriana Montgomery • <i>Staff Attorney, Housing</i>
Zahra Chevanne • <i>Development Coordinator</i>	Oluwadamilola Obaro • <i>Skadden Fellow & Staff Attorney, Consumer Justice</i>
Adriana Cruz • <i>Paralegal, Workers' Rights</i>	Korlann Pauls • <i>Staff Attorney, Housing</i>
Pilar DeJesus • <i>Paralegal, Housing</i>	Michael Peyton-Cook • <i>Poverty Justice Solutions Fellow, Housing</i>
Jackie Del Valle • <i>Stabilizing NYC & Development Coordinator</i>	HaQuyen Pham • <i>Director of Contract Management & Communication</i>
Hilary Exter • <i>LEAP Anti-Harassment Tenant Protection Program Coordinator</i>	Sadia Rahman • <i>Supervising Attorney, Housing</i>
Katelyn Feliciano • <i>Paralegal, Consumer Justice</i>	Rajah Reid • <i>Development Coordinator</i>
Rini Fonseca-Sabuen • <i>Skadden Fellow & Staff Attorney, Housing</i>	Melissa Risser • <i>Staff Attorney, Capacity Building & Equitable Neighborhoods</i>
Sheriel Gaber • <i>Staff Attorney, Housing</i>	Stephanie Rudolph • <i>Senior Staff Attorney, Housing</i>
Illana Garcia • <i>Paralegal, Housing</i>	Paula Segal • <i>Senior Staff Attorney, Equitable Neighborhoods</i>
Michael Grinthal • <i>Supervising Attorney, Housing</i>	Naosan Sheltel-Gomes • <i>Supervising Attorney Consumer Justice</i>
Aline Gue • <i>Paralegal, Immigrants' Rights</i>	Tito Sinha • <i>Senior Staff Attorney, Workers' Rights</i>
April Herms • <i>Chief Operating Officer</i>	Aya Tasaki • <i>Poverty Justice Solutions Fellow, Housing</i>
Carmela Huang • <i>Supervising Attorney, Workers' Rights</i>	Shanti Tharayil • <i>Immigrant Justice Corps Fellow & Staff Attorney, Immigrants' Rights</i>
Rajiv Jaswa • <i>Staff Attorney, Housing</i>	Kat Townenko • <i>IDI & Development Coordinator</i>
Alexa Kasdan • <i>Director of Research and Policy</i>	Tedmund Wan • <i>Staff Attorney, Consumer Justice</i>
Gowri Krishna • <i>Supervising Attorney, Capacity Building & Pro Bono Coordinator</i>	Adrian Welbgen • <i>Staff Attorney, Equitable Neighborhoods</i>
Sean Lai McMahon • <i>Immigrant Justice Corps Fellow & Staff Attorney, Immigrants' Rights</i>	David Ureña • <i>Staff Attorney, Workers' Rights</i>
Michael Leonard • <i>Staff Attorney, Housing</i>	Melanie Zuch • <i>Staff Attorney, Immigrants' Rights</i>



URBAN JUSTICE CENTER



COMMUNITY
DEVELOPMENT
PROJECT

123 William Street, 16th Floor
New York, NY 10038
cdp.urbanjustice.org

© 2017 Urban Justice Center. All Rights Reserved.

**Testimony by Nina Rumiantseva
on behalf of the
Lodyjensky Immigration Archive Center of Russian and Ukrainian Culture
and of the Russian-speaking Community Council
at the Brooklyn hearings of the NYC Charter Revision Commission, 9/17/2018**

Dear members of the commission, good evening,

I am an immigrant community organizer, a teacher of English as a second language, and also a proud New Yorker originally from Ukraine. I am here on behalf of a group of interconnected organizations, namely The Lodyjensky Immigration Archive Center of the Russian and Ukrainian Culture and Russian-speaking Community Council, which are organizing and advocating for over two hundred thousand immigrant New Yorkers coming from 15 former Soviet countries – with a special emphasis on refugees, asylum seekers and political exiles from authoritarian regimes.

Our proposal, developed and outlined at the previous hearings by the Russian-speaking Community Council President Dr. Dmitri Daniel Glinski, concerns one specific article in our City Charter – Section 18 of Chapter 1, on the Mayor's Office of Immigrant Affairs (MOIA).

Our city is nowadays 60% foreign born. What immigrants need the most are, **first**, representation and, **second**, real economic opportunities, including bilingual professionals serving for their community and our City. The Office| as it is structured under this article, provides none of that. It has some hardworking, dedicated staff, with plenty of good intentions - but often with no real experience of being an immigrant| and limited connection to immigrant communities themselves. Many immigrants tell us - and I know that from my own experience - the Office is not quite responsive and at times not even aware of the challenges and developments within and between these communities.

In contrast, governments in San Francisco, Portland, Nashville, Houston, and other major cities, as it is required by their local laws, include community leaders on a more or less representative basis, and they have much broader and bolder mandates than MOIA.
(Mayor's Office of Immigrant Affairs)

So we urge you to replace the Office with an Immigrant Rights and Policy Commission, whose members should be selected from among the candidacies of community leaders, proportional in number| to the size of major immigrant communities in the city. To be effective, these Commissioners must be salaried civil servants. Also, they should have local offices in all five boroughs, and these offices should be governed by their own immigrant leadership councils.

Thank you for your attention.

DISTRICT OFFICE
450 5TH AVENUE, 3RD FLOOR
BROOKLYN, NY 11215
(718) 459-1920
FAX: (718) 496-1997

CITY HALL OFFICE
250 BROADWAY, SUITE 1750
NEW YORK, NY 10007
(212) 788-6969
FAX: (212) 788-8067
Lander@council.nyc.gov



THE COUNCIL OF
THE CITY OF NEW YORK
BRAD LANDER
DEPUTY LEADER FOR POLICY
39TH DISTRICT, BROOKLYN

COMMITTEES
CONSUMER AFFAIRS
CIVIL RIGHTS
ECONOMIC DEVELOPMENT
EDUCATION
GENERAL WELFARE
TECHNOLOGY
WOMEN'S ISSUES

Testimony of NYC Council Member Brad Lander
Deputy Leader for Policy
To the New York City Charter Revision Commission
Brooklyn Public Hearing
May 7, 2018

Good evening, Members of the Charter Revision Commission. Thank you for your service, and for this opportunity to testify. My name is Brad Lander, New York City Council Member for the 39th District in Brooklyn, and the Council's Deputy Leader for Policy. I'm working together with Speaker Johnson and other colleagues in the Council, as well as member of the Progressive Caucus, to identify issues and proposals for your consideration. For tonight, though, I am speaking only for myself.

While there are many issues that merit your commission's review -- from more transparent budget oversight (e.g. through more detailed units-of -appropriation) to expanding the Council's advice and consent on major appointments, tonight I would like to urge you to include two topics in your consideration: 1) Instant Runoff Voting and 2) advancing more equitable growth, fairness, and community engagement through changes to our land use processes.

- 1. Bring Instant Runoff Voting (IRV) to New York City, to avoid costly, low-turnout runoff elections, increase participation, encourage candidates to campaign in all communities, and improve the majoritarian legitimacy of those elected.**

As some of you maybe aware, the 2018 Charter Revision Commission appointed by the Mayor received a significant amount of testimony in support of Instant Runoff Voting (IRV, sometimes known as "ranked choice voting") in its public hearing process, but punted the issue to "a future Charter Revision Commission," finding that further research, outreach and analysis is "appropriate." As the prime sponsor of Intro 130-2018, City Council legislation to implement IRV in NYC (though it would still require a referendum, making inclusion in your recommendations far preferable, for reasons outlined below), I want to voice my strong support for Instant Runoff Voting, and make the case for why this Charter Revision Commission should take leadership on this critical issue by placing IRV on the ballot in November 2019.

Instant Runoff Voting is a win/win. Evidence shows that it increases participation, saves money, gives candidates a reason to campaign in every community, discourages negative campaigning, leads to more diverse representation, and strengthens the majoritarian legitimacy of those elected.

IRV allows voters to rank candidates for office in order of preference, rather than only voting for one candidate (although voters are welcome to continue to just vote for one candidate). If a candidate earns more than half of voters' first pick, that candidate wins. If not, lower vote-getting candidates are eliminated, and ballots from the eliminated candidates go to the remaining candidates who are ranked next, until one candidate emerges with a majority of the vote.

This “instant” runoff would replace the runoff elections currently held for offices where no candidate receives 40% of the vote. These runoffs cost the City millions of dollars and consistently see abysmal voter turnout. In 2013, at least \$13 million were spent on a runoff election for Public Advocate where only 6.9% of voters turned out; in other words, the runoff saw a 62% drop in voter turnout as compared to the primary. Runoffs also allow candidates to raise significantly more big dollar campaign contributions, above and beyond the contribution limits for the Primary. The Campaign Finance Board’s current guidance even allows candidates to take additional contributions where a runoff election is “reasonably anticipated,” by press coverage and polling data.

Evidence from cities all across the country has shown that voters are comfortable ranking candidates in order of preference. This system was implemented in Minneapolis, MN, a City that uses the same voting machines and software as New York City. With thoughtful ballot design and voter education, Minneapolis saw a 31% increase in voter turnout in the election following the implementation of IRV. 92% of voters found instant runoff voting easy to use (including 86% of voters 65+), 93% of voters felt candidates spent more time on issues than criticizing opponents. IRV in fact worked so well in Minneapolis, even losing candidates continue to stand by the system.¹

I urge the Commission to explore the details, review research and develop a thoughtful proposal to place IRV on the ballot in 2019.

2. Advancing more equitable growth, fairness, and community engagement in NYC’s land use processes.

In 1989, the Charter Revision Commission proposed and the people adopted significant changes to the City’s Uniform Land Use Review Procedure (ULURP), as well as its “fair-share” process for siting municipal infrastructure. I greatly respect the work of that Commission and the adjustments they made.

However, 25 years later, we face new challenges. We are seeing levels of population growth and development they could not have imagined a generation ago, contributing to an affordability crisis across the city. As a result of climate change, we have an urgent need to focus on sustainability and resiliency in the built environment. Our infrastructure is aging, but we lack a comprehensive plan to address it. Our city’s diversity is one of its extraordinary strengths, but we remain highly segregated, and resources are not distributed fairly.

These challenges make our planning, land use and development processes especially difficult. To make matters worse, the current ULURP process is too reactive. Instead of beginning from broader goals or values, it starts either with the proposal of an individual developer proposing a project with the aim (understandably) of making money, or with a proposal from the Department of City Planning for one neighborhood, chosen in a way that often feels random to the people of that neighborhood. The process makes people suspicious from the start.

As a result, ULURP is unsatisfying both in its process and its outcomes. As process, it plays out as a series of battles that I sometimes call “REBNY vs. NIMBY,” that may end in a compromise at City Hall, but rarely constitute good planning, or feel to community residents like it helped to make their neighborhood stronger. You are going to hear those frustrations as you travel around the city. And its outcomes, since we don’t start

¹ <http://video.startribune.com/minneapolis-winners-and-some-losers-praise-ranked-choice-voting/456463163>

with overall goals or any effort to measure them, there is too little evidence that ULURP delivers the more equitable, inclusive, and sustainable city we need.

We are never going to make everyone happy; but we can do better. Over the next few months, I'll be working alongside my colleagues and external stakeholders to refine recommendations for reforming NYC's land use processes. As a first step, the Progressive Caucus set forth guiding principles:

- **Equity and fairness**, to ensure that all communities are doing their fair share and have equitable access to affordable housing, city services and amenities, and a healthy environment in which to live, work and raise their families;
- **Robust and inclusive community engagement**, to ensure that all New Yorkers have a voice in our planning decisions, regardless of language, age, income, ability, gender, religion, color, race, ethnicity, etc.
- **Proactive and responsive plans**, that account for projected growth and existing conditions and infrastructure needs, alike;
- **Resiliency and sustainability**, to guard against the future impacts of climate change and mitigate the adverse impacts they bring;
- **Transparency and accountability**, to ensure that all New Yorkers understand why decisions are made, how to participate in the process, and the ways in which those decisions affect their neighborhoods.

Today, I will highlight three proposals in particular that I personally recommend for the Commission's consideration, that I believe would help advance these goals. I'll be working closely with my colleagues and external stakeholders to refine these recommendations in greater detail in the coming months:

- **Require the City to establish a Comprehensive Plan, through a data-driven, inclusive process of "cross-acceptance," and regularly update it (at least every 10 years):** We need to reform our land use processes to holistically assess the City's need for housing, public facilities, and neighborhood amenities. A critical step the City could take towards these goals is the development and implementation of a comprehensive plan for the city's long-term needs, including population growth projections, planning for where development and additional density can best be accommodated, infrastructure investments needed to support such growth, a hard look at sustainability and resiliency issues in light of climate change, affordable and fair housing goals, economic development goals, and the schools, open space, public institutions, and resources necessary. In prior generations, the New York City planners put forth comprehensive citywide development visions that preceded and framed individual zoning actions.

The City should once again plan strategically for the entire city, rather than serve as an enabler of developer-driven projects. Many cities around the world (e.g., London) and in the United States (e.g., Portland) now utilize comprehensive planning to foster successful, sustainable, and shared growth. A successful comprehensive planning process in NYC will make extensive and transparent use of relevant data, engage communities through a process that offers them the opportunity to shape the plan, plan large-scale infrastructure investments necessary to sustain growth (though better connections between the land use process and the capital budget planning process), incorporate "fair share" principles (more on that in the next section), and then find ways to make subsequent planning actions -- both developer-drive projects and neighborhood rezonings -- easier to implement if they conform to the comprehensive plan.

In coming months, I plan to work closely with my colleagues at the Council and key stakeholders to develop this proposal in greater detail, including recommendations to ensure the City has the resources it needs to coordinate across City agencies and plan in close collaboration with communities -- and to propose a clear path for implementation of the plan, to ensure we can meet our goals for community-driven, equitable growth.

- **Reform the City's Fair Share System:** The City should also significantly reform its Fair Share processes, starting with the recommendations laid out in the Council's 2017 Fair Share report, to achieve fairness in siting municipal facilities. A basic principle of a fair city is that, to the greatest extent possible, all communities should have their fair share of municipal facilities -- whether those are schools, libraries, shelters, parks, prisons or waste transfer stations. Unfortunately, in New York City, facilities that bring environmental burdens to communities like waste transfer stations are disproportionately located in low-income communities of color. At the same time, wealthy whiter communities benefit from having less than their fair share.

This was a major focus of the 1989 Charter Revision Commission. Under Fritz Schwartz's leadership, the Commission instituted a "Fair Share" procedure requirement to govern how the City sites facilities that it operates, either directly or through contracts with third-party service providers. Fair Share was established to require the City to plan its facility sitings in a thoughtful, deliberate manner that takes community input seriously and that aims -- at least in principle -- to avoid the uneven distribution of these essential City facilities and services.

Unfortunately, this system has not worked as the 1989 Charter Revision Commission intended -- and in many instances, the distribution of City Facilities has actually become less fair since 1989. Fair Share statements - which exist to explain how a siting is fair or unfair - are generally inaccessible to the public. The City does not disclose enough data about the current distribution of facilities. The Citywide Statement of Needs, intended to be a forward-thinking planning document, does not contain enough detail to be useful. There is no consequence to City agencies for implementing sitings that exacerbate the unfair distribution of city facilities, while NIMBYism makes it even more difficult to site the facilities that communities need most in neighborhoods that are not already over-concentrated.

The Council's report lays out legislative recommendations for Fair Share reform, one of which -- to prohibit unfair sitings in over-concentrated districts -- would require a voter referendum as it curtails the Mayor's power to site facilities. Through this Charter Revision process, we now have the opportunity to think outside the box -- to craft ballot proposals that can effectively prevent unfair sitings, make fair sitings meaningfully easier and to make the process more transparent in the process. I will be working with my colleagues and key stakeholders to develop recommendations in greater detail.

- **Preserving public land for affordable housing and non-profit job stewards:** It is no secret that NYC is facing a serious housing affordability crisis, with nearly 63,000 people in our shelter system and hundreds of thousands more families who are severely rent-burdened or facing displacement from the neighborhoods they love. Making sure that all New Yorkers can afford to stay in their homes and creating new opportunities for affordable housing may be the greatest challenge confronting our City. Over the last few years, we've made some real progress through mandatory inclusionary zoning, stronger tenant protections from harassment and displacement and substantial additional resources and programs to support tenants.

Still, the City continues to dispose public land to private developers, who will only ever concede to building as much affordable housing as will turn them a decent profit. According to Living Lots NYC, there are around 600 acres of vacant public land in NYC. We cannot leave these precious lots in the hands of private developers. In Barcelona, for example, the City's Right to Housing Plan commits to developing public land for affordable housing, which will increase the City's publicly-owned affordable housing stock by 50% in just six years.²

In NYC, we should better leverage the resources we have by limiting the City's disposition of public land to non-profit developers and community land trusts, for permanently and maximally affordable housing, or for mission-driven economic development that maximizes good jobs. Unlike private developers, these non-profit organizations are equipped to work appropriately with communities to create lasting, durable opportunities for both housing and economic opportunity. The Council has explored restrictions on the Mayor's ability to dispose of land to private developers by local law, but we have generally concluded that we are curtailed from doing so. This Commission should strongly consider and research ways to limit the disposition of public land to maximize affordability and equitable economic development in NYC.

Thank you for the opportunity to testify today. We hope you will take these recommendations under strong consideration as you move forward in this process -- and to consider even bolder ideas as well. We will be developing these ideas in greater detail in coming weeks. In the meantime, please do not hesitate to reach out to my office directly for additional information.

2

<https://www.barcelona.cat/infobarcelona/en/over-4500-new-homes-with-affordable-rents-on-public-land-703250.html>



SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

HÉCTOR J. FIGUEROA
President

LARRY ENGELSTEIN
Executive Vice President

KYLE BRAGG
Secretary Treasurer

LENORE FRIEDLAENDER
Assistant to the President

VICE PRESIDENTS

SHIRLEY ALDEBOL
KEVIN BROWN
JAIME CONTRERAS
ROB HILL
DENIS JOHNSTON
GABE MORGAN
ROXANA RIVERA
JOHN SANTOS
JOHN THACKER

Capital Area District
Washington 202.387.3211
Baltimore 410.244.5970
Virginia 703.845.7760

Connecticut District
Hartford 860.560.8674
Stamford 203.602.6615

District 1201
215.923.5488

Florida District
305.672.7071

Hudson Valley District
914.328.3492

Mid-Atlantic District
215.226.3600

**National Conference of
Firemen and Oilers**
606.324.3445

New England District 615
617.523.6150

New Jersey District
973.824.3225

Western Pennsylvania District
412.471.0690

www.seiu32bj.org

Testimony of David Cohen, Political Manager, SEIU 32BJ

Charter Revision Commission

September 17, 2018

Good evening Commission Chair Benjamin and Commission members. My name is David Cohen and I help manage 32BJ's political work in New York City. On behalf of our 85,000 members in the City, thank you for holding these hearings.

Over the coming weeks 32BJ officers and members will be providing testimony on several issues that are critical to our members and our organization. We have already testified to the importance of revising the Charter to create a more equitable and democratic approach to land-use decisions in the City. Tonight I will talk about the importance of revising the Charter to create more transparency and accountability when it comes to the City's procurement of subcontracted building services.

Given the critical nature of building service work and the City's interest in ensuring that taxpayer dollars are used to support family-sustaining jobs, it is critical that City follow best procurement practices when it comes to subcontracting for security and janitorial service. Subcontracted building service work creates thousands of middle class jobs for working class people, particularly immigrants and people of color. Higher standards in building service subcontracting that take into account the importance of contractor experience and capacity, create good jobs for our communities. Without these standards, low-bid contracting creates a race-to-the-bottom amongst bidders. When bid prices are driven down, contractors may cut corners in order to offer services at the lowest price possible. In this scenario, contractors may even lack the capacity to meet payroll, and they may use lower quality healthcare and retirement plans, leaving workers and their families vulnerable.

As we work to strengthen our City through Charter revision, the following proposals are critical to ensure our dollars are used wisely and to ensure that our City's subcontracted building service jobs are good, family-sustaining jobs.

Uniformity and High Standards in Subcontracted Security Work

Currently, not all government spending on the City's subcontracted security work is held to the same uniform high standard. However, we believe firmly that it should be in order to ensure quality security services. The Charter should be amended to require that the DCAS is the lead agency to procure all security services required by agencies. Additionally, the Charter should require that all security procurements are issued through RFP's with good job standards. All security contracts should include minimum training requirements of 40 hour enhanced security training with an annual refresher. All security solicitations should include meaningful capacity and experience requirements as well as clear indication of intent and ability to comply with prevailing wage requirements and other job standards. This should be the policy and not low bid contracting.

Additionally, when purchasing off the DCAS master contract, agencies should be subject to transparency and accountability requirements.

City Reimbursements

When non-governmental entities – such as non-public schools, city funded private homeless shelters, and other entities – receive reimbursements for security service contracts, those contracts should be held to the same standards of accountability with respect to capacity, qualifications, responsibility and compliance with job standards and city contracts. Ideally, the non-governmental entities should be required to purchase off the DCAS master contract. Alternatively, they should be required to follow a similarly vigorous vetting standards and the spending should be subject to careful monitoring and accountability standards. There should be an ongoing expectation that all such jobs should have prevailing wage requirements.

City Council Review of Certain Contracts

Some jurisdictions require City Council approval of certain subcontracted services. For example, in Washington D.C., Council review is required before the award of a multiyear contract or a contract in excess of \$1 million during a 12-month period D.C. Code § 2-352.02. In order to ensure adequate oversight of subcontracted security services, the Charter should be amended to require City Council approval of security contracts at an appropriate designated threshold.

Additional Seats on the PBB:

Currently, there are 5 members on the Procurement Policy Board (PBB). Three of the seats are appointed by the Mayor and two seats are appointed by the Comptroller. We recommend the Commissions explore adding seats to the PBB in order to give Council a voice on the Board. This will ensure that a broader range of stakeholders have deeper engagement in the full life-cycle of our City's procurement process.

On behalf of the union I offer the Commission our fullest commitment to further engage on these issues and to be an active participant in conversations around the procurement of building service jobs. As a union, we are dedicated to ensuring the best use of city dollars to ensure quality services and the creation of good jobs.

It is important that we take this opportunity to shape the City's laws and institutions of government to ensure they are functioning for working families.

Thank you again for the opportunity to testify here this evening. If you have any questions about the specifics our proposals I am happy to take questions or follow up with further details.

UNITED STATES FOURTH CONTINENTAL CONGRESS

US4CC classification: public notice

September 17, 2018

Brooklyn Public Hearing
Charter 2019 NYC Revision Commission

Chairman Benjamin and Members of the 2019 New York City Charter
Revision Commission;

Thank you for this opportunity to present what I am very confident is going to be the best proposal for the New York City Charter that you will encounter during your preliminary round of public presentations.

The entire New York City Charter needs to be reordered from beginning to end. The system is disorganized and any effective adjustment has the potential to adversely affect another area of the government that was not foreseen, because of the lack of order in the charter's design. Research and development of my revolutionary ideas leads me to recognize that government charters are somewhat like computer programs, and that they need to be created with a format and built-up using strict language and syntax structure.

Although, our founding fathers were more sophisticated intellectuals than then their contemporaries, and subsequent generations of politicians and statesmen have tried to adjust the charters towards a more just organization of the government; ultimately, they did not have the necessary technology. They only had one simple formula to work with, and although, it accurately divides the government into the three parts, what they did not have was a formula for the subsequent divisions of those three parts; and subsequently, what we have now is a semi-chaotic mess politely referred to as "political gridlock," that trickles down in the forms of corruption, hypocrisy, hysteria, frustration, criminality, and violence. Although, we enjoy a better standard of living than most others, we maintain a skewed aversion to the approach to social justice and tranquility.

The last six months of charter revision hearings has revealed that most of the citizens are apathetic, otherwise, the hearings would have made headlines. The unfiltered testimony that has been presented at the hearings reveals that some citizens are motivated, but oblivious to the underlying reason for these public hearings – you are looking for solutions in the form of directive systems that can be inserted into the charter. That would make your job much easier. Problem is the average lawyer, much less the average citizen, doesn't seem to understand that need.

It is a poorly understood process, and nothing like our romantic legends of American History that only reveal the highlights

The guide that is published by the state for revising city charters provides a decent outline of a charter, but the guide does not direct the commissions as to how to build the systems of directives that make up the content of a charter. And basically, that leaves the revision commissions in a state of wonderment as to how is this all going to work???

UNITED STATES FOURTH CONTINENTAL CONGRESS

US4CC classification: public notice

September 17, 2018

Although, I have no formal background in government, I have designed a charter that is a much better guide than the state guide. My charter provides an outline similar to the state guide, and it guides the commission to make rules for organizing a charter convention that builds the content of the outline using the citizens to do a lot of the work.

I figured it all out, and I have been developing this system over the past ten years, and it can be referred to as the Brooklyn_Plan.

The Brooklyn_Plan organizes a convention, which is a test run of the legislative system to advance the charter to serviceability.

The Brooklyn_Plan lists the charter into seven acts of convention and corresponding partitions of civil law, that are litigated in six convention-courts.

act 0: preamble	state/sovereignty court	procedure law
act 1: glossary	state/sovereignty court	sovereignty law
act 2: operations	martial court	martial law
act 3: civil rights	civil court	diplomacy law
act 4: electoral system	commerce court	commerce law
act 5: finance system	trust court	trust law
act 6: documentation system	property court	property law

If the Brooklyn_Plan is commissioned, the Revision Commission is the foundation of the state/sovereignty court and is tasked with writing the procedure rules, and gathering delegates to exercise those rules to advance the charter to serviceability. The New York City Charter Convention should have a preference for bilingual delegates.

The New York City Charter Convention series will require the approximate delegate billets:

- 1 convention leader
- 6 court supervisors
- 258 jurors
- lots of litigation attorneys
- 258 notary attorneys
- New York State Court level of security

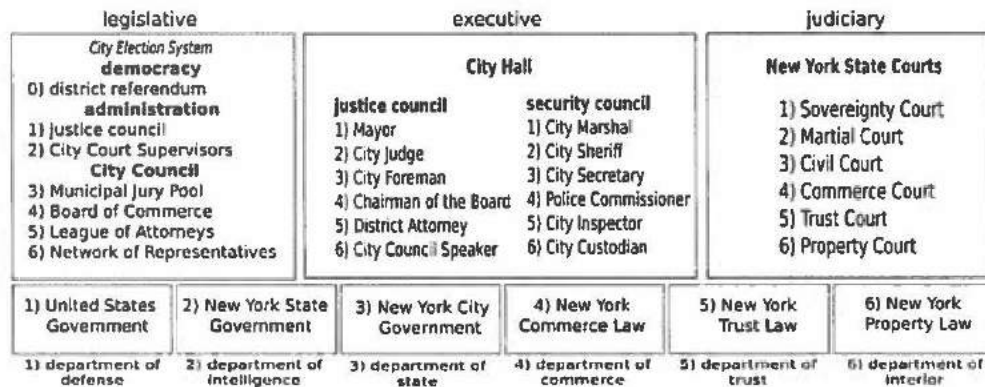
UNITED STATES FOURTH CONTINENTAL CONGRESS

US4CC classification: public notice

September 17, 2018

The anticipated government has a structure that can be compared to our traditional visual guide of a three-part government.

Brooklyn_Plan



The New York City Council (network) will have multiple levels of representatives to serve the needs of the people at the most local level necessary;

- The six senior members of the City Council will have city, state, and federal legislature constituency when the entities adopt the formatted system. The senior members will probably favor candidates from the pool of senior management officials in the security departments.
- The traditional City Council seats will have city and state legislature constituency, and will probably be assigned middle management duties in the security departments.
- The Community Board Officer seats will have city legislature constituency, and probably local management duties in the security departments
- Community Board members will probably be required to have a state notary license, labor union membership, and required to attend a minimum number of Community Board meetings before being allowed to address the Board, and then further requirements for being allowed to vote on city legislation and introduce charges of infractions – civilian review.

The league of attorneys will be formulated by state and municipal court qualification standards that are defined in convention and ratified by a district referendum.

The board of commerce will be formulated by qualification standards that are defined in convention and ratified by a district referendum.

The jury system will probably have a demarcation standard corresponding to the partition of law that is litigated in the corresponding court - qualification standards that are to be defined in convention and ratified by a district referendum.

UNITED STATES FOURTH CONTINENTAL CONGRESS

US4CC classification: public notice

September 17, 2018

The court supervisors qualification standards will be defined in convention and ratified by a district referendum.

The mayor will probably be the only city-wide election, and any qualification standards that are defined in convention and ratified by a district referendum.

I am very confident that the Brooklyn_Plan is a well done charter layout. It is a different layout, and it will require a couple of indoctrination sessions to exorcise the dependence on the rules of the erroneous subsisting system that guides our understanding of government electoral processes and operations.

The Revision Commission is the state/sovereignty jury, the Chairman is the foreman of the jury, and essentially, the leader of the convention until retirement, appointment to another billet, or removed for incompetence; as are all members of the convention, in accordance with the corresponding convention billet subsection rules of Article 021: request for convention judiciary.

If this is not the proper approach to eliminate corruption, then the exercise of deliberating the design will lead the Revision Commission to the more just government design.

In parting, if I were to provide the simplest recommendation to help the Commission target its general mission to fix the New York City Charter, then I would suggest that the commission make arrangements with the State Court to interview and deliberate any advanced knowledge from any citizen for the better organization of the City of New York. And, with that I would organize these public hearings using a high profile celebrity who has issued a public statement condemning government procedures, and then a couple of politicians can be interviewed for their suggestions; and then bring in the respectable scholars teaching or residing in the Five Boroughs. This will improve public participation in the process, and make the hearing much more bearable for the Commissioners, and will not oppress the ideas of the novice political activists; although, they can be permitted with floor time if they insist – just keep the court running 24/7.

Because I have written a charter, myself, I am a fountain of ideas as to how to get the process going with a commission of people who are determined to try anything to get to putting together a charter that is going to make a difference.

Thank you for this honor to present the Brooklyn_Plan on this day, September 17, in this, the 393rd year of the incorporation of New York, and the 242nd year of the Independence of the United States.

Brooklyn_Plan

legislative

executive

judiciary

City Election System

democracy

0) district referendum

administration

1) justice council

2) City Court Supervisors

City Council

3) Municipal Jury Pool

4) Board of Commerce

5) League of Attorneys

6) Network of Representatives

City Hall

justice council

1) Mayor

2) City Judge

3) City Foreman

4) Chairman of the Board

5) District Attorney

6) City Council Speaker

security council

1) City Marshal

2) City Sheriff

3) City Secretary

4) Police Commissioner

5) City Inspector

6) City Custodian

New York State Courts

1) Sovereignty Court

2) Martial Court

3) Civil Court

4) Commerce Court

5) Trust Court

6) Property Court

1) United States
Government

2) New York State
Government

3) New York City
Government

4) New York
Commerce Law

5) New York
Trust Law

6) New York
Property Law

1) department of
defense

2) department of
intelligence

3) department of
state

4) department of
commerce

5) department of
trust

6) department of
interior

UNITED STATES FOURTH CONTINENTAL CONGRESS

Brooklyn_Plan for the Reformation of the New York City Government



NYC



**I ♥
NY**

Secular Library Publications

September 2018

Preamble

Submitted to the People of the State of New York:

General Procedures for the Reordering of the New York City Municipal Charter.

Article 000: greeting

The intention of this publication is to commence the deliberations for a formatted chartering system for the City of New York. The subsequent format will then be campaigned for use by the sibling municipalities, the State of New York, and then the federal and international governing systems, in anticipation of delivering world peace.

This greeting article is divided into six introductory sections:

- § 000.1: introduction to the general problems with the subsisting charter systems
- § 000.2: corrective aspects of the anticipated system
- § 000.3: New York City Charter Convention
- § 000.4: New York State Constitutional Convention
- § 000.5: federal conventions
- § 000.6: transition security

§ 000.1: introduction

There is a legend that suggests, "... as New York City goes, so goes the rest of the world." Although, corruption and inefficient government are not unique or originating from New York City, the People of the City should not avoid the opportunity and responsibility to lead the United States and the world in the reliable reordering process of government charters using the modern technology that previous generations were not privileged to exercise.

Corruption, and the subsequent social problems, that the nation is enduring are due to obscure errors in the antiquated organizational systems of the civil institutions. The government entities are all faulty, because the systems lack a reliable game theory for organizing peer groups and graduating arguments concerning the regulation of social activities and commercial enterprise.

Competent review of any of the contemporary charters that comprise our multiple levels of government will reveal that the charters are inconsistently organized and contain rambling passages that, consequently, explain why other nations cannot replicate the governing system that we know and trust, and illustrates how our sophist legal practitioners and corporate entities exploit the ambiguous terms and obscure inadequacies.

Corruption is not symptomatic of nefarious persons manipulating an altruistic just governing system; but rather, it is symptomatic of nefarious persons manipulating a perpetually faulty system. Perpetual corruption is ultimately symptomatic of an inadequate separation and coordination of the government responsibilities.

The only way to correct the establishment, "change Washington," and "drain the swamp;" will require a complete overhaul of the rules that organize and guide the establishment. The proper procedure, for what will be a peaceful

revolution, is an orderly and public convention-court system processing a published charter candidate to reorder the organization of the government. Improved office qualifications, term limits, and the various proposed amendments to the subsisting system will not lead to the orderly government that their advocates campaign.

Office qualifications will only be reliable upon a complete audit of the government to assign the correct qualification scheme to the entire hierarchy of responsibilities. Office qualifications for the president are not going to fix the problems in the legislatures, the courts, and the state and municipal systems that lead us to question the competency of the president. All government offices will have to be evaluated and appropriately adjusted. The missions, powers, and responsibilities, all have to be aligned and coordinated with much more precision than what was possible to do in previous generations.

Term limits is a false correction based on the incomplete assumption that corruption is borne of senior elitism. Term limits inevitably create the “lame duck” dilemma, a tremendous pension budget, and fail to resolve the inaccurate representation of diverse districts. The New York City two-term limit has led to an inadequate City Council, because good leadership is forced out, leaving nobody who knows how to write legislation, and the constituents are unable to keep track of who their representatives are because the frequent change-over, which leads to the suspicion that the Council is a handsomely paid once-or-twice-a-week job. Our experience with term limits on the presidency has revealed the problem of partisan layover of bureaucrats subverting the succeeding administration as they await the return of their partisan powers for loftier pensions – there is no reason to not suspect the same of the state and municipal governments.

Multi-amendment systems will not work either, because the subsisting charters are dedicated to an inefficient electoral system, an inadequate bicameral legislature, a crony executive administration, riddled in an unformulated system, and muddled with erroneous modifications from bygone eras of sophistication. Consequently, the charters cannot be corrected to properly administer justice that we envision for the approach to social justice and diverse tranquility. Previous generations did not know how to reorder the charters, because of a lack of technology, manpower, and the legendary theory that an amendable charter would tend to lead to its proper corrections. Although, the general aspect of this theory appears to be valid; the amendments necessary for the proper division of a limited government, necessary for the self-correcting function to work, cannot be composed with the unformulated and antiquated electoral and bureaucratic systems prescribed in the subsisting charters.

The incomplete game theory of “checks and balances” are “hardwired” by the outline of the charters (table of contents), and the elimination of the exploitable inadequacies cannot be accomplished without reordering the acts, articles, and sections of the charters into a reliable order necessary for the cross-referencing of the balance of powers and responsibilities of the legislatures, security divisions, offices, and courts – the all inclusive “grid,” in “political gridlock.” At best, under the subsisting charter system, the approach to

eliminating corruption and legislative gridlock will require a complex system of reconstruction amendments in the three levels of government, and will still be inadequate, because of the convoluted terms necessary for rigging “circular pegs for square holes” on a simple three part function table, instead of a more accurately formatted three-dimensional function cube.

Systemic biases can only be exercised by auditing the reliability of the governments; but the problem is that a charter format is needed for the audit, and that can only be accomplished by the generation of a reliable format at a convention. If there were such a format, then all of the state constitutions would be aligned with the format, and the State Department would be trading it with the under-developed nations.

There is no reliable way of contrasting the effectiveness of the district charters. The entire United States chartering system is a mess - no two charters are alike in formatting, or dialectics, by which we could audit the charter characteristics for the detailed analysis necessary for such evaluations. The only “check and balance” for detecting, and avoiding the adverse intrusion of faulty government (charters) was eliminated by the Seventeenth Amendment to the federal constitution. The original state legislature representation in the federal senate was a mediocre check and balance to begin with, and the adjustment of popular elections has only served to hide the underlying problem of faulty government organization, and has introduced new inadequacies that are exploited by nefarious politicians.

The limiting of House seats to 435 was a detrimental rerouting of the founder’s noble intentions to represent social diversity. Gerrymandering of representative districts was a result of not understanding the possible proportional elections schemes, and then putting the scheme into script – very difficult and lengthy. The founders and subsequent generations were very limited in their abilities to organize and edit the charters. Where as, we have the advanced technology and sophistication to properly deliberate and schedule the adoption of the possible schemes.

The original design was flawed, because of the primitive communications that they had to work with in 1787. If they had what we have today, then they would have organized a network of the municipalities for the House of Representatives, and a network of the state legislatures for the federal senate.

... And it would still be flawed, because the executive security divisions and legislatures need to be aligned to properly separate and delegate the responsibilities and powers of a just government; which requires sophisticated manpower that was not necessary until the post-modern era of criminal prosecution.

The subsisting system is an irregular operation and needs to be replaced with contemporary technology to better serve the more sophisticated and diverse society that the nation has evolved to. Anything other than a complete overhaul of the charter system maintains corruption and gridlock, and the subsequent trickle down effects of the irrational deliberation of the political and social issues that lead to hypocrisy, hysteria, violence, and criminality.

The modern reordering process will be orderly in contrast to our legends of

secret and uncontrollable conventions. The process will not happen over-night. No convention is going to be convened without a published charter candidate being available for public review. Conventions will be supervised by the state court system. Charters will not be enforced until an adoption assembly and commission orders are issued by the inaugural leadership, which will be preceded by a court validation hearing and district referendum schedule.

The New York City and New York State governing systems are infamously known throughout the world for being corrupt. Yes, there are other corrupt municipalities in other corrupt states; but the culture of New York City also has a legend describing the convergence of sophistication, and therefore, the City should be inclined to lead in the endeavor to generate an incorruptible charter system, and not wait for another community of less stature to be celebrated as the lead municipality.

Arguments to the favor of maintaining the subsisting system will be a waste of court time, professional effort, and tax money.

§ 000.2: general system

The Brooklyn_Plan is also, most likely, the adequate guide for the future transition to a true democracy using election robots to compile the voting. It will not be possible to defend the subsisting charter system as being adequate to achieve such an ambition. Ultimately, we have to organize the perfectly efficient human representative governing system that will competently administrate justice before we have the ability to order a true democracy.

The Brooklyn_Plan is designed with a reliable collation format to efficiently organize a six-part separation of the government entities and all of the possible details that political whiners, altruistic lawyers, and brilliant citizens, may contest. This format will make the charters more orderly for the average citizens to understand, and detrimental to the nefarious legal practitioners who exploit the ambiguous, chaotic, superfluous, or otherwise, inadequate aspects of the subsisting charters and legal code systems.

The designations of the assemblies, officers, offices, and departments, are elements that are salvageable and applied to an improved system. The president will be the president, the governors will be the governors, and the mayors will be the mayors; although with less powers and perks, because of the redistribution of the powers. Most notably, the appointment of crony bureaucrats will, essentially, be eliminated, because the powers are redistributed to the leadership of six parts of the electoral college, which are independently organized, assigned specific partitions of law to guard, and assigned corresponding security divisions to supervise.

US4CC Government Organizational Plan

legislative		executive		judiciary	
electoral college democracy 0) district referendum administration 1) justice council 2) court supervisors legislatures 3) senate of jurors 4) board of commerce 5) league of attorneys 6) network of representatives		administration justice council 1) executive 2) chief justice 3) jury foreman 4) chairman of the board 5) attorney general 6) network speaker security council 1) commander 2) director 3) ambassador 4) commissioner 5) inspector 6) custodian		courts 1) sovereignty court 2) martial court 3) civil court 4) commerce court 5) trust court 6) property court	
1) federal government	2) state government	3) local government	4) commerce law	5) trust law	6) property law
1) department of defense	2) department of intelligence	3) department of state	4) department of commerce	5) department of trust	6) department of interior

The conversion to the New York City Government:

Brooklyn_Plan

legislative		executive		judiciary	
City Election System democracy 0) district referendum administration 1) justice council 2) City Court Supervisors City Council 3) Municipal Jury Pool 4) Board of Commerce 5) League of Attorneys 6) Network of Representatives		City Hall justice council 1) Mayor 2) City Judge 3) City Foreman 4) Chairman of the Board 5) District Attorney 6) City Council Speaker security council 1) City Marshal 2) City Sheriff 3) City Secretary 4) Police Commissioner 5) City Inspector 6) City Custodian		New York State Courts 1) Sovereignty Court 2) Martial Court 3) Civil Court 4) Commerce Court 5) Trust Court 6) Property Court	
1) United States Government	2) New York State Government	3) New York City Government	4) New York Commerce Law	5) New York Trust Law	6) New York Property Law
1) department of defense	2) department of intelligence	3) department of state	4) department of commerce	5) department of trust	6) department of interior

The most noticeable adjustment deployed by the Brooklyn_Plan will be the sophisticated electoral college of popular democracy, administration, and four legislative assemblies assigned to guard respective four partitions of civil law, and subsequently, the correlating security divisions of overlapping responsibilities. This system will be much more “transparent” than the subsisting bicameral congress of ambiguous legislative powers and inconsistent committees, simply because it establishes all of the divisions in coordination with the legislatures, committees, and appointment processes prior to the charters’ adoptions – a new system that will be observed by a more sophisticated and observant citizenry.

The administration is comprised of the leaders of the subsequent organized assemblies that comprise the electoral college, and the leaders of the security divisions.

The court supervisors will probably be seated by the respective juries that correlate with the partitions of law. Although, the court supervisors are second in the line of the electoral college, they are obligated to refer to the senate of jurors for making decisions.

The municipal jury will consist of the state jurists, and/or best legal scholars the municipality can commission, to do the job of deliberating the legislative

and appeals litigation of the three other legislative bodies and martial court. The state senates of jurists will assign the federal senate seats, who will do federal appeals and assign ambassador billets to embassies.

The board of commerce will be responsible for commerce legislation, and the flow of court dockets, as the grand jury. The states will have a board of the mayors supplemented by the municipal commerce commissioners, and the federal government will have a board of governors supplemented by the state commerce commissioners.

The league of attorneys will be responsible for litigation assignments, fiduciary legislation, and subsequently responsible for the orderly procedures of the treasury's comptroller and forensic offices. The league of attorneys should not be responsible for criminal correction, that should be assigned to the responsibilities of the interior and network of representatives. The league of attorneys is however allowed to make recommendations and possibly submit legislative adjustments to the electoral college; as are, the governors, mayors, senators, and citizens.

Property legislation, social services, and the interior, will be the responsibility of the network of representatives who will reside in their constituent districts, and not the central government districts.

The implementation of the improved and reliable communications network that we have today, that they did not have when the subsisting system was established, will be better noticed with the federal and state representatives who will be members of the municipal councils, allowing them to work from their local districts more competently efficient than that of the "inertia problems" encountered of the central government representative legislatures. All municipalities will have a minimum of six council members who will also participate in the state and federal legislatures when those systems are upgraded to the format. The municipalities can supplement their state representation up to 36 representatives, dependent on state population regulations; and supplement the local representation of unlimited representatives for neighborhood boards, etc., depending on local needs – the approach to a true democracy.

The Brooklyn_Plan orders charters into seven acts of convention, including this preamble (Act 0: preamble). The preamble is more than a greeting and mission statement - it groups a robust series of introductory articles describing the system and detailing the identity of the municipality. Articles 001 through Article 006, and subsections, are descriptions of the state of the municipality. Essentially, this is the area for listing grievances. The State of the City is recorded in the charter for future evaluations, so as, to determine if the adopted charter has correctly served the intentions of New York City.

Articles 010 through Article 016 describe the corrective intentions of the charter. The articles cover the descriptions of the convention, the subsequent government operations, civil rights, electoral system, finance system, and documentation system.

Articles 020 through Article 026 format a six-court convention and presumptive adoption schedule. The convention is a test run of the legislative system, as the delegates are charged with improving and detailing the seven acts

of the convention document to an acceptable level of detail necessary for the orderly transition of the subsequent government. There will be a validation assembly signifying that the convention has competently improved the charter for serviceability and that the delegates are prepared to campaign the charter valedictorian for a public referendum and subsequent inauguration sequence.

Articles 030 through Article 036 define the designations for New York City (flags, anthems, trademarks, copyrights).

Articles 040 through Article 046 define the various missions for New York City.

Articles 050 through Article 056 define the citizenry for New York City.

Articles 060 through Article 066 define the commemorations for New York City.

There are no articles with numerals 7, 8, or 9, because a base 7 outline style guide is deployed for the primary ordering of the charter. This has to do with the collation theory that is exercised in the ordering of the legal code. This will be further explained in Article 016: description of the documentation act.

This format template is not to be considered complete, or free from errors. All aspects of this template, except for the abridged licensing agreement with the Secular Library, are negotiable, and it is the responsibility of the convention process to stabilize any derivative document to serviceability for the intended government entity. Updates for the SLCS.US4CC.NYC.Brooklyn_Plan may be obtained at the us4cc.info or secularlibrary.com websites.

If it is possible to reorder the government without adversely disrupting the daily routine of the subsisting system – let us try it. It cannot hurt to try and make this a better society and world.

Arguments intended to correct any errors in the grievances will be categorized and considered for deliberation in the preparation of the anticipated New York City Municipal Charter.

§ 000.3: New York City

The anticipated New York City Municipal Charter Convention will be an historical event with fanfare and celebrations. Only the most respectable people of New York City will be gathered to debate and deliberate the improvements and details of the Brooklyn_Plan for the future governing of the economic and cultural activities of the City. The visionary objective is for teams of lawyers, economists, and intellectuals, to improve this plan to a reliable format for all levels of government. The first attorney, or team of attorneys, to accomplish such a goal will probably be awarded the Nobel Peace Prize, because such a template is what developing countries need to lead their communities to the modern sophisticated standards that responsible and benevolent New York City citizens sincerely want for the poverty stricken regions of the world.

The primary objective of charter conventions is to correct the traditional three parts; executive security divisions, court procedures, and the electoral-representation-legislative-oversight system. The secondary objective of the convention series is to deliberate the unresolved social stratification issues that we endure. Because the conventions are certain to be the focus of attention, the municipal conventions will serve as the first graduation level for issues of “constitutional rights.”

The New York City Municipal Charter Convention will commence in a state court of jurors with complimentary expertise in fields of knowledge not to exclude law, corporate structures, economic systems, and communication methods; and determined to advance a charter candidate to its just conclusion. This state jury will be alternate to the convention sovereignty jury and is responsible for enacting the convention rules and ordering any necessary legislation prompts for the surrogate courts of the convention.

act 0: preamble	state/sovereignty court	procedure law
act 1: glossary	state/sovereignty court	sovereignty law
act 2: operations	martial court	martial law
act 3: civil rights	civil court	diplomacy law
act 4: electoral system	commerce court	commerce law
act 5: finance system	trust court	trust law
act 6: documentation system	property court	property law

The New York City Municipal Charter Convention will advance from the state court by the schedule of a three court convention of the sovereignty, martial, and civil courts to review and advance the charter under specific constraints issued by the state/sovereignty court. The convention will issue a report on the process and possible recommendations for further convention trials and anticipated adoption schedule.

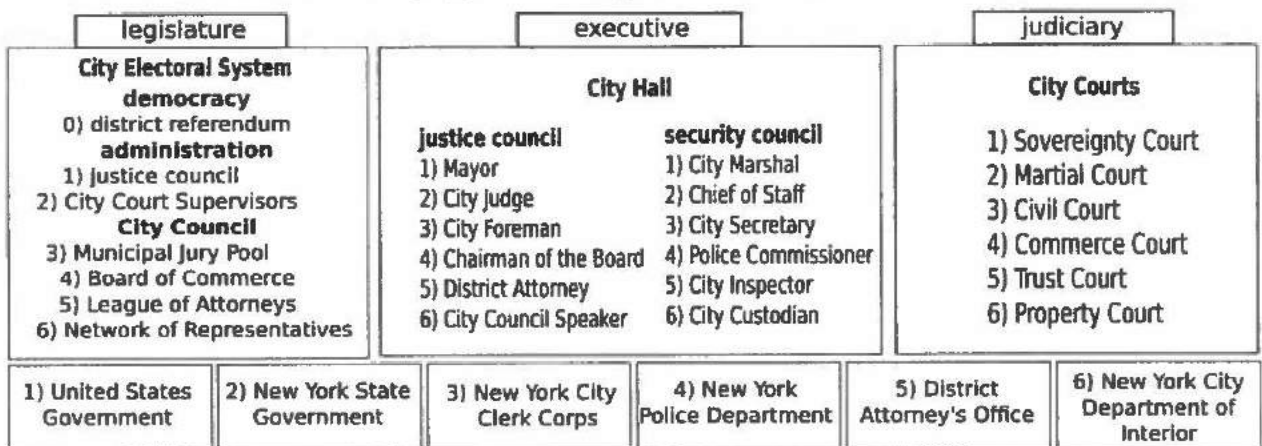
The New York City Municipal Charter Convention will ultimately have six courts deliberating the seven acts of convention and subsequent seven partitions of civil law. The convention will require the approximate delegate billets:

- 1 convention leader
- 6 court supervisors

- 258 jurors
- lots of litigation attorneys
- 258 notary attorneys
- highest level of security

The anticipated government has a structure that can be compared to our traditional visual guide of a three-part government.

US4CC.Brooklyn_Plan.City_Operations_Chart.18.09.17



The New York City Council (network) will have multiple levels of representatives to serve the needs of the people at the most local level necessary;

- The six senior members of the City Council will have city, state, and federal legislature constituency when the entities adopt the formatted system. The senior members will probably favor candidates from the pool of senior management officials in the security departments.
- The traditional City Council seats will have city and state legislature constituency, and will probably be assigned middle management duties in the security departments.
- The Community Board Officer seats will have city legislature constituency, and probably local management duties in the security departments
- Community Board members will probably be required to have a state notary license, labor union membership, and required to attend a minimum number of Community Board meetings before being allowed to address the Board, and then further requirements for being allowed to vote on city legislation and introduce charges of infractions – civilian review.

The league of attorneys will be formulated by state and municipal court qualification standards that are defined in convention and ratified by a district referendum.

The board of commerce will be formulated by qualification standards that are defined in convention and ratified by a district referendum.

The jury system will probably have a demarcation standard corresponding to the partition of law that is litigated in the corresponding court - qualification standards that are to be defined in convention and ratified by a district

referendum.

The court supervisors qualification standards will be defined in convention and ratified by a district referendum.

The mayor will probably be the only city-wide election, and any qualification standards that are defined in convention and ratified by a district referendum.

Public and private organizations, as well as, individuals, are welcome to advance a format, and lead it to its convention and its expected daily routine of the municipal services. In any situation, the mayor and city offices will not be subject to anything other than an orderly reappointment/decommission procedure following the adoption of the anticipated charter. New York City Council members are encouraged to campaign and participate in the convention, and anticipate the decommission of the subsisting Council at the adoption ceremony of the anticipated municipal charter. All New York City residents, and representatives in the federal, state, and municipal legislatures and employees are eligible to campaign a format charter and apply for delegate duties at the New York City Charter Convention exercising the Brooklyn_Plan format.

Competent legislators should want to participate in their respective municipal charter convention, because the convention series is expected to be a much more rewarding experience than any subsisting legislature, because of its underlying mission to the better approach to social justice and world peace.

The New York City Municipal Charter Convention will be expected to fulfill the ambition of relieving the language translation problems that are encountered in the approach to organizing just government for a diverse world, because New York City has maintained a legendary policy-mission of serving multi-language/culture society, and that mission is affirmed by the installation of the United Nations Court Complex. The convention should have as many bilingual attorney teams, competently representing as many languages, as possible, in an effort to guide the drafting of a universal charter format for all cultures to advance the sophistication and economies of all societies.

Further details for a municipal convention are described in Article 011.3: municipal convention brief, and Article 020: New York City Municipal Charter Convention.

§ 000.4: New York

The preliminary New York State step is the gathering of delegates from different municipalities. Such gatherings can be accompanied by fanfare in a manner consistent with an New York legend of such a similar gathering.

In any situation, the governor, mayors, federal senators and representatives, state and municipal officers, will not be subject to anything other than an orderly reappointment or decommission procedure following the adoption of the new state constitution and constituent municipal charters. All subsisting federal and state legislators, officers, and employees, are eligible to participate in the municipal conventions of their native, or current residency.

It is recommended that smaller municipalities consider cooperating with other municipalities, in organizing conventions, in an effort to gather the

judicial experts (delegates) necessary for the competent review of law, so as, to advance their anticipated charters more efficiently. Subsequently, such activity is inherently the commencement of the state convention series; as such, they are aligning a charter format, which subsequently, multiplies their advantage in the state and federal contests for advancing a reliable format.

Further details for a state convention are described in Article 011.4: state convention description.

§ 000.5: federal

The preliminary federal step is the gathering of delegates from different states. Such gatherings can be accompanied by fanfare in a manner consistent with an American legend of such a similar gathering. There are several legends associated with New York City – the Stamp Act Congress and Staten Island Peace Conference.

The fanfare should compel the formation of several more commemorative gatherings, ultimately, leading to the United States Fourth Continental Congress upon the gathering of delegates from thirteen formatted states as set by the precedent of the 1787 Philadelphia Convention; necessary for securing the, “United States,” designation.

It should be possible to have three such congresses formed with the present 50 states, each further titled with descriptions identifying the significance of the gathering of state delegates. It is also possible that four such congresses may be formed by disregarding the precedent. There are other possible scenarios, such as, the partitioning of states into more accurate commerce hubs. United States Territories are welcome to commence the deliberations of a format and form an alliance structure, and campaign the format for national reformation.

Reasonable and creative solutions will emerge. The primary objective is to stabilize government operations with more definite descriptions, so everyone is on the same page (establishing trust in the system) when it comes to the secondary objective to deliberate the social stratification issues that we endure.

Because the convention sessions are certain to be the focus of mass attention, municipal and state conventions will serve as the graduation venues for issues of the national conversation concerning civil rights, and possibly the indictment of federal administrators. The exercise of a three-level charter convention series will compile the best ideas for legislative enactment upon the commencement of the anticipated government entities. The anticipated government will be more trustworthy to uphold the civil rights and possible indictments, because of the participation and contributions of the more sophisticated and diverse people that the founders and subsequent generations could not gather.

Further details for a federal convention are described in Article 011.5: federal convention description.

§ 000.6: security

United States Medal of Honor recipients, Nobel Laureates, and leaders of foreign and domestic sibling municipalities, will be welcome to attend the New York City Municipal Charter Convention upon compliance with convention security.

Commercial reporters will be permitted gallery space regulated by the New York City Municipal Charter Convention Leader, established building ordinances, and convention security.

Public attendance will be regulated by the New York City Municipal Charter Convention Leader, delegate sponsorship, established building ordinances, and convention security – relatively few spectators will be permitted to attend the litigation sessions. All civil protests, and contests, must be registered with the New York Police Department identifying all necessary aspects of the civil assembly or artistic demonstration. Marching routes will be scheduled by the permits issued from the NYPD to accommodate emergency and motorcade routes.

All federal, state, and municipal security agencies are responsible for the continuation of their missions to protect the United States from foreign invasion and domestic disorderliness during the reconstitution process; and officers are to be confident that the obvious intentions of the security missions will not be altered by the terminology of any new charter. All federal, state, and municipal appointments are responsible for their watches until properly relieved by the appointment process described in the succeeding charters. Prosecution of criminal law retains its responsibility to protect the citizens during the transition. The New York State Courts and Code will not incur any adverse disruption of service during the transition, because new charters are initiated to correct the inadequacies of the electoral, legislative, and bureaucracy systems, and not the regulatory and criminal laws that are "already on the books."

All evidence of interference, including vandalism of documents necessary for the secure transition of the government, will be investigated and prosecuted as appropriate with subsisting state and federal law. All officials, past and present, contemplating their liability for their acts during the former administrations are advised to seek legal counsel. Unlike the former government, prosecution of law will be correctly diversified from factional governing, and will be able to process the workload unencumbered by any personal prejudice, political bias, or ethnic discrimination - the succeeding government will prosecute any and all crimes committed against the orderly progression of the United States' approach to Justice.

All records of petitioned and validated charters are to be properly archived by the New York State Courts until secured by the succeeding federal government.

Articles of the Preamble

Preamble.....	2
Article 000: greeting.....	2
Article 001: sovereignty of New York City.....	16
Article 002: state of justice.....	17
Article 003: state of diplomacy.....	20
Article 004: state of commerce.....	22
Article 005: state of trust.....	23
Article 006: state of property.....	24
Article 010: reformation description.....	25
Article 011: description of the convention series.....	25
Article 012: description of the anticipated government operations.....	35
Article 013: description of the civil rights act.....	37
Article 014: description of the electoral system.....	37
Article 015: description of the fiscal system.....	39
Article 016: Description of the SLCS Licensing Agreement.....	41
Article 020: charter conventions.....	48
Article 021: request for judiciary.....	48
Article 022: convention schedule.....	68
Article 023: convention procedure.....	72
Article 024: charter validation.....	77
Article 025: charter ratification.....	77
Article 026: charter adoption.....	77
Article 030: designations.....	79
Article 031: formal designation.....	79
Article 032: designations related to justice.....	79
Article 033: designations related to diplomacy.....	79
Article 034: designations related to commerce.....	79
Article 035: designations related to trust.....	79
Article 036: designations related to the interior.....	79
Article 040: missions.....	79
Article 041: legend of animation.....	79
Article 042: anecdotes of justice.....	79
Article 043: anecdotes of diplomacy.....	80
Article 044: anecdotes of commerce.....	80
Article 045: anecdotes of trust.....	80
Article 046: anecdotes of the interior.....	80
Article 050: citizenship.....	80
Article 051: lineage.....	80
Article 052: immigration.....	80
Article 053: diplomatic residency.....	80
Article 054: commercial residency.....	80
Article 055: scholarship residency.....	80
Article 056: tenured residency.....	80
Article 060: commemorations.....	81
Article 061: founders.....	81
Article 062: civic leaders.....	81
Article 063: civil servants.....	81
Article 064: commercial entrepreneurs.....	81
Article 065: scholarship laureates.....	81
Article 066: artistic champions.....	81

Acts of Convention

Preamble.....	2
Article 000: greeting.....	2
Article 010: reformation description.....	25
Article 020: charter conventions.....	48
Article 030: designations.....	79
Article 040: missions.....	79
Article 050: citizenship.....	80
Article 060: commemorations.....	81
Act I. sovereignty.....	82
Article 100: execution.....	82
Article 110: jurisdiction.....	82
Article 120: prosecution.....	83
Article 130: diplomacy.....	83
Article 140: commerce.....	84
Article 150: trust.....	84
Article 160: property.....	85
Act II. justice.....	86
Article 200: security.....	86
Article 210: administration.....	88
Article 220: court.....	89
Article 230: jurisprudence.....	92
Article 240: commerce.....	94
Article 250: trust.....	95
Article 260: property.....	96
Act III. liberty.....	97
Article 300: executive rights.....	97
Article 310: natural rights.....	98
Article 320: legal rights.....	98
Article 330: diplomatic rights.....	98
Article 340: organizational rights.....	98
Article 350: exclusive rights.....	98
Article 360: generational rights.....	98
Act IV. economics.....	99
Article 400: security.....	99
Article 410: administration.....	99
Article 420: court supervisors.....	99
Article 430: senate of jurors.....	100
Article 440: board of commerce.....	100
Article 450: league of attorneys.....	101
Article 460: network of representatives.....	101
Act V. finance.....	102
Article 500: currency.....	102
Article 510: administration.....	102
Article 520: courts.....	102
Article 530: diplomacy.....	102
Article 540: commerce.....	102
Article 550: trust.....	102
Article 560: property.....	102
Act VI. documentation.....	103
Article 600: procedure law.....	103
Article 610: sovereignty law.....	103
Article 620: martial law.....	104
Article 630: diplomacy law.....	104
Article 640: commerce law.....	105
Article 650: trust law.....	105
Article 660: property law.....	105

Article 001: sovereignty of New York City

In the behalf of the People of New York City, the petitioner submits this claim of sovereignty based on the legends and the People's resolve to progress the future of New York City.

§ 001.1: etiology of New York City

The People of New York City claim primitive origins as described in the legend of New York City.

§ 001.2: organization of New York City

The People of New York City claim organizational origins as described in the legend of the evolution of New York City.

§ 001.3: stratification of New York City

The People of New York City claim human origins as described in the legend of the evolution of New York City.

§ 001.4: commerce of New York City

The People of New York City claim commerce origins as described in the legend of the evolution of New York City.

§ 001.5: culture of New York City

The People of New York City claim cultural origins as described in the legend of the evolution of New York City.

§ 001.6: art of New York City

The People of New York City claim artistic origins as described in the legend of the evolution of New York City.

Article 002: state of justice

On the behalf of the People of New York City, the petitioner submits this review of New York City justice.

§ 002.1: description of justice

The petitioner submits this description of known deviations of justice that are incurred by the humble people of the five boroughs prompting this petition to reorder the New York City Charter.

The government that we endure was established for a bygone era of sophistication, social diversity, and communications; and it appears that our national politics seemingly reflects errors in our state and local politics. It is difficult to believe that the founders would not question the evolution of the system that has resulted in opposing national candidates from the same city. Opposing national candidates from New York City that seems to be leading to the impeachment and trial of either one of the politicians, or the national acceptance of corrupt elections in accordance with the legend of Tammany Hall.

And we experienced a similar phenomenon with the former president from Chicago.

§ 002.2: notable technologies

The petitioner submits this list of technology and references for justice.

§ 002.21: sovereignty

undefined

§ 002.22: prosecution

undefined

§ 002.23: diplomacy

undefined

§ 002.24: commerce

undefined

§ 002.25: trust

undefined

§ 002.26: property

undefined

§ 002.3: notable persons

The petitioner submits this list of persons and references to justice.

Previous generations did not have the technology to organize government correctly. They were further flawed by being in the box of the erroneous system, and some were corrupt, and others were just naive.