



The New York City Council
Progressive Caucus

Testimony to the New York City Charter Revision Commission by Council Member Adams

Queens Public Hearing on September 20, 2018

Introduction

Good evening members of the Charter Revision Commission. My name is Council Member Adrienne Adams, and I am a lifelong resident and city representative from southeast Queens. I am a (new) Member of the City Council's Progressive Caucus, and I will be testifying on their behalf. In this testimony, I will be focusing on the city's land use powers and process, specifically on why the City needs a comprehensive plan with a real fair share analysis, an independent City Planning Commission, and a better, more transparent and accountable way to engage communities. This issue is a priority for the 22 members of our Caucus, who represent districts across the five boroughs of New York City.

Opposition to recent rezonings have made it clear; New Yorkers are unhappy about the City's current land use process. The current system frustrates community members, grassroots organizers, elected officials and planners alike. This is because the City's approach to planning is basically reactive. Without a larger city-wide plan in place, we react to private developments, natural disasters, school seats, homelessness, and other important infrastructure needs randomly.

As an elected official from southeast Queens, I can tell you from my experience. The status quo of ad-hoc planning is just not working. Communities like mine have bore the brunt of the lack of fair share in our city planning. We need a larger vision, one based on our short- and long- term



needs. We need a larger vision based on equity. A vision in which low-income communities do not have to solely bear the brunt of the City's every housing or infrastructure need. We need envision a land use process where communities are empowered and the *equitable* distribution of City resources, facilities and new development is prioritized.

As a first step, I will share five guiding principles that reflect the Caucus's values and will drive the development of our recommendations moving forward:

- **Equity and fairness**, to ensure that all communities are doing their fair share and have access to affordable housing, services and amenities, and a healthy environment;
- **Proactive and responsive plans**, that account for the housing needs of this growing city as well as existing conditions and infrastructure needs;
- **Inclusive engagement**, to ensure all New Yorkers have a voice in land use decisions, regardless of language, age, income, ability, gender, religion, race, and ethnicity
- **Resiliency and sustainability**, to guard against the future impacts of natural disasters and climate change;
- **Transparency and accountability**, to ensure that New Yorkers understand how and why decisions are made, how to participate, and how those decisions affect will them.

Recommendations



Guided by these principles, the Progressive Caucus is working with our community partners to develop specific recommendations to achieve the following three goals:

- 1) Create a comprehensive planning framework that includes a fair-share analysis
- 2) Make the City Planning Commission independent and create a long-term planning office
- 3) Empower communities to engage in decisions before, during, and after land use processes through community board reform and changing the way that the City interacts with, supports, and implements community plans and land use decisions

Conclusion

Our current system does not provide an avenue in which to have honest conversations about our city's needs – much of it is done out of the public eye with the outcome revealed and often negotiated just moments before a final vote. This method is not working. We need to engage in proactive planning that is not guided by the latest real estate speculation, but by data, local input, a commitment to right past inequities and projected long-term needs. Over the next several months, we will be refining the proposals we have laid out today alongside our colleagues and stakeholders. Thank you to the Commissioners for your time and we look forward to working with you, our colleagues at the Council and key stakeholders to refine recommendations that reflect the principles and achieve the goals we have outlined here today.

Regional Plan Association testimony before the Charter Revision Commission 2019

Maulin Mehta, Senior Associate

September 20, 2018 @ Queens Borough Hall

Good evening commissioners. My name is Maulin Mehta, and I am here representing the Regional Plan Association. In collaboration with a wide range of community groups, elected officials, and other institutions, RPA released a report earlier this year, *Inclusive City: Strategies to achieve more equitable and predictable land use in New York City*. In this testimony I will quickly run through some of the objectives and strategies contained in the report that we would like the Commission to consider.

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

1. We need to create a citywide comprehensive planning framework, in collaboration with communities and local elected officials that will look at community and citywide targets for things like increasing the affordable housing supply and identifying infrastructure needs. The framework should serve to anticipate displacement concerns and protect vulnerable communities as the city continues to grow.
2. The office of civic engagement, if established, must serve as a resource to communities and bolster efforts for bottom-up planning.
3. Community board reforms should standardize the selection process to ensure boards are more representative of their districts, standardize training to ensure board members are well-versed in topics of land-use to make informed decisions, and make sure they all have a predictable online presence.
4. Technology should be adopted city-wide to improve access to information and enable continued civic engagement. Madrid implemented a system called Consul to expand their participatory budgeting process and provide a platform for residents to pitch ideas that the Council could further study. San Francisco implemented a multi-agency program called Groundplay to give residents guidance and tools for developing and implementing low-level right-of-way interventions in their neighborhoods.
5. To help fund these expanded activities, we urge the commission to explore new revenue streams to increase resources and support for communities to engage in planning.

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

1. By creating more robust community planning around the city, EIS analysis should be expanded to include a third – community-based alternative – in addition to the “no-build” and “with-action” scenarios typically assessed.
2. For public sites, require that community needs assessments be completed and attached to the RFP before initiating ULURP. Community priorities should play a heightened role in any selection process for public sites.
3. Overall – find ways to give more power to communities in land-use decisions impacting their neighborhoods and imbue decisions with community priorities.



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

1. Standardize the review of all draft EIS's for accuracy and create consequences for the use of misleading or incomplete information.
2. Ensure funding and implementation of mitigation measures identified in an EIS, along with an accessible system for the public to monitor the status of mitigation efforts.
3. The City has implemented a system to track rezoning commitments in recently rezoned neighborhoods. Such a system should be expanded to track neighborhood outcomes after land use actions are approved for lessons learned.
4. The City should convene an expert panel to review and propose updates to the CEQR technical manual, require updates to be subject to public comment, and ensure regular updates. Some changes are outlined in our report.

We look forward to continuing this discussion and working together to get meaningful changes in front of voters next year. Thank you for your time.

Please feel free to contact me if you have any questions or need additional information:

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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:

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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 http://www1.nyc.gov/assets/housing/downloads/pdf/2016/20160624_housing_plan.pdf

² http://www1.nyc.gov/assets/housing/downloads/pdf/2016/20160624_housing_plan.pdf

³ http://www1.nyc.gov/assets/housing/downloads/pdf/2016/20160624_housing_plan.pdf

⁴ http://www1.nyc.gov/assets/housing/downloads/pdf/2016/20160624_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.



- 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

3. *Charter Revision Commission*, New York City, <http://www.nyc.gov/html/crc/html/about/about.shtml>.

4. *Charter Revision Commission*, New York City, <http://www.nyc.gov/html/crc/html/about/about.shtml>.



5. *Charter Revision Commission*, New York City, <http://www.nyc.gov/html/crc/html/about/about.shtml>.

6. *Charter Revision Commission*, New York City, <http://www.nyc.gov/html/crc/html/about/about.shtml>.

Working Group Recommendations

Announced Rezoning and Residential Displacement Risk

Source: RPA <http://library.rpa.org/pdf/RPA-Pushed-Out-Housing-Displacement-and-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. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

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10. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

11. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

12. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

13. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

14. "The City of New York has a long history of planning, but it has never had a comprehensive plan that sets a clear vision for the future of the city." — Mayor Bill de Blasio, 2014.

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 <https://www.dcp.nyc.gov/2017/05/16/2017-participatory-budgeting-report/>

²¹ <https://www.dcp.nyc.gov/2017/05/16/2017-participatory-budgeting-report/>



Community Planning in Bushwick
Source: www.bushwickcommunityplan.org

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.

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

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

- [illegible]

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 <https://www1.nyc.gov/assets/ocm/downloads/pdf/2016-03-01-proposal-to-increase-community-engagement-in-private-development-plans.pdf>

²⁴ <https://www1.nyc.gov/assets/ocm/downloads/pdf/2016-03-01-proposal-to-increase-community-engagement-in-private-development-plans.pdf>

²⁵ <https://www1.nyc.gov/assets/ocm/downloads/pdf/2016-03-01-proposal-to-increase-community-engagement-in-private-development-plans.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 <https://www1.nyc.gov/assets/ocm/downloads/pdf/2016-03-01-proposal-to-increase-community-engagement-in-private-development-plans.pdf>

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.thrive.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 http://www1.nyc.gov/assets/olc/downloads/olc_20120601/20120601_olc_20120601.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 Appeals³⁸ (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,**²⁸ 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.



East Harlem, NY

Source: RPA

28. $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$ and $\lim_{x \rightarrow 0} \frac{1}{x^2} = \infty$. In this case, $\lim_{x \rightarrow 0} \frac{1}{x^2} = \infty$ and $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$.
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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 http://www1.nyc.gov/assets/planning/docs/2016/06/2016_175.pdf

³¹ http://www1.nyc.gov/assets/planning/docs/2016/06/2016_175.pdf

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/ceq/downloads/pdf/2014_ceqr_tm/2014_fcat_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 residents³¹ and reports of increased tenant harassment.³⁸

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. *City Environmental Quality Review (CEQR) Technical Manual*, Chapter 4: Land Use, Zoning and Public Policy, Section 4.1: Introduction, 4.1.1: Purpose and Scope, 4.1.2: Objectives, 4.1.3: Structure, 4.1.4: Key Concepts, 4.1.5: Key Definitions, 4.1.6: Key Acronyms, 4.1.7: Key Abbreviations, 4.1.8: Key Symbols, 4.1.9: Key Figures, 4.1.10: Key Tables, 4.1.11: Key Appendices, 4.1.12: Key References, 4.1.13: Key Citations, 4.1.14: Key Footnotes, 4.1.15: Key Endnotes, 4.1.16: Key Bibliography, 4.1.17: Key Glossary, 4.1.18: Key Index, 4.1.19: Key Map, 4.1.20: Key Photographs, 4.1.21: Key Diagrams, 4.1.22: Key Charts, 4.1.23: Key Graphs, 4.1.24: Key Tables, 4.1.25: Key Figures, 4.1.26: Key Appendices, 4.1.27: Key References, 4.1.28: Key Citations, 4.1.29: Key Footnotes, 4.1.30: Key Endnotes, 4.1.31: Key Bibliography, 4.1.32: Key Glossary, 4.1.33: Key Index, 4.1.34: Key Map, 4.1.35: Key Photographs, 4.1.36: Key Diagrams, 4.1.37: Key Charts, 4.1.38: Key Graphs, 4.1.39: Key Tables, 4.1.40: Key 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form. Community-based plans — 197A or otherwise — should be used to develop a third alternative.

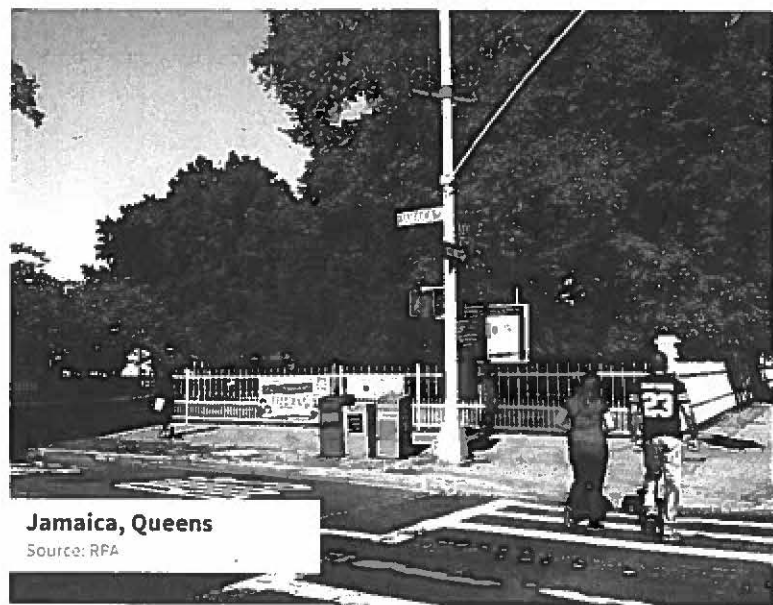
- **Require assessment of cumulative impacts and citywide equity.** How a proposed project may interact or worsen existing environmental conditions should be considered.

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



Jamaica, Queens

Source: RFA

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

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⁴²

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 ⁴³ The current threshold for requiring a detailed construction analysis is 100,000 square feet or more.

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>

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SUBCOMMITTEE
ZONING AND FRANCHISES & HARBORS
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FOR HIRE VEHICLES
HOSPITALS

Good Evening Commission Chair and Commission Members,

I want to thank the Charter Commission for taking the time to hear concerns from the community on such an important issue as the revision of the New York City Charter. This is an opportunity that we must not squander as we move forward in making a more equitable New York. If we are to achieve that, the Charter revision must re-examine how Land Use is governed in our city, specifically the Uniform Land Use Review Procedure (ULURP) process.

The process ought to be amended to ensure that the community has more influence not only neighborhood-wide rezonings but spot rezonings as well. I believe that every Community Board should be provided an urban planner on staff so that the community has an expert representative to discuss related concerns with and to advocate for them in conversations with the City and property developers.

Further, I believe that the community should be involved in the pre-certification process with developers with respect to local rezonings. This would provide space for a meaningful dialogue between the community and developers early on allow the residents to weigh in on what is built in their neighborhood. It would also prevent developers from blindsiding communities or pushing them into accepting unsatisfactory deals.

When it was established decades ago, the ULURP process was a landmark in community planning. It allowed for community input at a time when that was not possible. Today, the process is not keeping up with the requirements of our ever-growing city. The ULURP needs to take into account the situation on the ground in our neighborhoods.

Displacement in our neighborhoods is no longer a possibility but a fact of life. We need to amend the City Charter to require an assessment that includes studying displacement of rent-regulated

tenants as well as other long-time residents who do not have the rent protections provided by the state. This study should look at income, race and ethnicity using data from previous rezonings to help inform their land use decisions. The city must also look into the impact of secondary displacement as a result of the rezonings.

We cannot view our city and its neighborhoods in a vacuum. These studies will provide us with a holistic view of our current conditions and a better understanding of the consequences of our actions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francisco Moya". The signature is fluid and stylized, with a long, sweeping underline that extends to the right.

Council Member Francisco Moya

Testimony of
Joseph A. Bello
NYC Veterans Advocate
before the
New York City Charter Revision Commission 2019
Queens Borough Hall
September 20, 2018

Chair Benjamin, members of the Charter Revision Commission. Good evening.

My name is Joe Bello and I am an advocate and organizer within the veteran's community here in New York City. As a Navy veteran, I am also currently a member of the New York City Veterans Advisory Board (VAB); as well as a member of the Bronx Borough President's Veterans Advisory Council.

Let me start by saying that while I recognize the Commission may focus on bigger issues such as land use policies and the budget, I'm hopeful that with your broad mandate to consider the entire composition of the City Charter, the proposal(s) I'm presenting this evening will be considered with the same seriousness.

I would first like to make two proposals to the Charter which can be accomplished very quickly.

Last year Mayor de Blasio signed into law Intro. 1259, (Local Law 119). This law protects veterans and military servicemembers from discrimination in items such as housing and employment. However, this is not currently reflected in Chapter 35, Section 812 of the City Charter regarding City employment protections.

This is important because the City is the largest employer of veterans and reservists. Therefore, my first proposal is to simply add veterans and servicemembers into Chapter 35, Section 812. Note: Section 35, Section 812 includes several protected categories (disability, national origin, age, marital status, etc.).

The **New York City Veterans Advisory Board (VAB)** and its duties are defined within Chapter 75. Section 3103 of the New York City Charter and it's within this section I make my other proposals.

Currently, the VAB consists of eleven (11) members, six (6) appointed by the Mayor and five (5) by the Speaker of the City Council. All members are appointed to three (3) year terms and its members vote within the body for a Chair, Vice Chair; and while not in the Charter, a Secretary.

Without having to go through the entire (city) legislative process, my second proposal would be to simply add "Secretary" to the list of officers for the Veterans Advisory Board within the Charter. The Secretary's current duties include creating the meeting agenda's, writing the minutes and helping draft and finalize the annual report to both the Mayor and Speaker.

Finally, my main proposal for this body is to consider (a) changing the appointment time on the VAB from three to four years, (b) to stagger the terms between the Mayor's and the Speaker's appointments; and (c) to consider creating a two-term limit on the board's members.

I ask you to consider changing the appointment terms from three to four years because as both an outsider and now a current member of the board, I've learned that board members need time to get to know one another as well as the Department of Veterans' Services (DVS) and its staff, to understand what the board's mandate is, to develop procedures and to go through group dynamics to eventually function as a unit. With only five meeting per year, held in some cases months apart, this usually take a year to happen.

Also, because the terms of the members are not staggered, it has become (over the years) an all or nothing proposition with all the members terms ending at the same time and then having to wait on both the Mayor's and Speaker's Office to either appoint new individuals or re-appoint those already on the board. Additionally, with only three-year appointments, if the appointment ends during an election year, we have seen where it can take up to a year (or in some cases two) to get an appointment or re-appointment to the board.

As a result, some members choose to resign, which in a few instances has caused the board to not make quorum. Therefore, staggering the terms between the Mayor's and Speaker's appointments will ensure that everyone's term does not end at the same time.

I recognize and understand the Bronx, Queens and Manhattan Borough Presidents arguments regarding their disagreement to the previous Charter Revision Commission's proposal on eight-year term limits for New York City's 59 Community Boards.

However, when it comes to the City's Veterans Advisory Board, this is the only representing the entirety of this City's veterans. Therefore, while it can be argued that longevity is a source of technical and institutional knowledge, another argument, particularly for this board, is that it makes us look stagnate, it can be used by some as "resume filler" and it discourages others from wanting to serve.

With the City's roughly 200,000+ veterans, I believe that taking a meaningful look and approving these proposals will have the effect of giving board members meaningful time to serve and contribute; while also allowing other veterans, who want to serve, bring a renewed commitment and fresh eyes to the board.

So, thank you for allowing me to testify before you this evening. I hope you will consider my proposals and if you have any questions or comments, I make myself available to you. Thank you.

Twitter: @NYMetroVets

E-mail: bjoc7@hotmail.com

Testimony to the City Charter Review Commission

Lynn Ellsworth, Human-scale NYC and Chair, Tribeca Trust

Chair, Tribeca Trust

September 20, 2018

coordinator@humanscale.nyc

Humanscale NYC is a non-profit that promotes neighborhood livability, humanscale urbanism, and democratic control over the built environment. We work citywide as a network of civic and neighborhood leaders.

We wish to present testimony on several topics: community board reform, ULURP reform, campaign finance, and the distribution and reorganization of powers in the charter.

On Community Board Reform:

1. Community boards should be elected, with term limits, and with conflict of interest rules that prevent lobbyists, members of the permanent government, and executive team members of political clubs from serving in voting positions or serving in a way that allows them to control agendas and write resolutions. Many boards are “political cesspools” with little public credibility with anyone except the Borough Presidents who appointed them. They are indirect democracy at its worst.
 - a. There is no logical reason to oppose election of community boards.
 - i. Worried about expense? But the Democratic Party already puts its people on the public ballot for its own organizational ends - at public expense. Surely we can do the same for community board candidates.
 - ii. Worried that “the passions of the people” need to be filtered and redirected by those who decide they are smarter, wiser, or just richer than the people? Well that argument has been shown to deeply flawed: the recent Electoral College has for example recently overturned the passions for the people who voted as a majority for Clinton.
2. Community Boards should not be given any role in land use whatsoever unless they are elected.
3. We do not need expert planners to come down from above – such as from City Planning - and in the most patronizing and offensive manner possible boss us around, manipulate agendas, and pretend to interpret the arcana of the zoning code to us. Many of us understand it as well as they do. Moreover communities must have the discretion of hiring and firing their own planners.

Campaign Finance Reform

1. There has to be a logic or decision-making rule to answer the question: what should the maximum contribution limit be?
2. Moreover, to answer the question, you also need to understand what the problems are with the current system. Those problems are three-fold:
 - a. The system relies on the wealthy and upper middle class.
 - b. The system is not sufficiently publicly financed.
 - c. The system has three huge loopholes that allow the real estate industry to get around the "doing business with" limit of \$400.

Therefore, reformers have a few choices:

- you might go all out for Seattle-like democracy voucher system
 - you might close the loopholes, and then lower the maximum contribution. What is appealing about that, is that if you lower that enough, you won't even need to close the loopholes.
- d. We favor a voucher system, but failing that, we urge a lowering the maximum contribution to \$560, which is derived as follows: take 10% of 10% of the median NYC household income, which is currently \$56,600 and you get the \$560 the maximum contribution. If you do that, you put the middle class back in charge of the politicians, something even Aristotle thought important. You may wonder, why 10%? We think that the system of tithing, of giving away one tenth of your income away, is ancient, cross cultural, and easily understood as a decision-rule, but your entire tithe should not go to politicians, hence the 10% of the 10%. The other proposal we have heard is to lower the maximum contribution to \$2,000, but that has zero underlying logic and does nothing to fix the problem of capture of the politicians by the wealthy.
 - e. Along with lowering the maximum contribution, we support tripling the public match in that scenario.

Fixing ULURP

1. The current land use review process does not work at all. It only serves to deepen public cynicism through pointless public hearings and provides proof to those who sit through hearings that they have come to a charade, an element of a Potemkin democracy.
2. Beyond fixing City Planning by splitting it into two agencies, and completely revising our utterly broken zoning code, we have a simple suggestion for a short-term fix to the ULURP process.

3. To wit: require City Planning to publish and distribute in the very first instance a one-page "notice of intent to consider zoning changes" with a simple map of the area under consideration. Do not allow city planning to have meetings with developers or property owners about an area until such notice is publicly given. That would repair the current situation in which zoning reforms are undertaken and negotiated only among the powerful and the public knows little to nothing until the ULURP certification gun goes off.
4. Community plans put forth by elected community boards should go directly to the City Council for a vote.

Distribution of Powers

- We believe our city charter grants too much power to the Mayor, not enough to the City Council, and within the Council, gives too many powers to the Speaker. We hope this commission will look into that.
- We question the relevance of the Office of Borough President. It appears to be a quaint relic from the 19th century and a pointless one at that.
- We suggest that the office of the Public Advocate be revamped and redefined so that the office has Attorney General like powers, but focused on a permanent investigations against corruption and ethical violations within City Government. At present, too much investigative power is split up amongst too many bodies and nobody seems have anything but slap-on-the wrist powers to correct any violations.

Testimony from Boris Santos to the City Council Charter Revision Commission: Queens Public Hearing 9.20.2018

Dear Chairperson Gail Benjamin and members of the City Council Charter revision Commission,

My name is Boris Santos and for the sake of full disclosure I want to first and foremost inform you all that I happen to work as a Representative of Council Member Antonio Reynoso (whom serves District 34 which consists of the Williamsburg, Bushwick, and Ridgewood Communities). Although I take pride in the work I do for him and District 34, I want to make it clear that the testimony that I am delivering today consists of my opinions and convictions and not the Council Member's.

I am honored to partake in this process and the primary reason why I find myself here tonight is to deeply urge this Commission to revise the Charter to allow for legal non-citizens to vote in municipal elections. At a time when the basic rights of immigrants are facing an assault and seem to be dwindling due to the egregious policies implemented by our current Commander in Chief, we must act boldly by doing the opposite and actually furthering those rights. In order to do so our City Charter must lucidly proclaim that non-citizen voting is a process that we will fervently and permanently engage in.

A June 2014 Report written by the City College of New York's Colin Powell School of Civic and Global Leadership on Non-Citizen Voting in New York City has made it known that there are legal experts that believe that this would require a city-wide referendum to allow for the prospect of non-citizen voting. "Section 23(2)(e) of the New York State Municipal Home Rule Law States that a Referendum is required in order to pass any law that 'changes the method of nominating, electing or removing an elected officer'". Some, such as the previous Bloomberg Administration, may argue that the procedural changes necessary to implement non-citizen voting would constitute a change in electoral methods. Well, unless my understanding is incorrect, this Commission will eventually be tasked with proposing ballot recommendations for sometime in 2019 in which we New York City residents will be voting for. Thus, a ballot proposal stemming from this Commission that would allow for legal non-citizens to vote can fulfill the citywide referendum prerequisite found in our State law, which legal experts often cite as a hindrance to this inclusive and morally correct process of non-citizen voting to occur.

I am by far not the first person in this City's history to advocate for legal non-citizen voting. In fact, Ron Hayduk, a CUNY Professor, has previously submitted testimony to previous Charter Revision Commissions that speaks soundly to this cause. In addition, under the leadership of Council member Daniel Dromm, the NYC Council came super close to passing legislation that would allow for legal non-citizen voting during the end of Bloomberg's third term. I believe this policy should be cemented in our City Charter and I want to thank Ron, CM Dromm, and the New York Coalition to Expand Voting Rights for valiantly fighting for this cause.

As Ron stated in his testimony to the City Charter Revision Commission in 2010, in considering resident voting we should keep in mind that this is a policy that is legal, rationale, and feasible. For the sake of not reiterating all of Ron's points I won't further elaborate but rather will just state that there is historical precedence that dates back to the founding moments of this country that speaks to legal non-citizen voting. The Mayor's City Charter Revision Commission was first created to narrowly focus reforms on voter turnout. I believe that there is no one change to our City Charter that would allow for increased electoral participation as much as the one being advocated for here – legal non-citizen voting. Lately our politics has seen a surge in voter participation and we must see to it that we allow for participation to further increase by bringing in more voices into the fold. These are the voices of a vulnerable population. Of a population that pays taxes but gains no political representation.

Currently, according to the NYU Furman Center, NYC has a foreign-born population of 37.5% out of a roughly 8.5 Million-person population. In other words 3.2 Million people are foreign-born. Right now, we find ourselves in the most diverse of all of our boroughs and for that reason I find it fittingly that I submit this testimony here in the halls of Queens Borough Hall. Queens alone has a foreign-born population of 47.1%. We owe it to these New Yorkers who are not any lesser than anyone else to grant them the basic right to have taxation with representation. As MLK once stated, the arc of moral history is long but it bends towards justice. This moral fight to allow for legal non-citizens to vote has been a long one, and I hope that with your help – members of this Charter Revision Commission – we finally get justice. As a "Progressive City" let's not be outshined by smaller counties that allow non-citizen voting like College Park, Hyattsville, and Mount Rainier in Prince Georges County (all found in the state of Maryland). Rather let us continue to set the example of an ever inclusive and participatory democracy. Let us cement legal non-citizen voting in our City Charter.

Sincerely,

Boris Santos

TESTIMONY BEFORE THE NEW YORK CITY CHARTER REVISION COMMISSION

By Nataliya Piller (Pushkin Society in America)

September 20, 2018, Queens Borough Hall

Dear Chair, dear Members of the Commission,

I am an events organizer for The Pushkin Society in America - an eighty-three-year old immigrant-led community organization, one of the oldest in New York. And I am one of more than 200,000 immigrant New Yorkers from former Soviet countries. I am here on behalf of a group of interconnected organizations, that are organizing and advocating for this immigrant community – with a special emphasis on refugees, asylum seekers and political exiles from Russia and other countries ruled by authoritarian regimes.

I am here to support and to expand upon the proposal made at the previous hearings by Dr. Dmitri Daniel Glinski and Ms. Nina Rumiantseva: to amend Section 18 of Chapter 1 of the Charter by replacing the bureaucratic Office of Immigrant Affairs with a representative commission of Immigrant community leaders under the Mayor. This concerns immigrants of every ethnicity and race – Black, white, Hispanic, Asian and others.

We urge you to replace the Office with an Immigrant Rights and Policy Commission, whose members should be appointed from among the candidacies of community leaders, roughly proportional in number to the size of major immigrant communities in the city, and no less that one for any community of 20,000 people or more as determined by the U.S.Census. To be effective, these Commissioners must be salaried city employees. Also, they should have local offices in every borough and these offices should be governed by their own immigrant leadership councils.

Our city is nowadays ³⁷~~60~~% foreign born. What immigrants need the most are, first, representation and, second, real economic opportunities, including for bilingual immigrant professionals with the skills and the passion to serve their community and our City. The Office| as it is structured under this article, provides none of that.

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).

We urge you to make sure that our City follows these best practices as it expands democratic participation for its residents in government, which is what so many others have been calling for in the course of these hearings.

Thank you for your attention. It is an honor for me and our organizations to participate in this vitally important discussion about the future of our city.

To: Charter Revision Commission, 1 Centre Street, New York, NY 10007
Re: Comments on the Proposed NYC Charter Revision
Date: August 7, 2018

Unfortunately, I was unable to attend the recently held public meeting in Queens of the Charter Revision Commission on July 26, 2018. Therefore, I am submitting my comments in writing.

First some basic Community Board facts.

- Community Board membership is a volunteer service.
- Community Board actions are not binding; Community Board votes are strictly advisory.
- Community Board members strive primarily to preserve the Quality of Life in their communities.
- Community Boards consist of up to 50 volunteer members, half appointed by the local Borough President, the other half by a recommendation from the local City Council representative. Below is a list of the current Queens Community Board membership.
- Most Community Boards do NOT have the maximum of 50 members. Note that there is room in most Queens Community Boards for new members.

CB	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Average
Members	28	49	48	45	46	47	43	49	44	41	44	45	44	50	44.5

According to the transcript of the meeting (at <https://www1.nyc.gov/site/charter/meetings/2018-public-meetings-hearings.page>) and reports in the local media, the sentiment at the Queens Public Meeting was skewed in favor of establishing term limits for NYC Community Board members.

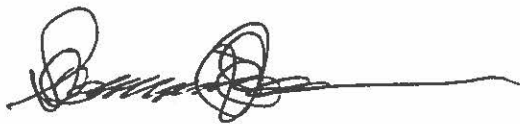
I am writing to strongly oppose the establishment of term limits for Community Board members. My reasons for this view are as follows.

- It takes several years for a Community Board member to establish “institutional intelligence”: the knowledge and experience of the functioning of NYC agencies that makes the member effective.
- **Term limits on Community Board membership would waste the institutional intelligence of existing Community Boards. Since CB members are volunteers, the city gets this for free!**
- Diversity in membership is easily accomplished simply by appointing interested new members from the community. In fact, Chapter 70, Section 2800 of the current City Charter already stipulates that the “borough president shall consider whether the aggregate of appointments fairly represents all segments of the community”.

My Community Board is already quite diverse, including many Sikh, Guyanese and Indian members from our community. With 44 current members, there is still room for 6 additional members for those residents interested in participating.

I urge the Commission to give my views serious attention.

Thank you,

A handwritten signature in black ink, appearing to read 'Sherman Kane', followed by a long horizontal line.

Sherman Kane
Co-Chair, Land Use Committee
Community Board 9
Woodhaven, NY 11421
718.847.4742

Charter Revision Commission Testimony

September 20th, 2018 – Queens Borough Hall

Good evening Commissioners. As **someone who** has testified before every Charter Revision Commission since 2002 and by extension has sat through hundreds, perhaps thousands of suggestions from the public about more subjects than I can possibly count- including reforming the CCRB, changes to the Community Boards, abolishing certain offices, empowering certain offices, changes to mayoral succession, nonpartisan elections, changes to the Board of Standards and Appeals and scrutiny of every possible syllable in the city charter. They all tend to cover a lot of ground.

Now, most of these Commissions have been one-year Commissions and not two-year Commissions as this one is, but they've all had one thing in common: Every single one of these Commissions, especially those tasked with doing a comprehensive review of the city charter, has felt there was more work to do. Commissioners have felt that there were certain areas that required more testimony, certain topics that needed more scholarly research and public input and areas in which there just simply didn't seem ample opportunity for appropriate discussion. At the conclusion of these Commissions, members of the Commission, citizen activists, students of municipal governance and good government advocates are all left hoping that the current Mayor or the next Mayor will appoint another Charter Revision Commission, consisting of responsible Commissioners to pick up the baton and carry it forward on all these subject areas. Unfortunately though, what generally happens is that whoever is the Mayor appoints a group of people, who act more like a task force as opposed to an independent tribunal, stocked by people who are more likely than not to do the Mayor's bidding.

The reason this Commission offers so much promise is because while you certainly include some terrific Mayoral appointees, the fact that there are appointees from the other citywide officeholders, like the Speaker and the Borough Presidents, has allowed this Commission to have a political diversity and an independence that has been lacking in so many of the Commissions that have existed since 1988. It also offers a great deal of promise because it's a two-year Commission, rather than rushing to complete its work in a single year. I suspect though that at the end of two years, many of you will still be left thinking that there's still so much work to be

done and hoping that the next Mayor or Speaker appoints a Commission to pick up where you've left off. There is a better way.

Humbly, I'm suggesting that you make the process you're currently involved in permanent. Rather than leave the Charter Revision process to the whims of future Mayors and Speakers, why not put a question on the ballot that asks New Yorkers if the Charter Revision process should be permanent and regular? You could **have it mandated in the City Charter that every two years, a diverse group of elected officials, like the ones that have appointed you, will have the opportunity to appoint a Charter Revision Commission**, which would regularly hold hearings and public meetings around the city, taking up many of the issues of concern to New Yorkers. Then, on a biennial basis, this permanent Charter Commission would have the opportunities to put questions on the ballot.

Additionally though, this Commission could do a quarterly report to the City Council and the Mayor's office recommending both changes to the city charter and legislative changes that might make certain charter revisions unnecessary. This new permanent Charter Commission wouldn't preclude the Mayor from also appointing Charter Revision Commissions, but by having this Commission serve regularly and by guaranteeing a diverse political makeup, because of the nature of those making the appointments, this allows the work you're doing to be studied, dissected analyzed and built upon by future Commissions. This way, you wouldn't feel as if you're playing "Beat the Clock" and obliged to rush to finish your work in order to get something on the ballot. It's easy to imagine a scenario, for instance, in which you look at an issue like "Democracy Vouchers" and while the idea has some appeal, there might be a desire on the part of some to see how the program has worked out in Seattle before implementing it in New York. The fact that you know a new Commission, which some of you may be serving on, is coming would allow you to study the issue, hold hearings on the issue, hear expert testimony on the issue and then recommend to those come after you exactly where to pick up.

Some may see a Commission like this as unnecessary, costly and usurping the proper legislative role of the New York City Council. I don't believe that's the case. Because so much of the work of the City Council is focused on constituent service, oversight of municipal agencies and putting together the city's budget, there's actually very little time, attention and interest, quite frankly, in to the structure of city government itself. The job of a City Council member is, by definition,

governed by issues that are politically expedient. A Commission focused solely on the structure, nature and scope of city government would allow the Council to implement changes that have been studied, debated and examined in-depth in a manner that even the most comprehensive City Council committee hearings don't allow for. In many ways, this would free up council members to focus solely on the job of being a modern day councilman. I suspect there would be very few members who would say, "Wait a minute! I want to spend more time looking at whether or not the Procurement Policy Board should have members appointed by the Speaker" or "Don't you dare take away our ability to determine the scope of the New York City Sports Commission." The nice thing about it though was that the Council and the Mayor would be free to ignore the permanent Charter Commission's recommendations and then it would be up to the voters whether or not they wanted to implement these changes. Hopefully, once New Yorkers see they not only have a stake in city government, but a direct voice, this will encourage them to learn more about municipal government and what's happening in New York City in general. Too often, New Yorkers, who are already cynical by nature, feel as if their vote doesn't matter, so the logical consequence is they simply choose to opt out and not pay attention. If voters know they can change the structure of city government itself, it will cause at least some of them to learn more about it.

Such a concept is hardly a new idea. At the state level, New Yorkers have repeatedly been the beneficiaries of a constitutional commission to prepare both voters and potential Constitutional Convention delegates for future conventions. The work done by these commissions has repeatedly been used to propose specific amendments to the constitution, even without a convention. The work done by such a constitutional convention in 1873 paved the way for constitutional changes the following year that were overwhelmingly adopted by the voters in areas like combating corruption, expanding suffrage and reforming both the state and legislative branches. s former New York Governor John Hoffman said in 1872 when he appointed the first of these constitutional commissions,

“Such a commission could have all the benefit of the debate incident to a larger body through intelligent discussion in the press, and the voluntary suggestions of thoughtful citizens; and would be almost certain to agree upon amendments which would secure the popular approval.”

Why wouldn't the same thing hold true at a municipal level? Even Governor Andrew Cuomo recognized the importance of such Commissions. When he ran for Governor in 2010, he wrote in his campaign policy book "The New NY Agenda" that prior to any constitutional convention,

"....we should create a constitutional commission to help define the constitutional convention and issues that need to be addressed, including recommending amendments for passage. That blueprint will then provide the starting point for both the constitutional convention and any amendments made via voter approval at the ballot box. While less well-known than constitutional conventions, these commissions have been key tools used to amend our Constitution."

Why is city government somehow less deserving of a similarly deliberative approach?

In addition to the nature of the Charter Revision process itself, there's one specific proposal that I am hoping you'll include in your proposals next year and that has to do with the process of getting on the ballot for public office in New York City. While there are specific requirements for how to get on the ballot in New York City that are governed by state law, the Charter Commission that Commissioner Fiala served on in 2010 cut by half the raw number of signatures needed to qualify for the ballot for every municipal office -- something which has not only never been challenged in court, but helped pave the way for everyday New Yorkers who have sought to run for office, particularly without the backing of party machines or robust political operations, however you can go further.

Even with a lower petition requirement, our current process of qualifying candidates for the ballot is hopelessly flawed. In addition to being inefficient, wasteful, imprecise, frustrating and having no connection whatsoever to how effective an elected official will actually be once they're in office, the petitioning process coupled with the city's generous matching funds program, which now appears poised to soon jump to a generous 8-1 match, has created a cottage industry of consultants, attorneys, political operatives and hired guns who know how to game the system. In addition to being anachronistic, the petition process is needlessly costly. It's an administrative nightmare, a horrendous waste of paper and a tremendous drain on the staff of the Board of Elections, who inevitably put in for a great deal of overtime come petition time. I would urge the Commission to put an end to this madness. I'm hoping the Commission will **place a question on the ballot next year allowing an alternative to the existing petition process, whereby candidates would be able to qualify for the ballot by paying a filing fee**

equivalent to 1 percent of the salary of the public office you're seeking. Not only would this save candidates and their volunteers countless hours toiling away in futility, but it would put the city in a position to actually make some money from those seeking to run for office. While the city is running a surplus now, we've seen history show that the good times never last forever. When there's an economic downturn, this new revenue stream could allow the Board of Elections to have a dedicated funding stream without the City Council being forced to consider property tax increases, which take the worst toll on those who can least afford it.

Lest anyone think that this simply allows a shortcut for the wealthy to run for any office, you could keep the petition process in place and allow candidates to have a choice whether they want to circulate petitions or pay the filing fee. This hybrid approach has worked well in states like Florida, where almost all candidates choose to pay the filing fee. Additionally, while 1 percent of a \$148,000 salary may seem onerous, when you compare that to the costs that campaigns often incur to hire attorneys, consultants and petition gatherers, it's almost always the less costly option. Imagine what elections in our city would look like if candidates spent their campaigns persuading voters that they had the best ideas for the city's future or convincing them that their background and life experience is best suited for the job they're seeking, instead of making sure they printed in the right place, initialed next to an error on the address line or signed next to the X.

Thank you for your consideration of both of these proposals.

Sincerely,

Frank Morano

Secretary, New York State Reform Party

Radio Talk Show Host, AM 970 The Answer

PopulistReformNY@gmail.com

816-6-MORANO