

Michele Birnbaum
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Testimony at Charter Revision Commission Hearing

September 27, 2018

Commissioners - Thank you for hearing my testimony today.

My name is Michele Birnbaum, and I am Co-chair of the Vendor Committee of Community Board 8 in Manhattan, and I am speaking on behalf of the Committee and the Board. This Committee was born of a need to address community concerns as they relate to street vending and to continue my many years of work on addressing the quality of life issues that affect residents and businesses in our community.

For the approximately six years of the Committee's existence, we have educated the public as to city and state vendor law, the various categories of street vending and the city agencies that either license the vendors or enforce the rules, regulations and laws that govern them.

We sought solutions to concerns about vendor location, health standards, sanitation, pedestrian flow, penalties and licensing. We are a problem-solving Committee.

We have 8 resolutions that, if implemented either as law or agency rules, would go a long way to addressing and relieving the friction between the stakeholders in the vendor, residential and business communities. Those resolutions are attached to this testimony.

It would be a valuable addition to the City Charter to include an agency that specifically deals with street vending. At the moment, there are many city agencies that govern that industry. The Department of Consumer Affairs affords licenses; The Department of Health, the Department of Environmental Protection, the Department of Transportation and the Department of Sanitation along with the police precincts and special fraud squads provide enforcement of vendor law, but all are woefully understaffed to enforce in the way the public demands. The new agency or commission would be comprised of staff fully conversant in vendor law including representatives of each of the agencies that govern the industry today along with representatives from Community Boards and neighborhood associations and an arbitration panel that could address disputes.

This agency, with the input of all of the above, would establish vendor zones and assign vendor locations. Assigning locations would go a long way towards calming our streets and preventing arguments and fights over a specific spots by territorial vendors. In assigning locations, the agency would be mindful of resident and businesses that would

be adversely affected by cooking fumes, grease pours, garbage accumulation and the crowding of the pedestrian way.

A separate, knowledgeable vendor enforcement squad, with a sufficient ratio of the number of vendors to the number of enforcers, would be under the jurisdiction of that agency.

Such an agency would be mandated to use current technology to help assign vendor locations and track vendors for location compliance and their visits to their commissaries, which is required one time in a 24 hour period, for cleaning, garbage disposal and re-supply. Because we see vendors remain in one place overnight so as to keep their preferred locations, we know that not all return to their commissaries for inspection. Assigned locations would mitigate this situation, and electronic tracking would enforce it.

Commissaries are privately owned businesses that vendors use to store their carts, clean their carts, get potable water and obtain inventory. While required to bring their food cart or truck to a commissary for service once in every 24 hour period, and while the commissary owner is required to take attendance, collect the garbage and service and supply the food cart or truck, in fact, there is no enforcement of this protocol. Also, if a commissary is not profitable, because it is privately owned, it can go out of business, thus leaving other commissaries to service their clients, causing crowding in and long distance travel to the other commissaries.

The newly formed agency under the new Charter should require commissaries to keep a log of the in and out time of a vendor's attendance and whether or not the vendor returned his garbage to the commissary. The commissary owner should be required to reach out to vendors who do not return as required and should obtain insurance to cover liability of a commissary's non-compliance.

Another recommendation would be in keeping with today's technology and would go a long way in solving many of the quality of life concerns as they pertain to street vending.

Every food cart, truck or general merchandise table and license should have an assigned location and an electronic chip for tracking. The appropriate agencies, i.e. the DOH, the DOT, the DCA, and the precincts along with the commissaries would have the capability to track a vendor entity, and if they are in a non-assigned location or did not return to the commissary as required, a violation would be issued automatically and electronically. All this could be encompassed under the umbrella of the new vendor agency.

There are many more suggestions outlined in our resolutions that, if incorporated into the City Charter and the Administrative Code, would significantly help our communities who have been crying out for vendor control and compliance for many years.

Baby steps in the City Council did little to deal with this issue, and Intro 1303, touted as the extensive vendor reform bill, did not address the issues of location, the appropriate number of licenses, sufficient enforcement and community involvement. As such, I'm pleased it did not make it out of Committee. I received a copy of a new vendor bill a day

ago, and while I have not had a chance to read it in its entirety, my initial perusal yields that it is asking for an increase in the number of licenses to be issued, while there is still no infrastructure in place to address location and commissary compliance. It includes a mechanism for enforcement, but it does not address the issue of location, and without addressing that issue, it does not represent reform.

But we now have a real chance to do something about street vending that does not favor one group over another, but takes in to consideration the hard work of the street vendors and the position of members of the community who do not want to be overwhelmed with vendors in inappropriate locations, the cooking odors some generate, sidewalk litter, grease pouring into our streets and sewers, and other non-compliance which violates the right of businesses and home dwellers to the quiet enjoyment of their premises for which they pay dearly.

Please consider incorporating such an agency as you review the City Charter.

I will also be submitting testimony on term limits for Community Board Members and believe I can make the case in opposition, as it is apparent from this testimony how much time, experience and perseverance it takes to become conversant with a topic and follow it for years, learn its history, personally engage the stakeholders and impart information to the public and respond to their needs on an on-going basis.

Thank you for giving me the opportunity to talk to you today.

Sincerely,

Michele Birnbaum, Co-chair
Vendor Committee
Community Board 8 Manhattan

David G. Liston
Chair

Elizabeth McKee
District Manager



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The City of New York
Manhattan Community Board 8

FOR THE RECORD

January 23, 2006

Mayor Michael Bloomberg
City Hall
New York, New York 10007

RE: MANHATTAN COMMUNITY BOARD 8 STREET VENDOR RESOLUTION

Dear Mayor Bloomberg:

At the January 18, 2006 Full Board Meeting of Community Board 8M, the following resolution was adopted by a vote of 37 in favor, 0 opposed and 2 abstention;

WHEREAS the Community Board is concerned about the proliferation of legal and illegal Street Vendors throughout our community district, and
WHEREAS there is significant sidewalk congestion on many streets in Community Board 8, and
WHEREAS the current rules governing street vendors do not adequately protect the public and allow pedestrians to move freely, and
WHEREAS the current rules allow too many vendors in a given area, and
WHEREAS the Community Board understands the difficulty of enforcing street vendor laws and the challenges it places on the NYPD's resources, and
WHEREAS the Community Board is concerned about pedestrian safety, especially for seniors who have difficulty navigating through the narrow sidewalk space, and
WHEREAS serious safety hazards are created when pedestrians are forced into the street because of sidewalk crowding, and
WHEREAS the Community Board is concerned about the sale of counterfeit merchandise, and
WHEREAS the Community Board supports local stores who pay taxes and are responsible for maintaining the cleanliness of the sidewalks in front of their establishment for 18" from the curb, and
WHEREAS street vendors routinely ignore the cleanliness of the areas they occupy, and
THEREFORE BE IT RESOLVED THAT Community Board 8 urges the City to maintain all currently restricted streets, and
BE IT RESOLVED FURTHER THAT any street restricted to side walk café's should also be restricted to street vendors, and
BE IT FURTHER RESOLVED THAT the City establish a dedicated enforcement group similar to the Traffic Enforcement Unit specializing in vendor enforcement, still under the control of the NYPD, and
BE IT FURTHER RESOLVED THAT the City reinstate the Vendor Review Panel, and
BE IT FURTHER RESOLVED THAT the City enforce restrictions on the main thoroughfares and streets which are ambulance routes in CB 8, and
BE IT FURTHER RESOLVED THAT the City consider reducing the number of street vendor permits as the East Side sidewalk congestion has worsened, and

BE IT FURTHER RESOLVED THAT the City consider instituting 14 foot clearances for pedestrians on all sidewalks where vending is permitted, and
BE IT FURTHER RESOLVED THAT penalties should be increased for vendors who sell illegally and sell counterfeit merchandise and that fingerprinting should be used to prevent repeat offenders, and
BE IT FURTHER RESOLVED THAT the rules governing vendors be standardized for easier enforcement, and
BE IT FURTHER RESOLVED THAT vendor licenses be issued that are difficult to counterfeit, and
BE IT FURTHER RESOLVED THAT signage and furniture used by street vendors be standardized for easier compliance and enforcement of the regulations that govern signage and furniture, and
BE IT FURTHER RESOLVED THAT street vendors be prohibited from mainly residential side streets and areas zoned residential and land marked residential buildings, and
BE IT FURTHER RESOLVED THAT street vendors be restricted on cross town bus routes such as 96th Street, 86th Street, 79th Street, 72nd Street and parts of 66th Street, 67th Street and 68th Street, and
BE IT FURTHER RESOLVED THAT street vendors be restricted on ambulance routes especially those on a direct route to the hospital such as 70th and 77th Streets, and
BE IT FURTHER RESOLVED THAT street vendors be restricted at transportation hubs such as the Subway exits at 96th Street, 77th Street, 86th Street and 68th Street,
BE IT FURTHER RESOLVED THAT a street vendor should be restricted from selling outside a store that sells the same merchandise.

Sincerely,

David G. Liston
Chair

Cos Spagnoletti & Nicholas Viest
Co-Chairs, Street Life Committee

Cc: Hon. Liz Krueger, NYS Senator
Hon. Jonathan Bing, NY State Assembly Member
Hon. Alexander B. Grannis, NY State Assembly Member
Hon. Scott Stringer, Borough President
Hon. Jessica Lappin, Council Member
Hon. Dan Garodnick, Council Member
Mr. J. G. Kennelly, Director of Enforcement, DCA
Mr. Joseph Caleb, Director of the Office of Mobile Food Vending, Department of Health
Commissioner Raymond W. Kelly
Deputy Inspector James Rogers, 19th Precinct
Chief Raymond Diaz, 25th Precinct
Officer Halpin, Community Affairs, 19th Precinct
Officer Lynch, Community Affairs, 19th Precinct
Sergeant Eskenazi, 19th Precinct
Manhattan Community Boards 1-12

Jacqueline Ludorf
Chair

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

September 24, 2009

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Street Vendors within the Upper East Side

Dear Mayor Bloomberg:

At the September 16, 2009 Full Board meeting of Manhattan Community Board 8, the following resolution was adopted by a vote of 46 in favor, 1 opposed, and 0 abstention.

WHEREAS CB8M has previously expressed its concerns over the issue of street vendors in a resolution dated January 23, 2006, and

WHEREAS the problems associated with legal and illegal street vendors continue to worsen in our community, and

WHEREAS the current system of regulation and enforcement has failed to address these problems,

BE IT RESOLVED THAT the city establish clear and specific street restrictions, including a limit on the number of locations per block, and

BE IT FURTHER RESOLVED THAT the city establish a new permitting system tied to specific vending locations, and

BE IT FURTHER RESOLVED THAT the city establish a dedicated enforcement agency, and

BE IT FURTHER RESOLVED THAT the city establish guidelines on the design and appearance of pushcarts and sidewalk furniture.


Please advise this office of any action taken regarding this matter.

Sincerely,

Jacqueline Ludorf
Chair

Nicholas Viest
Chair, Vendor Task Force Committee

Cc: Hon. Michael Bloomberg, Mayor of the City of New York
Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator
Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Jonathan Bing, New York State Assembly Member
Hon. Jessica Lappin, New York City Council Member



Hon. Daniel Garodnick, New York City Council Member
Jonathan Mintz, Commissioner, Department of Consumer Affairs
Thomas Farley, Commissioner, Department of Health and Mental Hygiene
Margaret Forgione, Manhattan Borough Commissioner, Department of Transportation
Inspector James Murtagh, Commanding Officer 19th Precinct

2011 Vendor Task Force Committee – Nicholas D. Viest, Chair

RE: Street Vendors within the Upper East Side

Manhattan Community Board 8 adopted the following resolutions regarding street vendors within the Upper East Side.

WHEREAS street vendors continue to proliferate in Community Board 8,

WHEREAS this proliferation has led to over-crowded sidewalk conditions and unsanitary conditions,

WHEREAS many of the vendors are illegal or not in compliance with city regulations,

WHEREAS the Conditions Unit within the 19th Precinct does an admirable job enforcing vendor regulations,

WHEREAS the Conditions Unit operates from 6a – 4p Tuesday to Saturday,

WHEREAS enforcement is left to patrol officers between 4p – 6a and on Sundays and Mondays,

WHEREAS the NYPD resources have been stretched thin by these budget cuts,

WHEREAS patrol officers are not trained regarding vendor enforcement because of budget cuts,

WHEREAS midtown has a dedicated unit of the NYPD designed to enforce vendor regulations,

WHEREAS street vendor regulations have become increasingly difficult to enforce because of these fiscal restraints and the complexity of the laws that apply to vendors,

BE IT RESOLVED THAT Community Board 8 re affirms its resolutions of 2006 and 2009,

BE IT FURTHER RESOLVED THAT Community Board 8 recommends that a separate Vendor Task Force, with a dedicated funding source under the command of the NYPD, be specifically trained and dedicated to enforcing vendor regulations.

Manhattan Community Board 8 adopted this recommendation by a vote of 31 in favor, 7 opposed, and 2 abstentions.

WHEREAS street vendor regulations are increasingly difficult to enforce,

WHEREAS police officers not in the Conditions Unit are often not trained in specific vendor regulations,

WHEREAS vendor regulations require specific sizes for street furniture,

WHEREAS general merchandise vendors use varieties of different street furniture to sell their goods,

WHEREAS this furniture is often unattractive,

WHEREAS standardized furniture and signage would help enforcement easily identify non compliant furniture and illegal vendors,

WHEREAS standardized furniture and signage could be designed to be attractive,

WHEREAS standardized furniture and signage would help enforcement officers,

WHEREAS standardized furniture and signage would also help consumers identify vendors, to whom they direct their business,

BE IT RESOLVED THAT Community Board 8 recommends the city issue standardized street furniture and signage for use by vendors selling General Merchandise.

Manhattan Community Board 8 adopted this recommendation by a vote of 21 in favor, 12 opposed, and 1 abstention.

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Street vendors and sanitation enforcement

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors and sanitation enforcement.

WHEREAS there is a New York City Sanitation garbage collection schedule for all buildings in the city and
WHEREAS there are regulations for street vendors which describe how they should dispose of their garbage, and
WHEREAS there are regulations for street vendors which require them to keep the street near their displays clean, and
WHEREAS there are regulations for street vendors which require them to return their garbage to the commissary daily for disposal, and
WHEREAS compliance with these regulations is routinely unenforced and enforcement is not as stringent for vendors as it is for the building owner who bears most of the responsibility, and
WHEREAS we have received numerous complaints from property owners about vendor debris, and
WHEREAS currently the building owner receives fines, because he is responsible for keeping his sidewalk clean up to 14 inches in to the street, and
WHEREAS the presence of vendors adds significant debris to a street and sidewalk,
THEREFORE BE IT RESOLVED that Community Board 8 urges stronger and more consistent enforcement of existing vendor law with respect to sanitation, garbage collection and disposal.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

Nicholas Viest
Chair

Michele Birnbaum
Chair, Vendor Task Force Committee

Cc: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator

Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Dan Quart, New York State Assembly Member
Hon. Jessica Lappin, New York City Council Member
Hon. Daniel Garodnick, New York City Council Member
John J. Doherty, Commissioner, Department of Sanitation
Jonathan Mintz, Commissioner, Department of Consumer Affairs
Thomas Farley, Commissioner, Department of Health and Mental Hygiene
Margaret Forgione, Manhattan Borough Commissioner, Department of Transportation
19th Precinct, NYPD

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Street vendors and an integrated data tracking system

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors and an integrated data tracking system

WHEREAS legal street vendors have licenses that are on display and can be viewed by the police and the public, and
WHEREAS a cart permit is available for viewing by the police and the public, and
WHEREAS in accordance with current law, spaces for cart and permit numbers now appear on a ticket, and
WHEREAS this information improves the tracking capability of the NYPD or any enforcing agency, and
WHEREAS enforcing agencies have requested feed-back on the disposition of tickets they have written, and
WHEREAS comprehensive and inclusive feedback is not possible with the current, non-integrated tracking system, and
WHEREAS a comprehensive data base would supply consistency of information to all city agencies, and
WHEREAS a comprehensive data base would document repeat offenders, and
WHEREAS a comprehensive data base would provide accurate records of inspections and violations,
THEREFORE BE IT RESOLVED that Community Board 8 asks that an integrated data tracking system be created to assist all city agencies in enforcement and feed-back for vendor compliance, and
BE IT FURTHER RESOLVED that such a tracking system be linked to the judicial system so as to provide feedback to the NYPD and the other city agencies as to the adjudication of tickets issued.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

Nicholas Viest
Chair

Michele Birnbaum
Chair, Vendor Task Force Committee

Cc: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator
Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Dan Quart, New York State Assembly Member
Hon. Jessica Lappin, New York City Council Member
Hon. Daniel Garodnick, New York City Council Member
Jonathan Mintz, Commissioner, Department of Consumer Affairs
Thomas Farley, Commissioner, Department of Health and Mental Hygiene
Margaret Forgione, Manhattan Borough Commissioner, Department of Transportation
19th Precinct, NYPD

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Food vendor safety standards and inspections

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding food vendor safety standards and inspections.

WHEREAS the quality and safety of food being sold on the streets is of primary importance to all, and

WHEREAS the food sold on the street, whether cooked or uncooked, is governed by a set of safety rules, but is currently not subject to the same safety and sanitation standards as those required of their bricks and mortar counterparts, and

WHEREAS food vendors have an inadequate inspection schedule, not up to the same schedule as their bricks and mortar counterparts,

THEREFORE BE IT RESOLVED that Community Board 8 asks that the same food safety standards and inspection schedules apply to food vendors as they do to their bricks and mortar counterparts.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

Nicholas Viest
Chair

Michele Birnbaum
Chair, Vendor Task Force Committee

Cc: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator
Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Dan Quart, New York State Assembly Member
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19th Precinct, NYPD

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**The City of New York
Manhattan Community Board 8**

July 26, 2016

Honorable Bill de Blasio
Mayor of City of New York
City Hall
New York, NY 10007

RE: Street Vendors Restrictions

Dear Mayor de Blasio:

At the June 15, 2016 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors restrictions.

WHEREAS, businesses, hospitals and individuals have made requests to the Community Board asking how a street becomes restricted to vending, and

WHEREAS, there was, in the past, a mechanism called the Vendor Review Panel that provided a mechanism for anyone to make application to have a street restricted to vending, and

WHEREAS, the applicant for a restricted street had to present evidence and rationale for such a request, and

WHEREAS, the Vendor Review Panel is no longer operational, and

WHEREAS, currently there is no such mechanism in the City of New York for making application for a street to be restricted from vending,

THEREFORE BE IT RESOLVED that Community Board 8 strongly requests that such a mechanism be put in to place by the City of New York that would provide clear guidelines as to how to make such an application for a street to be restricted with respect to street vending and that it would be heard and acted upon in a timely manner

This recommendation was a unanimous approval by a vote of 40 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

James G. Clynes
Chair

Michele Birnbaum and Marco Tamayo
Co-Chairs, Vendor Task Force Committee

Cc:

Hon. Gale Brewer, Manhattan Borough President
Hon. Carolyn Maloney, 12th Congressional District Representative
Hon. Liz Krueger, NYS Senator, 28th Senatorial District
Hon. Dan Quart, 73rd Assembly District
Hon. Rebecca Seawright, 76th Assembly District
Hon. Daniel Garodnick, NYC Council Member, 4th Council District
Hon. Ben Kallos, NYC Council Member, 5th Council District

James G. Clynes
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

March 20, 2017

Honorable Bill de Blasio
Mayor of City of New York
City Hall
New York, NY 10007

RE: Street Vendor Locations

Dear Mayor Bill de Blasio:

At the March 15th, 2017 Full Board meeting of Manhattan Community Board 8, the Board reviewed following resolution regarding street vendors and the formation of a city entity to address and assign locations for food and general merchandise street vendors:

WHEREAS, there is currently no protocol in the City of New York for assigning locations where a street vendor can do business, and

WHEREAS, Intro # 1303 is calling for an increase in the number of food vendor licenses that are issued each year to 630, 30 of which are for Veteran Vendors, in each of the years until 2025, and

WHEREAS, after this period of time, the cap may be removed on the recommendation of the Department of Transportation, and

WHEREAS, Community Board 8 has already commented on their objections to the increase in the number of licenses until other concerns, such as location and enforcement of existing vendor law are addressed, and

WHEREAS, neither this Intro nor any city entity addresses concerns about street vendor location, and

WHEREAS, Community Board 8 has been receiving numerous complaints about the locations of street vendors, and

WHEREAS, clusters of street vendors cause pedestrian crowding and impede access to subway entrances, and

WHEREAS, customers of businesses with heavy foot traffic are impeded, and

WHEREAS, it would serve the business, residential and vendor community well to have assigned locations for vendors so that vendor clustering could be controlled, and

WHEREAS, vendors would not have to "fight" for their spot each day or remain on the street for 24 hours in order to hold their spot,

THEREFORE, BE IT RESOLVED that a city entity be formed to address and assign locations for food and general merchandise street vendors, and

BE IT FURTHER RESOLVED that such an entity have significant input from the Community Board and residents and businesses in the community.

This recommendation was approved by a vote of 41 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

James G. Clynes
Chair

Michele Birnbaum & Marco Tamayo
Co-Chairs, Vendor Task Force Committee

Cc: Honorable Gale Brewer, Manhattan Borough President
Honorable Eric Adams, Brooklyn Borough President
Honorable Ruben Diaz Jr., Bronx Borough President
Honorable James Oddo, Staten Island Borough President
Honorable Melinda Katz, Queens Borough President
Honorable Melissa Mark-Viverito, NYC City Council Speaker, 8th Council District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member, 76th Assembly District
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Carolyn Maloney, US Representative, NY 14th District

James G. Clynes
Chairman

Latha Thompson
District Manager



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The City of New York Manhattan Community Board 8

June 22, 2017

Luis H. Sanchez, PE
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 35th Flr.
New York, NY 10038

Inspector Clint McPherson
Commanding Officer
NYC Police Department
153 East 67th Street
New York, NY 10065

RE: Street Vendors Restrictions

Dear Commissioner Sanchez, Inspector McPherson:

At the June 22, 2017 Full Board meeting, the board passed the following resolution of **approval** by a vote of 30 in favor, 10 opposed, 3 abstentions and 0 not voting for cause:

WHEREAS, the DOT is addressing the adverse effects of vending vehicles in the street in front of businesses without their consent in New York City Department of Transportation TRAFFIC RULES, Title 34, Chapter 4, Rules of the City of New York (February 21, 2017), Section 4-12 MISCELLANEOUS and

WHEREAS, such adverse effects can also be present if vending apparatus is on the sidewalk in front of street level storefronts and businesses,

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan advises the DOT RULE be amended as follows:

New York City Department of Transportation TRAFFIC RULES, Title 34, Chapter 4, Rules of the City of New York (February 21, 2017), Section 4-12 MISCELLANEOUS
(RED indicates wording addition.)

(g) Peddlers. No peddler, vendor, hawker, or huckster shall stop or remain or permit any cart, wagon, **table** or vehicle owned or controlled by him/her, to stop, remain upon or otherwise encumber any **sidewalk or** street in front of any premises if the owner or lessee of the ground floor thereof objects. No peddler, vendor, hawker, or huckster shall permit his cart, wagon, **table** or vehicle to stand on any **sidewalk or** street when stopping, standing, or parking is prohibited or on any **sidewalk or** street within 25 feet of any corner of the curb or to stand at any time on any sidewalk **or street** or within 500 feet of any public market or within 200 feet of any public or private school.

AND BE IT FURTHER RESOLVED, that the DOT implement an enforcement protocol for this RULE as soon as possible.

Please advise this office of any action taken regarding this matter.

Sincerely,

James G. Clynes
Chairman

Michele Birnbaum and Marco Tamayo
Co-Chairs, Vendor Task Force Committee

cc: Hon. Bill de Blasio, Mayor of the City of New York
Hon. Gale Brewer, Manhattan Borough President
Hon. Carolyn Maloney, 12th Congressional District Representative
Hon. Liz Krueger, NYS Senator, 28th Senatorial District
Hon. Dan Quart, 73rd Assembly District
Hon. Rebecca Seawright, 76th District
Hon. Ben Kallos, NYC Council Member, 5th Council District
Hon. Daniel Garodnick, NYC Council Member, 4th Council District

NYC Campaign for an
**ELECTED CIVILIAN
REVIEW BOARD**

Testimony to the NYC Charter Revision Commission Manhattan Public Hearing - City Hall, September 27th, 2018.

Good Evening Commissioners,

My name is Pamela Monroe and I am a Steering Committee Member of the Campaign for an Elected Civilian Review Board. We want to thank you for listening to the many voices that have testified at these hearings for an Elected Civilian Review Board.

The range of testimonies from mothers and fathers to educators to elected officials, shows the wide impact of unchecked police abuse on our entire city. It also lays bare the desperate need for a solution.

We have previously explained and disseminated documents to you that detail our amendment for an elected, empowered review board. In addition, we will deliver to you our extensive research on State and local law that shows a strong precedent and legal basis for establishing an Elected Civilian Review Board.

Our campaign is committed to being here to help, and is available for follow up hearings or meetings. Our legislative team stands at the ready to collaborate with you. We know that this commission needs to deliberate and take time to consider everything before you. We respect your process and timeline.

We ask that when you listen and reflect on testimony from New Yorkers about what changes we need, please also remember the voices you cannot hear. Those who have been silenced because they were killed by those sworn to protect them, the NYPD. They must be seen and never forgotten. Please, remember them when you decide what action you will take; contrary to what you may think you do have a choice. An opportunity to make a significant difference.

The era of unchecked police misconduct must end. We have a historic chance to work together to usher in a new era where the police are held to the same standard as you, me, and the rest of us. This Charter Commission can make history and provide an example to the entire country suffering under police abuse.

"Not everybody can be famous, but everybody can be great because greatness is determined by service." - Dr. Martin Luther King Jr.

We know you will do the right thing. We thank you for your time.

RADICAL WOMEN

113 West 128th St., New York, NY 10027 • Phone (212) 222-0633 • nycradicalwomen@nycr.net • www.RadicalWomen.org

Radical Women Testimony to the Charter Revision Commission 2019
Manhattan, September 27, 2018

Good Evening Commissioners. My name is Betty Maloney, and I'm here as a representative of Radical Women. I am a retired guidance counselor and member of the American Federation of Teachers, and a former rape crisis counselor.

Radical Women is a national organization of women engaged in grassroots activism aimed at eliminating sexism, racism, homophobia, and labor exploitation. We recognize that women have a strong stake in the creation of an Elected Civilian Review Board because of how our lives are affected by widespread police misconduct and violence.

Women—especially women of color and gender- or sex-role non-conforming women—are often seen as targets for sexual harassment and assault. We face extortion to perform sexual acts for cops in order to avoid arrest, or to protect our children from harassment. Our reports when we are victims of crime are not believed or are ignored. And too many of us have lost our children to police violence.

It is appalling that the Civilian Complaint Review Board has only in the last few months begun to investigate allegations of sexual misconduct. Until then, all these complaints were referred to NYPD Internal Affairs. The NYPD has demonstrated a complete inability to police itself, a reality only more extreme when dealing with attitudes toward women and the LGBTQ community deeply ingrained in its culture.

The NYC Department of Investigation issued a report this year on the Police Department's abysmal failure to deal with sexual crimes against women, concluding that:

"Documents as well as current and former [Special Victims Division] staff, sex crime prosecutors, service providers, and victims' advocates all confirmed to DOI that chronic understaffing and inexperience have "diluted" and "shortened" investigations, jeopardized prosecutions, re-traumatized victims, and negatively impacted the reporting of sex crimes, thereby adversely affecting public safety."

The NYPD is even less effective and more likely to drop or whitewash investigations when the perpetrators come from within their own ranks.

Others have testified to the enormous impact of police misconduct on young people, especially youth of color. Children while in school are also vulnerable to police abuse that—if dealt with at all—is referred to Internal Affairs. Presently there are 5,300 NYPD school safety employees in our schools and not one has to answer to the CCRB. These officers can make warrantless arrests, carry handcuffs, and use physical or deadly force. In an ACLU study in 2017, there were 882 arrests of school children. One in five was age 14 or younger, and **95% of students were Black or Hispanic.**

Radical Women believes, as do others participating in the ECRB campaign, that only an elected board that has disciplinary power and works in tandem with an independent Special Prosecutor can effectively improve police accountability.

Land Use

City Planning should take into account projected changes in the economy, employment, housing, transportation demand, and seek to maintain its historic environment and improve the quality of life for the City's residents. Further this City needs to look closely at environmental impacts of current and future development. We need local neighborhood plans incorporated with a vision for the City.

The current system does not allow local land use decisions to be made by local people. While community boards and borough presidents can provide recommendations and input, their recommendations are not binding, and while the recommendations must be acknowledged, they don't have to be followed, and they are often disregarded entirely. In my opinion, New York City needs to completely rethink its land use process to bring local people into meaningful decision-making, but still allow the City administration to guide growth and development in the City.

In a City of 8.6 million people, it is not possible for the administration to do a good job guiding growth at the local level. Instead, the administration should be driving an overarching vision of the City: for example, NYC needs to plan for X number of residents and Y number of jobs by 2030, and the City assigns growth targets to each local district that would help to realize that vision. It would then be up to the Community Boards (think of them as Community Boards 2.0, Community Boards, but with more resources and staff,) to adopt land use plans that would protect the community's current assets, but at the same time identify areas where future growth could be accommodated. Any zoning changes made within the Community District must be consistent with the local land use plan. The administration would still have the right to reject whole plans as not meeting the obligations that have been assigned to the Community District, but couldn't tinker with individual elements of the plan. Ultimately, the Community Board's plan would guide the form of new development, e.g., short squat buildings that are more contextual or tall narrow buildings that allow better light to the street and where that growth would occur within the community district. The Community Boards currently have no power in these very local decisions, but the charter could change to give them that power. Local people know best about these very local decisions.

The Charter should require site-planning and environmental review with local oversight for every development.

Statement of Holly Rothkopf, 10 W 66 St, 14B
NY NY 10023

**Testimony of Carolyn Martinez-Class
On Behalf of Communities United for Police Reform (CPR)**

**Submitted to the Charter Revision Commission 2019
For September 27, 2018 Hearing at New York City Hall**

Dear Charter Revision Commissioners:

My name is Carolyn Martinez-Class and I am presenting this testimony on behalf of Communities United for Police Reform, an unprecedented campaign working to end discriminatory policing practices in New York. As part of our work, we have organized coalitions of over 200 local and national organizations to win police accountability legislation and policy change at City Hall and in Albany; our members have trained thousands of New Yorkers on their rights in interactions with police; and we engage in community education, civic engagement, community organizing, litigation and other activities to promote greater transparency and accountability from government – particularly the NYPD – to build a safer New York that is respectful of the rights of all New Yorkers.

We believe the 2019 Charter Revision process represents an important opportunity to consider changes to the Charter that can better advance safety along with increased police accountability and transparency.

About CPR

CPR is a multi-sector campaign working to end discriminatory and abusive policing practices in New York. Through community organizing, policy advocacy, public education, litigation, civic engagement and other strategies, CPR seeks to build a broad-based movement to promote community safety and respect for the rights and dignity of all New Yorkers. Our members and partners include over 200 local and national organizations, many of whom are based in and led by those most directly impacted by abusive policing. Our member organizations include grassroots community organizing groups, policy and legal advocacy organizations, research projects and more.

Through this campaign, we have helped to change the local conversation on public safety, increased the knowledge and practice of New Yorkers in observing and documenting police misconduct, and have won key policy victories including passage of the Community Safety Act (which established the first Inspector General of the NYPD and an enforceable ban on bias-based policing) and Right To Know Act in the City Council; and secured an executive order establishing a special prosecutor for police killings from Governor Cuomo.

Comments related to key issues for Charter Revision consideration

Amongst low-income communities of color - including youth, immigrants, women, LGBT and gender non-conforming people, homeless individuals and others - it is no secret that there is a systemic crisis in lack of meaningful or timely police accountability and transparency, as has been documented in the New York Times,¹ in the Daily News² and elsewhere. Last March, BuzzFeed News³ reported that there were hundreds of officers who were found guilty by the Police Department of engaging in egregious misconduct including lying on official reports and under oath, sexual misconduct, and brutality – and yet none of those officers were fired. The fact that this information only became public after it was leaked to media should speak to the resounding lack of transparency of the NYPD.

We know that the egregious misconduct covered in the BuzzFeed article is only a small part of the picture. Today, over four years later, Daniel Pantaleo and the other officers involved in Eric Garner's killing are still on the force, in part because the Department stalled the investigation in this case for years. After the death of Eric Garner, it was leaked that Pantaleo had a history of substantiated misconduct complaints when the City refused to release that information. Last April, when four NYPD officers shot at and killed Saheed Vassell in Crown Heights, it took more than 16 weeks for the Vassell family and the public to find out the identity of the officers involved – and that was also through a media leak. Despite an open investigation, it was found that those officers are still patrolling our communities. These are just two cases that highlight how even in situations where New Yorkers are killed by officers, the Department refuses to be transparent or enact timely disciplinary processes.

In the past two years, New York City has gone backwards by decades on meaningful and timely police transparency and accountability. One of the primary issues that can be addressed through revision of the Charter is the Police Commissioner's exclusive authority on disciplinary matters which has historically enabled this culture of pervasive misconduct – in 2017 the Police Commissioner departed from the CCRB's disciplinary recommendations over 70% of the time, subjecting officers to even less harsh penalties than the CCRB had recommended after an investigation.⁴

The City Charter needs to be revised to strengthen transparency and to promote meaningful and timely discipline when officers engage in misconduct. Unfortunately, the status quo enables and promotes a systemic lack of accountability within the NYPD and the other officers that the Department trains and supervises including school safety agents. The City Council has a significant opportunity through this Charter revision process to improve government transparency and accountability – while making the city safer for all New Yorkers – and that will require greater transparency and accountability from the NYPD.

¹ 4 Years After Eric Garner's Death, Secrecy Law on Police Discipline Remains Unchanged June 3rd, 2018
<https://www.nytimes.com/2018/06/03/nyregion/police-discipline-records-garner.html>

² The NYPD's thick blue wall: Hiding more and more from public view June 8th, 2018

<http://www.nydailynews.com/opinion/ny-oped-nypds-thick-blue-wall-20180608-story.html>

³ Secret NYPD Files: Officers Can Lie In Court Or Brutally Beat People And Still Keep Their Jobs, March 5, 2018
<https://www.buzzfeednews.com/article/kendalltaggart/secret-nypd-files-hundreds-of-officers-committed-serious>

⁴ Police at odds with Oversight Board Reject More of its Penalties, April 12th, 2018

<https://www.nytimes.com/2018/04/12/nyregion/police-at-odds-with-oversight-board-reject-more-of-its-penalties.html>

We thank you for the opportunity to submit comment, and we look forward to working together with Charter Revision Commissioners and other New Yorkers in the coming months on concrete proposals to amend the City Charter to ensure greater police transparency and accountability.

CHAIR

CHRISTY MACLEAR

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September 27, 2018

MAS Comments on the New York City Council Charter Revision Commission 2019

Background

Founded in 1893, four years before the adoption of New York City's first charter, the Municipal Art Society of New York (MAS) has had a long history of advocating for sound land use and planning policy. As part of our advocacy, MAS has provided input on several City Charter revisions throughout the years. From a historical perspective, we find that many of the issues from previous Charter revision efforts remain relevant today, and are central to the revisions under consideration by this Commission.

Since the release of our 2013 *Accidental Skyline* report, which examined the proliferation of supertall buildings in the city, MAS has been a strong voice in supporting new rules and regulations to protect our public assets such as light, air, and open space, and preserve the character of the city's neighborhoods from out-of-scale development. As pressure mounts and communities face the prospect of long-term negative impacts of unsound and inequitable land use decisions, the time is ripe for this Charter revision.

Community-Based Planning

Based on our reviews of large-scale rezonings and other developments, we find that current public review processes do not facilitate effective community input, and that long-term, community-based planning initiatives meet strong resistance from the City.

In 2018, the City is well on its way to setting a record number of approvals for zoning map amendments. By June, the City certified or approved 38 amendments, and based on recent trends we expect that they will likely surpass 50 approvals by the end of the year. Most concerning about this record number of approvals is the lack of community engagement in the process. Only four out of this year's 38 zoning map amendments have gone through an extended public review. These include the City-initiated Inwood and Jerome Avenue neighborhood rezonings, the 80 Flatbush Avenue proposal in Downtown Brooklyn/Boerum Hill, and the Bedford-Union Armory project in Crown Heights.

As New York City continues to grow each neighborhood must accept a fair share of necessary development and understand the role development plays in achieving the fundamental social, physical, and economic needs of the city; and residents, given greater responsibility in land use decision-making, can effectively increase the equity with which the city develops.

In summary, MAS believes that the City needs to give genuine consideration to community-based land use plans including, but not limited to, those created under Section 197-a of the current Charter, rather than focusing primarily on private development application-based decision-making.

MAS supports the creation of an Office of Community-Based Planning, with oversight provided by the Public Advocate's office, and revisions to the Charter that require Community Boards to present district-wide plans on a regular basis; at periods to be determined. Moreover, land use proposals submitted by private applicants should be required to conform to local 197-a plans or district-wide community plans. MAS also supports the development of a citywide planning framework, including a shared set of citywide development priorities, which local 197-a plans and district-wide community plans should both help shape and conform to.

ULURP & Environmental Review

The City Charter should institute a pre-ULURP process, which would allow for public input into development plans before projects are officially certified. Through this process, the City would disclose application information and hold public meetings to garner input from communities to ensure that major issues are identified and discussed at the beginning of the planning process.

The City Charter should also strengthen the City's CEQR process. The full disclosure and evaluation of the potential effects of discretionary actions by the City is critical to the land use process. CEQR documents, to the extent practicable, must accurately identify the full extent of potential development that would result from a land use action and effectively evaluate the full array of expected impacts.

City Charter revisions also need to strengthen mitigation requirements for adverse impacts identified in the CEQR process by making the Office of Community-Based Planning responsible for conducting environmental review of plans initiated by Community Boards or other local organizations.

The City could also require follow-up technical memoranda, where applicable, to resolve issues raised by community boards and Borough President's offices in their respective project resolutions about findings and conclusions in Environmental Impact Statements (EISs). The City should also establish penalties for misrepresentations and inaccurate information in project applications (including EISs, building permit applications, and documentation submitted to the Board of Standards and Appeals).

Agency Structure

MAS opposes amending the Charter to allow the City Planning Commission (CPC) to make final determinations on all administrative land-use permits, such as certifications, authorizations, and special permits, as this would diminish the City Council's role in the CPC Special Permit process.

MAS is also strongly opposed to unnecessary changes to landmark designation procedures that involve the CPC. Even more distressing is the idea of reorganizing the Landmark Preservation Commission (LPC) to become a division of the Department of City Planning. MAS believes that the landmark designation process should remain entirely within the scope of an independent LPC.

Municipal Open Data

MAS firmly believes that accessible open data is critical to government accountability and policymaking. As MAS has previously advocated, the City must incorporate Zoning Lot Development Agreements (ZLDAs) into the MapPLUTO datasets including specific information on the quantity of development rights transferred, the receiving lot, and the sending lot. This simple reform would merely make public records easier to access and improve transparency in development potential for parcels across the city.

Furthermore, MAS asks that the City collect data on retail vacancies and maintain a publicly available, updated list. The creation of a register of retail vacancies would provide crucial insights for addressing and reducing retail vacancies that plague neighborhoods across the city.

Thank you for the opportunity to comment on this critical matter.

From: Edward Ma <edma55@aol.com>
To: Edma55 <Edma55@aol.com>
Subject: Against Term Limits of Public Hearing
Date: Thu, Sep 27, 2018 1:58 pm

FOR THE RECORD

Dear Chair and Members of Charter Commission:

As a Member of Community Board 2 and former New York City Human Right Commissioner, I would like to oppose the term limits. Term limits is literally an assassination of our cultural continuity by eliminating all the basis of initial governmental function. It means that all of our institutional memory would be lost.

Community board and its committees' meetings are truly a school for learning the democratic process. I have learned a lot from the senior members, monthly meetings and legislators' reports, etc.

For the purpose in preserving American tradition, culture, quality life and community democracy, I would like to see the present board members appointment system should be maintained without change. The term limits would be literally destructive and eroding the foundation and function of our community board structure of democratic legacy, public education and human resource development with special knowledge and skills in land use, parliamentary procedures and governmental affairs, etc. Another words, we cannot dumping away the bathing water with the baby in.

Thank you.

Respectfully,

Edward Ma, Community Board 2
Former New York City Human Right Commissioner

PRINT TESTIMONY

Hi my name is Marilyn Galfin founder of voices for shelter animals. We want to get the DOH out and an Animal welfare Dept created. Historically they have not shown concerns for the health of the NYC shelter animals.

A former exec director of ACC from 2003 - when asked about DOH said this." If the concern or question is, does the Department of Health have the best interest of AC&C, or the animals in its care, at heart? The answer is clearly, "No, they do not."

As many of us have shown nothing has changed

As per Stringer's '2013 report, "The root of the problem is structural: AC&C is controlled by the New York City Department of Health and Mental Hygiene ("DOHMH"), an agency whose mission and expertise has not sufficiently focused on animal welfare.

In 3 months dec 2017-Feb 2018 approximately 185 dogs were at risk for CIRDC-basically a cold . 21 of those dogs killed . Pneumonia is on the rise, and cats getting calici virus which can be fatal.

Doh/ACC justify disease as something that is normal in shelters-

from anonymous statement by a rescue person

These animals are coming out extremely sick-they are coming out with kennel cough each and everyone of them--The veterinary bills are outrageous -rescues had to turn their backs on these animals because they can no longer help"

At end of 2016 there was an avian flu outbreak among cats. These cats were put in a temp quarantine facility - That only happened because this was contagious to people.

DOH should act responsibly remove all the animals now to temp facility completely sanitize the shelter and ensure proper cleaning protocols are being enforced.

Some Animals are left suffering for days with excruciatingly painful conditions =instead of getting emergency medical care ACC waits to see if a rescue will pull so that the rescue take on the financial burden.

ACC fast track system of spay neuter designed to get the most adoptable animals out to give more time for the more difficult to adopt animals. has backfired because of the disease ravaged shelter. An animal goes out for surgery comes back with weak immune system get sick gets on at risk and is euthanized. We have documented through foil request 74 victims since January-2017 we think the number is higher. This is not in best interest of the animals.

We see many cases of alleged bite histories. DOH needs proof and cause of bite rather than allow killing on hearsay

Rescues and volunteers petrified to speak out for fear of losing right to pull animals or fear of being let go exemplifies the dysfunctional and toxic culture. DOH/ ACC does not want team process to save lives.

Now a potential 34 yr DOH/ACC contract -unless they are making changes will allow them to continue the status quo of killing adoptable treatable animals and many with no sedation which is not humane euthanasia as acc refers to it, & continue treating dogs and cats like disposable items,

=====

In closing. We need an agency capable of enforcing proper health care for animals under the city's oversight and to run (ensure) a humane shelter system.

we need an entity that's only focus is animals comprised of passionate animal

FOR THE RECORD

PRINT TESTIMONY

lovers with animal related experience who understand companion animals & all non companion animals are sentient beings.

we need people who will fight for the welfare of all animals and protect them from abuse, inhumane treatment, exploitation, and death as we also tackle issues such as puppy mill pet stores, pet discrimination, backyard breeders, carriage horse industry etc.

It is our moral obligation to protect those who cannot protect themselves.

we ask that the charter to be part of a potential unprecedented and historic event to help the NYC animals, the creation of an animal welfare agency
Voices for shelter animals would like meet with the commission to work on a proposal

ACC admits they don't euthanize all animals

It is absolutely disturbing that some animals for a simple medical or behavior issue, that are basically healthy, vibrant fully cognizant of what is happening and totally petrified, are given no sedation just one shot to stop their heart- this is not humane euthanasia as ACC likes to call it.

Animals can be pigeon holed into death sentences by behavior assessments which are part of the DOH contract. This assessment can give an animal a nh rescue only label-that animal can be only pulled by a NH rescue partner -if they allow qualified 501c rescues more positive outcomes can result.

Owner surrenders with a known good history with children and other dogs if develop shelter induced behavior issues like hard barking, growling can be put on the At Risk list killed. All they really need is to get out of the shelter environment into a new home.

Positive experience with animals by volunteers and staff are undervalued and not taken into consideration which can save an animal from being killed --DOH doesnt take steps to work with ACC to evaluate and change assessment standards

(In my opinion?)Their refusal to implement simple immediate life saving solutions now shows they are not in the business of saving lives.

ACC spends a lot of time and energy on reputation management rather than being proactive in saving lives

or

ACC instead of spending time and energy on reputation management can be more proactive in saving lives



FOR THE RECORD

TESTIMONY BY JERRY H. GOLDFEDER

2019 NEW YORK CITY CHARTER COMMISSION

**City Hall-Council Chambers
City Hall Park
New York, NY, 10007**

September 27, 2018

I want to convey my best wishes to Chair Gail Benjamin and members of the City Council's Charter Revision Commission. In that this is the first time the New York City Council has exercised its authority under the state's Municipal Home Rule Law to create such a Charter Commission, you have an historic role for our city's future.

We have had numerous mayoral commissions in our history, but at no other time have we had one whose membership was required to and did represent all the elected officials of New York City. Public Advocate Tish James and Borough President Gale Brewer are to be congratulated for conceiving of a commission such as this, and, of course, Speaker Corey Johnson and the Council for creating it. Further, most mayoral commissions are created with specific, narrow goals in mind, and those commissions rarely if ever stray from such direction. This Commission, on the other hand, has received no such assignment, and has not been directed to focus on any particular issue to the exclusion of others. Indeed, your mandate is what the law requires: to review the entire Charter and to revise it as substantially as you see fit. In this respect, your task is very much like the commissions of the late 1980s when a fundamental

review of the Charter was undertaken under the leadership of Richard Ravitch and Fritz Schwarz. I have every confidence that you will acquit yourselves admirably in your historic opportunity.

I testify tonight as a representative of the New York City Bar Association. I have had the privilege of serving as Chair of its Committee on New York City Affairs for the last three years. During that time, as well as during the last thirty five years in a variety of professional roles, including as an election law practitioner and Adjunct Professor of Law at Fordham Law School, I have studied the Charter and Charter revision. In fact, as far back as the mid-1980s, I participated in a group called Citizens for Charter Change, led by then-Councilperson Ruth Messinger, and I led a group to initiate a Citizens Charter Revision Commission pursuant to the Municipal Home Rule Law.¹ I also have testified at various Charter Commission hearings over the last number of decades, and have written and lectured extensively on a variety of proposed Charter amendments.²

So I am especially pleased to have the opportunity to talk with you tonight about your historic opportunity.

The City Bar offers what I call our “Democracy Agenda for New York City”. This includes taking the bold, but wholly warranted, step of enhancing voting opportunities in New York City elections. As everyone on this Commission knows, the New York state legislature has failed or refused to enact meaningful voting reform for many years. We have a woefully restrictive set of election laws. Thirty seven states have early voting;³ New York does not.

¹ Bruce Lambert, *Political and Civic Group Calls for Second Panel on Charter*, N.Y. Times, June 15, 1987.

² See, e.g., Jerry H. Goldfeder, *Two Powerful Weapons in de Blasio's Arsenal to Take On Albany*, City and State, January 1, 2014.

³ <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

Twelve states and the District of Columbia have enacted automatic registration;⁴ New York should at least provide the opportunity to register on the eve of elections. Twenty six states and Washington D.C. allow no-excuse absentee voting;⁵ we should permit it. There are many states that allow open primaries;⁶ New York voters should not have to wait almost a year to change political party affiliation. And Instant Run-off Voting, used in fifteen cities and the State of Maine, would eliminate an extra trip to the polls and save taxpayer dollars; this was used in New York City School Board elections.⁷

New York City need not wait for Albany to act. This Commission can – in one dramatic move – embrace these voting procedures for our municipal elections. Each of these reforms, and all of them taken together, would be a giant step for democracy in New York City. Both the City Bar Report and my proposed § 1057-g of the Charter provide a set of specific goals and procedures to implement enhanced registration and enrollment opportunities, early voting, instant run-offs and no-excuse absentee voting. With one comprehensive stroke, this Commission can create more robust elections by making it easier to register and vote.

The City of New York has the authority to enact such reforms in municipal elections, as articulated by various experts and disinterested parties, including the courts,⁸ a former New York Attorney General,⁹ and a former New York City Corporation Counsel.¹⁰ Thus, for example, over

⁴ <https://www.brennancenter.org/analysis/automatic-voter-registration>

⁵ http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#no_excuse

⁶ <https://www.openprimaries.org/>

⁷ See Press Release, Fairvote, May 1, 2018.

⁸ See *Roth v. Cuevas*, 82 N.Y.2d 791(1993); *McDonald v. New York City Campaign Finance Board*, 117 A.D.3d 540 (1st Dep't. 2014).

⁹ Letter from Attorney General Robert Abrams to Mayor Edward I. Koch, October 21, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services).

¹⁰ Memorandum from Corporation Counsel Peter L. Zimroth to Mayor Edward I. Koch and City Council Vice Chair Peter Vallone, August 13, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services).

the years we have established in our municipal elections a highly regarded campaign finance program; term limits; reduced petition signature requirements for ballot access; and non-partisan elections for vacancies.

The Democracy Agenda we are proposing would be implemented using a municipal ballot on which candidates for municipal offices would appear.¹¹ Candidates for all other public offices (*e.g.*, District Attorney, Supreme Court Justice) or party positions (members of a party committee, elected at the primary elections) would be listed on a separate ballot. The City's Board of Elections would have to update its voter database to indicate who is eligible to vote at a specific election, but we do not believe the required administrative work is unduly burdensome. In fact, this procedure would be no different from the Board's current practice of indicating on its database which voters must present an ID or which voters have been challenged.¹² Logging in additional information relating to enhanced registration or new party affiliation seems easily and readily manageable. Moreover, since the proposed reforms are contemplated as taking effect in the 2021 municipal elections, the Board has at least two years to consider and adopt necessary procedures to implement these proposals, a period of time we believe should be sufficient to effectuate these reforms.

Of course, we acknowledge that the better course would be to have Albany enact this Democracy Agenda for all public offices and party positions throughout the state. That would be administratively easier and avoid the necessity of educating voters as to the separate procedures for municipal elections. But you should not be deterred from enacting these reforms because

¹¹ Municipal offices are Mayor of the city of New York; Public Advocate of the city of New York; Comptroller of the City of New York; Borough President of the Borough of Manhattan; Borough President of the Borough of Brooklyn; Borough President of the Borough of Queens; Borough President of the Borough of Staten Island; Borough President of the Borough of the Bronx; and Member of the City Council of the City of New York.

¹² N.Y. Elec. Law §8-302.

you are waiting for a more perfect solution. Indeed, if this Commission adopts the Democracy Agenda for New York City, it may very well incentivize Albany to enact such reforms statewide for all elections.

I trust that the Commission will seriously consider this proposal, and, on behalf of the City Bar, we appreciate all your efforts to make New York City government more responsive to the needs of our eight million people.



NEW YORK
CITY BAR

COMMITTEE ON NEW YORK CITY AFFAIRS

JERRY H. GOLDFEDER
CHAIR
Phone: (212) 806-5857
JGoldfeder@Stroock.com

July 10, 2018

Hon. Cesar Perales
Chair
New York City Charter Revision Commission
1 Centre Street
New York, NY 10007

Hon. Gail Benjamin
Chair, New York City Charter Revision Commission
c/o Office of the Speaker
City Hall
New York, NY 10007

Re: Election-Reform Related Proposals for Consideration in the City Charter Revision Process

Dear Chairs Perales and Benjamin:

The New York City Bar Association ("City Bar") intends to establish a Task Force on the City Charter for the purpose of commenting upon various proposals submitted to your respective Commissions, and, ultimately, those that you recommend to be placed on the ballot. In anticipation of this, the City Bar's Committee on New York City Affairs writes to express its immediate and longstanding support for certain election reform-related proposals.¹

As you are well aware, for many years, voter participation in New York has ranked far below most other states in both national and local elections.² The City Bar has consistently – and

¹ The New York City Affairs Committee established a subcommittee to research and draft a report on the issues herein. The subcommittee was chaired by John Owens; other members included Mary Bruch, Michelle Grady and Laura Wood. A draft version of this letter was approved by the full committee and endorsed by the Committee on Government Ethics and State Affairs.

² In 2016, with two New Yorkers at the top of the presidential ballot, our state still ranked 41st out of 50 in terms of turnout. See Matthew Hamilton, "Report: New York ranks 41st in voter turnout in 2016," Times Union, March, 19, 2017, <https://www.timesunion.com/local/article/Report-New-York-ranks-41st-in-voter-turnout-in-11009879.php>; see also *N.Y. State Bar Assn. Special Committee on Voter Participation, Final Report* (2013), available at <http://www.nysba.org/voterreport/> ("In both national and local elections voter participation in the State of New York has for over a decade been far below that of most other states. New York also compares unfavorably to other states in the percentage of its eligible citizens who are registered to vote[.]") (citations omitted).

persistently – supported election reform, advocating for a variety of proposals, including, for example (1) enhanced registration procedures, with more flexible deadlines; (2) “no excuse” absentee voting; (3) early voting; (4) instant run-off voting; and (5) felony re-enfranchisement.³

The state legislature has failed or refused to enact these reforms. However, pursuant to the state constitution,⁴ the New York State Municipal Home Rule Law (MHRL)⁵ and other home-rule statutory provisions, the law permits localities to enact their own reforms, provided they are neither preempted by a directly contradictory state statute or a state constitutional prohibition. Specifically, MHRL permits local law-making as it relates, *inter alia*, to

- (1) The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees....
- (2) In the case of a city, town, or village, the membership and composition of its legislative body.
- (3) The transaction of its business....
- (12) The government, protection, order, conduct, safety, health, and well-being of persons or property therein.⁶

In fact, when the City’s exercise of these powers has been questioned, the courts, the New York State Attorney General and the Corporation Counsel of the City of New York have upheld the power of the City to enact such reforms. Court decisions include *Roth v. Cuevas*, 82 N.Y.2d 791(1993)(term limits); *McDonald v. New York City Campaign Finance Board*, 117 A.D.3d 540 (1st Dep’t. 2014)(campaign finance law); *Matter of Blaikie v. Power*, 13 N.Y.2d 134 (1963)(at-large elections for certain city council seats); and *Johnson v. City of New York*, 274 N.Y. 411, 430 (1937) (proportional representation). See also Opinion Letters from Attorney General Robert Abrams and Corporation Counsel Peter L. Zimroth: *Letter from Attorney General Robert Abrams to Mayor Edward I. Koch*, October 21, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services); *Memorandum from Corporation Counsel Peter L. Zimroth to Mayor Edward I. Koch and City Council Vice Chair Peter Vallone*, August 13, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services).

Thus, the City of New York has the authority to “adopt and amend local laws not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government[.]”⁷

³ See *Recommendations on Governmental Structure and Election Issues for the 2010 Charter Revision Commission*, New York City Bar Association. (June 2010), available at <http://www.nycbar.org/pdf/report/uploads/20071967-RecommendationsonGovernmentalStructureandElectionIssues.pdf>.

⁴ N.Y. Const., art. IX.

⁵ N.Y. MHRL § 10(1)(i).

⁶ N.Y. MHRL § 10(1)(ii)(a).

As such, in recent history, the City has adopted various laws changing the manner by which municipal public officials are elected, including its public campaign finance matching program, non-partisan special elections, term limits, and reduced petition signature requirements for ballot access. These reforms were effected pursuant to the City's power under the state constitution and the MHRL by amending its City Charter. Additional reforms can be enacted in the same manner.

In that the Mayor of the City of New York has appointed a Charter Revision Commission pursuant to his authority under MHRL § 36(4), and the City Council has likewise done so pursuant to MHRL § 36(2), we wish to preliminarily weigh in on certain proposals already before you. Specifically, we urge each Commission to seriously consider the following changes in municipal elections which the Bar Association has previously endorsed. If enacted, these reforms would make it easier for eligible New York City voters to exercise their fundamental right to vote, which would, we hope, facilitate more robust campaigns and improved voter turnout.

Expanded Registration and Enrollment Procedures

A proposal to extend a new voter's opportunity to register until ten days before an election has been submitted to the Mayoral Commission. Currently, state law provides that a new voter must register twenty-five days in advance of the election.⁸ However, the state constitution requires only that registrations must be effected by the tenth day preceding an election.⁹ Thus, similar to New York City's enactment of its own ballot access, campaign finance and candidate eligibility requirements, it may permit potential voters to register to vote in municipal elections as it sees fit, provided, of course, that the cut-off date is consistent with the state constitution. Extending the registration cut-off to ten days prior to an election would undoubtedly allow more potential voters to cast a ballot.

In addition, the City Charter may also be amended to extend the time for voters to change their enrollment to vote in a primary election. One proposal would allow a New York City resident who is otherwise eligible to vote in a primary election but is enrolled in a different political party or is unaffiliated with any party to change enrollment and vote in his or her new party's primary if such change of enrollment is effected no later than thirty days before such primary election. This reform for municipal elections would be a significant liberalization of state law, which requires a change of enrollment to have been effected twenty five days prior to the previous year's general election. The proposal would obviously permit voters to have greater choice of enrollment, while still protecting political parties from last-minute, wholesale "party raiding."

Expanded voter registration and enrollment procedures would allow greater participation, and have the potential to improve turnout.

⁷ N.Y. MHRL § 10(1)(ii).

⁸ N.Y. Elec. Law § 5-210 (3).

⁹ N.Y. Const., art. II, § 5.

No-Excuse Absentee Voting

New York allows absentee ballots for registered voters who cannot make it to the polls on Election Day because of occupation, business, studies, travel, imprisonment of non-felons, illness, disability, and hospitalization or residency in a long-term care facility.¹⁰

Although there is a state law that addresses this issue, this fact does not prevent the City from "supplementing the general law" in a reasonable manner. The provision on absentee voting in the Election Law does not bar additional provisions of law.¹¹ A local law that "covers the same subject matter as a State law by supplementing the general law with additional reasonable requirements is not void for inconsistency."¹² Thus, just as New York City has supplemented state law relating to contribution limits, petition signature requirements and the manner by which vacancies are filled, it may also enact its own version of absentee ballot requirements.

Early Voting

New York's Election Law does not provide for early voting, and a proposal for early voting sites in each of the fifty one council districts and the borough boards of elections has been submitted. Currently, some three dozen states permit it, and New York's Election Law is silent

¹⁰ N.Y. Elec. Law § 8-400:

"1. A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:

"(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city; or

(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or

(c) a resident or patient of a veteran's health administration hospital; or

(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence."

¹¹ See N.Y. Elec. Law § 1-102:

"This chapter shall govern the conduct of all elections at which voters of the state of New York may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to any federal, state, county, city, town or village office, or deciding any ballot question submitted to all the voters of the state or the voters of any county or city, or deciding any ballot question submitted to the voters of any town or village at the time of a general election. Where a specific provision of law exists in any other law which is inconsistent with the provisions of this chapter, such provision shall apply unless a provision of this chapter specifies that such provision of this chapter shall apply notwithstanding any other provision of law."

¹² *Id.*

on this issue. In that “[s]ilence on an issue should not be interpreted as an expression of legislative intent,”¹³ the City may enact its own version of the procedure.

Early voting in so many states has proven to invigorate campaigns and increase voter turnout. This reform has the added benefit of facilitating voting on Election Day by reducing waiting time and generally improving voting procedures in the polling place.

Instant Run-Off Voting

Currently, under state law, candidates for New York City city-wide office (mayor, public advocate, comptroller) must receive 40% of the vote in a primary election to be nominated by a political party and advance to the general election. If no candidate for such office receives at least forty percent of the vote in the primary election, the two leading candidates will participate in a run-off election to determine their party’s nominee for the general election.¹⁴ The run-off election must take place two weeks after the primary election,¹⁵ except there has been already been one instance when the run-off has been postponed because of insufficient time to administer such election.¹⁶

The legislative history of the statute contemplates nomination of a candidate with broad support by voters in his or her political party. Instead of conducting run-off primaries if no candidate receives forty percent, an Instant Run-off Voting provision for our municipal elections is designed to show such support for the winning candidate. A detailed proposal, modeled upon Council Member Brad Lander’s bill in the City Council, has already been submitted to the Mayoral Commission.¹⁷ This reform would eliminate the need for a separate run-off election, alleviate the challenges faced by the Board of Elections in administering a separate run-off election, and save the city millions of dollars. Currently, about a dozen cities and the state of Maine use this procedure.

* * *

These reforms would be implemented using a municipal ballot on which candidates for only municipal offices appear.¹⁸ Candidates for all other public offices (*e.g.*, District Attorney, Supreme Court Justice) or party positions (members of a party committee, elected at the primary elections) would be listed on a separate ballot. We acknowledge that the City’s Board of

¹³ *Roth v. Cuevas*, 603 N.Y.2d at 968.

¹⁴ N.Y. Elec. Law §6-162.

¹⁵ N.Y. Elec. Law §8-100(1)(b).

¹⁶ Kate Taylor, *High-Cost Runoff for Public Advocate’s Post Prompts Calls for Reform*, New York Times, (2013) <https://www.nytimes.com/2013/09/30/nyregion/high-cost-runoff-for-public-advocates-post-prompts-calls-for-reform.html>

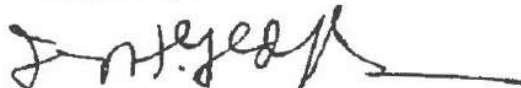
¹⁷ Int. 0130-2018, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331744&GUID=C3185645-9437-40A8-B334-B72CA18DD21D&Options=ID:Text&Search=130>.

¹⁸ Municipal offices are Mayor of the city of New York; Public Advocate of the city of New York; Comptroller of the City of New York; Borough President of the Borough of Manhattan; Borough President of the Borough of Brooklyn; Borough President of the Borough of Queens; Borough President of the Borough of Staten Island; Borough President of the Borough of the Bronx; and Member of the City Council of the City of New York.

Elections would, therefore, have to update its voter database to indicate who is eligible to vote at a specific election. However, we do not believe the required update is unduly burdensome. In fact, this administrative procedure is no different from the Board's current practice of indicating on its database which voters must present an ID, or which voters have been challenged.¹⁹ Logging in additional information relating to enhanced registration or new party affiliation seems easily and readily manageable. Moreover, since the proposed reforms are contemplated as taking effect in the 2021 municipal elections, the Board has at least two years to consider and adopt necessary administrative procedures to implement these proposals, a period of time we believe should be sufficient to effectuate this change.

On behalf of the members of the New York City Affairs Committee, thank you for your consideration and please do not hesitate to reach out if we can be of assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "J. H. Goldfeder", followed by a horizontal line extending to the right.

Jerry H. Goldfeder
Chair, New York City Affairs Committee

¹⁹ N.Y. Elec. Law 8-302.

"DEMOCRACY AGENDA" CHARTER AMENDMENT

Proposed by Jerry H. Goldfeder

FOR THE RECORD

§ 1057-g Municipal elections; enhanced registration; early voting; no-excuse absentee ballots; instant run-off primaries.

a. A resident of the city of New York who is eligible to vote in the city of New York at a primary, general or special election at which candidates for municipal office are on the ballot shall indicate their preferences on a ballot that lists only candidates for municipal offices and proposed amendments to the Charter of the city of New York; candidates for all other public offices or party positions or amendments to the constitution of the state of New York or other questions provided by law shall be listed on a separate ballot. Municipal offices are the Mayor of the city of New York; Public Advocate of the city of New York; Comptroller of the city of New York; Borough President of the Borough of Manhattan; Borough President of the Borough of Brooklyn; Borough President of the Borough of Queens; Borough President of the Borough of Staten Island; Borough President of the Borough of the Bronx; and Member of the City Council of the city of New York. The ballot that contains such municipal offices and proposed amendments to the Charter of the city of New York shall be known as a municipal ballot, and those who are eligible to vote for such municipal offices and proposed amendments to the Charter of the city of New York shall be known as municipal voters.

b. (1) A resident of the city of New York who is otherwise eligible to vote for municipal offices at a primary, general or special election who is not registered to vote in such election may register to vote and enroll in a political party during the early voting period pursuant to section c herein provided that said new registration is not later than ten days preceding the day of the primary, general or special election, and shall be permitted to vote for candidates for municipal offices and any proposed amendment to the Charter of the city of New York by affidavit ballot.

(2) A resident of the city of New York who is otherwise eligible to vote for municipal offices at a primary election except for being enrolled in another political party or as a blank, may change his or her enrollment and be permitted to vote in a newly-chosen political party primary if such change of enrollment is effected no later than thirty days next preceding such primary election, and shall be permitted to vote for candidates for municipal offices in said political party primary election by affidavit ballot.

c. A municipal voter shall be permitted to vote for candidates for municipal offices and proposed amendments to the Charter of the city of New York by affidavit ballot on any day commencing the second Sunday next preceding the scheduled election through the second day preceding said election, between the hours of 10 am and 5 pm at either the borough office of the board of elections in the city of New York in the borough in which the voter resides or at a designated polling place within the council district in which the municipal voter resides; the board of elections in the city of New York shall designate said early voting polling place within each city council district for this purpose no later than ninety days prior to said election day, and shall staff and provide all necessary materials and voting machines at and for such borough office and city council district polling places.

d. The municipal ballot in a primary election shall include an instant run-off provision for the public offices of Mayor of the city of New York, Public Advocate of the city of New York, Comptroller of the city of New York, Borough President of the Borough of Manhattan, Borough President of the Borough of Brooklyn, Borough President of the Borough of Queens, Borough President of the Borough of Staten Island, Borough President of the Borough of the Bronx, and the Members of the City Council of the city of New York. A ranking of the candidates for each of said offices shall be indicated by the voter in said primary election in

which there are at least three candidates for said nomination or election so that if no candidate for the nomination for said public offices receives more than fifty percent of the vote, voters will have indicated their ranked preferences to determine which candidate shall be declared the winner in said primary election. For the purposes of this section: (i) the municipal ballot shall allow voters to rank up to three candidates in order of preference as their first, second and third choices; (ii) if a candidate for the nomination for said public office receives more than fifty percent of first choice votes, that candidate shall be declared the winner of that nomination; (iii) if no candidate for the nomination for said public office receives more than fifty percent of first choice votes, the following tabulation procedure shall apply: the two candidates who received the highest and second highest number of first choice votes in each such election shall be continuing candidates, while all other candidates in each such election shall be eliminated; ballots indicating a first choice vote for an eliminated candidate shall be counted as votes for the highest ranked continuing candidate in such election on such ballot; ballots that do not rank a continuing candidate shall not be counted as votes for any candidate in that election; if both continuing candidates receive the same rank on a ballot, the ballot shall not be counted as a vote for any candidate in that election; the continuing candidate with the highest number of votes after the tabulation procedure set forth in this subdivision shall be declared the winner for that nomination; (iv) the voter shall be permitted to rank one write-in candidate for the nomination for such public office; and (v) the board of elections in the city of New York shall design and issue said ballot.

e. A voter eligible to vote for municipal offices in a primary, general or special election may vote by absentee ballot in such election without having to provide any reason or satisfy any condition to do so.

f. The validity of a voter's affidavit ballot cast pursuant to the procedure in paragraph (b)(1) or (2) herein shall be verified by the board of elections in the city of New York in the same manner and during the same period in which absentee and other affidavit ballots are reviewed.

g. The board of elections in the city of New York shall promulgate necessary forms and procedures, and shall allocate from its budget the necessary funds, to implement the provisions of this Section.

h. (1) Provisions of the following sections of the New York state election law shall not apply to the extent they govern registration, enrollment, absentee ballots, ballot format or voting, and are inconsistent with the provisions of this Section: §§ 5-210; 5-228; 5-304; 6-162; 7-102; 7-104; 7-106; 7-108; 7-110; 7-114; 7-122; 8-400; 8-402; and 8-412.

(2) Any other provisions that from time to time may be added to the New York state election law or that relate to the matters covered by the provisions of said election law that are inconsistent with this Section shall similarly not apply to the extent that they govern the subjects herein; and

(3) References to provisions of the New York state election law in this section shall be deemed to refer to any successors to such provisions.

i. This local law shall become effective ninety days after its adoption by the voters of the city of New York, and shall be implemented for any primary, general or special election after such effective date, provided that such election is during the year 2021 or thereafter.

New York City Charter Revision Commission 2019

Testimonial by Juan Pagán

(DRAFT OUTLINE TO BE REVISED)

Presented Thursday 27 September 2018 – Council Chambers at City Hall

Subject: Political and Electoral Reform

A) Problem: A Corrupted Electoral Process in New York City that

1. Discriminates against people of color, especially Hispanics
2. Discriminates against the poor
3. Discriminates against candidates who are not chosen by the political machine, party bosses, or the establishment, which going forward I will refer to as the machine.
4. Discriminates against all registered voters (regardless of socio-economic status, race, or ethnicity) by the machine's use of tactics and mechanisms that result in the exclusion of thousands of registered voters in Special Elections and Democratic Primaries while wasting Tax-Payer dollars.
5. Allows discriminatory practices by the NYC Board of Elections coupled with the ineptitude of its employees driven by the administration's patronage to incumbents as they are political appointees. For this reason, elected officials are not determined by the vote of the people, but by the manipulative, corrupted tactics of the machine in collusion with the NYC Board of Elections. These elected officials and political appointees continue to use tactics of deception and exclusion in all forms to preserve their incumbencies or appointments, hence, why the issues pressing our communities continue to get worse.

B) Evidence

1. **In 2006** I ran for Assembly in the Democratic Primary against the incumbent who was chosen and put into place by the machine by way of a Special Election (a non-partisan election) in which about 97 per cent of registered voters did **NOT** vote. The machine then illegally knocked me off the ballot, so I took the NYC BOE and the person who represented the machine to court and successfully sued them to put my name back on the ballot after a Supreme Court Judge found how wrong and unjust the NYC BOE was for removing my name, a result of how the machine abused BOE laws to manipulate the outcome they desired. The machine saw me as a threat to their chosen candidate rather than a proponent to the democratic process that allows the people to have a choice. When people are given a choice, they are encouraged to vote.

2. **In 2010** I ran for Assembly; again, the machine knocked me off the ballot, and I had no funds to afford an attorney to defend my petitions as I did in my 2006 candidacy. The machine's chosen incumbent ran for office without an opponent.
3. **In 2012** I ran for Assembly; again, the machine knocked me off the ballot, and I had no funds to afford an attorney to defend my petitions as I did in my 2006 candidacy. The machine's chosen incumbent ran for office without an opponent.
4. **In 2016** I ran for Assembly; again, the machine knocked me off the ballot. The machine's chosen incumbent ran for office without an opponent, and I had no funds to afford an attorney to defend my petitions as I did in my 2006 candidacy (see Exhibits A and B). In this election I tried to reason with the incumbent who had been in office ten years and with 170 thousand dollars in his campaign account. I asked him how do you justify the expense of ballots with only one name, the incumbents name, to appear and be administered to over one hundred fourteen election precincts throughout our district; the people will not only be robbed from having an option at the polls, but they also must pay for it from the taxes of their hard-earned wages. No valid response was given.
5. **In the 2016 Democratic Presidential Primary Election** the NYC Board of Elections mistakenly removed over 100,000 registered voters from the rolls of which the majority were Hispanic voters.
6. **In 2017** I ran for City Council. The NYC Board of Elections in collusion with the machine knocked me off the ballot (see Exhibits C, D, E and F). At the NYCBOE hearing I argued with the commissioners against their decision to remove my name from the ballot due to a hyper-technical error they claim I made on an amended cover sheet (explain further...). The commissioners absolutely refused to acknowledge that there was no error. So, I corrected the "error" in accordance to precedent law (Muhammad v. NYC Board of Elections) and still the commissioners refused to restore my name to the ballot. The person representing the machine sat at the hearing prepared with his tainted specifications to wrongfully invalidate my petitions and disqualify me as a candidate in case the commissioners failed in keeping my name off the ballot. The machine's chosen candidate ran for office excluding me as an opponent.
7. **Now, in 2018** (thanks to the Reform Party) I – a Democrat – am on the ballot for the upcoming General Election for Assembly against the Democrat chosen and put into place by the machine last April by way of a Special Election in which 94.8 per cent of registered voters did NOT vote.

C) Remedies: Proposals for a Referendum

1. **BAN SPECIAL ELCTIONS:** For one, it is a waste of tax payer dollars as evidence shows that in 2006 and 2018 an average of 95 percent of registered voters in this non-partisan Special Election did **NOT** come out to vote. Extreme low-voter turnout in Special Elections is a historical fact in NYC. Secondly, Special Elections are solely used and abused by the machine to destine their chosen candidate to become an incumbent few months prior to the Democratic Primary which gives the machine's chosen candidate an edge against other democrats nominated by the people to enter the Primary race.
2. **BALLOT ACCESS:** Ease the Requirements for Ballot Access: Candidates should have an option to pay a filing fee to qualify for the ballot equivalent to one per cent of the salary of the office they are seeking in lieu of petitioning.
3. **RANKED CHOICE VOTING** (aka Instant Runoff Voting): Under this system voters rank candidates in order of preference instead of casting a ballot for one candidate. If no one gets a majority of the vote, then the top two candidates engage in a runoff, a second election.
4. **OPEN PRIMARIES:** All municipal primary elections (including state primary elections in which the assembly and senate districts sit within the five boroughs) should be non-partisan. All voters, regardless of party affiliation, including third-parties and independents will be allowed to vote in Democratic or Republican primaries. Democrats and Republicans will be allowed to cross party lines. In other words, a Republican can vote for a Democrat, or a Democrat can vote for a Republican, and third-party and independents can vote for either a DEM or a REP. Anyone can take part in the two-party system as long as they are registered to vote. Open Primaries will encourage voter participation and lead to greater turnout at the polls.
5. **TERM LIMITS:** All municipal, state, and federal public offices, including commissioners who serve in the NYC BOE, must be term limited. Government needs to be constantly renewed by citizens who truly have an idea of what is possible or practical, thereby proposing and passing legislation that effectively improves the quality of life for all who live in our city.
6. **STREAMLINE AND REFORM THE BOARD OF ELECTIONS INCLUDING ITS ADMINISTARION ALONG NON-PARTISAN LINES:** Based on my years of experience dealing with the NYC Board of Elections as a candidate or assisting other candidates running for public office, the removal of over 100,000 registered voters from the rolls is just one of the many examples of the ineptitude of the employees of the NYCBOE driven by the administration's patronage to incumbents or candidates that are endorsed and supported by outgoing incumbents or lame ducks.

Juan Pagán
1225 FDR Drive 4B
New York NY 10009
Tel 212-300-3647
Email VivaLoisaida@gmail.com or elect@juanpagan.nyc
Website www.JuanPagan.nyc

EXHIBITS

For Distribution

Exhibit A

Juan Pagan
Thu 7/21/2016, 7:17 PM
k.franger@gmail.com;
Edward@BrianKavanagh.org;

TO: Ms. K. Franger, Chief of Staff - Office of NYS Assembly Member Brian Kavanagh - 74th AD
237 First Avenue, Suite 407
New York, NY 10003
Tel. 212-979-9696 Fax 212.979.0594

CC: Edward Cerna, Community Liaison

Dear Ms. Franger,

Thank you for meeting with me yesterday and for conveying my message to Assembly Member Brian Kavanagh; he did call me today and we did have a discussion.

The essence of our discussion was similar to the one what we discussed yesterday; that in a true democracy, elected officials should be determined by the vote of the people, not by the manipulative tactics of the local political machine of whom Michael Farrin is a loyal member.

I am at this time reviewing my files from when I ran for assembly in 2006, in which I took the New York City Board of Elections (NYCBOE), and Michael Farrin, to court, and successfully sued them to put my name back on the ballot after the supreme court judge found how unjust the NYCBOE was for removing my name from the ballot, a result of how Michael Farrin abused Board of Election laws that were designed to prevent fraud, and instead, used the laws to manipulate the outcome he desired.

I will then submit to your office the tactics that were used and suggestions of how the laws can be changed so that such abuse does not occur in the future, and hopefully restore the true sense of the democratic process that will encourage the people to go out and vote.

Thank you for your time.

Sincerely,
Juan Pagan - Candidate for NYS Assembly 74th AD

Juan Pagan
1225 FDR Drive Apt 4B
New York, NY 10009
cell 646.545.9064
jpagan07@msn.com

For Distribution

Exhibit B

Juan Pagan
Mon 8/1/2016, 8:31 PM

TO: Assembly Member Brian Kavanagh, 74th AD
237 First Avenue, Suite 407
New York, NY 10003
Tel 212.979.9696 Fax 212.979.0594

Cc. Ms. K. Franger, Chief of Staff - Office of NYS Assembly Member Brian Kavanagh

Dear Brian,

Instead of encouraging and taking part to restore a sense of hope to the democratic process to the people of our district in that there is power in the vote, you instead choose to permit one individual - Michael Farrin - to manipulate and determine the outcome of the primary election scheduled for September 13, 2016.

Over 90% of our district, or at least sixty-eight thousand-plus people who are registered democrats in our district will be denied their right to vote in the primary election because one individual will decide for the entire district who their next "elected" official will be. Can you truly refer to yourself as an "elected" when you achieved your position with no opponents via manipulative tactics?

According to New York State Election Law, Section 7-116(3) which refers to the names of the candidates for public office "to which no more than one person is to be elected... and where two or more persons are to be elected thereto"... etc." Does it make sense to waste tax payer dollars if only one name - the incumbent's name - shall appear on the ballot for the primary election? How do you justify the expense of these ballots with only one name to be administered to over one hundred and fourteen election precincts throughout our district in which these ballots with only the incumbent's name will appear? So, the people will not only be robbed of their option to vote in the primary, but they also have to pay for it from the taxes of their hard-earned wages. There is no question, whatsoever, this law needs revision.

In a recent article I read (I'll email you a copy) there is a third-world country in South America that conducts its political elections in a similar - if not - identical manner. So, my next questions, Brian... is this the "New" Democracy for our district? Do you support it or oppose it? What measures will you take?

In my last conversation with you, you stated that you wish to remain "neutral" on this matter. So you don't oppose it, you don't support it...

In any case, I will attend the NYC Board of Election hearings tomorrow, and I hope that when my name is called, that the commissioner will state that my name will be on the ballot.
When the people have an option, this is called Democracy, the way our Founding Fathers meant it to be.

Yours truly,
Juan

"If you see injustice and say nothing, you have taken the side of the oppressor." Desmond Tutu

Juan Pagan - Candidate for State Assembly, 74th AD
1225 FDR Drive 4B New York, NY 10009

Received
7/24/17
RFS

NO RESPONSE TO NCN Notice Sent 7/18/17 CRG



Exhibit C

FREDERIC M. UMANE
PRESIDENT

ROSANNA VARGAS
SECRETARY

JOSE MIGUEL ARAUJO
JOHN FLATEAU
MARIA R. GUASTELLA
MICHAEL MICHEL
ALAN SCHULKIN
SIMON SHAMOUN
ROBERT SIANO
JOHN Wm. ZACCONE
COMMISSIONERS

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
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www.vote.nyc.ny.us

MICHAEL J. RYAN
EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

GEORGEA KONTZAMANIS
OPERATIONS MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL

Juan Pagan
(Candidate/Contact Person)

EF159455574US

July 18, 2017

Candidate's Name: Juan Pagan

Party: Democratic

Office/Position: Council Member

District: 2

Dear Sir:

Please be advised that your Amended Cover Sheet fails to comply with the New York State Board of Elections Regulations, 9NYCRR §6215, or this Board's Rules for Designating/Opportunity to Ballot Petitions adopted on May 2, 2017, for the following reason(s):

- ☐ 1. Cover Sheet attached to petition.
- ☐ 2. Name of Party omitted from Cover Sheet.
- ☐ 3. Number of volumes omitted from Cover Sheet.
- ☐ 4. Number of volumes claimed doesn't agree with claimed identification numbers on Cover Sheet.
- ☐ 5. No identification number(s) claimed on Cover Sheet.
- ☐ 6. Incorrect identification number(s) on Cover Sheet.
- ☐ 7. Cover Sheet omits statement that the petition contains the number of valid signatures required by the Election Law.
- ☐ 8. Candidate name omitted from Cover Sheet.
- ☐ 9. Candidate address omitted from Cover Sheet.
- ☐ 10. Office and/or district omitted from Cover Sheet.
- ☐ 11. Amended Cover Sheet is not certified.
- ☐ 12. County committee schedule omitted.
- ☐ 13. County committee schedule does not conform to regulations.
- ☐ 14. Some candidates for county committee have no page numbers on the schedule. Those candidates are removed unless the defect is cured.
- ☒ 15. Other: Amended cover sheet has to list total number of volumes filed and current identification numbers.

This defect may be cured within three (3) business days of the date of this letter by the filing of an amended Cover Sheet. Amended Cover Sheets must be filed in person only at the Executive Office, 32 Broadway, 7th Floor, Borough of Manhattan, New York.

Failure to file the amended Cover Sheet within the three (3) day period shall be a FATAL DEFECT.

Very truly yours,

THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK

2017 JUL 18 PM 4:08
IN THE CITY OF NEW YORK
BOARD OF ELECTIONS
GENERAL COUNSEL

mg

Exhibit D

Designating and Independent Petitions Filed in New York City
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY

DEMOCRATIC PARTY

2017 JUL 13 P 11:02

Name of Candidate

Public Office

Place of Residence

JUAN PAGAN

Council Member from the
2nd Council District
New York County, City of New York

1225 FDR Drive
New York, New York 10009

Total Number of Volumes in Petition TWO

Identification Numbers: NY1700271, NY1700272.

To amend the following Petition with Five Volumes and the following
Identification Numbers:

NY1700266, NY1700267, NY1700268, NY1700269, and NY1700270.

(Copy of the original cover sheet being amended is attached.)

This petition contains the number, or in excess of the number, of valid
signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: Juan Pagan

Residence

Address: 1225 FDR Drive Apt. 4B New York New York 10009

Phone: 212-300-3647

Fax: _____
(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of
Elections be transmitted to the person named above:


Candidate or Agent

"This is to certify that I am authorized to file this amended cover sheet."


Signature

Date

7/13/2017

INSTRUCTIONS:

Clearly identify the original cover sheet being amended or attach a copy of the
original cover sheet being amended.

Exhibit E

Designating and Independent Petitions

Filed in New York City
and Counties which Utilize Petition Identification Numbering System

RECEIVED
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY

2011 JUL 13 P 11:02

DEMOCRATIC PARTY

Name of Candidate	Public Office	Place of Residence
JUAN PAGAN	Council Member from the 2 nd Council District New York County, City of New York	1225 FDR Drive New York, New York 10009

Total Number of Volumes in Petition FIVE

Identification Numbers: NY1700266, NY1700267, NY1700268,
NY1700269, and NY1700270.

This petition contains the number, or in excess of the number, of valid
signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: Juan Pagan

Residence

Address: 1225 FDR Drive Apt. 4B New York New York 10009

Phone: 212-300-3647

Fax: _____
(Include if notice by fax desired)

RECEIVED
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY
2011 JUL 13 P 12:01

I hereby authorize that notice of any determination made by the Board of
Elections be transmitted to the person named above:



Candidate or Agent

Exhibit F

RECEIVED
BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY

2017 JUL 25 A 11:45

SAMPLE AMENDED COVER SHEET

Designating and Independent Petitions Filed in New York City

[Place Name of Party or Independent Body Here]

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
JUAN PAGAN	Council Member from the 2nd Council District New York County, City of New York DEMOCRAT	1225 FDR Drive NEW YORK, New York 10009 Apt. 4B

Total Number of Volumes in Petition (7) Seven

Identification Numbers NY 1700 266, NY 1700 267, NY 1700 268, NY 1700 269
NY 1700 270, NY 1700 271, NY 1700 272

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: JUAN PAGAN
(please print)

Residence Address: 1225 FDR Drive Apt 4B New York New York 10009

(also mailing address if different)

Phone: 212-300-3647 Fax:

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Candidate or Agent

"This is to certify that I am authorized to file this amended cover sheet."

Signature

Date

7/25/17

INSTRUCTIONS:

Clearly identify the original cover sheet being amended or attach a copy of the original cover sheet being amended.

Charter Revision Commission Hearing
City Hall Chambers
Thursday, September 27, 2018
6:00PM

Statement by Council Member Inez Barron, 42nd Council District

Good evening Members of the Charter Revision Commission and members of the audience. My name is M. Ndigo Washington and I'm testifying on behalf of Council Member Inez Barron who represents the 42nd Council District and is Chair of the Committee on Higher Education.

I would like to recognize Manhattan Borough President Gale Brewer, Public Advocate Letitia James, Speaker Corey Johnson and Council Members Ben Kallos and Carlina Rivera for introducing Intro 241, the bill that established this charter revision commission.

This evening, I would like to request that the members consider making significant changes to the Civilian Complaint Review Board (CCRB). According to the powers and duties of the board, excerpts from Section 440 of the NYC Charter state "the board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability."

I join with the advocates, who call for establishing a Civilian Review Board that is elected by NYC voters.

We have experienced, read or witnessed too many accounts of misconduct, abuse and police killings of NYC residents, particularly of unarmed persons, by officers of the NYPD with little or no punishment metered out to the officers. I point your attention to some of the most egregious. Eighteen year old Ramarley Graham from the Bronx who was killed in his home, in front of his grandmother and six year old brother by Officer Richard Haste; Eric Garner who was killed by Officer Daniel Panteleo by the use of a "banned chokehold" in Staten Island and Delrawn Small from my district, who was killed by an off duty Officer Wayne Isaacs.

The CCRB was established in 1993. Twenty five years, is sufficient time to give officials and the public the information and data to measure their effectiveness. A report released by the New York Civil Liberties Union (NYCLU) in 2007, concluded, "the City's civilian oversight system, which is intended to provide accountability for acts of police misconduct, is not performing the mission it is charged with in the City Charter. The examined investigations covered the period between 1994 thru 2006.

Another report released by NYCLU in 2017, found misconduct by NYPD had increased from 648 substantiated cases to 1179 cases; an increase of 82 percent. Of the 518 officers who were disciplined, none were fired and only 4 percent (20 officers) were suspended or lost vacation for more than 10 days. The CCRB continues to close and dismiss most of its cases without completing an investigation.

As we know, the most important aspect of findings and recommendations made by the CCRB rests with the Commissioner having control to determine what, if any, discipline will be imposed on the officer.

As an elected official, it is Council Member Barron's opinion that in order for us to receive justice in cases of police misconduct, we must create a shift – thereby establishing an **Elected Civilian Complaint Review Board**. I have met with the advocates of this campaign and welcome legislation and a revision to the City Charter. These recommendations include, but are not limited to:

1. The board must be elected by NYC voters in districts covering the five boroughs;
2. The board must have the power to investigate police misconduct and make findings;
3. All disciplinary decisions must be binding;
4. The ECRB must be granted with subpoena powers

For far too long, officers who violate police policy, abuse their power, and harm people they are paid to protect, have been able to evade making restitution or receive appropriate reprimand. An Elected Civilian Review Board free of undue influences by the police department, would be a means of ensuring accountability and bringing justice to those who have been violated.

Charter Revision Commission Hearing
City Hall Chambers
Thursday, September 27, 2018
6:00PM

Good evening members of the Charter Revision, guest and audience. My name is M. Ndigo Washington and I offer these remarks as a resident of Harlem and community organizer and activist and a graduate with a degree in Political Science. A few years ago I formed a group called Take Back Our City (TBOC). This group was formed based on my experience of working with small business owners, community residents and artists who resided in Harlem. We came together back in 2009, to fight against Mayor Bloomberg's proposal to rezone 125th St from river to river. A film, *Rezoning Harlem*, was made highlighting this campaign.

Based on this experience coupled with first hand knowledge as the legislative director for both CM Charles Barron and Inez Barron, I would like to offer the following suggestions as you seek to revise the Charter.

1. **Grant CBs power to Approve or Disapprove Land Use Proposals** - Community boards need to be granted with the power to approve or disapprove land use proposals, particularly rezoning projects that require to undergo ULURP. As we know, CBs are **advisory** only. Too often we have witnessed communities who vote to disapprove a project, only for the project to move forward with little to no addt'l input from the community residents who will be affected by them.
2. **Eliminate Constituent services in Council offices** – recognize may not be a popular position. Remind us that constituent services was not something council offices always did and while we know that council members take pride in assisting their constituents with noise complaints, street lights, sanitation, housing issues, etc. They are simply too time consuming. Therefore we should do the following:
 - a. Increase the budget for CBs and hire staff to handle constituent services. They already have relationships with residents and city agencies.
 - b. As for the “muscle” and the main reason why they seek assistance from council offices, they can acquire this type of support from borough presidents' offices and the Public Advocate.
 - c. This would also free up time for CMs to be able to respond to the areas outlined in the city charter, ie. - passing legislation, budget and land use. Contrary to what is promoted in the media and the public's belief,

Council Members have to juggle a lot of their time between city council meetings, briefings, caucus mtgs, press conferences and district related events and town hall mtgs. Rest assured, under my proposal, the town hall mtgs would still occur, the focus of the mtgs would be legislation, budget and land use.

- d. **City Council Allocate Funds for Constituent Services** – City council allocates a lot of money to initiatives and these orgs are tasked with responding to constituents needs. Some of these orgs. include legal aid attorneys and community groups who have a relationship with the communities they serve. Increase their funding to increase referalls.

3. Grant Recall for Elected Officials

- a. Give community residents the power to “recall” their elected officials. We have seen too many times when elected officials follow the lead of real estate developers and not the lead of their community. Giving this power to residents would be a true game changer. There were bills in the State Legislature, former Assembly Member Tony Avella introduced #5190 in 2011, calling for recall of all electeds and judges and discussion in 2013.

In closing, I truly appreciate the leadership of PA James, Speaker Johnson, CMs Kallos and Rivera and other CMs for advocating for this Charter commission. After the last charter revision of 1989, now is a great time to examine what’s working in city gov’t and what needs to be dismantled, reformed or created.

It’s time to shift the power to the people and eliminate the control that real estate developers and lobbyists have maintained for years. You have the opportunity to do the right thing and to make history.

Thank you for your time and consideration.



Instant-Runoff Voting for New York City Elections September 27, 2018

Good afternoon, Commissioner Benjamin and members of the Charter Revision Commission.

My name is Bella Wang, and I am the Voting Reform Chair of the League of Women Voters of the City of New York.

The League of Women Voters is a multi-issue, nonpartisan political organization that promotes informed and active participation in government at the national, state and local level.

Our principal interest in testifying before you is to support instant-runoff (also known as ranked-choice) voting in New York City. We have supported this process since 2010, when we advocated for it to be implemented for the special non-partisan elections that fill City Council vacancies, as well as for absentee and military voters in the 2013 primaries for city-wide offices.

The 2009 and 2013 citywide Democratic primaries required runoff elections after no Public Advocate candidate received 40% or more of the vote. These elections each cost the city \$13 million dollars – an inordinate amount, particularly considering the low voter turnout. In 2013, only 7% of the eligible voters turned out for the Public Advocate runoff.

After witnessing repeated, costly, low-turnout runoff primaries for citywide office, the New York City League looked for alternatives which would achieve the stated goal of electing candidates who have significant voter support, without requiring a second election. In 2010, we reached out to League of Women Voters chapters in other large cities and learned about instant-runoff voting. Also known as “ranked-choice voting,” the process allows voters to vote first for their favored candidate, and then rank the other candidates in order of subsequent preference. When the votes are tabulated, the first candidate to reach a majority is elected. If no candidate reaches a majority, the candidate with the fewest votes is removed from the count, and the ballots of those voters for whom that candidate was first choice are then re-allocated to the voters’ second choice. This elimination and redistribution process continues until one candidate achieves a majority.

When we first proposed instant-runoff voting, New York City was still using the lever voting machines, and a manual vote count would have been required. Now, we have almost a decade's successful experience with computer-tabulated elections and we believe it is time to implement instant-runoff for citywide primaries.

Some have suggested that the process is too confusing for voters, but voters in other places have found the process of listing their choices in order of preference to be intuitive and easy to understand. Since 2004, voters in San Francisco have ranked their choices for city offices, but not for state offices on the same ballot. The *New York Times* reported that voters had more questions about the state elections process than about the city process.

Instant-runoff voting has other advantages for democratic discourse. We believe it will reduce negative campaigning and antagonistic rhetoric, since every candidate wants to be a voter's second choice, even if not their first choice.

In addition to proposing instant-runoff voting for citywide primaries, we suggest it be considered for New York City Special Elections for City Council vacancies. These are nonpartisan elections which typically generate multiple candidates but attract very few voters. Instant-runoff voting will ensure that winning candidates have broad support.

Thank you for the opportunity to speak.

Bella Wang

Member of the League of Women Voters of the City of New York

September 27, 2018

To: NYC Council Charter Revision Commission
Via email: info@charter2019.nyc

Kelly Grace Price
Gorgeous212@gmail.com
646.676.1940
#CloseRosies
Jails Action Coalition
Downstate Coalition vs. Sexual Violence,
Four Freedoms
Village Independent Democrats

64

Dear Charter Revision Members,

I thank you for holding this hearing and the other members of the committee for allowing me to appear today and speak. I am Kelly Grace Price and I ask you to consider my comments addressing two main concerns: **1. The creation of a new City agency to oversee all sexual assault and abuse allegations, 2. Amending the Board of Correction Charter to assure a more bi-partisan Commission 3. The City charter needs to be amended to control all monies that flow into the accounts of City agencies from outside sources.**

1. Curbing sexual violence and setting up transparent and streamlined complaint and investigative processes that give survivors a sense that justice is being served is fundamental to creating stability in any population. The one thing we all share as humans of New York is our choice in how we express ourselves sexually. We are most vulnerable to sexual conscription when we are not in our comfort zone—when things aren't familiar—when basic services are not available to us—when police, correction officers and City officials control us. All of my comments today are in support of creating a separate individual oversight agency to investigate all sexual assaults, rape, sexual harassment and misconduct by City agents, employees, officials and staffers.

- A. **NYPD:** in March of this year Mark Peter's DOI released a report on the NYPD's abysmal SVU practices. It echoed a report published in 2012 that the community rallied around and eventually proposed a series of fixes and changes to the workflow of the SVU, which were reviewed by the NYPD, given lip service and ignored. The March 2018 DOI report echoes many of the suggestions and implementations provided by the community in 2012. At a recent meeting of the Downstate Coalition of Sexual Violence held monthly at the NYS Attorney General's office NYPD Chief of Detectives Dermott Shea attempted to convince membership that the department has change management within its SVU under control but his efforts were transparent and a failure:

https://www1.nyc.gov/assets/doi/reports/pdf/2018/Mar/SVDReport_32718.pdf

- B. **City Agencies:** We don't have to look further than recent and repeat reporting by the NY Daily News to read the horrific accounts of staffers at the NYC Dept. of Education who have not received justice or resolution to their complaints: <http://www.nydailynews.com/new-york/city-sex-harassment-stats-leave-100-school-complaints-article-1.3959262>
Similar accounts from City Council investigations, NYCHA, the FDNY etc have filled our scant news outlets.

- C. **CCRB:** Recently the CCRB has proposed that it will investigate and prosecute all NYPD uniformed and un-uniformed personnel who commit rape, sexual assault and/or sexual assault. This idea at face value seems exciting but at closer examination will be a step backward. The CCRB has NO experience dealing with trauma survivors, no process to keep complainants informed as to progress and its administrative trials may as well occur in a star chamber. Instead of wasting resources to tuck these complaints under the specter of the CCRB where complainants sometimes wait years for a letter in the mail with a resolution I urge you to create a new department responsible for investigating these complaints.
- D. **DOC/Department of Correction:** the Department of Correction has an abysmal track record regarding rape, sexual assault and sexual harassment reporting, investigations and closure. **REPORTING TO THE CITY COUNCIL ON RAPE, SEXUAL ASSAULT AND HARASSMENT RIKERS IS SCANT AND BEGS REVISION:** Currently Local Law 33 only requires the department to report annually the number of rape and sexual assaults complaints filed on Rikers.

I have spent the better part of a decade encouraging the DOC to implement a slate of prison rape elimination rule changes to the DOC charter. In November of 2016 a PREA rule was approved by the BOC and allegedly implemented in early 2017 but to date only a handful of the ~80 rule changes have met deadline/been implemented. Please refer to latest reporting for background:

<http://nymag.com/daily/intelligencer/2018/06/rape-at-rikers.html> and

<http://www.ny1.com/nyc/all-boroughs/politics/2018/03/21/allegations-of-sexual-abuse-up-dramatically-in-city-jails>

Most recently:

<http://nymag.com/daily/intelligencer/amp/2018/06/rape-at-rikers.html>

During a December 14, 2015 City Council Hearing on Women's Issues on Rikers Island the Deputy Commissioner Cynthia Brann was questioned by Councilwoman Elizabeth Crowley and by Public Advocate Letitia James about the rape crisis on Rikers and the implementation of PREA or the Prison Rape Elimination Act standards into the DOC charter. At that time then Deputy Commish Brann said of PREA that was her specific responsibility:

"We have received federal grant money to implement PREA standards within the agency. So becoming PREA compliant is a process. The act was passed in 2003. The original grant was received in 2012. We began earnestly this past year in securing the Moss Group and we have a plan over the next two years to be able to implement PREA across the agency and have our agency go through audits to become PREA compliant"

Watch her testimony here:

<https://youtu.be/fCMEo4yQfYk>

Now watch Brann's testimony two years later during September 2017 BOC meeting where she says of her failure to protect our city's most vulnerable: "Sometimes we get it right, and Sometimes We Don't":

<https://youtu.be/dsIFz9VZpOQ>

- There has been to date no complete and revised calendar for implementation offered or explanation for lack of responsibility by the department, the BOC or the mayor's office. Commissioner Cynthia Brann tried to explain the behemoth failing to implement PREA,

which was her specific project before being named acting Commish, during the Sept 2017 BOC hearing when she literally said: *"sometimes we get things right and sometimes...we don't."* (

- The department broke down the number of complaints made by people they deem to be incredulous and repeat-complainers:
 - 25% of caseload 542 made by same 53 inmates
 - 2015 14 inmates represented 22% of 2015 caseload
 - 2016 17 for 181 allegations
 - 2017 16 inmates for 269 allegation 23% of caseload
 - 2018 18 inmates of 123 allegation: 34% of 2018 caseload
- This statement has been repeated again and again from DOC leadership: allegedly 'unstable' detainees are making false complaints is the party line from the DOC. Former Warden Michelle Clifford tried to make this same accusation in December 2015 RIGHT HERE IN A NYC Council hearing presided over by former CM Crowley and PA Tish James and we reminded her that people already deemed unreliable are the ones targeted by predators because they KNOW they can get away with it. I have personal experience with this.
- Finally: this backlog has caused a chilling effect on complainants. Initially we saw a swelling of complaints as word made it into Rosie's and other jails on the island the department was being mandated to take complaints seriously: but literally Rikers is the worst place in America to be raped. **A 0% closing rate for investigations is a crisis of epic proportions for a department just handed a blank check to fix the problem two years ago.**
- Closing Rates: We don't know if any of the cases from previous years (2013-2014-2015, 2016 or 2017) that were still pending have been substantiated, unsubstantiated or unfounded. We need these closing rates. **The currently council mandates NO requirement for closing rates be disclosed let alone numbers of cases substantiated, unsubstantiated or unfounded. We have no idea about number of days cases are open on average.** There is a bill introduced (intro 933) that needs substantial revision and offers no guarantee that it will be adhered to without a penalty mentioned in the language for non-compliance.
- The department has a 0% closing rate for 2017: the first year PREA was allegedly implemented by the department. The one person single-handedly responsible for overseeing PREA implementation was Commissioner Brann

If people can't be guaranteed that they won't be violated and touched and maimed and exploited than your population will be at constant unrest. We act differently when under stress and I don't understand why sexual assault and rape keep getting shelved and no one holds the departments where the crimes happen accountable.

In NYC almost every City agency has processes set up to investigate these complaints that only serve to protect the institution being investigated and not to deliver justice to the complainant. **THE NEEDS OF WOMEN, TRANS, INTERSEX, GENDER NON-CONFORMING AND GIRLS SHOULD NOT COME LAST BUT FIRST IN THIS PLANNING PROCESS.** New York City has always been a leader when it comes to reforms for women from the Suffragettes (my grandmother among them) who ate pizza right here on the steps of City Hall in support of a Women's right to vote in 2017 to the birthplace of the equal

rights movement and the creation of the first chapter of NOW by Gloria Steinem our city has always enjoyed a special place of leadership championing the rights of women. Liz Holtzman established the first ever SVU unit when she was elected Brooklyn DA and instituted the practice of using rape kits into her workflow. To this particular and specifically progressive leadership we owe a debt as a city to continue path finding. We need to create this agency now is the time to do it. There are models out there look at what the Department of Defense did to create an oversight agency to investigate all sex-assaults throughout all branches of the services SAPRO (www.SAPR.mil) the Sexual Assault Prevention and Response Office. There is a model and documented lessons learned that we could draw from in creating a similar agency here in NYC. I happen to know that SOME of the people involved in creating SAPRO happen to actually LIVE here in NYC. We don't have to invent fire.

I place particular emphasis on the crisis of rape and sexual assault in our City jails because it has gone on unchecked for too long because we have a crisis of OVERSIGHT caused by bi-partisan gridlock infecting the NYC Board of Correction which brings me to my second request that this Commission consider:

2. Amending the Board of Correction Charter to assure a more bi-partisan Commission

Currently the way the Board is comprised the Mayor runs the show. So he/she can use the BOC to hide any inequity or cover any shortcomings in DOC operations/reforms, as is currently the case. As someone who has a background in journalism I have followed the BOC's every meeting/hearing since 2014 when I joined JAC. Literally the BOC has two representatives who vote with an independent voice. The rest of the board votes in ways that favor thin rebukes and rare reprimands to a department that needs to be kept on a short leash. I cite the above short discussion of DOC/BOC attempts to implement PREA as evidence of this. The current BOC Charter opens:

"§ 626. Board of correction. a. There shall be a city board of correction to consist of nine members. Members shall be appointed for a term of six years. Vacancies shall be filled for the remainder of the unexpired term. Three members shall be appointed by the mayor, three by the council, and three by the mayor on the nomination jointly by the presiding justices of the appellate division of the supreme court for the first and second judicial departments. Appointments shall be made by the three respective appointing authorities on a rotating basis to fill any vacancy occurring on or after the effective date of this charter. Members of the board may be reimbursed for expenses incurred in the performance of their duties. The chairman of the board shall be designated from time to time by the mayor from among its members. Members of the board may be removed by the mayor for cause and after a hearing at which they shall be entitled to representation by counsel."

The Mayor has virtual control over the majority of appointments to the Board and this is a huge issue and has created a bi-partisan vacuum. The Board votes in lockstep with the Mayor's Press Office's message it appears at times. Take January of 2015 when the vote over ESH was held: the Mayor stocked the board with new members that would support him for that big vote. The same JUST happened when the Mayor needed a vote to go his way regarding the way the DOC would interact with ACS: suddenly a new appointee who has an ACS background appeared ON THE DAY OF THE VOTE newly-appointed

by the mayor jointly with the Judicial Depts. Guess which way she voted in July of this year? I recommend that the City Council have equal appointing power to the BOC and/or that three members are ELECTED. I also recommend that these positions are PAID positions so that they are given the respect and cache they deserve. The BOC Members need to be full-time, not part-time friends of the Mayor. There also needs to be a mandate that a half of the board members appointed have to be formerly detained or incarcerated people. Our current representation on the board is not sufficient.

3. Finally: somehow the City charter needs to be amended to control all monies that flow into the account of City agencies from outside sources.

A. Stop and frisk policing programs are funded by revenue streams the council has nary any oversight over. These monies count in literally the tens of millions of dollars and they flow into the NYPD for tech from their royalty share programs with Palantir and Microsoft. Consulting agencies such as K2 are being fed millions by the MDAO and NYPD to create shadow investigative units and chains of command outside official government channels that run amok over our civil rights. The council has absolutely no way to control how this money is being spent and no way to reel in these activities.

B. To this note: why is money to buy smart phones coming from Cy Vance's CJI fund? Why didn't that money flow into the General Fund? Why doesn't the city have any say in where that money goes? Why is that money going outside of the city and state? The OMB report last year and many press releases from Vance's own office announce that grants are being given to jurisdictions outside of New York City and outside of New York State. That is OUR money that should have gone to the NY State Crime Victims Fund to be dispersed in the first place! Forfeiture monies need to be clawed back from DA' and NYPD: the money has created a situation currently where all "social justice" organizations are competing for Cy Vance's CJI money and dissent against his office's policies and practices has been virtually silenced as a result. There is only un-funded grassroots dissent against him. This needs to change and adding a clause in the charter that mandates all funds flow into the NYC GENERAL FUND for disbursement and not to individual agencies needs to be prioritized by the Charter Revision Commission.

Thank you for considering my three top wishes for the direction of this commission.



The Council of the City of New York

**Testimony of Corey Johnson,
Speaker of the New York City Council,
to the 2019 Charter Revision Commission**

September 27, 2018

I want to thank you, Chair Gail Benjamin and Commissioners of the 2019 Charter Revision Commission, for holding these hearings and establishing such a positive start to this process.

I am particularly proud of this Commission. There has never been--as far as I am aware--a Council-legislated Charter Commission. And in another first, this commission consists of appointees from every elected official in the City and no one—no one has a majority of the seats. To top it off--since 1989 no charter commission has been charged with looking at the entire Charter with no specific mission other than to make things better for New Yorkers by improving our government. This is a truly independent, fully empowered Charter Revision Commission. I am proud of the structure we established for this commission and believe this should be the standard for all future commissions.

With that in mind, I would like to propose several broad topics for this commission to study. These topic areas arise out of internal discussions in the City Council, including through our Policy Working Group and led by Council Members Brad Lander and Fernando Cabrera. We will have more detailed proposals in the future, but for now we hope these will start some important discussions.

First, we recommend that the structure of the City's government—the allocation of power and the system of checks and balances within the system--be examined by this commission. The Council is the legislative body of the City of New York-- a separate branch of government designed to be a check on the executive. That balance of power was clearly envisioned by the framers of the '89 charter but not fully formed. For example, the council currently has limited authority for the review of the appointment of mayoral agency heads and does not have the authority to remove any of them. You should also consider whether budgets of certain offices, which are uncertain and subject to political considerations as opposed to substantive need, should be fixed or independently set.

Along those lines, we also think that the role of the Corporation Counsel and the Law Department merits your attention. One lawyer attempting to serve two separate branches of

government is an invitation for confusion and disruption and may not be in the best interests of the City. I urge you to examine how we can improve this structure.

Next, we recommend that the Charter Revision Commission undertake a thorough review of the budget process to ensure that the Council is in fact able to serve as the co-equal budget partner and the balanced check on the Mayor's authority that the 1989 Charter Revision Commission envisioned it to be. This year's \$89.2 billion budget is more than three times the size of the \$26.8 billion budget in place in 1989, and the City's economy and finances today are far more stable than they were less than 15 years after the fiscal crisis of the 1970's. With this evolved budgetary landscape in mind, the Council believes that the Commission should focus its budget-related review on the principles of fiscal responsibility, transparency, accountability, and efficiency. The Council recommends that the Commission look at two categories of revisions: the current distribution of budgeting authority and clarifying charter language regarding budget format, with clearer ties between programs and budget lines, which could have wide-ranging impacts on the Expense and the Capital budget.

We also recommend that you examine the City's land use process. Prior Charter Revision Commissions have put off discussion of this important issue, usually for lack of time. With this Commission, we have the expertise and capacity to explore questions we have pushed off in the past.

Today I want to draw your attention to four of those questions.

- 1) There is, as many people will tell you, a lot of fatigue and frustration about our current land use process. Would a citywide planning framework that sets clear planning goals for neighborhoods across the city be a better approach?
- 2) How do we increase equity of benefit and equity of burden across our city?
- 3) How can we improve the mechanics of land use?
- 4) Finally, how do we ensure meaningful public participation in the land use process?

I look forward to coming back to you with specific proposals regarding these important land use questions in the near future.

Next, during your previous four meetings, I heard a lot about police accountability. It is vital that we ensure confidence in our public safety institutions by providing proper oversight and real accountability in law enforcement. I strongly urge you to take this issue seriously.

Finally, civic participation is of utmost importance to me and my colleagues and I urge the Commission to look into elections--in particular instant runoff voting. Runoff elections are costly exercises that few people actually vote in. We can maximize voter participation by making each vote more meaningful, rather than requiring additional elections.

I look forward to presenting more detailed proposals to this commission regarding these issues (and likely a few more) in the coming months. Until then, I thank you for your service. I also want to thank my colleagues at the Council for their input. As I have said before, I believe the City Charter is in good hands.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK BEFORE THE 2019 CHARTER REVISION COMMISSION SEPTEMBER 2018 HEARINGS

September 27, 2018

The Real Estate Board of New York, Inc. (REBNY) is a broadly-based trade association representing owners, developers, brokers, managers and real estate professionals active throughout New York City. We believe this city draws its strength from diversity – diversity of people, ideas, and buildings – and from its willingness to adapt to change – to incorporating new technologies and industries, to building a more sustainable coastline and skyline, and to embracing its newest members. When contemplating changes to the charter, we must remember that growth has fueled this city's best changes.

Over the last twenty-five years and since the last major revision to the charter, census data shows that our population has increased by 19.7% to over 8.4 million people. In 1980 less than a quarter of our population was foreign born, today over 37% percent is. Between 2005 and 2016 we added over a half a million people but only approximately 125,000 housing units. From 1990 to 2016, we added over 700,000 jobs. For 2017, according to the Citizens Budget Commission, real estate property taxes will generate over \$24 billion in taxes, representing the largest share of the city's tax revenue at 44 percent.

However, more housing is needed to sustain our increasing population and job growth. Despite the production levels of the last few decades, we have not kept pace with the housing needs of our existing population and we do not have enough for the population anticipated to join this city if we are to sustain our job growth. Our most pressing need today is housing, yet you will hear from many the need for longer timeframes, for more layers of review, and for more regulations. It is worth noting, per "City NIMBY's" by Vicki Been in the Vol. 33:2 of the *Journal of Land Use*, that the "the imposition of more stringent land use controls leads to lower supply and higher prices" of housing, and the housing supply is further constrained when those controls instituted by local opposition are accounted for. This was also supported by the Obama Administration's Housing Development Toolkit:

"Local policies acting as barriers to housing supply include land use restrictions that make developable land much more costly than it is inherently, zoning restrictions, off-street parking requirements, arbitrary or antiquated preservation regulations, residential conversion restrictions, and unnecessarily slow permitting processes. The accumulation of these barriers has reduced the ability of many housing markets to respond to growing demand."

The Charter Commission should instead seek to remove barriers to coordination, remove redundant levels of review, and request a true accounting of the cost of additional regulation.

STANDARDIZE COMMUNITY BOARDS' APPOINTMENTS AND SUPPORT

Community Boards have a defined, advisory role within the City's Uniform Land Use Review Procedure (ULURP) process. We believe the boards perform a critical function when it comes to service delivery and weighing in on budget priorities. However, more uniformity in support and training is necessary when it comes to land use. With 59 community boards across the city, a standardization of by-laws, meeting requirements, and appointment processes is sorely needed.

First, we reject term limits for community board members. The land use process can be complicated, and proper planning takes time. Removing institutional knowledge is not the answer to inertia or to

entrenchment. Instead, community boards should reflect the communities they represent. Appointments should not be given out as de facto renewals; instead appointments should be made to correspond to the diversity of their communities' population. One quarter of those appointments should be reserved for representation of local business. The Mayor should have the ability to appoint members as well who demonstrate an understanding of the city's needs. Consideration should also be given to reducing the number of members per board and to increasing the length of terms.

Lastly, community boards should meet year-round, at least once a month, without a recess. No city agency should be closed for business at any point throughout the year, and the customary summer recess by community boards serve no engagement purpose, and unnecessarily adds months of delay to even the most routine applications.

REFORM THE LANDMARKS PRESERVATION COMMISSION

Historic preservation is a critical contribution to the character and quality of life of our city. However, we cannot plan comprehensively if land use actions, such as landmarks and historic district designations, are decided solely on criteria unrelated to the city's broader needs. We request that designation is not enacted until the City Council has considered and voted on the suitability of designations on both historic, planning, economic and "best interests of the City" grounds would also ensure broader impacts are considered.

Landmark Preservation (LPC) should become a division of the Department of City Planning (DCP) to ensure that landmark and historic district designations are viewed in the context of a comprehensive view of the city and its needs. Other measures can be taken to achieve that goal by requiring a planning analysis, paying the commissioners to reflect their work load, and updating the hardship criteria.

Along with considering historic merit, the proposed designation should be required to consider economic factors. These could include development potential of the site or an area and an owner's plans for individual property and property within districts. The planning analysis should also include the age, condition and the cost of maintenance and the needs of our city for housing. Furthermore, LPC authority should be refocused on those portions visible to the general public. Releasing draft designation reports prior to the first public hearing along with a planning analysis would also ensure debate on the full merits.

STRENGTHEN CITY PLANNING

The Department of City Planning should be placed in charge of the capital budget to ensure coordination between city investments and land use planning. While it is our understanding that the current Department of City Planning is involved, this has not always been the case and it is worth institutionalizing ownership of the process. By moving LPC under the aegis of City Planning, or at minimum requiring a planning analysis and the ability to opine on that analysis, the City Planning Commission will approve designation through a comprehensive lens that includes economic development and the availability of sites for housing.

To promote comprehensive planning, and the adherence to those plans, administrative actions by the City Planning Commission should no longer go to the City Council. These include certifications, authorizations, and most special permits. Typically, the findings to be met as a condition for granting the special permit are objective standards. Those standards already went through a robust public review process, including adoption by the City Council. If these standards are met, the permit should be approved.

CAREFULLY EVALUATE CHANGES TO CEQR

REBNY recognizes and is sympathetic to community concerns regarding gentrification and its concomitant pressures on vulnerable populations. REBNY also recognizes that dealing with those issues is an issue of City-wide concern that needs to be addressed on a City-wide basis. The remedy for these concerns does not lay with changes in the CEQR process, particularly as it relates to individual development projects. To do so would improperly transform SEQRA/CEQR to an overall planning statute and set of regulations. This is inconsistent with the statutory mandate of SEQRA – to **incorporate** environmental considerations into agency decision making. The specific language of SEQRA provides that considerations under SEQRA are not meant to override underlying agency determinations, which properly consider policy and, in the context of zoning actions, long term planning considerations. Those are the responsibility of the City agencies charged with such planning, and the burden of those responsibilities are not properly placed on individual developers as part of meeting their SEQRA/CEQR obligations.

A recent Pratt study and neighborhood advocates erroneously suggest that CEQR consultants, who are often engaged by private applicants, have the last word as to what an Environmental Impact Statement (EIS) will contain. That is simply not the fact. While the actual analyses are undertaken by privately- engaged consultants, the last word on what the contents and conclusion are those of the lead agency. Our members can tell you from experience that the lead agencies, particularly the Environmental Assessment and Review Division of the Department of City Planning strictly scrutinize all conclusions and analyses undertaken by the so-called EIS authors.

More importantly, CEQR is not the only basis upon which determinations of the gentrification effects of development projects and rezonings are made. The ULURP process as it presently exists allows for input from Community Boards, Borough Presidents and member of the public at large. Comments from the public are not limited to comments regarding what CEQR defines as significant adverse environmental impacts, as anyone who has attended the several public hearings and meetings that are part of the process. Moreover, the final determinations are made in most instances by the City Council, the elected representatives of the public and its approval or disapproval is not in a lock step with CEQR.

That being said, more does need to be done to streamline the environmental review process to have it focus on what the community boards, the City Planning Commission and the City Council need to know in order to be able to take environmental concerns into account in their decision-making process. Most find the documents to be so detailed and cumbersome that it is typically only the environmental specialists who know and understand what they say.

Duplicate issues that are assessed through the land use review such as analyses of urban design, neighborhood character and the like, should be removed. Further, additional efforts should be made to exempt certain kinds of projects from environmental review where it has been repeatedly demonstrated over time that similar projects do not have environmental impacts. This could be of importance for affordable housing if smaller and medium sized residential projects were considered Type II actions.

One of the strengths of the City's environmental review process is the CEQR Technical Manual. It provides a clear and comprehensive set of methodologies for the analysis of environmental impacts, ranging from areas such as traffic to air quality to open space to community facilities. Use of the Manual ensures that environmental review is conducted pursuant to consistent standards and not on an ad hoc basis.

Periodic revision and update of the Manual is a good thing. However, revisions must ensure that the methodologies are sound and are accepted among relevant professionals. Traffic impacts must be measured according to accepted traffic engineering standards. Air quality impacts must be measured

according to Federal and State air quality standards. Socioeconomic impacts must be measured in ways that carefully distinguish between underlying trends and the effects of a project undergoing land use review. The methodologies must also be consistent with the way that agencies operate and administer programs.

The process for revising the Manual can include opportunities for public and community input and comment. However, the final determination of whether and how the Manual should be changed should rest with the agencies responsible for conducting environmental review, as well as the operating agencies with the technical expertise and obligation to implement mitigation measures.

INCREASE AGENCY ACCESSIBILITY TO ENSURE TRANSPARENCY AND ACCOUNTABILITY

We believe additional measures can be taken to ensure transparency and accountability that may not require changes to the charter but should be under consideration. Predictability helps all stakeholders. Generally, greater consistency through agency rules, city law and state practices for public review, noticing, and language access should be explored. More specifically, the Board of Standards and Appeals (BSA) should have similar timeframes instituted for rounds of review, hearings, and public input that ULURP has.

Our city agencies also need to continue to do better with coordination of information and provision of information to the public. Better data helps everyone make informed decisions, whether it is understanding that a storefront is waiting on its LPC permit for signage and is not vacant, or being able to see all the work, from government infrastructure projects from DOT to DEP to private investment in a POPS, in your neighborhood. We support calls for a universal portal to track applications citywide and real time metrics should be provided for service delivery by the city agencies. Furthermore, we are a city of immigrants and to truly engage all we need a baseline for which of the items entering public review are translated.

We look forward to continued engagement on these topics. Thank you for your consideration and time.

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