



Charter Revision Commission

Written Testimony

Volume I

MU - W

Table of Contents

M

Multiple Authors	1
The Municipal Art Society of New York	4
Carla Mohan... ..	7

N

NYC2CS	9
NYCLU	11
NYC Equal Employment Practices Commission	16
New York Immigration Coalition	25
NYC Hospitality Alliance	30
NYPD Captains Endowment Association	32
New York Public Interest Research Group	34

P

Partnership for New York City	36
-------------------------------------	----

Q

Queens Borough President	38
--------------------------------	----

R

Reinvent Albany	39
Council Member Lincoln Restler	44

S

Staten Island Community Board 3	45
Council Member Althea Stevens	47
Surveillance Technology Oversight Project	49

T

Julius Tajiddin	55
-----------------------	----

Times Square Alliance	61
-----------------------------	----

V

Van Nest Neighborhood Alliance (VNNA)	62
---	----

The Victorian Society New York	63
--------------------------------------	----

Voices for Shelter Animals	66
----------------------------------	----

U

United Neighborhood Houses	75
----------------------------------	----

W

Gladys Williams	78
-----------------------	----

Public Advocate Jumaane D. Williams	80
---	----

Council Member Julie Won	83
--------------------------------	----

Jacky Wong	88
------------------	----

Milly Wong	89
------------------	----

Sally Wong	90
------------------	----

July 17, 2024

Mayor Adams
City Hall
New York, NY 10007

Charter Revision Commissioners
charterinfo@citycharter.nyc.gov

Dear Mayor Adams & Charter Revision Commission members,

We, the undersigned, represent a broad cross-section of New Yorkers from every background, community, and borough. We understand that Charter Revision Commissions are among this city's most sacredly important undertakings; they have been used to reconfigure city government and balance power relationships to produce a more perfect union. All of us have an interest in a New York City Charter that is thoughtful and deliberative, while modernizing governance and creating a city that works for all New Yorkers. It is in this spirit that **we urge you to refrain from placing any charter revision initiatives on the ballot in November 2024.**

The mayor announced this Charter Revision Commission on May 21. On June 24, after only five public input sessions within a two-week period, at which only a small handful of New Yorkers spoke, the commission issued a preliminary report that made a series of recommendations addressing "fiscal responsibility," "public safety," "minority-and-women owned businesses," "modernization," and "other proposals." A July 12 deadline was established for the receipt of written testimony, and according to the commission's website, the commission will vote on final ballot language at their final meeting on July 25.

We submit that the 2024 Charter Revision Commission and the subsequent preliminary report were created in poor faith and are antidemocratic:

- It is widely understood that this Charter Revision Commission's timing and primary purpose is to enable the mayor to block the New York City Council's advice and consent ballot measure from being considered by voters in November. The measure would allow the Council the opportunity to consider more mayoral appointments for city commissioners, increasing voter transparency over mayoral appointments. While we don't take a position on the Council's proposal, we know that there is no mandate or public call for this commission; it seems to simply be a retaliatory and preemptive attempt to attack the City Council's role in government and to further expand mayoral power.
- The commission does not represent a broadly-interested cross-section of impartial New York City stakeholders. Instead it has been stacked with appointees characterized by their [close ties to the mayor](#).

- The timeline for the commission has been unreasonably rushed and compressed. New Yorkers have barely had time to learn what a charter revision is let alone figure out how to meaningfully participate in it.
- The hearings have been poorly attended and underpublicized. The commission's [first hearing](#), on June 5, was so hastily thrown together that members of the public only found out about it the night before, resulting in only a handful of attendees. In fact, *less than half of the commissioners attended the first hearing of their own commission*. The commission's hearing in Staten Island on June 25 featured just five in-person testimonial statements, and took place in an auditorium that can only be described as [nearly empty](#).
- Absent robust public debate, testimony, and data, it can only be assumed that the recommendations in the preliminary report were either conceived in a matter of days or in advance of the hearings. Meanwhile, the report left advocates, experts, and concerned citizens *just 13 business days* to read, research, and respond to its recommendations before public testimony closed on July 12.

No process this harried, disorganized, and non-transparent could possibly produce charter revisions that are thoughtfully considered, informed by the public, and placed on the ballot with any democratic legitimacy. The process has been opaque since it was launched, with hearings and meetings publicized in a piece-meal, largely last-minute fashion. As of July 16, there is still no information on the commission's website to indicate when the final report and recommendations would be released for consideration by the public and commissioners.

This charter revision process is unbecoming of the mayor, our city, and our charter itself. The charter is the heart of New York City's governing structure. Given the many serious concerns, **we urge you to refrain from placing any items on the November 2024 ballot.** Absent any apparent emergency, heart surgery is performed with patience, deliberation, and care, none of which is to be found in this process. New York City should be an example of how good, transparent, and participatory government should function, and how real democracy should flourish.

Sincerely,

Ali Forney Center
ALIGN: The Alliance for a Greater New York
Alliance for Quality Education
Anthony Baez Foundation
Arab American Association of New York
CAAAY: Organizing Asian Communities
Campaign Zero
Caribbean Equality Project
Center for Constitutional Rights

Center for Law and Social Justice at
Medgar Evers College
Center for Popular Democracy
Churches United for Fair Housing
Committee of Interns and Residents SEIU
Common Justice
Communities United for Police Reform
Community Connections for Youth
Community Education Council 14
Community for a Cause

Defending Rights & Dissent
Drug Policy Alliance
DRUM - Desis Rising Up & Moving
El Puente
Equality for Flatbush
Faith in New York
Families For Freedom
Freedom Agenda
Housing Works
Immigrant Defense Project
IntegrateNYC
Jews for Racial and Economic Justice
(JFREJ)
Jim Owles Liberal Democratic Club
Justice and Beyond
Justice Committee
Katal Center for Equity, Health, and Justice
LatinoJustice PRLDEF
Legal Action Center
Make the Road New York
Malcom X Grassroots Movement
Mekong NYC
Met Council on Housing
Metropolitan Community Church of New
York
Middle Collegiate Church
MomsRising Together
Muslim Community Network
National LGBTQ Task Force Action Fund

Neighbors Together
New Kings Democrats
New Settlement Parent Action Committee
New York Civil Liberties Union
New York Communities for Change
New York Progressive Action Network
North Star Fund
NY Working Families Party
NYC Anti Violence Project
OAAARS
Parole Preparation Project
Parole Preparation Project
Partners for Dignity & Rights
Public Science Project
Release Aging People in Prison Campaign
(RAPP)
Surveillance Resistance Lab
Surveillance Technology Oversight Project
Suspension Representation Project -
Education Advocacy Chair
TakeRoot Justice
The Center for Anti-Violence Education
The Gathering for Justice
The People's Plan NYC
Transgender Law Center
Urban Justice Center Mental Health Project
Urban Youth Collaborative
VOCAL-NY
Youth Represent

July 12, 2024

MAS Comments on the Preliminary Report of the 2024 City Charter Revision Commission

Dear Commission,

The Municipal Art Society of New York (MAS) was founded four years before New York City adopted its first Charter in 1897. Since then, MAS advocacy efforts have created municipal policies and agencies, including the New York City Planning Commission, Public Design Commission, and Landmarks Preservation Commission. In recent years, MAS has provided input on the various City Charter revisions, focusing on issues such as the land use review process, community board structures, and civic engagement.

MAS supports the staff recommendations below from the preliminary Charter Revision Commission report and has added additional related recommendations. MAS is happy to help provide additional research and expert input on any of these ideas so that they are well-informed, clear, and can be put forth in a viable way.

- Improve assessment of the financial impact of legislation on the budget, including by requiring an evaluation of the fiscal effects earlier in the legislative process and by involving additional parties in the assessment process.
- Harmonize the Charter-mandated budget process with the Council's power to pass legislation with budget impacts outside the annual appropriations process.
- Update provisions concerning capital plan inventory and maintenance estimates, including by adding an explicit statement of purpose linking the infrastructure assessment to the Ten-Year Capital Strategy, modifying the inventory to reflect additional pertinent details, and including additional criteria for identification of capital needs to be included in the Ten-Year Capital Strategy.
 - MAS further recommends that formal leadership of the capital planning and budgeting process revert to the Department of City Planning (DCP). DCP is better positioned to take a long view and identify opportunities across agencies for co-benefits, cogeneration, and colocations.
 - Additionally, MAS recommends that the ten-year capital strategy time frame be extended, possibly to 20 years, to allow for more long-term planning required to meet

our climate resiliency goals. DCP could help plan capital projects to ensure our city is resilient to the effects of future storms, flooding, and extreme temperatures.

- Modernize deadlines and related technical requirements to promote efficiency in the budget process.
- Improve services provided to and use of MWBEs.
 - However, MAS believes this improvement is best done through policy revisions and programs within capital agencies, such as the MWBE support systems in the most recent DDC blueprint. A new agency would not be the most expeditious way to achieve our MWBE goals, and the creation of a new agency may undermine them by adding another level of coordination with agencies and for procurement.
 - Further input from the Department of Design and Construction (DDC) and the Office of Management and Budget (OMB) would be beneficial.
- Remove all waterfront permitting for construction/alteration from the Department of Small Business Services (SBS)
 - MAS also recommends further exploring opportunities to streamline permitting processes across capital agencies.
- Collect a resident feedback survey on local quality of life and service delivery to inform municipal operations and the budget.

City Agency Proposals

In addition, MAS supports and recommends that the City Charter Revision Commission further study several of the City agency recommendations, including the following:

- The Mayor's Office of Climate and Environmental Justice (MOCEJ) suggestion to exempt acquisitions from ULURP and competitive processes if the acquisition is for flood protection or has already undergone an environmental review and with the understanding that any land that is intended to be used as parkland will be mapped as such, even if that occurs at a later date.
- The Department of Transportation (DOT) proposal to align language with federal standards to streamline processes, provide consistency for consultants, and enable incredible innovation and flexibility to meet our goals of a more resilient and multimodal city.
- The NYC Service recommendation of an accountability portal to increase the transparency of public input in the feedback loop of a public project if staff capacity is added to accommodate the workflow.

- The Department of Buildings (DOB) recommendation to streamline its code revision process, especially if this could facilitate more housing construction in New York City.

Thank you for the opportunity to provide these comments. We look forward to following and participating in the City Charter Revision Commission process as it moves forward.

Sincerely,



Elizabeth Goldstein

President, The Municipal Art Society of New York

Carla Mohan's Testimony

To whom it may concern,

Current system does not afford appropriate representation for a large portion of the citizens. Recent occurrences serve as examples of just this problem.

Mayors Office: Limitation and reduction of the use of Executive orders;
The Mayor made unilateral decisions to invite, house, feed as well as provide cell phones spending money and displace children, veterans and elderly to do so. He directed the Department of Buildings and New York's Fire Marshals to stand down allowing facilities to be illegally converted against the interests of safety, community approval, regulations and law. All this done under executive order for a self proclaimed and self inflicted emergency. Emergencies as per Judge Ozzi are limited to events of nature, terrorism, catastrophe or other event for which the damages were both emergent and unforeseen. In the case of illegal migrants these consequences were predictable and the result of a choice made despite their existence.

Policies such as Right to Shelter and Sanctuary City should be voted on by communities and not forced upon by executive orders.

Such actions that so significantly and negatively impact the safety, welfare and resources of a community must be voted on by the community they affect.

Mayor's Office & City Council: Force all matters that severely impact the welfare security, economic and religious interests to a vote by the people.

City of Yes, a severe and complete revamping of the zoning regulations that protect the homeowners and neighborhoods is being set for approval without the approval of the communities most affected by this change.

Many areas of the city like North Brooklyn, Manhattan, South Bronx, Central Queens are already overbought and his proposal has little or no impact.

Unfortunately the greatest number of the 51 Council Members (about 33) represent these areas. Additionally many of these 33 Council Members are aligned with special interest groups and not those who live in and own homes in these neighborhoods.

Any proposal that so significantly alters the interests, safety and economics of a community must require a vote by those it affects. The plan is presented as a means to increase housing availability. The actual effect can be seen in the example of Williamsburg Brooklyn.

The residents and their descendants bankrupted. This happened when the developers made first alterations that negatively impacted the peaceful enjoyment and safety of the community.

Crime rose, property values dropped and families were forced to move, losing all equity they had in their homes.

This allows the developers to acquire the property at a discount.

Before this reengineering of the community a 3 to 4 bedroom home sold for \$200,000. Today a studio apartment is \$900,000.

The problem is the profits went to a select few developers and countless families who lived there were forced into poverty.

City of Yes will have the same effect on every neighborhood of 1 and 2 family homes without their ability to consider and cast their votes.

Judges and Prosecutors Must be brought to act in the interest of public safety and not political persuasion.

Judges and prosecutors must be held to review by the public by a board of review voted on by the public not the politicians. Yes protect the individuals rights against unlawful prosecution, but in the cases where blatant crimes have been committed especially those of a physical nature like battery, rape, attempted murder, manslaughter or actions that likely lead to such harm like DWI, DUI, offenses committed with a weapon, must require bail or reand and punishment that includes incarceration.

Any attempts to minimize deterrents to crime must require a general vote by the citizens. Judges and prosecutors must be held to review by the public in similar fashion to the Police CCRB. These positions must cease being political pawns of the Mayor and be as the Constitution of our Republic calls for; Government and all politicians and its agents must do the will of the people.

We are a government, by the people and for the people who are served by the government and not in service to it.

Respectfully,
Carla Mohan

NYC2CS Testimony

Dear NYC Charter Revision Commission,

I am writing to urge the Commission to consider revising the New York City Charter to explicitly designate the Business Integrity Commission (BIC) as a law enforcement agency in Chapter 63.

The current Charter establishes the BIC and outlines its responsibilities. However, it fails to explicitly acknowledge the commission's unique role as a hybrid organization with both regulatory and law enforcement capabilities. This ambiguity has led to several challenges:

- **Limited Access to Resources:** Since the Charter doesn't recognize the BIC's law enforcement capacity, the commission struggles to gain access to crucial law enforcement systems and services offered at the state and federal levels. This restricts the BIC's ability to investigate potential criminal activity within its areas of jurisdiction, which often intertwines with regulatory violations.

For example, investigations into organized crime involvement in waste hauling or illegal dumping of hazardous materials necessitate collaboration with traditional law enforcement agencies and access to criminal databases. Without a clear law enforcement designation, the BIC faces hurdles in such investigations.

- **Hindered Enforcement:** The current structure forces the BIC to rely heavily on other law enforcement agencies to conduct investigations, particularly when criminal activity is suspected. This creates a dependency that could potentially slow down investigations and hinder the BIC's ability to enforce regulations effectively.

The BIC's regulatory authority allows them to identify and address non-criminal compliance issues. However, when those issues cross the line into criminal activity, a seamless transition to a full investigation is crucial. The lack of a clear law enforcement designation disrupts this process.

- **Reduced Credibility:** The BIC's authority might be questioned by individuals or businesses due to its current status as primarily a regulatory body. This could lead to reduced cooperation during investigations or attempts to obstruct their work, impacting both the regulatory and investigative sides of the BIC's function.

By explicitly designating the BIC as a law enforcement agency in the Charter, the Commission would:

- **Enhance Public Safety:** Strengthening the BIC's investigative capabilities will ultimately contribute to a safer city by enabling them to uncover and address criminal activity within their areas of responsibility more effectively.

- **Increase Efficiency:** Streamlining access to law enforcement resources will allow the BIC to conduct investigations independently and enforce regulations more efficiently.

The BIC's unique role as a regulatory and law enforcement body requires a clear designation in the Charter. This will empower the BIC to fulfill its public safety and investigative mandates more effectively, ultimately improving public safety and regulatory compliance within New York City.

Thank you for your time and consideration.

**Testimony of Michael Sisitzky
On Behalf of the New York Civil Liberties Union
Before the 2024 New York City Charter Revision Commission**

July 12, 2024



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Wendy Stryker
President

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony for consideration by the 2024 New York City Charter Revision Commission. The NYCLU, the New York affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with eight offices throughout the state and more than 95,000 members and supporters. The NYCLU’s mission is to defend and promote the fundamental principles embodied in the Bill of Rights, the U.S. Constitution, and the Constitution of the State of New York. We also work to promote principles of good government and the health of our democratic institutions, including at the local level in New York City.

Much like the state and federal constitutions, the New York City Charter is the foundational governing document for New York City, outlining the overall structure of New York City’s government, detailing the powers of the executive and legislative branches, and establishing a system of checks and balances. The NYCLU has a long history of engaging with the City Charter and with the structure of New York City’s government more broadly, having led the charge in the 1989 U.S. Supreme Court case declaring the city’s Board of Estimate unconstitutional, resulting in a charter revision commission that dramatically restructured the city government and that still provides the general framework for governance in New York City to this day.¹

Charter revision commissions are serious endeavors; they are tasked with examining the entirety of the City Charter and have the authority to recommend revisions ranging from discrete changes to a single provision to the wholesale adoption of an entirely new charter.² Because of this, charter revision commissions should operate with tremendous care and through a well-planned deliberative process that gives sufficient time for meaningful public input and that enables commissioners to take the time necessary to thoroughly research and analyze the proposals under consideration. That is, unfortunately, not the case with this current commission and its troublingly short timeline.

From its inception to the point where it sets forth its recommendation, the commission is moving at a pace that prevents meaningful public engagement or thoughtful consideration about how a document that stands as the equivalent to our city’s constitution should be amended. The creation of the commission was announced on May 21, 2024, and it held its first public

¹ Janos Marton, *26 Years Since the Board of Estimate’s Demise*, Gotham Gazette, Mar. 22, 2015, <https://www.gothamgazette.com/government/5645-26-years-since-the-board-of-estimates-demise>.

² N.Y. Mun. Home Rule Law § 36(5)(a).



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meeting – with only minimal advance notice – on June 5. The commission will receive written testimony only through July 12, and it is scheduled to hold its final meeting to decide on its final recommendations on July 25, ahead of an August 5 deadline for finalizing ballot language with respect to any proposed amendments to the City Charter. This is not a responsible timeline for such a serious undertaking and would constitute one of the shortest timeframes for a charter revision commission in the city’s history.³ By contrast, the 2019 Charter Revision Commission held more than 20 public meetings over the course of a full year before making recommendations for proposed charter amendments.⁴

Disturbingly, this rushed process appears largely motivated by political calculations. The announcement of this commission came on the evening before the City Council’s introduction of a bill that would require the Council’s advice and consent for additional mayoral agency appointments — a proposal that the mayor opposed.⁵ Because this measure would alter the City Charter, it would need to be approved via a referendum before it could take effect. State law, however, allows for ballot measures proposed by a mayoral charter revision commission to displace ballot measures arising from City Council legislation,⁶ and though the mayor denies that these issues are related, it strains credulity to believe that they are not.

Equally as disturbing is the mayor’s directive that the Commission specifically focus on changing the process by which the City Council approves legislation that would have an impact on public safety.⁷ Coming just months after a contentious debate between the administration and the City Council that culminated in the Council overriding the mayor’s vetoes of a police transparency measure and a ban on solitary confinement in the city’s jails, this directive reads as an attempt at retribution. Having lost a political fight with the Council through the normal democratic process, the administration is now suggesting that the democratic process itself needs to change and that the Council’s power should be curtailed. Rewriting the rulebook for local governance because of policy disagreements with lawmakers sends a disturbing message about the health of our democratic institutions and sets a dangerous precedent.

³ Citizens Union of the City of New York, *Testimony before the 2024 City Charter Revision Commission Government and Election Reform Forum & Hearing*, June 17, 2024, <https://citizensunion.org/wp-content/uploads/2024/06/CU-Testimony-2024-Charter-Revision-Commission-Gov-and-Election-Reform-Hearing-6.17.24-Final.pdf>.

⁴ NYC Charter Revision Commission, Archives – 2019 Public Meetings and Hearings, <https://www.nyc.gov/site/charter/meetings/2019-public-meetings-hearings.page>.

⁵ Jeff Coltin, *Eric Adams’ Latest Plan to Keep New York’s Strong Mayor System*, Politico, May 21, 2024, <https://www.politico.com/news/2024/05/21/eric-adams-charter-revision-committee-00159306>.

⁶ N.Y. Mun. Home Rule Law § 36(5)(e).

⁷ Press Release, Office of the Mayor, Mayor Adams Announces New Charter Revision Commission, May 21, 2024, <https://www.nyc.gov/office-of-the-mayor/news/401-24/mayor-adams-new-charter-revision-commission>.



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This Commission must reject this invitation to weaken our democratic institutions. Unfortunately, if the preliminary report is any indication, the Commission appears willing to accede. The report suggests that there is somehow not enough process before the City Council passes legislation related to public safety and that the Council moves too quickly on such measures without sufficient public and stakeholder engagement.⁸ The report suggests that the Council does not sufficiently engage with agencies and critical stakeholders and states that “[i]n practice ... proposed legislation may go from introduction, to a public hearing, to passage by the Council in less than two weeks.”⁹

These claims are in stark contrast with reality. While it may be procedurally possible for legislation to move quickly, the Commission points to no real-world example of this ever being the case for public safety legislation. Indeed, an analysis from Citizens Union, which examined over 1,700 local laws passed by the Council over the last decade, found that, on average, it took 130 days before a bill even gets an initial hearing before the Committee on Public Safety and another 161 days following that hearing before it receives committee approval.¹⁰ Instructive as this analysis is, it does not even account for the many public safety measures that take multiple Council terms before they are ultimately enacted and thus operate on a yearslong timeframe. Consider, for example, the Right to Know Act, passed by the City Council at the end of its four-year session in 2017, but first introduced in the prior Council session in 2012.¹¹

The preliminary report singles out Local Law 43 of 2024, a part of the How Many Stops Act which the Council enacted over the mayor’s veto, as an example of a bill that moved too quickly and without sufficient input from the public and relevant agencies and stakeholders. This again, is at odds with reality. This bill was first introduced as Intro. 2481 in December 2021.¹² It was

⁸ 2024 New York City Charter Revision Commission, Charter Revision Commission Preliminary Report, June 25, 2024, 24, https://www.nyc.gov/assets/charter/downloads/pdf/reports-ballot-issues/20242406_CRC_PrelimReport.pdf.

⁹ *Id.*

¹⁰ Citizens Union of the City of New York, *Testimony before the 2024 City Charter Revision Commission on Recommendations Made in the June Preliminary Report*, July 8, 2024, <https://citizensunion.org/portfolio-item/testimony-before-the-2024-charter-revision-commission-preliminary-report-hearing/>.

¹¹ See Intro. 799-2012 (introduced on February 29, 2012), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1078152&GUID=5620B6E-C-8234-4F5C-9BE9-ADE64168FF7A&Options=ID%7cText%7c&Search=799>, and Intro. 541-2014 (the reintroduced version of the same legislation in the following session, introduced on November 13, 2014, and passed on December 18, 2017), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2015555&GUID=652280A-4-40A6-44C4-A6AF-8EF4717BD8D6&Options=ID|Text|&Search=541>.

¹² Intro. 2481-2021, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5361260&GUID=80AF151-4-D810-4D00-9464-EAACF60F6E83&Options=ID|Text|&Search=2481>.



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reintroduced as Intro. 586 in July 2022, was the subject of a nearly five-hour public hearing in March 2023 – at which representatives from the NYPD testified at length along with members of the public – and was only voted on in December 2023.¹³ That vote followed months of negotiations between the Council and the NYPD, who proposed a number of amendments to the measure, some of which were ultimately incorporated into the final legislation. The mayor and the NYPD of course had the right to ultimately disagree with the final legislation, but they cannot claim that they were not consulted or that their opportunities for input were limited.

It is also worth emphasizing that this legislation was the direct result of extensive community input in the wake of the 2013 ruling that declared the NYPD's stop-and-frisk practices unconstitutional. That ruling led to the creation of the Joint Remedial Process, designed to engage the communities most impacted by NYPD practices and solicit their input on suggested reforms. The final report from that process included a recommendation that the NYPD begin collecting and reporting data on the very encounters addressed by the eventual How Many Stops Act legislation. As that report notes, over the course of its yearslong community engagement efforts:

A constant message from the focus groups and community forums was that people in affected communities generally did not feel free to leave a police encounter, even if it was their right to leave.... These impacted community members consistently expressed a need to quantify these encounters so that appropriate monitoring and supervision of them can occur.¹⁴

The suggestion by this Commission that this legislation was passed without sufficient public input is completely at odds with the fact that the legislation itself was written and introduced specifically to act on and implement extensive public input.

The Commission should not upend and rewrite the rules for enacting important public safety legislation on the basis of a flawed understanding of the existing process. And it should not be proposing anything that will make police oversight more difficult at a time where stop-and-frisk is at its highest recorded level since 2015, with racial disparities as bad as they have ever been,¹⁵ and with complaints of police misconduct going into the Civilian

¹³ See Intro. 586-2022 and accompanying attachments, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5725293&GUID=C4781093-1108-4E04-848D-473B2E47BD2E&Options=ID|Text|&Search=586>.

¹⁴ Hon. Ariel E. Belen, Final Report and Recommendations, New York City Joint Remedial Process on NYPD's Stop, Question, and Frisk, and Trespass Enforcement Policies, May 2018, <https://ccrjustice.org/sites/default/files/attach/2019/12/Joint-Remedial-Process-Final-Report.pdf>

¹⁵ Simon McCormack & Melissa Avilez Lopez, *NYPD Stops are Skyrocketing Under Mayor Adams*, NYCLU, Mar. 22, 2024, <https://www.nyclu.org/commentary/nypd-stops-are-skyrocketing-under-mayor-adams>.

Complaint Review Board at their highest level since 2012.¹⁶ This is not the time to be weakening the already too slow and too weak mechanisms for police oversight and accountability in New York City.

There is no justification for giving special treatment to and requiring the Council to jump through additional hoops before they can pass public safety legislation unless the only purpose is to further insulate agencies like the NYPD from legislative oversight. And to recommend doing so in the name of greater public input through a rushed, two-month, summertime charter revision process consisting of hastily noticed and poorly attended hearings – a process that is magnitudes shorter than the purportedly too brief City Council legislative process – is disingenuous, at best.

This Charter Revision Commission may have been conceived for political purposes, but the Commissioners are under no obligation to further them. If the Commission is serious about its desire to improve New York City's governance, then it should not rush ahead with proposing amendments for this fall's ballot. There is no good reason to entertain proposals that so fundamentally alter our system of checks and that balances and that weaken the legislature's ability to hold city agencies accountable through this rushed process. The NYCLU urges the Commission not to advance any such proposals when it issues its final report.



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¹⁶ Bahar Ostadan, *NYPD Misconduct Complaints Reach Highest Level in 11 Years*, Gothamist, Jan. 13, 2024, <https://gothamist.com/news/nypd-misconduct-complaints-reach-highest-level-in-11-years>.



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June 12, 2024

BY EMAIL

Carlo Scissura, Chair
Dr. Hazel N. Dukes, Vice Chair
NYC Charter Revision Commission
New York, New York

Re: Proposed Revisions to Chapter 36 of the
New York City Charter, As Amended

Dear Chair Scissura and Vice Chair Dukes:

On behalf of the Equal Employment Practices Commission's (EEPC) Board of Commissioners, please accept this letter in support of the EEPC's proposed revisions to Chapter 36 of the New York City Charter, as amended (City Charter). The EEPC's proposed changes are being submitted for your consideration as a part of the NYC Charter Revision Commission's overall strategy on municipal finance and fiscal responsibility.

Background

As one of New York City's largest employers, the City of New York (City) has approximately 330,000 employees. Created in 1989 by amendment to the City Charter, the EEPC is an independent, non-mayoral City agency empowered to audit and evaluate employment practices and procedures of City entities¹ and their efforts to ensure fair and effective equal employment opportunities for women and people of color. See Chapter 36, Sec. 831(d)(5). Only those City entities that meet the following criteria are subject to the EEPC's audit, evaluation, and monitoring:

- The majority of the Board Members are appointed by the Mayor;
- The majority of the Board Members serve by virtue of being City Officers; or
- The entity is funded, in whole or in part, by the City treasury.

¹ Sec. 831(a) of the City Charter provides, in pertinent part, that the Commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government. For simplicity, the word "entity" shall be used to cover all such offices that otherwise meet the criteria for falling under the jurisdiction of the EEPC.

In short, the EEPC's mandate is to ensure that the City's employment practices, including Equal Employment Opportunity (EEO) policies and programs, are properly structured, efficiently administered, and in compliance with federal, state, and city EEO requirements. Programmatic changes resulting from the EEPC's audits provide a mechanism, at an institutional level, to assist City entities in preventing employment discrimination and avoid costly litigation.

The EEPC currently audits, evaluates, and monitors approximately 143 City entities. Most recently, the EEPC was charged with conducting a ten-year study of the underutilization of women and minorities, by job group, within City government. As part of its analysis, the EEPC will also look at occupational segregation by race and gender, pay disparities, how individuals are hired and promoted, and how the City entities recruit and train the next generation of workers.

Although the EEPC performs its functions, its continued success is hampered by questions regarding its lack of enforcement power, jurisdiction and independence, and lack of a secure and autonomous budget. To address these areas of concern, a brief summary of the proposed changes to the City Charter follows:

Fiscal Independence

As a result of its audits, the EEPC is tasked with providing entities, officials and, upon request, the public with nonpartisan information pertaining to employment practices, policies, and procedures, as well as, making related legislative and budgetary recommendations to the Department of Citywide Administrative Services, the Office of the Mayor and the New York City Council. The EEPC seeks to properly establish and preserve independence in its budget structure by using a comparative appropriations model similar to the fiscal structure of the Independent Budget Office.² The Office of the New York City Comptroller was selected as the comparator to the EEPC due to its similarity in independence and its duty to audit the programs and activities of each entity, thus safeguarding the City from fraud, waste, and abuse in employment practices. The proposed strategy anchoring the amount of the EEPC's budget to a set percentage of that of the New York City Comptroller will stabilize the fiscal structure of the EEPC and its ability to operate independently, thus providing the City of New York with a consistent and well-run EEO program.

Additional Enforcement Measures

The EEPC's enforcement authority is limited to publishing a report and recommending to the Mayor the appropriate corrective action the EEPC deems necessary to ensure compliance with the City Charter provisions. Such a repercussion for failure to implement assigned corrective actions creates minimal consequences for non-compliance, especially for non-mayoral entities. Currently, if an entity fails to comply with the EEPC's recommended corrective actions, the EEPC's remedy is to issue a Determination of Non-Compliance, publish that determination in the EEPC's Annual Report and conduct another audit of the entity the following year. The proposed language to Sec. 832(c) strengthens the EEPC's enforcement authority by permitting it to recommend budgetary consequences for an entity's failure to correct areas of EEO non-compliance.

² City Charter Chapter 11 Sec. 259(b) provides that the appropriations available to pay for the expenses of the independent budget office should not be less than 10 percentum of the appropriations available to pay for the expenses of the office of management and budget during such fiscal year.

Jurisdiction

Throughout the years, a considerable amount of the EEPC's time has been spent responding to challenges pertaining to its authority and jurisdiction. To provide clarity and avert jurisdictional arguments, the definition of "agency" established in City Charter Sec. 831 warrants additional clarification and a clearer delineation of those entities subject to the EEPC's authority. The additional language proposed is consistent with criteria applied in New York City Corporation Counsel Opinion No. 11-90, and subsequent opinions, which examined whether and to what extent the provisions of City Charter Chapter 36 extend to which governmental entities.

While not a "public-facing" agency, the EEPC assists the City's entities behind the scenes. And while these proposed charter language changes may appear relatively minor, they will have a significant impact towards helping to ensure that City entities establish and maintain a fair and equitable workplace. The City, as a major employer in New York City, has already taken many steps to demonstrate its commitment to dismantling structural racism by establishing commissions and enacting rules and laws to address it. We believe that by strengthening the role of the EEPC, we can do more to address inequities in the workplace and reduce litigation and the resulting settlements and judgments that ultimately draw City funds away from those programs, projects, and initiatives that make the City of New York the best city in the nation.

It is therefore respectfully requested that the necessary steps be taken to empower and support the EEPC so that it may make a significant and positive contribution towards this end. The importance of this work only serves to highlight the EEPC's need for further independence and an autonomous funding stream. I am available to meet with you to discuss these proposed amendments to Chapter 36 of the City Charter at your convenience and can be reached at 212-615-8933, if you should have any questions. For your convenience, I have attached an unaltered copy of the current law and a marked up copy of the law with the proposed changes.

Thank you for your consideration.

Respectfully submitted,


Jeanne M. Victor
Executive Director

Attachment

c: Nantasha Williams, Chair of the Committee on Civil and Human Rights
Camille Joseph Varlack, Chief of Staff for Mayor Eric Adams
Aldrin Bonilla, Chair and Commissioner of the EEPC
Elaine Reiss, Vice-Chair and Commissioner of the EEPC
Minosca Alcantara, Commissioner of the EEPC
Nicole Yearwood, Commissioner of the EEPC
Ngozi Okaro, Commissioner of the EEPC

Chapter 36: Equal Employment Practices Commission

Section 830. [Equal employment practices commission.]

- a. There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs of any city agency and the department of citywide administrative services to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.
- b. The commission shall consist of five members who, shall be compensated on a per diem basis. The mayor and the council shall each appoint two members. In addition, the mayor and the speaker of the council shall appoint a fifth member to serve as the chair of the commission for a term of four years.
- c. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.
- d. Members shall be appointed for four-year terms except that of the members first appointed, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June, nineteen hundred ninety-two, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June nineteen hundred ninety-five; and the chair shall serve for a term expiring on the thirtieth day of June, nineteen hundred ninety-four.
- e. The commission may, within the appropriations available therefor, appoint an executive director and such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein.
- f. The commission may meet as necessary to implement the provisions of this chapter provided that the commission shall meet at least once every eight weeks.

Section 831. Duties and powers of the New York city equal employment practices commission.

- a. The commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of citywide administrative services, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred fifteen to establish agency programs
- b. The commission may request and shall receive from any city agency such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.
- c. The commission shall communicate to the commission on human rights any information regarding suspected or alleged violations of chapter one of title eight of the administrative code.
- d. The commission shall have the following powers and duties:
 1. to review the uniform standards, procedures, and programs of the department of citywide administrative services pursuant to paragraphs twelve and fourteen of subdivision a of section eight hundred fourteen, and to review the plans adopted by city agencies in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency or the department of citywide administrative services with such comments and suggestions as the commission deems necessary and appropriate;
 2. to recommend to the department of citywide administrative services, all city agencies, or any one or more particular agencies, procedures, approaches, measures, standards and programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies;

3. to recommend to any city agency actions which such agency should consider including in its next annual plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;
4. to advise and, if requested, assist city agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with city agencies;
5. to audit and evaluate the employment practices and procedures of each city agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by this commission;
6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of citywide administrative services or any city agency as the commission deems necessary to ensure equal employment opportunity for minority group members and women;
7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the department of citywide administrative services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies;
8. to establish appropriate advisory committees;
9. to serve with such other agencies or officials as shall be designated by the mayor as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by city agencies; and
10. to take such other actions as are appropriate to effectuate the provisions and purposes of this chapter.

Section 832. Compliance procedures.

- a. The commission shall conduct such study or investigations and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.
- b. For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter, the commission shall have power to compel the attendance of witnesses, to administer oaths and to examine such persons as they may deem necessary. The commission or any agent or employee thereof duly designated in writing by them for such purposes may administer oaths or affirmations, examine witnesses in public or private hearing, receive evidence and preside at or conduct any such study or investigation.
- c. If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any city agency or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.

Chapter 36 §830 of the New York City Charter
[Equal Employment Practices Commission]

a. There shall be an *independent* equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs, *including, but not limited to, workforce, compensation and complaint information, of any city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such entity are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city,* and the department of citywide administrative services to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with *municipal agencies or entities.*

b. The commission shall consist of five members who, shall be compensated on a per diem basis. The mayor and the council shall each appoint two members. In addition, the mayor and the speaker of the council shall appoint a fifth member to serve as the chair of the commission for a term of four years.

c. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum. *A new member shall be appointed within 120 days of any vacancy.*

d. Members shall be appointed for four-year terms except that of the members first appointed, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June, nineteen hundred ninety-two, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June nineteen hundred ninety-five; and the chair shall serve for a term expiring on the thirtieth day of June, nineteen hundred ninety-four.

e. *The appropriations available to pay for the expenses of the commission during each fiscal year shall not be less than ten percentum of the appropriations available to pay for the expenses of the office of comptroller during such fiscal year.* The commission may, within the appropriations available therefor, appoint an executive director and such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein.

f. The commission may meet as necessary to implement the provisions of this chapter provided that the commission shall meet at least once every eight weeks.

§ 831 Duties and powers of the New York City equal employment practices commission.

g. The commission: (i) shall monitor the employment policies, programs and practices, *including but not limited to areas such as recruitment, selection, training, promotion, compensation, and policy dissemination,* of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency *or entity* are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, *and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city* including *but not limited to,* the board of education, city and community colleges, ~~the financial services corporation, the health and hospital corporation, the public development corporation, and the economic development corporation,~~ city housing authority, *office of the actuary office of administrative tax appeals, office of administrative trials and hearings, department for the aging, borough president's offices of the bronx, brooklyn, manhattan,*



**Equal Employment
Practices Commission**

*queens, and staten island, department of buildings, business integrity commission, campaign finance board, administration for children's services, city clerk/clerk of the council, city commission on human rights, city community colleges, office of the city comptroller, new york city council, department of city planning, department of citywide administrative services, civil service commission, civilian complaint review board, office of collective bargaining, community boards of the bronx, brooklyn, manhattan, queens, and staten island, conflicts of interest board, department of consumer affairs, board of correction, department of correction, department of cultural affairs, department of design and construction, district attorney's offices of the bronx, kings, new york, queens and richmond county, department of education, board of education retirement system, office of emergency management, new york city employees' retirement system, department of environmental protection, department of finance, financial information services agency, new york fire department, department of health & mental hygiene, department of homeless services, department of housing preservation and development, department of human resources administration/department of social services,, independent budget office, department of information technology and telecommunications, department of investigation, office of labor relations, landmarks preservation commission, new york law department, office of management and budget, office of the mayor, department of parks and recreation, office of payroll administration, new york police department, new york city police pension fund, department of probation, public administrator's offices of the bronx, kings, new York, queens and richmond county, office of the public advocate, department of records and information services, department of sanitation, department of small business services, office of special narcotics prosecutor, board of standards and appeals, taxi and limousine commission, teachers' retirement system, department of transportation, department of youth and community development and every other entity that meets the criteria set forth in subdivision a of paragraph eight hundred thirty; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with **municipal agencies or entities**, including the activities of the department of citywide administrative services, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all **municipal agencies or entities** required by section eight hundred fifteen to establish agency programs.*

b. The commission may request and shall receive from any **municipal agency or entity** such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.

c. The commission shall communicate to the commission on human rights any information regarding suspected or alleged violations of chapter one of title eight of the administrative code.

d. The commission shall have the following powers and duties:

1. to review the uniform standards, procedures, and programs of the department of citywide administrative services pursuant to paragraphs twelve and fourteen of subdivision a of section eight hundred, fourteen, and to review the plans adopted by **municipal agencies or entities** in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency **or entity** or the department of citywide administrative services with such comments and suggestions as the commission deems necessary and appropriate;

2. to recommend to the department of citywide administrative services, all **municipal agencies or entities**, or any one or more particular agencies, procedures, approaches, measures, standards and

programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with *municipal agencies or entities*;

3. *to request and receive annually from any municipal agency or entity, as defined in subdivision a of paragraph eight hundred thirty, an annual plan of measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity, and that prevent, diminish, or eliminate barriers to equal opportunity employment, and at minimum annual reports on efforts to implement the plan;* and to recommend to any *municipal agency or entity* actions which such agency *or entity* should consider including in its next annual plan;

4. to advise and, if requested, assist *municipal agencies or entities* in their efforts to increase employment of minority group members and women who are employed by or who seek employment with *municipal agencies or entities*;

5. to audit and evaluate the employment practices and procedures of each *municipal agency or entity* and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by this commission;

6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of citywide administrative services or any *municipal agency or entity* as the commission deems necessary to ensure equal employment opportunity for minority group members and women;

7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each *municipal agency's or entity's* affirmative employment efforts and the efforts by the department of citywide administrative services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by *municipal agencies or entities*;

8. to establish appropriate advisory committees;

9. to serve with such other agencies or officials as shall be designated by the mayor as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by *municipal agencies or entities*; and

10. to take such other actions as are appropriate to effectuate the provisions and purposes of this chapter.

§ 832 Compliance Procedures.

a. The commission shall conduct such study or investigations and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.

b. For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter, the commission shall have power to compel the attendance of witnesses, to administer oaths and to examine such persons as they may deem necessary. The commission or any agent or employee thereof duly designated in writing by them for such purposes may administer oaths or affirmations, examine witnesses in public or private hearing, receive evidence and preside at or conduct any such study or investigation.

c. If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any *municipal agency or entity* or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency *or entity* has not provided equal employment opportunity, the commission shall notify the agency *or entity* in writing of this determination and provide an opportunity for the agency *or entity* to respond. If the commission, after consideration of any such response and after consulting with the agency or entity, concludes that the corrective actions, if any, taken or planned by the agency *or entity* are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency *or entity* shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency *or entity* has not taken appropriate and effective corrective action, the commission shall notify the agency *or entity* in writing of this determination and the commission may thereafter publish a report *which may include, but not be limited to, a recommendation to restrict the agency or entity from using the non-compliant practice in future employment decisions until such corrective action is undertaken* and recommend to the *new york city comptroller, the office of management and budget, and the mayor, as chief executive officer of the municipality*, whatever *additional* appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. ~~Within thirty days of such determination the agency or entity shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.~~



Testimony of the New York Immigration Coalition

NYC CITY COUNCIL CHARTER REVISION COMMISSION Government and Election Reform

June 17, 2024

Good morning. My name is Taina B. Wagnac, I am the Senior Manager of State & Local Policy at the New York Immigration Coalition (NYIC), an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving member organizations. Thank you to Chair Scissura and members of City Council's Charter Revision Commission for convening this hearing and allowing us the opportunity to testify. I am here today to voice my strong support for Ranked Choice Voting (RCV) and to urge members of the Commission to oppose any efforts to repeal the charter that authorizes its implementation in NYC.

The NYIC has long supported ranked choice voting as we are deeply committed to ensuring diversity among our city's elected representatives. Ranked choice voting empowers voters and by making our voting system more responsive to the choice of each voter. This, in turn, increases civic participation and trust in government. The NYIC supported the 2019 ballot referendum and remains committed to a robust outreach and education program for a voting system that has proven to increase the racial and gender composition among candidates and election winners.

The impact of RCV in New York City has been profound. Following its adoption, the city saw a historic increase in the election of women and people of color. For instance, in the 2021 City Council elections, a record number of women and candidates of color were elected, resulting in the most diverse Council in the city's history. This surge in diverse representation can be attributed to the more equitable and inclusive nature of RCV, which empowers a broader range of voices and perspectives in the political process. Proving once again that RCV does make elections fairer for voters.

Ranked Choice Voting works because it offers a transformative approach to elections, particularly beneficial in local primaries. By allowing voters to rank candidates in order of preference, RCV ensures that winners have broad support, which can lead to more representative and democratic outcomes. Here are some of the key benefits and impacts of RCV:

- 1. Eliminates Vote Splitting:** RCV eliminates the issue of vote splitting among similar candidates, which is particularly advantageous in diverse communities where multiple candidates from underrepresented groups may run. This ensures that votes are not diluted, and the most broadly supported candidates have a better chance of winning.



2. **Encourage Positive Candidate:** Through RCV, candidates are incentivized to appeal to a broader electorate, including those outside of their district and base. This results in more inclusive and positive campaigning, where candidates seek to build coalitions rather than just focusing on their core supporters.
3. **Increase Representation for Women and BIPOC:** With RCV, candidates who might not have been considered front-runners in a traditional voting system can still compete effectively by appealing to a wide range of voters. This has encouraged more women and people of color to run for office, knowing they have a viable path to victory.
4. **Reflects Voters' True Preference:** By capturing voters' preferences more comprehensively, RCV ensures that the elected officials more accurately reflect the community's desires. This is particularly important in multicultural cities like New York, where the electorate is highly diverse.

Overall, Ranked Choice Voting has proven to be a powerful tool in enhancing democratic representation, fostering inclusivity, and ensuring that elected officials truly represent the diverse populations they serve.

Instead of entertaining any efforts to repeal RCV, we need to invest in effective solutions such as RCV education, deep civic engagement, and broad community empowerment. In a time where democracy nationwide continues to be tested and rolled back, this commission needs to make sure New York City does not fall prey to these anti-democracy advocates. NYIC is deeply committed to ensuring diversity among our city's elected representatives. So let us work together to make RCV a continued success for NYC.

Thank you for the opportunity to testify.

Submitted by:

Taina B Wagnac

Senior Manager of State and Local Policy

New York Immigration Coalition



Charter Revision Commission

Bronx Public Input Session

Testimony of the New York Immigration Coalition

July 11, 2024

Good morning. My name is Murad Awawdeh, President and CEO of the New York Immigration Coalition (NYIC), an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving member organizations. Thank you to Chair Scissura and members of City Council's Charter Revision Commission for convening this hearing and allowing us the opportunity to testify. Thank you to Chair Scissura and members of the New York City Charter Revision Commission for convening this hearing and allowing us the opportunity to testify. As the head of a member-led coalition-based organization, I have firsthand knowledge of the importance of humane solutions and protections that ensure all New Yorkers are free from racial profiling and abuse of powers, and which increase civic participation and trust in our government.

I am here today to voice the NYIC's firm, and continuing, support of the open, fair, and representative democratic practices that ensure the people of this city are governed by laws that represent their will and best interests. The NYIC has long supported ranked choice voting as we are deeply committed to ensuring diversity among our city's elected representatives. New Yorkers cannot expect recommendations or revisions that reflect their vision for city governance given the opaque and truncated timeline of this process. The closure of written testimony on July 12th, before public hearings have ended on July 25th, in particular denies Queens residents who are unable to do spoken testimony the chance to give written testimony concurrently with other Queens residents. Additionally, limited attempts at public education, outreach, and engagement and a lack of public debate and review have undermined the public, or their elected representatives, the opportunity to be heard.

We call on the members of this commission to support our storied democratic practices and ensure that any attempts to alter the New York City Charter are transparent, consultative, participatory, and actively engage an informed public and the elected officials chosen to represent them. To that end, we urge this Commission to refrain from placing any items on the November 2024 ballot.

At this time, I would like to highlight the particular importance, and gravity, of New York City's Sanctuary laws and Ranked Choice Voting (RCV), and to urge members of the Commission to oppose any efforts to repeal the sanctuary policies, and to support ongoing public education and implementation of RCV in NYC.



Sanctuary Policies

New York City has a proud history of being a Sanctuary city, a declaration of being a place that values diversity and protects immigrant communities.

New York City's Sanctuary policies help protect all New Yorkers from racial profiling and abuses of power, and foster trust between local agencies and community members.

- NYC's Sanctuary laws have been in place for more than ten years, following extensive public engagement and widespread support from immigrant, domestic violence, and other stakeholders.
- Existing Sanctuary protections must be enforced if we are to have meaningful trust between immigrant communities and government actors. We must be able to rely on our agencies to uphold and abide by the law, and ensure accountability by this administration.
- Survivors of violence need to be able to get help they need without fear of deportation.
- Workers need to be able to report wage theft or unsafe working conditions.
- Renters need to be able to report dangerous conditions in their buildings.
- Community members need to be able to speak up if they see children, elderly, or other vulnerable neighbors in danger.

Sanctuary Laws uphold due process for all New Yorkers.

- Immigrant New Yorkers, like all New Yorkers who face charges, have a right to due process, to defend themselves, and to be presumed innocent.
- ICE wants to rip people from their families while they go through the local court process and funnel them to detention and deportation, undermining the most basic principles of due process.
- If a community member has been ordered released by a judge, had their charges dropped, or has completed a sentence, they should be able to go home and reunite with their loved ones.
- Turning people over to ICE for detention and deportation after they become eligible for release is a cruel "double punishment." This is unjust to everyone and especially hurts Black and Brown immigrants, who are more likely to be targeted for arrest and deportation.

Ranked Choice Voting

The impact of Ranked Choice Voting (RCV) in New York City has been profound. Following its adoption, the city saw a historic increase in the election of women and people of color. For instance, in the 2021 City Council elections, a record number of women and candidates of color were elected, resulting in the most diverse Council in the city's history. This surge in



diverse representation can be attributed to the more equitable and inclusive nature of RCV, which empowers a broader range of voices and perspectives in the political process. Proving once again that RCV does make elections fairer for voters.

1. **Eliminates Vote Splitting:** RCV eliminates the issue of vote splitting among similar candidates, which is particularly advantageous in diverse communities where multiple candidates from underrepresented groups may run. This ensures that votes are not diluted, and the most broadly supported candidates have a better chance of winning.
2. **Encourage Positive Candidate:** Through RCV, candidates are incentivized to appeal to a broader electorate, including those outside of their district and base. This results in more inclusive and positive campaigning, where candidates seek to build coalitions rather than just focusing on their core supporters.
3. **Increase Representation for Women and BIPOC:** With RCV, candidates who might not have been considered front-runners in a traditional voting system can still compete effectively by appealing to a wide range of voters. This has encouraged more women and people of color to run for office, knowing they have a viable path to victory.
4. **Reflects Voters' True Preference:** By capturing voters' preferences more comprehensively, RCV ensures that the elected officials more accurately reflect the community's desires. This is particularly important in multicultural cities like New York, where the electorate is highly diverse.

Ranked Choice Voting has proven to be a powerful tool in enhancing democratic representation, fostering inclusivity, and ensuring that elected officials truly represent the diverse populations they serve.

New York City Sanctuary policies and Ranked Choice Voting are critical components of a just, inclusive, and effective democracy in New York City. We urge the CRC to refuse efforts to repeal such policies, but rather to invest in effective solutions such as RCV education, deep civic engagement, and broad community empowerment. In a time where democracy nationwide continues to be tested and rolled back, this commission needs to make sure New York City does not fall prey to these anti-democracy advocates.

Thank you for the opportunity to testify.

Submitted by:

Murad Awawdeh
President and CEO
New York Immigration Coalition

June 28, 2024

Dear New York City Charter Revision Commission:

The undersigned propose the Charter Review Commission moves to eliminate the requirement that restaurants obtain a Revocable Consent to participate in the Department of Transportation's ("DOT") Dining Out NYC program.

During discussions with Mayor Adams' Administration and City Council during the development of the new sidewalk and roadway cafe law known as Dining Out NYC, all parties agreed that the approval process for a restaurant to obtain an outdoor dining license takes too long.

The reason for the long, many months process is the requirement that sidewalk and roadway cafe applicants, in addition to receiving a license from DOT, must also obtain a revocable consent. The revocable consent process adds many months to the approval timeline, even though it is fairly pro-forma.

When the idea was raised to simply remove the revocable consent requirement in the new outdoor dining law, the city's legal opinion was, unfortunately, that could not be done without a change to the Charter. Thus, the Charter Review Commission should propose this change be made.

For context, only some commercial uses of the public space require revocable consent be obtained. Unlike sidewalk and roadway cafes that need revocable consent, fruit and vegetable stands, merchandise displays in front of stores, and vendors, do not. They are allowed or only require a license from the Department of Consumer Affairs and Worker Protection ("DCWP"). All include movable street furniture. Even newsstands for the 80 years before they were included in the Coordinated Street Furniture Franchise only needed a license from DCWP, and they are structures bolted in the sidewalk.

There is no overriding constitutional or policy reason not to include outdoor dining in the category of commercial uses of public space that only require a license, and not a revocable consent too.

When you read the Charter, specifically sections 362 and 364, it defines what uses fall under revocable consents and the process. Outdoor dining and the above uses fall into the definition, but nowhere does it say such uses require a revocable consent - some do, and some do not. It only says which uses can be required to have revocable consent.

As it relates to sidewalk cafes, 364(e) specifically says "notwithstanding any provision of this charter" sidewalk cafes shall be reviewed pursuant to the administrative code. So, a minor amendment to the Charter clarifying that outdoor dining does not require a revocable consent, in addition to its licensing requirements and fees under the Administrative Code would be a simple drafting and policy correction. This correction would speed up granting outdoor dining licenses by months.

Additionally, Charter section 38(5) was also cited as a reason a Charter amendment is needed to remove the revocable consent requirement from outdoor dining.

This change will get restaurants' new outdoor dining opened faster and without forcing them to miss an entire first season of alfresco dining, let them hire more employees faster, and begin paying more taxes sooner. In other words, the City would be saying YES!

We thank you for your consideration and urge you to recommend removing revocable consent for outdoor dining in the City of New York.

Respectfully submitted,

Bronx Chamber of Commerce

Brooklyn Chamber of Commerce

Manhattan Chamber of Commerce

NY Japanese Restaurant Association

NYC Hospitality Alliance

NYS Latino Restaurant, Bar and Lounge Association

NYS Restaurant Association

Queens Chamber of Commerce

Staten Island Chamber of Commerce

If you have comments or questions, you may contact Andrew Rigie, Executive Director, NYC Hospitality Alliance at arigie@thenycalliance.org or any of the organizations directly.

Testimony from Chris Monahan
President of the NYPD Captains Endowment Association (CEA)
to the New York City Charter Revision Commission's (CRC)
Public Safety Forum
Thursday, June 20, 2024

Good evening, and thank you Chair Scissura and Vice-Chair, Dr. Dukes, and my thanks to the rest of the Charter Revision Commission members for affording me the opportunity to speak with you at this public safety forum.

I am Chris Monahan, President of the NYPD Captains Endowment Association (CEA).

This evening, I hope to lend my voice and that of my members to urge this commission to change how major public safety legislation and changes to law enforcement are considered.

Specifically, the CEA would like to see that when far reaching, comprehensive change to public safety is being considered, that it undergoes a fully transparent and open process that has the full participation of the public at large.

To quote from the Adams Administration's press release when announcing the formation of this Charter Revision Commission, "the charter can contribute to public safety and provide opportunities for greater input and transparency when legislation is proposed that would impact public safety." The CEA could not agree more.

The public must be integrated into any undertaking that could potentially change the very nature of public safety and how law enforcement guarantees it. Any such legislation must be subject to a considerably long and arduous process of examination to make sure it adheres to the kind of high standards we should seek in the cause of the common good.

The CEA urges the Charter Revision Commission to make sure new public safety legislation be afforded the benefit of a broad range of expert analysis and public input instead of relying solely on the uniform political opinion of the City Council.

Should public safety measures not consider the opinion of the public it is likely to impact the most?

When we seek to make the kind of changes that can impact our city's environment it is subject to a lengthy public review. Same for land use, community benefit agreements, urban planning and zoning. Public safety is equally, if not more important to the public's well-being. So why would we not subject it to the same rigorous public review?

The "How Many Stops Act." is the kind of dramatic change to law enforcement that should have been subject to a comprehensive public review process. No matter what your

opinion is on the value of the law, I think everyone can agree that it would have been important to gauge the opinion of affected communities, and probe as much as possible on its overall impact on policing.

The “How Many Stops Act” cuts to the very core of how law enforcement goes about their jobs, and for this reason deserves to be thoroughly studied. Instead, it was quickly passed with little to no analysis.

The legislation might have benefited from the shared experiences and concerns of individual communities and neighborhoods, along with multiple perspectives from a wide range of quarters. Instead, we have a one-sided bill that only has the support of the City Council.

My members and I strongly encourage this 13-person Charter Revision Commission to make the kind of changes that would ensure new public safety legislation goes through the same kind of intensive examination we all believe is important enough for both zoning and land use issues. It should be the same for public safety.

Thank you.

Chris Monahan
President
Captains Endowment Association



NEW YORK PUBLIC INTEREST RESEARCH GROUP

**TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
2024 CITY CHARTER REVISION COMMISSION
GOVERNMENT AND ELECTION REFORM FORUM & HEARING
June 17, 2024
New York, New York**

Good afternoon. My name is Blair Horner, and I am the Executive Director of the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit, research and advocacy organization. Consumer protection, environmental preservation, health care, higher education, and governmental reforms are our principal areas of concern. A consistent focus in our work is on educating and engaging the public on pressing public policy issues. We appreciate the opportunity to testify to proposals to strengthen New York City's campaign financing system.

To summarize our comments, NYPIRG's position is that whatever the merits of the proposal before the Commission, there is simply not enough time for the public to adequately review and consider such plans. When significant changes to the governance blueprint of the City are contemplated, how the public is engaged is almost as important as the substantive changes themselves.

The Charter – like any governing constitution – must reflect and express the ideals and values of City residents. Moreover, it is, after all, the public that lives within the Charter's provisions, and it is the public that should have the maximum opportunity to offer its input.

However, that has not been the case with respect to the current proposal. Based on an analysis by the civic group Citizens Union, all Charter Commissions in the past 20 years have operated between 4 to 12 months. While one could argue that four months is insufficient, the timetable that this Commission is operating under is even less.

Within two months, the Commission has had to staff up, develop Charter changes, seek meaningful public input, and then draft well-crafted amendments to the Charter. As you know, all of this occurs during the summer and primary election season. More time is needed to ensure sufficient public involvement. As the Mayor himself noted, "Through careful examination and thoughtful reform, we will strengthen this city's commitment to protecting public safety, rebuilding our economy, and creating a more livable city for everyday New Yorkers."

Those goals can only be achieved by extending the time for public deliberation.

Momentous changes such as revising the City Charter require robust public engagement and thoughtful debate.

NYPIRG therefore recommends that the Commission place whatever changes to the Charter are recommended before the voters in November 2025, not this November. Not only does it make sense to have changes to the New York City Charter considered while voters are paying attention to candidates for City public office, it ensures that the debate is not drowned out by what will be a hotly contested Presidential election.

If, however, the Commission feels compelled to develop recommendations for the voters this November, NYPIRG strongly urges you to significantly narrow the scope of the changes – for the reasons mentioned earlier.

One area that could be ripe for such a narrow review is the timetable and procedures for the development of future Charter Review Commissions. For example,

- Set reasonable timetables for adequate public participation in the process. We recommend a minimum of six months from the time of the Commission’s first meeting and the filing of its recommendations with the City Clerk.
- Set a reasonable timetable for filing of the Commission’s final report and the filing of its ballot proposal(s) with the City Clerk. We recommend at least 30 days.
- In terms of Charter revisions advanced by the City Council, we recommend that such a call be voted on twice by the City Council, with 30 days between each vote, and a public hearing held in committee before every vote. This approach is more similar to constitutional changes at the state level.

NYPIRG does not recommend – and we urge you to oppose – Charter changes to either Ranked Choice Voting or the City’s voluntary system of public financing. NYPIRG supports both of those and any changes to the programs should only be done with the type of cautious review that we recommended earlier in our testimony. NYPIRG thanks you for your service as members of the Charter Review Commission. We look forward to working with you in the development of Charter changes.



**Testimony of the Partnership for New York City
Kathryn Wylde, President & CEO**

**New York City Charter Revision Commission
Fiscal Responsibility Forum and Hearing**

June 13, 2024

Thank you Chair Scissura and members of the Charter Revision Commission (Commission) for the opportunity to testify today. The Partnership for New York City is deeply concerned about the affordability crisis facing New Yorkers, which we believe is directly linked to the fiscal responsibility issues that this Commission is considering today. Later you will hear from some budget experts on specific proposals for how the Charter can provide better guardrails to manage city spending. We are not budget experts, but the Partnership has a good understanding of how legislative and spending practices contribute to the high cost of living and doing business in our city.

Today, New York is the highest cost city in America and the third most expensive city in the world. We have an affordability crisis that impacts working people at virtually all income levels. When local government increases its spending or imposes new mandates on employers, such as new employee benefits or workplace rules, those costs are ultimately born by taxpayers and consumers. Employers have responded to this crisis by paying salaries that are at least 20% higher than for the same jobs in lower-cost jurisdictions, but this is still often not enough to support a comfortable life in the five boroughs.

Government has responded to the affordability crisis by creating new or expanded programs and services to subsidize households that cannot keep up with rising costs. As a result, city spending has increased by 50% in the past decade and tax revenues have been increased to meet budget needs. Just one example is the case of rising rents, where over 30% of the rent in regulated apartment buildings is attributable to real estate taxes.

There is no more important challenge facing municipal government today than making our city more affordable to the average New Yorker, while maintaining the programs and services that are essential for a livable and equitable city. What can the Charter Commission recommend to address this challenge? The answer must be providing more information on the fiscal and economic impact of legislation to help the Council and Administration make the best-informed choices. We believe this Commission should recommend language in the City Charter that ensures there is meaningful independent analysis and public discussion of the fiscal and economic impacts of legislation prior to adoption and that any legislation with a budget impact should be subject to the disciplined annual budget process.

The Charter already requires a fiscal impact statement (FIS) before the City Council acts on legislation, but too often this involves only a cursory review that is not subject to serious

consideration or public comment. We suggest that the Charter stipulate a clear process on fiscal matters of a certain size that would involve three parties: the Council Finance Division, the Independent Budget Office, and the Office of Management and Budget. The FIS should be published online prior to the bill's first hearing and should be updated no later than the time the bill is in final form and "laid on the desks" of Council members.

The Charter does not currently require consideration of the financial impact of new laws on the city's citizens and its economy. The FIS focuses solely on the city's revenues and expenses. The Commission should add a requirement for "economic impact statements" to the existing FIS. This statement should include analyses such as the impact of a bill on the creation or elimination of jobs and businesses, potential changes in costs or prices for consumers and industries, and changes to the city's ability to attract investment.

Thank you.

The Partnership for New York City represents the city's business leaders and largest employers. Our members employ 500,000 people in the city and deliver approximately \$236 billion in economic output. We work with government, labor, and the nonprofit sector to promote economic growth and maintain the city's prominence as a global center of economic opportunity, upward mobility, and innovation.

June 5, 2024

**Charter Revision Commission 2024
Testimony
Office of the Queens Borough President**

Today, we'd like to speak about Section one hundred two, Paragraph B of the New York City Charter, which addresses expense allocations available to the Borough Presidents in the city's budgetary process. Specifically, it gives us the formula for how funding is dispersed to each borough president's office.

This formula is the average of each borough's share of the city's population, each borough's share of the population living below the one hundred twenty-five percent of the poverty line and each borough's share of the city's total land area. In its current state, the formula does not allow for an equitable distribution of funding across the boroughs.

This formula does not take into consideration the rapid pace of population growth; which Queens has experienced in recent years. It does not take into consideration current economic impacts to renters and home owners. Even though Queens continues to be the fastest growing borough in terms of population and housing, and that Queens is the largest borough by land area, our expense funding per capita is the lowest in the city.

For example, in the Fiscal Year 2024 adopted budget, Queens' population was over two million four hundred and received two dollars and twenty cents per person in expense funding. In comparison, Manhattan received three dollars and five cents per person in expense funding, despite having nearly eight hundred thousand fewer residents. Even more egregious is Staten Island, which received nine dollars and fifty-four cents per person in expense funding, despite having nearly 2 million fewer residents than Queens. All of this means Queens residents received much less in overall investment than residents of other boroughs, an injustice that must be rectified.

The expense funding formula is outdated and has not kept up with the times, plain and simple. If we are to ensure that every New York City resident gets their fair share of funding, the formula must be updated. For example, the formula could include the forecast of the creation of school seats projected in the School Construction Authority 5-year Capital Plan. This element will allow the city to factor in the population growth, already expected by the Administration, and will allow to reach population who may not be receiving any benefits and therefore not considered in other population metrics.

I urge the Charter Revision Commission to look into this matter and ensure the legal text our city adheres to takes into account the current socioeconomic reality we live in.

I thank you for the time and commitment to work together in addressing this and other pressing matters to better serve the communities we represent in New York City.



Testimony to 2024 NYC Charter Revision Commission On Ranked Choice Voting and NYC Elections

June 17, 2024

Thank you for the opportunity to provide written testimony. Reinvent Albany is a watchdog organization that advocates for open and accountable government in New York. Today's testimony will focus on New York City election issues.

We urge the Charter Revision Commission to follow the basic oath taken by doctors: "First, do no harm," or put another way, "If it ain't broke, don't fix it."

We strongly believe that New York City's core democracy programs work well for voters. Our city is a national leader due to our strong pro-voter and campaign finance laws, which have evolved and improved over decades. Importantly, our laws include mechanisms for continuous improvement, like the Campaign Finance Board's post-election reports on voting and campaign finance. These provide fact-based analyses of voter participation and campaign contributions that help the City determine the next best steps for strengthening our democracy.

This Charter Commission intends to publish preliminary recommendations on June 26th, which is just nine days away. Given this very short timeline, we urge the Commission not to propose sweeping changes to our election laws, including altering how votes are cast or candidates raise money for office.

Ranked Choice Voting works

We strongly support Ranked Choice Voting (RCV), and were one of many groups [urging its adoption](#) via the 2019 Charter Revision Commission. Here are some of the many benefits of the program:

1. RCV saves voters millions of dollars by sparing them the cost of a runoff election.
2. RCV reduces polarization by encouraging candidates to run more positive campaigns.
3. RCV creates a democracy in which more voters have a say in who becomes their elected representative.

In combination with the City's robust public campaign finance system, the 2021 elections also produced the most diverse NYC Council in history – two-thirds of the current City Council are people of color, up from 51%. Additionally, 61% are women, up from 27%. We believe that ranked choice voting played a major part in this, and continue to support its use in New York City. We strongly believe RCV should continue for the 2025 elections.

Campaign Finance Board and public matching program works

We testified to the New York City Council about the campaign finance system just [last week](#). We think the City's campaign finance system is not in crisis, and public matching funds are well protected. We believe the CFB, though imperfect, does a good job protecting public funds while helping campaigns navigate complicated rules and getting them matching funds.

We know there is always going to be some dissatisfaction with a system that punishes offenders after the campaign audit is completed rather than when they are caught, but that is an inherent part of the NYC campaign finance process and is difficult to change. However, the CFB can hugely reduce the time it takes to do audits, and our understanding is that this is their new administration's top priority.

Further, we believe that the public matching system in New York City works. Coupled with strong doing-business restrictions, the public matching system amplifies the voices of small donors so they can be heard over special interests seeking to influence city government. The program also makes it possible for candidates without deep pockets to run competitive campaigns, and we strongly believe it must be retained.

Term limits work

We also believe that term limits in New York City have resulted in a more representative democracy where a greater diversity of voices and perspectives are reflected in the elected officials representing the City. Open seats draw greater voter turnout as well, which ensures that more voters participate to select the candidates who will represent them. We strongly believe term limits must be retained.

Even-year elections a good idea

One known and [well-studied problem](#) the Commission should review is the timing of New York City elections. The Charter Revision Commission cannot unilaterally change the timing of the City's elections due to the New York State Constitution's requirements, but it could spend time studying this problem.

According to the NYC Campaign Finance Board's [2023 Voter Analysis Report](#), while voter registration remained high in 2023 (81.8%) , voter turnout was lackluster, at 7.2% in the primary election and 12.8% in the general election. This is abysmal, and has been a problem for New York City elections for decades.

Given the consideration of even-year elections by the New York State Legislature this [past legislative session](#), the Charter Revision Commission studying mechanisms to allow even-year elections to be implemented in the event of NYS constitutional changes would be a much better use of your resources than undoing years of improvements to our election and campaign finance laws.



Testimony to 2024 NYC Charter Revision Commission On Preliminary Staff Recommendations

July 11, 2024

Thank you for the opportunity to provide written testimony. Reinvent Albany is a watchdog organization that advocates for open and accountable government in New York.

We write to respond to the following preliminary staff recommendations:

Budgetary efficiency

- *“Improve assessment of the financial impact of legislation on the budget, including by requiring an assessment of fiscal impacts earlier in the legislative process and by involving additional parties in the assessment process.”* We support earlier assessments, as well as the Citizens Budget Commission’s proposal to have the Independent Budget Office produce fiscal impact statements on programs costing \$100 million in any fiscal year.
- *“Harmonize the Charter-mandated budget process with the Council’s power to pass legislation with budget impacts outside the annual appropriations process.”* We support [Citizens Budget Commission’s two proposals](#) to have fiscal impact statements disclose whether legislation can be executed in the current budget or fiscal plan, and to have high-cost laws be grafted onto the budget.
- Additionally, we support CBC’s proposal to require detailed explanations of changes when expenditures change more than 10% year to year, or when Mayoral estimates differ more than 20% from State or City Comptroller estimates.

Public safety

- *“Enhance the deliberative process for legislation pertaining to public safety while preserving the City’s ability to take expedited action when necessary.”* Reinvent Albany believes that one type of issue does not deserve more consideration than another. Requiring that certain matters, other than the budget, be subject to greater review is arbitrary, illogical, and unsupportable. We

agree with Citizens Union’s analysis showing New Yorkers already have [ample opportunity](#) to comment on public safety legislation.

Finally, we again urge the Commission to not make any sweeping changes related to election laws, particularly to Ranked Choice Voting. As we said in [our previous testimony](#): “If it ain’t broke, don’t fix it.”



July 12, 2024

Dear Chair Scissura & Members of the Charter Revision Commission:

I am writing to express my serious concerns about the 2024 Charter Revision Commission. Charter revision commissions are an essential part of our City governance. Past commissions have brought forward much needed reforms, and allowed for a thorough, organized review of issues in the Charter - with ample opportunity for input from the public and key stakeholders. Unfortunately, this commission has not met those standards and appears to be nothing more than another attempt by the Mayor to usurp the power of the City Council.

This Commission first met on May 29, 2024 - just over two months before final ballot language must be submitted. No other Charter Revision Commission in recent history has ever operated on such an accelerated timeline. Further, this Commission has conducted only twelve public hearings and forums - short of the 15 that were conducted in 2018 or the 30+ hearings conducted by the 1989 Commission. The initial round of hearings was also announced with little notice or publication, leading to sparsely attended sessions, and the last round of hearings is being held only two weeks before final ballot language is due. Public engagement is critical to the charter revision process, and it is clear that this hastily convened commission is not seeking real public feedback.

I am particularly concerned about the Commission's proposals regarding public safety legislation. The City Council legislative process allows for robust public input. Beyond scheduled hearings that are open to the public, Council offices hear from constituents every day regarding policy concerns and proposed bills. We are the frontlines for New Yorkers and we care deeply about feedback from our constituents. My office received hundreds of calls and emails from constituents on the How Many Stops Act and the ban on solitary confinement - our constituents know how to reach us and give input. Additionally, an analysis by Citizens Union confirmed that this Council has provided ample time for feedback on public safety proposals - even more time than other bills. This further demonstrates that there is no rational basis for changing the legislative process for certain bills.

In its preliminary report, this Commission stated that it is important to "promote careful deliberation and ensure that affected communities across the City are heard." This Charter review process has not accomplished either of those worthy goals, and should not put forward any proposals at this time. We should not accept the Mayor's attempt to block the Speaker's legislation to expand advice and consent powers of the City Council. The right decision for this Charter Revision Commission is to recognize that due to inadequate public engagement the appropriate decision is to recommend no ballot questions for this election cycle.

Thank you,

Lincoln Restler
Council Member, District 33



**BOROUGH OF STATEN ISLAND
COMMUNITY BOARD #3**

1243 Woodrow Road - 2nd Floor

Staten Island, NY 10309

Telephone: (718) 356-7900 Fax: (718) 966-9013

Website: www.nyc.gov/sicb3

Email: sicb3@cb.nyc.gov

DATE: July 9, 2024

TO: charterinfo@citycharter.nyc.gov

SUBJECT: Community Board 3 Staten Island Testimony

Staten Island Community Board 3's recommendations aim to safeguard community engagement and participation in city government while progressing its competence and capability to make determinations that will address the challenges of this century. Traditionally, community boards' tactics were mainly adversarial, which could have been improved to be more productive. We need changes that promote cooperation with the city and its constituents. Boards represent their district and oppose centralized influence, as are the constituents they serve. A "One size fits all" is inequitable for our diverse boroughs and neighborhoods.


1. **Term Limits** were imposed to promote turnover in membership and encourage younger individuals to join. Ideally, it sounds perfect; however, the trade-off is the loss of critical institutional memory. The Term Limits amendment should be revised or abolished to safeguard the knowledge and experience of prolonged board members, which will ensure skilled and competent verdicts for our district.
2. **Community Board Diversity** is generally swayed by politics.
 - Community Boards should be given an advisory, participatory role in selecting board members. CBs know demographic gaps and can advise BPs and CMs on which appointees may be better suited and familiar with their communities' concerns.
3. **Advisory Roles** could be more effective for land use proposals. CBs should have legally binding entitlements to affect land use proposals, not purely recommendations. CBs must be included in preemptive decisions instead of relying on the reactive veto to land use decisions. Strengthening CBs with urban planning and architectural expertise would enable Community Boards to fulfill their role as neighborhood planning bodies.
 - Require a supermajority vote by the City Planning Commission to approve an application previously rejected by Community Boards. This would give a CB rejection a bit more muscle.
4. **Funding** for Community Boards has stayed the same for years; the last baseline increase was in 2014.
 - The charter grants communities a voice without prescribed funding. CBs should have increased unobstructed fixed baseline funding for whatever serves their community. CBs can determine the best use of funds and should not have their hands tied when allocating money.

- CBs should have independent budgets rather than be beholden to city council appropriations, and they should be guaranteed a realistic, up-to-date, independent budget.
 - Administrative support from city agencies, furnishing or direct allocated funds necessary to purchase and maintain equipment for virtual/hybrid meetings, and dedicated technical employees (other than CB staff or board members) to support community member outreach for meetings.
 - The reality is that with additional funding, CBs would be in a better position to fulfill their proper role regarding land use issues. Strengthen CBs with urban planning and architectural expertise. Enable Community Boards to fulfill their role as neighborhood planning bodies. CBs' budgetary constraints make it insufficient to hire professional planners, so they rely on volunteer expertise.
5. **The Civic Engagement Commission “CEC”**, has attempted to fulfill its mandate. However, their funding resources are inadequate, and the support offered to CBs is limited.
6. **Broad-based borough management** of service delivery, planning and development, and resource allocation must be returned to the boroughs. Community Boards have developed an adversarial approach to combating the city's unwelcome policies and programs. This could be transformed into an amiable, productive process. We need changes that promote cooperation with the city and its constituents. Boards represent their district and are opposed to centralized influence. “One size fits all” is inequitable for our diverse boroughs and neighborhoods.

Formally submitted by:



Frank Morano, Chair of the Board



Charlene Wagner, District Manager



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THE COUNCIL OF
THE CITY OF NEW YORK
ALTHEA V. STEVENS
COUNCIL MEMBER
16TH DISTRICT, BRONX

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New York City Council Member Althea V. Stevens' Testimony to the Charter Revision Commission

July 11, 2024

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The City Charter, a legal document which serves as a framework and responsibilities for government and its processes, is the foundation of the City of New York. Adaptation to this document is vital as it allows for the city government to adapt to the evolving needs of its various communities through an adaptation of governance practices and legal compliances.

The Commission Should Ensure Public Engagement

The Mayor's Charter Revision Commission is necessary, but should not be rushed. Doing so is not a democratic process, and as elected officials it is our job to raise the alert when there are implementations underway that could threaten democracy. The Mayor's Charter Revision Commission has rushed to alter the City Charter in less than two months. Such illustrates the calculations made to undermine the role of elected officials and voters. Charter revisions are crucial in improving the constitution of a City. However, how effective can it be for our city if residents are not afforded the opportunity to participate, which is guaranteed with ample notice and engagement? Rushing this procedure should not be allowed as community input is crucial.

The Commission Should Preserve the Process of Accountability in Policing

Additionally, the New York City Council's Committee on Public Safety oversees the New York Police Department and holds monthly hearings. At the hearings, the Police Department is held accountable for its actions and decisions while ensuring the needs and expectations of communities throughout the city are met. During the hearing, members of the public can tune in online or in person as well as share testimonies to the elected officials which serve on the committee. It seems that The Mayor's Charter Revision Commission would like to add extra loops in this system, therefore, leading to bureaucracy. However, allowing the Mayor to have executive authority to implement law without checks and balances undermines public trust and engagement. It is necessary for New Yorkers to have a voice on critical affairs that govern the lives of residents. Bureaucracies often prioritize rules and procedures over individual needs, which can lead to a lack of personalized service and attention. New Yorker's should continue to be granted the opportunity to meet with their elected officials and testify because it leads to adequate and real time alterations to the city. This is essential as the complexity of bureaucratic systems tend to create barriers to understanding and accessing city services which in turn reduces public engagement and trust in city government.

In conclusion, as The Mayor's Charter Revision Commission updates the New York City Charter it is pivotal to ensure public engagement and preserve police accountability.

Accelerating this operation interferes with democratic principles as well as community trust, thus, highlighting the critical need for thoughtful deliberation and participation from residents. We must uphold transparency and responsiveness to competently address the changing needs and outlook of our diverse city.

**STATEMENT OF
NINA LOSHKAJIAN, STAFF ATTORNEY AND
CORINNE WORTHINGTON, RESEARCH & ADVOCACY MANAGER
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)
BEFORE THE NEW YORK CITY CHARTER REVISION COMMISSION**

**PRESENTED
July 12, 2024**

The Surveillance Technology Oversight Project (“S.T.O.P.”) is a New York-based civil rights and anti-surveillance group. S.T.O.P. advocates and litigates against discriminatory surveillance. We write to the New York City Charter Revision Commission (“the Commission”) to oppose changes to the legislative process that would impede the ability to make critical public safety changes to protect New Yorkers and diminish the City Council’s ability to exercise oversight of the New York City Police Department (“NYPD”). It is already difficult enough to pass public safety legislation, with unnecessary obstacles at every step, and we desperately need more protections for New Yorkers.

The Commission’s preliminary report suggests the City Council has passed legislation without sufficient agency input or deliberation and proposes adding additional requirements to the legislative process, such as mandating an additional public hearing. We strongly oppose any such amendments to the Charter, given the bad faith with which NYPD currently engages with the process, by refusing to appear at hearings and opposing oversight, and because of the urgency public safety legislation requires, particularly in regards to reigning in harmful surveillance technology.

I. Bad Faith of NYPD Engagement with Legislative Process

Public safety measures are often urgent pieces of legislation introduced in response to material harm that New Yorkers are experiencing. Extending the timeline for the passage and implementation of public safety measures is dangerous and will result in injury to the most vulnerable members of our community.

The assertion that the City Council has rushed the timeline of public safety legislation in comparison to other bills is patently false. A Citizens Union analysis of 1700 local laws passed by the City Council over the last ten years found that public safety bills received the same treatment and timeline as other forms of legislation.¹ The passage of such bills took, on average, six months, leaving a sufficient comment period for stakeholders to comment on such measures and address concerns.

The recommendations of the Commission’s Preliminary Report are incredibly nebulous and vague, making it difficult to provide substantive feedback, but the broad proposal for additional time for stakeholders to address public safety bills is disingenuous. Stakeholder agencies and the Mayor often fail to send representatives to testify when public safety bills receive committee hearings. In 2023, a hearing on Intros 1207-2023 and 1193-2023 was rescheduled three times because the NYPD refused to appear, causing a three-month delay and preventing the bills from advancing during the 2022-2023 session.

¹ *Do Public Safety Bills Receive Fewer Opportunities for Public Input in the New York City Council?*, Citizens Union Policy Report, July 2024, <https://citizensunion.org/wp-content/uploads/2024/07/CU-Report-Do-Public-Safety-Bills-Receive-Fewer-Opportunities-for-Public-Input-in-the-New-York-City-Council.pdf>.

It is critical that we continue to allow the City Council, representatives of the people of New York, to respond expeditiously to the needs of the community, rather than allow bad faith requests to lengthen the process of implementing legislation.

II. The POST ACT

As illustrated above, the claim that the legislative process does not leave appropriate time for stakeholder agencies to be involved is false. Agencies such as the NYPD are often very engaged in the legislative process for public safety measures, working in opposition of the passage of these bills. The NYPD and other agencies resistant to oversight push for extended timelines in order to blockade the City Council from taking necessary measures to improve the lives of New Yorkers. Further extending the timeline for the passage of public safety legislation would only serve to increase the roadblocks to implementing these critical measures.

NYPD's track record of opposing oversight laws demonstrates that the process does not need to be slowed down, as that will only allow the agency to go unchecked, leading to greater abuses of power. The Public Oversight of Surveillance Technology (POST) Act was the first New York City surveillance law since 9/11, and its journey from conception to introduction to passage was a long, hard process that the NYPD fought every step of the way. The law required the NYPD to detail every technology it uses and how NYPD data is shared.² The law came in response to widespread outrage over the ineffectiveness, invasiveness, and cost of NYPD's growing surveillance arsenal. The bill was first introduced in February 2018, but did not become law until July 2020, over two years later.

Though the POST Act only required minimal transparency, that didn't stop then-NYPD Deputy Commissioner from decrying the effort as "insane" and claiming the oversight law would become an "invaluable roadmap to criminals, terrorists, and others for how to harm the public."³ This has not been the reality, but the NYPD will continue to say that the sky is falling whenever it is held to even the lowest standard of accountability. We must not allow NYPD's desire for insulation from Council oversight to lead to changes in the City Charter. This is clearly the real impetus for convening the Commission now: the Council is being punished for overriding the Mayor's veto of the How Many Stops Act, another crucially important NYPD oversight measure.⁴

² Public Oversight of Surveillance Technology (POST) Act, N.Y. CITY COUNCIL § 14-188 (N.Y. 2017), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343878&GUID=996ABB2A-9F4C-4A32-B081-D6F24AB954A0>.

³ Nathan Tempey, *Top NYPD Official: Subjecting Our Surveillance Tools to Public Scrutiny Would Be 'Insane'*, GOTHAMIST, June 14, 2017, <https://gothamist.com/news/top-nypd-official-subjecting-our-surveillance-tools-to-public-scrutiny-would-be-insane>.

⁴ How Many Stops Act, Int 0586-2022, N.Y. CITY COUNCIL, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5725293&GUID=C4781093-1108-4E04-848D-473B2E47BD2E>.

III. Surveillance Technology Regulation is Needed Urgently

It would be a mistake to make changes to the Charter that slow down the legislative process because we need surveillance regulation urgently. Rather than enabling further NYPD abuses by stripping the Council of power, the Commission must reassert the importance of governmental checks and balances.

a. Controlling NYPD Procurement

Every NYPD surveillance tool is either inherently biased or deployed discriminatorily. Tools like facial recognition, drones, the so-called “gang database,” the NYPD’s rogue DNA database, and predictive policing software should never have been purchased to begin with.

Ending these dangerous programs would mitigate potent threats to our communities. It would also curtail the exorbitant budget of the NYPD. The NYPD’s bloated budget and surveillance expansion undermines community-based infrastructure—diverting dollars from community-centered safety infrastructure. These technologies prove that the NYPD has outsized control both over municipal budgeting and how its funds are spent.

It’s also clear that the NYPD cannot be afforded the same sort of fiscal latitude in the future that it’s abused in the past. Over the past decade, the NYPD spent at least \$277 million for “special expenses,” a secret surveillance slush fund shielded from the public and the most minimal transparency.⁵ This sort of opacity is incompatible with democracy, and the NYPD should never again be permitted to spend tax dollars in secret. This funding only came to light after the secretive agreement was terminated after the POST Act was passed, emphasizing the importance of the Council’s ability to create greater transparency and oversight.

b. The Harms of Surveillance Technology

The proliferation of surveillance technology across our city is creating a bleak dystopia in which New Yorkers are watched wherever they go, posing particular risks to Black, Latinx, non-binary, transgender and immigrant New Yorkers, abortion-seekers and people seeking gender-affirming care, and protestors of harassment, exclusion, and wrongful arrest. The Council must be empowered to act quickly to protect our civil liberties and our freedom of movement.

Many tools of government tracking have discriminatory impact. Facial recognition, for example, has been proven time and time again to be racially biased, with higher rates of inaccuracy on people of color. These systems can be up to 99% accurate for middle-aged white men under ideal lighting in laboratory conditions but can be wrong more than 1 in 3 times for some women of color, even under

⁵ NYPD “Special Expenses” Contracts, Surveillance Technology Oversight Project, <https://www.stopspying.org/nypd-special-expenses>.

similar conditions.⁶ The same exact software, the same exact hardware—but dramatically different outcomes for Black and brown New Yorkers. Every publicly reported case of an individual wrongly arrested after being misidentified through facial recognition has involved a Black person.⁷

The technology has also been designed to assign each face a specific gender—male or female—and cannot recognize anything else, leaving transgender and non-binary individuals susceptible to misidentification and wrongful arrest.⁸ Just last month it was reported that a new dating app for lesbians, L'app, would use facial recognition to ban trans women from creating profiles.⁹ Immigrants suffer as well. A biometric scanning feature on a Customs and Border Protection (CBP) app failed to accept photos of dark-skinned African and Haitian migrants applying for asylum.¹⁰

Legislation banning facial recognition use by government agencies is necessary to meaningfully protect New Yorkers from harm, and we have been pushing for such a ban for years, to no avail. Over three years ago, S.T.O.P. drafted legislation for the Council to ban police use of biometric surveillance, but the Council has not even introduced a bill yet or included it on any committee agenda. In continuing to fail to act to ban the technology, New York falls further and further behind progressive cities from around the world.¹¹ This demonstrates the need for more expediency, not less, in passing public safety legislation.

In the meantime, while we wait for legislative action, the NYPD is already engaged in biometric surveillance at a massive scale: the Domain Awareness System includes an inter-connected network of over eighteen thousand surveillance cameras.¹² Officers reported in open-records litigation that the department used facial recognition technology more than 22,000 times in just three years.¹³ S.T.O.P.

⁶ Joy Buolamwini, Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, *Proceeds of Machine Learning Research*, vol 81, 1-15, 2018 p. 1.

⁷ Kashmir Hill, *Eight Months Pregnant and Arrested After False Facial Recognition Match*, N.Y. TIMES, Aug. 6, 2023, <https://www.nytimes.com/2023/08/06/business/facial-recognition-false-arrest.html>; Khari Johnson, *How Wrongful Arrests Based on AI Derailed 3 Men's Lives*, WIRED, March 7, 2022, <https://www.wired.com/story/wrongful-arrests-aiderailed-3-mens-lives/>; Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, N.Y. TIMES, Dec. 29, 2020, <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.

⁸ Rachel Mentz, *AI Software Defines People as Male or Female. That's a Problem*, CNN BUSINESS, Nov. 21, 2019, <https://www.cnn.com/2019/11/21/tech/ai-gender-recognition-problem/index.html>.

⁹ Mathew Rodriguez, *Anti-Trans Advocate's Lesbian Dating App Uses Facial Recognition to Exclude Trans Women*, THEM, June 3, 2024, <https://www.them.us/story/anti-trans-lesbian-dating-app-lapp-facial-recognition>.

¹⁰ Melissa del Bosque, *Facial Recognition Bias Frustrates Black Asylum Applicants to US, Advocates Say*, THE GUARDIAN, Feb. 8, 2023, <https://www.theguardian.com/us-news/2023/feb/08/us-immigration-cbp-one-app-facial-recognition-bias>.

¹¹ Shannon Flynn, *13 Cities Where Police Are Banned from Using Facial Recognition Tech*, INNOVATION & TECH TODAY, Nov. 18, 2020, <https://innotechtoday.com/13-cities-where-police-are-banned-from-using-facial-recognition-tech/>; Kyle Wiggers, *AI Weekly: EU Facial Recognition Ban Highlights Need for U.S. Legislation*, VENTUREBEAT, Oct. 8, 2021, <https://venturebeat.com/2021/10/08/ai-weekly-eu-facial-recognition-ban-highlights-need-for-u-s-legislation>.

¹² Rocco Parascandola, *New NYPD Surveillance Cameras to Cover Stretch of Upper East Side Not Easily Reached by Patrol Cars*, NY Daily News, Oct. 23, 2019, <https://www.nydailynews.com/2018/10/24/new-nypd-surveillance-cameras-to-cover-stretch-of-upper-east-side-not-easily-reached-by-patrol-cars>.

¹³ Press Release, S.T.O.P. Condemns NYPD For 22K Facial Recognition Searches, Surveillance Technology Oversight Project, Oct. 23, 2020, <https://www.stopspying.org/latest-news/2020/10/23/stop-condemns-nypd-for-22k-facial-recognition-searches>.

has been litigating for four years to get the most basic info from NYPD on the bias and accuracy of its use of facial recognition.¹⁴

Police also abuse surveillance technology to surveil protestors. There are reports that the NYPD used facial recognition to target Derrick Ingram for his leadership of a peaceful Black Lives Matter protest. Police later surrounded Derrick's home with more than 50 officers as part of a retaliatory raid.¹⁵ Geofence warrants, which allow police to compel tech companies to identify every person in a specified place during a specified period,¹⁶ have been weaponized to track political protests. A 2019 example: the Manhattan District Attorney's office¹⁷ obtained a reverse location warrant for the site of a fight involving the pro-Trump group the "Proud Boys" to attempt to identify the counter-protesters at the event.

The Council must maintain the ability to pass public safety laws expeditiously in order to ban dangerous and invasive spying tools, to prevent harm to everyday New Yorkers, and to hold the NYPD accountable. We urge the Commission not to place any items on the November 2024 ballot.

¹⁴ Surveillance Technology Oversight Project, Inc. Against New York City Police Department, Surveillance Technology Oversight Project, <https://www.stopspying.org/nypd-facial-rec-bias>.

¹⁵ George Joseph & Jake Offenhartz, *NYPD Used Facial Recognition Technology in Siege of Black Lives Matter Activist's Apartment*, GOTHAMIST, Aug. 14, 2020, <https://gothamist.com/news/nypd-used-facial-recognition-unit-in-siege-of-black-lives-matter-activists-apartment>.

¹⁶ <https://www.nacdl.org/getattachment/816437c7-8943-425c-9b3b-4faf7da24bba/nacdl-geofence-primer.pdf>

¹⁷ <https://gothamist.com/news/manhattan-da-got-innocent-peoples-google-phone-data-through-a-reverse-location-search-warrant>.

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July 12, 2024

(Original Testimony given on July 8, 2024
At the Schomburg Center for Research in Black Culture)

To: The New York City Charter Revision Commission of 2024

Re: Suggestions and Reason for Amending Certain Sections of the New York City Charter to be Considered by the New York City Electorate at the Most Available Election

Dear Commissioners:

As you know I testified at the Schomburg on July 8, 2024. I am putting such testimony to you in writing with some modifications and addendums.

My testimony primarily addresses (1) Fiscal Responsibility and (2) Public Safety, which were the main focus in the Commission's Preliminary Report. However, all things being true there are other areas that in the scheme of things relate to Fiscal Responsibility and Public Safety. For example a prudent government will take prudent action that can avoid unnecessary time and expense. Having more civic engagement by members of the community enhances public safety because there are more stakeholders involved in the government of society and its safety.

As to Fiscal Responsibility

We can do more in the tax department such as sales tax and/or other tax. We can do something like the 16th Amendment. In other words, it doesn't matter where the source of your income or how it's made (created), nor does it make what you're doing legal if it's not legal, nor change your immigration status, you're going to collect a city sale tax or special city tax for as long as you're making money.

Examples of such income: Money from Vendors. I'm putting together a solution to the vending problem and maybe that can come after this amendment goes into effect. But truth be told, most vendors are just not collecting or paying sales tax.

Now as I said, what you're doing may not be legal, and you may still be accountable for such conduct. But you're going to pay your taxes. Ex: "Al Capone, 15 years, and btw you still owe is 15 Million dollars in back taxes."

Further, the City can also have in the Charter the allowance of citizens to come up with innovative ways other than this process to earn the City money, but such income [my original choice of word. I should have said *revenue*] must entitle them to a fair commission.

Public Safety

Back in 2013 I drafted a community policing program that was renamed the NCO program. A lot of that original draft is being used in the City's new Clergy Coalition Council initiative.

However, I am particularly at this moment suggesting that the role of the community boards be more strengthened. Right now the City Charter allows the community boards to appoint public members to their committees. But it's not mandated. It should be.

CB 10 used to have public members, but because it wasn't mandated under the City Charter, politics got in the way and such members' service was terminated.

I first suggested that the boards can decide how that's done. I've changed my view on that and came up with a better idea. (*Infra*)

But having public members on committees can increase new ideas more quickly in areas that can enhance public safety and the public welfare, e.g., protecting the public and maintain public confidence in law enforcement. It can also reduce what we call "politics."

By the way, Law Enforcement is not just with the NYPD. It's school Safety Officers, Sanitation, ACS Probation Officers, etc. And perhaps the City Charter can expand on various city departments who have police powers and spell out their duties.

Since I see citizens as community partners in policing I am expanding on certain roles that citizens can participate in with such agencies. (*Infra*)

Also community boards need to be informed on all intros and when such hearings are to take place. In return CBs must post all such information on their websites and generate community blasts be email.

Community Boards should also be notified of all pending construction jobs in their respective districts, whether they are as of right or after passage of a ULURP, due to unlawful construction constantly happening.

Community Boards should also be notified 30 days before a contract goes into effect of all arm's length transactions pertaining to the transfer of real property when senior citizens are allegedly selling or transferring their real property or apartments to another party before such transaction can be legal.

Too many of our seniors are having their properties stolen from them, and that should be of concern to people talking about public safety and public welfare. In other words, the more eyes on something reinforces: "You see something, Say something!"

Other areas of concern that were in the report was (1) a focus on and for the implementation of an agency overseeing fairness in **MWBE contracts**. My only suggestion is that a definition for

MWBE should spell out the people considered “minority” and it should be separate from “women.” In other words, a white woman shouldn’t qualify as a minority. Likewise, all things being true, a Black woman should be excluded from the category of “minority.” However, this is a complicated area, and no one testimony such as here can really construct a fair approach. Perhaps “the Black Woman” needs her own enumeration.

(2) Department of Sanitation (Chapter 31, Sections 751-755)

The City Charter gives the DSNY Commissioner the power to adopt regulations controlling the use of sidewalks and gutters by abutting owners and occupants with respect to sweepings, garbage, refuse, or rubbish, etc. It has been recently used to include the enforcement of vending regulations, since vendors pretty much operate on sidewalks.

Therefore, I support exploring updates to Chapter 31 of the Charter to clarify and expand DSNY responsibilities to facilitate cleaner streets, sidewalks and city-owned property, and perhaps privately owned property.

(3) Agency Recommendations

The Mayor’s Office of Contract Services recommended removing public hearings for procurement contracts. However, any suggestion that recommends removing a public hearing requirement for anything should not be entertained.

I don’t support removing the public’s voice on anything. If anything, it should be expanded.

Other areas

I support city council consent on Commissioners. In most states such commissioners are elected in office. Maybe I should state in the rural states. But even the United States’ Cabinet Members have to be Senate approved. The mayor has the power to remove any commissioner. So, I don’t see any logical reason why the city council should not have the power to approve commissioner or department heads other than “the executive branch wanting to have more control than the legislative branch” instead of having equal power, which gives us a better system of checks and balances.

Rank Choice Voting

I was never a fan of this voting system. And I got to see firsthand how the BOE was able to disregard it when [they] chose to. Therefore, if we are to continue its use for a few more years number (1) we should not be trying another voting system while it really hasn’t been determined if Rank Choice Voting is a good system for New York City, and (2) the City Charter needs to spell out that the rules for Rank Choice Voting have to be used even during manual recounts or if a candidate fails to preserve his/her right to challenge a result before such demand for a recount, otherwise an election court action can proceed.

AMI

The area median income (AMI) is an income that HUD through congress has determined. It is the midpoint, not the average, of the various incomes in a federal district. As a result, our AMI is different than the one used for the Mississippi region. This is how it works: If you have 7 incomes in a given region and they are 10K, 20K, 30K, 200K, 225K, 250K and 300K the AMI is 200K. 200K is the midpoint income. There are three incomes before it and three incomes after it. Nevertheless, it really has nothing to do with what we do in New York City concerning housing affordability.

HUD requires developers in certain housing programs where such developer receives a tax credit or other benefit if they build a certain amount, determined by HUD, of affordable units at 80% of the AMI or lower. This means that as for HUD's criteria a developer could do more affordable units more than what HUD requires, and set the income requirements way below 80% or even use an Income Targeted rubric, as long as such units are below 80%. But guess what? These HUD housing programs are very competitive and most of what we see being developed in New York City doesn't involve HUD. And if it did, HUD's policies don't tie the hands of developers leaving open the ability for the city and its citizens to negotiate.

So why do we keep hearing AMI? It's nothing more than a convenience for developers. They, and I must say their accomplices which are very often city agencies, want you to think there is nothing that can be done with the AMI unless congress changes the rules. But Congress doesn't have to do anything. We really don't have to use "AMI."

We need something in our City Charter that can somehow explain all of this. I am willing to help with the crafting of such proposal if the Commission is willing to suggest that this area be incorporated in our City Charter. In fact, any topic that I have not addressed in the manner below, I am willing to craft such suggestion.

Below are my ideas of how certain amended city charter language will look upon its passage. How those questions are framed to the voters to get such results, I will leave that up to you and the lawyers who will be involved in such presentations. I'm only going this far because I think my assistance is needed in such areas.

City Planning (Chapter 8 / Sections 191 – 204)

Section 191 (b)(5) should extend the last sentence using a comma, *"...including timely notifying the community boards of all Department of City Planning and City Planning Commission hearings at least two-weeks in advance of such hearing."*

Procurement (Chapter 13 / 310-335)

In 312.4 we see that city council has the discretion to hold a hearing on procurements over \$100,000. The hearing should be mandatory. The language in the subparagraph should be changed to “*shall*” instead of “*may*.”

Heads of Mayoral Agencies (Chapter 16 / Sections 385 – 390)

The first sentence in 385(a) should start off reading, “*This chapter shall apply to heads of agencies holding office upon the nomination of the mayor and approved by the council...*”

Administration of Children’s Services (Chapter 24-B / Sections 615 – 617)

A new subparagraph in Section 617 (Subparagraph 2(A) should be added to read, “*During child safety conferences an independent community representative from the relevant community district shall sit in on such conferences and render an independent report of the matter therein. The commissioner shall hire such representatives from PTA’s or PA’s of public schools in the associated district. If no such suitable parent is available the commissioner shall hire a suitable alternative. The community representative shall be paid for the time of service he/she puts in at such conferences.*”

Elections and Voter Assistance (Chapter 46 / Sections 1051 – 1057-a)

The last sentence in Section 1053 (e) ends with *guide*. It should continue using a comma after guide and read, “*which shall include notifying such candidate of the deadline date of when to submit such bio material.*”

1057-a (4) ends with the word *party*. The following language should come after the word party, using a comma, to read, “*...except that such employee may take further action to ascertain an applicant’s U.S. citizenship.*”

General Provisions (Chapter 52 / Sections 1150 – 1154)

Section 1150 (3) should be amended to read, “*The term “law” or “laws” shall include the United States Constitution, the New York State Constitution,...*”

Department of Finance (Chapter 58 / Sections 1501 – 1527)

Somewhere within an appropriate subparagraph or new subparagraph the following power should be added which will read, “*The City through its Department of Finance shall have the power to lay and collect sale taxes or special taxes on incomes, from whatever source derived, without regard to y census, enumeration or immigration status. Nothing in this section shall be construed to create any rights to sell illegal product or relieve a seller from any penalty thereof.*”

Community Districts...(Chapter 69 / Sections 2700 2708)

Section 2705 (a) spells out the members of the District Service Cabinet. An additional member should be added incorporating a Subparagraph (7) reading as follows, *“The District Service Cabinet shall also include a member of such community district who either lives, works, or has a genuine interest in the district. Such member shall be elected by a majority of such community board and community members at a selected meeting time by the chairperson of such community board and shall serve a two-year term with no term limits on terms. Such member shall be known as “The District Advocate.”*

City Government in the Community (Chapter 70 / Sections 2800 – 2801)

Section 2800 (h)(i) should be amended to read as follows, *“ Each community board shall create committees on all matters that are relevant to its duties and responsibilities and may create other committees as it deems necessary. It shall include on such committees persons with a residence or significant interest in the community who are not members of the board...No committee shall have more than three public members on the committee and shall be elected by a majority of the community board members and community members at a selected meeting time by the chairperson of such community board and shall serve a two-year term with no limits on terms. Such person shall have the same voting power and rights as other board committee members.”*

I want to thank you for this opportunity.

Very truly yours,

Julius Tajiddin
Preserveharlemslegacy@gmail.com



July 11, 2024

Mr. Carlo Scissura, Esq.
The Charter Revision Commission, FDNY Headquarters
9 MetroTech Center
Brooklyn, NY 11201

Dear Chairperson Scissura,



My name is Tom Harris, and I am the President of the Times Square Alliance, the Business Improvement District (BID) that exists to make Times Square clean, safe, and desirable for all. I appreciate the opportunity to submit comments in response to the Charter Revision Public Safety Forum Hearing on June 20th.

First, one of the most important decisions a Mayor can make is selecting a Police Commissioner to enact his or her vision for how to keep the city safe. The Charter should be amended to codify that the choice of Police Commissioner remains a Mayoral responsibility alone, ensuring that the Mayor retains full accountability for public safety.

I would also like to express my support for a higher threshold of scrutiny to be applied to legislation impacting public safety. Public safety is absolutely foundational to the future success of New York City, and ideologically driven efforts to weaken pro-active enforcement, hamper efficient use of police resources, or redirect enforcement to under resourced agencies should be subject to particularly thorough evaluation. The Alliance would vigorously support an enhanced review process before advancing these sorts of policies.

Further, we also support mandating that fiscal impact statements, which are legally required for all newly introduced bills, must be made available as early as possible in the legislative process. Often, those statements become available only when a bill is finally aged, at which point time to evaluate the fiscal impact of new legislation is negligible, and bills are passed without sufficient consideration of the resources required for implementation. This has directly impacted public safety and quality of life, as, for example, when vendor enforcement was moved from NYPD to DCWP absent resources to make sure the agency had the capacity to undertake this new responsibility, or when the Council passed Intro 586 earlier this year without considering the cost of officer time required to comply with the new reporting requirements.

Thank you for the opportunity to comment on some of the issues discussed in the hearing. We would welcome the opportunity to engage with the Commission further if that would be of value.

Thank you,

Tom Harris
President
Times Square Alliance

NYC CHARTER REVISION COMMITTEE – PUBLIC HEARING

FORDHAM UNIVERSITY, BRONX, NY
IN-PERSON AND ONLINE TESTIMONIES
Thursday – July 11, 2024 – 5:00 P.M.

Online Testimony prepared by **Bernadette Ferrara**

Thursday, July 11, 2024

President of Van Nest Neighborhood Alliance (VNNA)

Member of CEBCA, Life-long East Bronx Resident

Good evening Commissioners,

My name is Bernadette Ferrara, I am President of the Van Nest Neighborhood Alliance, a member of CEBCA and a life-long East Bronx resident living for over six decades in the neighborhood of Van Nest, one of the oldest neighborhoods in the East Bronx dating back to 1893 when the Morris Park Race Track began in 1889. I love the Bronx and I do love my neighborhood!

First I want to support and echo my colleague, Sharlene Jackson-Mendez, VP of Van Nest Neighborhood Alliance for so eloquently stating very important items.

I am a second generation Italian American in the Bronx. In 1917 my Grandparents came through Ellis Island and settle in the East Bronx in the neighborhood of Van Nest. To be able to vote was an honor and a privilege. I would like voter ID to be put in the Charter. If this is a proposal to be voted on for this to happen, I want it to be on this year's ballot.

I support what Curtis Sliwa wants to be put on this year's ballot, if New Yorkers want to be a Sanctuary city. I think it is important to get a sense of what the people want.

I also support an item that our BP stated about community board members and training. As a BxCB11 Board Member for 17 years and former Chair of BxCB11, I've seen first hand the difficulties to get mandated training done. It is a simple IT Solution. As an Independent Contractor, my Advertising Agency client had me working remotely long before COVID made it popular. My access to their servers remotely was done with a "token" that had folder permissions. Since technology moves with lightening speed these days, a simpler streamlined process is probably available today.

I am also in support of Joshua Goodman's steel containers to combat rat infestation. This is a major health problem on any city street and especially by Park areas.

Thank you for this opportunity to voice my opinions.



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Proposal for Consideration by the New York City Charter Revision Commission

July 8, 2024

Summary

This is a proposal for a minor revision to Chapter 37, Section 854, paragraph h of the New York City Charter describing the Public Design Commission approval process for regulation of scenic landmarks. This change would fix a quirk in the charter that impedes the efficient and beneficial regulation of alterations to scenic landmarks. It would streamline the process for review of alterations to scenic landmarks, save money, save time, resolve the confusion regarding the roles of the Public Design Commission (PDC) and the Landmarks Preservation Commission (LPC), and put final review jurisdiction over scenic landmarks in the hands of the agency that has the appropriate mandate, resources, and knowledge—the Landmarks Preservation Commission.

There are only 12 scenic landmarks designated by LPC, but they include some of the most important and beloved sites in the city, such as Central Park, Prospect Park, Riverside Park, and Fort Tryon Park.

Following a charter revision in 1995, proposed work on any city-owned property that is also a designated landmark is reviewed only by the LPC, rather than by both LPC and PDC. But exceptions were carved out for works of art and for most work in scenic landmarks, which are still reviewed by both agencies. Our proposed charter revision would complete the transition begun in 1995 to consolidate design review of city-owned landmarks into the Landmarks Preservation Commission.¹

Background and History

Since 1898 the Art Commission of the City of New York, now called the Public Design Commission, has had the task of reviewing and approving installation or alteration of any work of art or structure located on or over land belonging to the city.

Since 1965 the Landmarks Preservation Commission has had the responsibility for designating and then regulating landmarks and historic

1. Works of art would continue to be reviewed by PDC, as PDC is the agency with expertise in this sphere.

districts, including those which are owned by the city. In 1973 the LPC was given the added authority to designate and regulate scenic landmarks.

Historically, both the PDC and LPC had jurisdiction over landmark properties owned by the city, including scenic landmarks. To streamline the process so that agencies don't have to obtain approval from both review commissions, a charter revision in 1995 mostly eliminated this dual jurisdiction. Paragraph (h) was added to Section 854 of the Charter, which describes the approval process for PDC. The change transferred the binding authority of PDC to approve work affecting city-owned landmarks to LPC.

The exceptions, as noted above, are two carve-outs in paragraph (h). One is for works of art. The other is for most work in scenic landmarks. The reason for the scenic landmark carve-out is simple. At the time of that charter revision, the president of PDC was a respected landscape architect who was expert in historic landscape design. He wanted to retain this jurisdiction for PDC.

Joint PDC/LPC jurisdiction continues for most work within scenic landmarks. The LPC issues a report, and PDC issues a binding certificate. However, when work "primarily concerns an existing building" within a scenic landmark, sole jurisdiction is vested in LPC.

Problems with the current procedure

1. There has been endless confusion about whether projects in scenic landmarks should be brought to only LPC or both LPC and PDC, what the relationship is between the reviews of the two agencies, and whether the LPC's review will be advisory or binding.
2. It has been difficult to determine when the exception for "existing buildings" in scenic landmarks applies. Whether a structure in a scenic landmark meets the definition of a building is often not clear, as many features in these parks have characteristics of both buildings and other types of structures.
3. The determination of when work "primarily concerns" an existing building is another source of confusion. Projects in parks frequently include work on buildings as well as adjacent landscapes.
4. When it's determined that both PDC and LPC will review a project in a scenic landmark, the applicant city agency must prepare an application and presentation for both commissions and then satisfy differences that may

arise between them. Extra time must be added to the project schedule to accommodate the two consecutive reviews.

5. PDC has no mandate or expertise in historic preservation, and yet under the current procedure they have the final word regarding most proposed work in scenic landmarks. (The landscape architect with special knowledge in this field left PDC many years ago.) LPC is the city's expert agency on historic sites, including scenic landmarks.

Solving the problem

We believe it makes sense to complete the transition begun in 1995 to consolidate design review of city-owned landmarks into one agency—the Landmarks Preservation Commission. The charter revision required to bring this about is extremely simple. Four words need to be excised from paragraph (h) and three words added:

Ch. 37, sec. 854, par. h. Notwithstanding any inconsistent provision of this chapter, if an approval of a structure pursuant to subdivision e of this section primarily concerns a landmark, landmark site, landmark interior, ~~an existing building within~~ *any feature of* a scenic landmark, or an action within an historic district, and also requires a report or determination by the landmarks preservation commission pursuant to chapter three of title twenty-five of the administrative code of the city of New York, then, in that event, the powers and duties of the art commission with respect to such structures pursuant to such subdivision e and subdivisions f and g of this section shall instead be exercised by the landmarks preservation commission pursuant to its own rules and procedures. If such commission shall fail to take action upon any matter legally submitted to it within sixty days after such submission, its action shall be deemed unnecessary. Any action taken by such commission pursuant to this subdivision shall be filed with the art commission.

Founded in New York City in 1966, the Victorian Society in America is dedicated to fostering the appreciation and preservation of our nineteenth and early 20th century heritage. The New York chapter promotes preservation of our historic districts, individual and scenic landmarks, interiors and civic art.

Gave Live Testimony July 8th in Manhattan

Voices for Shelter Animals

Good evening. My name is Marilyn Galfin, founder of Voices for Shelter Animals. I am advocating for a Department of Animal Welfare to be created to replace the Department of Health from overseeing NYC Animal Care Centers & to handle all the animal related issues of this city.

The DOH is not concerned for the welfare of shelter animals. Their mission statement is only concerned with people's health. They only intervene if an animal is a threat to that. The division overseeing the shelter animals is the bureau of veterinary and pest control services whose name reflects the DOH view on these animals. In 2013 Comptroller Scott Stringer in his Led Astray report about ACC reform said "the root of the problem is structural. The Animal Care Centers are controlled by the New York City Department of Mental Health and Hygiene, an agency whose mission and expertise has not sufficiently focused on animal welfare".

Right now this city is experiencing an unprecedented homeless animals crisis but the DOH and the City is not handling it as such. Rescues, advocates and shelter workers are overwhelmed and burnt out. This is a state of emergency and this should be declared as such by the DOH & Mayor. Shelters are overcapacity & these animals need overflow space, money for humane care and other emergency protocols.

As I'm speaking there are pop up crates lining the hallways at the Manhattan shelter. Dogs sit in them all day and hardly get walked. This is inhumane. If they get kennel stress and start to injure themselves they are put on the at risk list which is basically a kill list. We don't want DOH/ACC to destroy the animals. That is not the answer.

Animals come into the Manhattan shelter healthy and are getting deathly ill. Then they can be put on the at risk list & the burden is put on their NH rescue partners to save them. Some animals can sit in their cages who need urgent medical attention and have to wait to see if a rescue will pull them. Rescues cannot afford to keep paying high vet costs for the animals that the shelter got sick in the first place. The Manhattan shelter is deplorable and not fit to house animals humanely.

Under the DOH contract ACC still uses behavior assessments proven by experts in Veterinary Behavior are ineffective and not meant to be used for life and death decisions. Many animals get labeled rescue only & assessments make them appear as dangerous or not adoptable simply because the animals are traumatized and not adapting to the horrific environment. It is not the animals that are the problem, it is the shelter and they shouldn't have to pay with their lives including 12 month old adoptable puppies being senselessly killed.

Once out of the shelter in their new homes and with time to decompress, many of these dogs are completely opposite to the negative assessments they were given by the ACC behaviorists.

There is concern among advocates that dogs are getting too high doses of stress reducing drugs such as Trazadone which can have negative effects on the dogs but the DOH is not concerned.

There is no oversight of daily operations of ACC, Unknowingly advocates were promoting dogs that were already destroyed because the ACC Emergency Outcome lists were not updated--- outraging and emotionally shattering the adopters who put in applications only to find out the dogs they were interested in were dead.

Under DOH oversight there is no transparency or accountability of ACC, they are notorious for shortchanging funding to ACC.

Many of the same inherent problems that existed years ago in this shelter system (noted in the scathing city comptroller audits and from comments from advocates and rescues at ACC board meetings) continue today

The city still does not have state of the art shelters in all 5 boroughs under the DOH control and there are no plans for Manhattan to get a full scale shelter, only an adoption center.

The DOH is not effective in their enforcement of the dog licensing mandate costing millions of dollars in potential revenue that can go into subsidizing spay neuter and life saving services.

In 2019 the DOH gave ACC an unprecedented unheard of 34 year 1.4 billion dollar contract for the Queens shelter, limiting public input and not allowing for open bidding.

The city has an out of control community cat crisis (with an estimated 500,000 to a million cats on the street) because of no spay and neuter during COVID and the animal abandonment crisis has spiralled out of control with animals tied to poles, thrown out in garbage dumps, left in apts to die and this needs to be addressed.

The people of this city need and deserve a dept of animal welfare whose only focus is on animal issues. We need an entity run by people who, in spite of what law says, understand that animals are sentient beings, not disposable commodities. People who have animal welfare experience and a vested interest in ensuring animals receive humane treatment (including shelter animals). An entity who has enforcement powers and a progressive vision to do away with the accepted status quo of killing as the solution to homeless animals and population control but instead adhere to no kill policies.

The current crisis affects both animals and their human guardians. We need a dedicated department to help support people in keeping their pets out of shelters by creating small

rescue/educational satellite centers, funding more pet food pantries, providing free or low cost spay/neuter services for low income New Yorkers, microchipping, veterinary care, dog training, and proper pet care/guardianship education for all NYC residents.

This department could address housing discrimination against people with pets and pet discrimination based on breed, size and pet limits. No one should even have to choose between a place to live or keeping their pets. The city must stop euthanizing pets of those who become homeless and have no recourse but to put their beloved family member into a kill shelter or victims of domestic violence. They need spaces for these people now, not a death sentence for their pets.

The department could address backyard breeding, animal abandonment, the carriage horse industry, kapors, wet markets, pitbull fighting, enforce the humane education mandate & more.

Community involvement would be essential, including input from the ACC New Hope rescue partners without having to fear retribution, other rescues including non rescue partner 501c3 rescues, local individuals doing rescue and maintaining feral cat colonies, advocates, shelter workers, local vets and volunteers.

Animals provide unconditional love and are vital to many people's lives. They had gotten many people through the COVID crisis. For many people their pets are like family members. They are also service animals, emotional support pets, and offer people so much more.

Killing adoptable animals is a social justice issue. They have every right to live. Our city must protect shelter animals and take moral responsibility to help those who cannot help themselves. Animals' lives do matter, and we need a department that reflects this value, ending exploitation, inhumane treatment, cruelty, and killing of all animals companion and non companion. An animal welfare department can make this happen.

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SUPPORTING DOCUMENTS to go along with Testimony.

Articles on the New York City Animal Care Centers Shelter Overcrowding Crisis

NY Times

<https://www.nytimes.com/2023/08/13/nyregion/nyc-animal-shelters-overcrowding.html>

NBC NEWS on the NYC ACC Crisis '60 hours a week': NYC animal shelters in 'crisis mode' overwhelmed and at overcapacity

<https://www.nbcnewyork.com/on-air/community-top-stories/clear-the-shelters/60>

NYC Animal Shelter Mercilessly kills adoptable dogs

The <https://nypost.com/2023/10/12/nyc-animal-shelters-mercilessly-kills-adoptable-dogs-suit/>

ABC 7 News

<https://abc7ny.com/animal-care-centers-of-nyc-closed-shelters-to-dog-intakes/13881664/>

Katy Hansen From ACC Guest on Spectrum NY1 News

<https://ny1.com/nyc/all-boroughs/CTV/2023/08/27/here-is-how-to-help-stray-dogs-and-cats-in-the-city-find-a-home>

Feral Cats

<https://www.cbsnews.com/newyork/news/new-york-city-dealing-with-a-massive-number-of-feral-and-stray-cats/>

WESTSIDE SPIRIT https://www.westsidespirit.com/news/insufficient-funding-and-overcrowding-in-nyc-shelters-contribute-to-spike-in-euthanizing-GB2641008?fbclid=IwAR1vMeoYlFyNmaLyEuUs5Hfcl0CfnBN9bTP6DIY_2Sri1Y5p12FN-z11KA0

The shelter system is 65% over its humane capacity for dogs and 15% over its humane capacity for cats, according to an ACC board presentation this June.

“We try and get them walked and exercised as much as we can, but we don’t have enough resources to walk them as much as they should be,” Hansen explained.

Additionally, Hansen said dogs can get a little stir-crazy which can ultimately take the form of aggression.

Enclosed in Attachments Please Find

Comptroller Bill Thompson ACC Audit 2002 -Citing ACC for Lack of humane

treatment "does not provide humane conditions for all of the animals in its shelters and has not made aggressive efforts to increase adoptions of homeless animals." Report also Mentions DOH inspection Reports of ACC

Scott Stringer 2013 Led Astray Report on Restructuring ACC- Claiming DOH Is not appropriate entity to oversee ACC

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.²⁹

The root of the problem is structural: AC&C is controlled by the DOHMH. The DOHMH both administers the City's contract with AC&C and oversees its board – leaving little room for AC&C to question DOHMH priorities and decisions. In short, AC&C's Executive Director and board members lack the independence, animal care expertise and fund-raising capabilities necessary to properly fulfill their mission. As a result, AC&C has experienced years of under-funding, mismanagement and service cuts – and the animals under its control have suffered severe neglect at shelters.

DOH not Effective in Enforcing the Mandated Dog Licensing. Also mentioned in Led Astray

The City should work with State Legislators to transfer licensing enforcement from the DOHMH to AC&C, so that the any revenue raised can go directly to funding shelter operations. Next, the new Executive Director and board should develop a multi-faceted approach to increase revenue from pet licensing. **This effort should include: mandating dog licensing at all “points of transfer” (adoptions or sales) and authorizing external entities, such as pet stores, to sell dog licenses; launching a robust publicity campaign to advertise the animal welfare benefits of licensing pets; creating an incentive rewards program to encourage licensing; and increasing enforcement and penalties for owners of unlicensed animals.** Additionally, the AC&C should work closely with State Legislators to raise the City's licensing fees, which are among the lowest in the country. Increasing licensing compliance to 30 percent and raising fees to \$20/\$50 for altered/unaltered animals – about even with the fees charged by Los Angeles and San Francisco – could generate close to \$20 million annually in revenue. In conjunction with a potential \$9 million raised from private sources (discussed in the previous recommendation) AC&C could generate \$28 million a year. That sum would increase per capita funding to \$3.90, slightly above the minimum that the ASPCA estimated in 2007 is necessary to operate a comprehensive shelter system in New York City.

2013 report “Led Astray:” To date, New York's City's dog licensing program has been poorly implemented, costing AC&C millions of dollars a year in uncollected potential revenue. Currently, only 10 percent of New York City's estimated one million dogs are licensed.... This pales in comparison to cities like Calgary which has a 90 percent compliance rate....the ASPCA estimates AC&C could generate a minimum of \$8.5 million per year by in- creasing compliance to 100 percent. Roughly four years later. the New York City Economic Development Corporation reports that: “As of February 2017, there were 85,085 dogs in New York City with active licenses. Dogs are required to be licensed by the

We estimate that there are approximately 500,000 dogs in New York City. Of that number, 107,836 were actively licensed as of FY 2023. Data for FY 2024 is not available

currently. (Pest Control Property Research/Dog Licensing-NYC Department of Health and Mental Hygiene-City of New York)

Scott Stringer Audit 2015 & 2020 -similar deficiencies cited both times

Citing similar infractions in both related to drug storage & lack of humane treatment at ACC among other issues

Chair of Contract Committee Kathryn Freed's 1997 Report "Dying for Homes" mentioned in Led Astray report citing problems at ACC

From the beginning, the CAC&C faced daunting challenges to carrying out its mission. In addition to an unwieldy organizational structure, the CAC&C inherited aging facilities that were not adequate for providing proper animal care. In 1996, the City Council Committee on Contracts, under the leadership of Councilmember Kathryn Freed, requested a comprehensive performance review of the CAC&C, pursuant to its contract with the City. The subsequent June 1997 report entitled "Dying for Homes: Animal Care and Control in New York City," described the CAC&C as "dead on arrival," given its severe funding and facilities challenges.¹⁵

Dying for Homes was especially critical of the structure of the CAC&C board, which it noted failed "to provide the appointed members with fixed terms and places them in a position of being dismissed at any moment," facts that, "may have a chilling effect on the exercise of independent judgment."¹⁶ The report went on to identify several systemic problems with the CAC&C, including a lack of animal care expertise on its board, inadequate funding, insufficient and inaccessible facilities, poor public relations, shoddy volunteer management and an ineffective adoption program – all problems that persist today.¹⁷

From an Affidavit of Ed Boks , executive director of ACC in 2004 on DOH not being entity that should oversee ACC

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.

In my professional opinion, if it takes a court order to remedy the very destructive conflicts of interest that can cause AC & C to be a dysfunctional child of the Health Department, then that should happen.

There is no longer in the ACC records the asilomar data that reflects if animals going to their partners are healthy or unhealthy and whether animals are adoptable or labeled not adoptable and the criteria for those evaluations. The ACC needs to be transparent.

Enclosed Records from June 2024 and Records from 2019

Find a copy of one of the **DOH inspection report on ACC** from 2018-remains the same today.

Bill Thompson 2002 Audit: Results In Brief CACC does **not provide humane conditions** for all of the animals in its shelters and has not made aggressive efforts to increase adoptions of homeless animals. This report describes our findings in three main sections.

John Liu Report 2011 Follow Up Audit: **Underfunding continues to plague the agency** and has resulted in a shortage of medical staff, leaving the agency vulnerable to not meeting the medical needs of the animals it houses.

COMPTROLLER THOMPSON 2002

Many of the findings in this report are supported by the results of our surveys of individuals acquainted with CACC's operations (former employees, customers, and individuals from rescue groups who work with CACC) in addition to our document reviews, observations, and interviews with CACC management. In total, six of eight former employees, 36 of 59 rescuers, and 14 of 33 customers we surveyed criticized aspects of CACC's operations and management. Their allegations and the results of our testing painted a similar picture—that of a shelter system in which: inadequate resources and staffing levels prevent the provision of some of the basic necessities for humane animal care; the frustrations of over-worked or unqualified employees are sometimes taken out on the animals; opportunities to help animals and increase adoptions are squandered; and, perhaps most notably, the status quo is perpetuated by a management that is not truly committed to all aspects of the organization's contract and mission, namely, to provide high quality, humane, animal care and place as many animals as possible in adoptive homes

First, DOH noted an inconsistency between our finding that animals in CACC's care are not always sheltered under humane conditions, and the results of its own inspections of CACC facilities. To illustrate this point, DOH provided us with reports of 531 inspections of CACC facilities that were conducted by DOH veterinarians and public health sanitarians between January 1, 1999 and June 30, 2001. As DOH stated, those inspection reports did not reveal any cases of poor veterinary care or inhumane treatment. **However, we do not believe that this is necessarily inconsistent with the findings in our report, because DOH veterinarians and public health sanitarians evaluate conditions in the shelters and the quality of care differently than we did. During their inspections, DOH veterinarians and health sanitarians look at 13 different areas, including floors, washrooms, wards, and infirmaries (many of which were not covered by our audit.) However, just as we did not cover in our audit all the areas that they cover in their inspections, they do not evaluate all of the conditions that we did (for example, how many animals had access to water at the time of the inspection). In addition, their inspections evaluate conditions more generally than we did, resulting in "yes" or "no" answers for conditions such as, "cages washable and clean," and "separate, adequate, clean area provided for sick animals"; in contrast, we counted the number of cages that were soiled, and the number of wards in which healthy and contagious animals were housed together. Lastly, DOH inspections cover a specific point in time,**

and therefore could not have identified

List of Some dogs Euthanized by ACC in last Few Months show State of Emergency & Need for Emergency Protocols in Place to Handle Overflow & the Problems Caused by Shelter Environment Getting these animals onto the At Risk or Kill Lists

DOH Gives 34 Contract to ACC 2019

<https://nypost.com/2019/01/10/nyc-signs-34-year-mega-contract-with-controversial-animal-care-centers/>

Inadequate Health Isolation Room at NYC Animal Care & Control Explained by CEO of ACC Risa Weinstock (youtube.com)

From 2018 ACC Oversight Hearing - Shelter Remains the Same today <https://www.youtube.com/watch?v=oThYrqKUweo>

NYC Council Calls for Probe of NYC ACC 2020

<https://nypost.com/2020/12/01/nyc-pols-demand-probe-into-acc-after-post-expose/>

Drug Use At NYC ACC- Needs to be Investigated. Dept of Animal Welfare can Have an Oversight Committee

<https://animalpolitics.substack.com/p/animal-politics-troubling-allegations?r=14ocm4>

Most Recent Dogs Killed

SHEBA Killed 7/10 BACC

<https://www.facebook.com/TeamAnimalPledges/posts/869259008556363?rdid=QLZo4qUtd7cLeLHG>

SANTINO Killed 7/10 BACC

<https://www.facebook.com/mldsavingnycdogs/posts/pfbid0f7ap8zeeoVXcGnM2aNeSTf5YhVrfhE77QAJEtwsAaSdFXWFhZsNx6C3onPteJzyVl>

CHICO killed 7/7 MACC only 12 months old

<https://www.facebook.com/NYCDogsLivesmatter/posts/pfbid0bfctng6D7k7x4WZbJvu9dR9qu4rbUFfP3VLozK9hGvC1voKQeQ7dX5fyphPY5Rugl>

MR WORLDWIDE KILLED 7/3 MACC

<https://www.facebook.com/NYCDogsLivesmatter/posts/878057284355799?rdid=wNtsXrXx1Fjbtjve>

NALA killed 7/3 MACC- Shelter Got NALA Sick

<https://www.facebook.com/NYCDogsLivesmatter/posts/875346734626854?rdid=7i0eazusaJbCKvVi>

RHEA KILLED 7/3 BACC 1 yr old -Tied to pole nr fire station- Abandonment is
Against the Law. This needs to be investigated

VIDEO : <https://www.facebook.com/reel/412712801586448>

<https://www.facebook.com/NYCDogsLivesmatter/posts/878028037692057?rdid=MfqIaQYcRM7Yw5eJ>

BLOSSOM-killed 7/2 MACC

<https://www.facebook.com/NYCDogsLivesmatter/posts/856244869870374?rdid=fPoRvtljhjoUCZcy>

VIDEO <https://youtu.be/89fpqxxK5N0?si=u4hlLs7v64EyWNry>

**ATTACHMENTS: Statements from Public with Issues Related to ACC & Some Dogs
Euthanized At ACC**



**UNITED
NEIGHBORHOOD
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**Testimony of United Neighborhood Houses
Before the New York City Charter Revision Commission**

Charter Revision Commission Government and Election Reform Forum & Hearing – Bronx

**Submitted by Lena Cohen, Senior Manager of Civic Engagement
June 17, 2024**

Thank you, members of the New York City Charter Revision Commission, for the opportunity to testify. My name is Lena Cohen, and I am the Senior Manager of Civic Engagement at United Neighborhood Houses (UNH). UNH is a policy and social change organization representing neighborhood settlement houses that reach 800,000 New Yorkers from all walks of life.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

For over a century, settlement houses have driven higher levels of civic engagement, particularly among disenfranchised community members. UNH works closely with settlement houses to promote civic engagement across New York City through leading nonpartisan voter mobilization, promoting the inclusion of all residents in the Census and the redistricting process, and advocating for modernized election laws to ensure residents who live and work in the city are fairly represented in local government.

Protect and Strengthen Civic Engagement

At UNH, we believe in and advance the power of democracy and the power and responsibility of settlement houses to encourage and engage more New Yorkers to be active in civic life. UNH equips our member settlement houses with nonpartisan tools and resources to help their staff and the communities they serve participate in voting and democracy. In doing so, we seek to close participation gaps among populations underrepresented in the political process.

UNH's civic engagement work includes educating New Yorkers about opportunities to engage in democracy as well as advocating for government transparency and an election system that enhances voter power and participation. Opportunities to revise the New York City Charter provide a direct pathway for civic engagement and positive community change. To highlight a recent

example, in November 2019, New York City voters approved a Charter amendment to establish ranked choice voting in primary elections for city offices starting in 2021, with 73.5% of participating voters voting in favor.

When New York City first implemented Ranked Choice Voting (RCV) in 2021, UNH hosted nonpartisan educational workshops for over 170 settlement house staff, volunteers, Board and community members. These workshops used a train-the-trainer model to explain the new ranked choice voting process, created activities to teach about RCV elections, and shared strategies for embedding RCV education into ongoing settlement house programs and services.

Ranked Choice Voting has been a monumental success for our city. Through UNH's experience working with settlement houses to lead nonpartisan voter inspiration campaigns in their communities, we know that RCV is widely supported by NYC voters and has enhanced the democratic process. For example, in the 2017 primary elections, about 14% of registered voters turned out to vote. In the 2021 primary elections, after the implementation of RCV, the turnout increased significantly to about 26% of registered voters.¹ This nearly doubling of voter turnout indicates a greater engagement and interest in the electoral process when voters know their choices matter more.

Further, the 2021 elections resulted in the most diverse City Council in NYC's history, including the first-ever majority-female council, and for the first time, representatives who are Muslim, Korean, and South Asian Americans, as well as the first openly LGBTQ Black female members.²

We have also seen how RCV positively contributes to voter understanding and engagement. Surveys conducted post-2021 primaries shows that a large majority of voters found RCV easy to understand and use. According to a poll by Common Cause New York, over 70% of voters felt that RCV gave them more choices and better representation.³

There is clear, widespread support for RCV among NYC voters. The increased turnout, positive feedback, and more representative outcomes are testaments to its success. RCV represents democracy functioning at its best, providing voters with more choices and ensuring that their voices are heard more effectively

Ensure Fiscal Responsibility

One of the stated goals of the Charter Revision Commission is "how the charter can better promote fiscal responsibility and support working-class New Yorkers." A key way that New York City can increase its fiscal responsibility while supporting working-class New Yorkers is by improving its human services contracting processes. This would enable nonprofit human services organizations to be more efficient and thus responsive to the communities they serve.

New York City relies on nonprofit human services providers to serve New Yorkers in need, from prenatal care for expecting parents, to early childhood education, to afterschool programs and in-school support, to summer camp, to youth workforce development programs like the Summer Youth Employment Program (SYEP), to college preparedness and college retention, to adult literacy and adult education programming, to adult workforce development, to aging services like

¹ New York City Campaign Finance Board. "[2021 Voter Analysis Report](#)." 2022.

² Hogan, Gwynne and David Cruz. "[The Next City Council Set To Be Most Diverse](#)." Gothamist, 7 Jul 2021.

³ Common Cause New York. "[2021 Poll on Ranked Choice Voting](#)." 2 June 2023.

Older Adult Centers (OACs) and services that allow older adults to age in place like Naturally Occurring Retirement Communities (NORCs). Further, New York City relies on these same nonprofits to help New Yorkers meet their basic needs, including housing supports, mental health programming, benefit and entitlement navigation services, legal assistance, food access, home delivered meals, transportation—the list goes on and on.

Though these organizations carry out critical work, they often experience significant delays in the contracting process that lead to late payments, forcing organizations to draw down lines of credit to remain operational. Overall, delayed contracting processes make it extremely challenging for human services organizations to operate effectively and focus on their mission—to serve New Yorkers in need.

UNH supports revising New York City’s charter to set timeframes for each stage of the procurement process. There are currently no mandated timeframes around each stage of the procurement process, except for the requirement that the City’s Comptroller review all contracts within 30 days. This is the final step in the procurement process, and without any mandates to move contracts along, sometimes an entire fiscal year can pass without a registered contract. This recommendation was put forth in the report, *A Better Contract for New York: A Joint Task Force to Get Nonprofits Paid On Time*. It is time that the City take steps to implement it.

Conclusion

Thank you for the opportunity to testify. We appreciate Mayor Adams’ commitment to receiving direct input from community members. Democracy functions best when constituents are active and engaged in civic processes, and we look forward to working with this Commission to shape the future of the New York City Charter.

For questions, please contact Lena Cohen, lcohen@unhny.org.

Gladys Williams
Testimony for the Charter Revision Commission
07-08-24

I'm Gladys Williams and my son Antonio Williams was killed by the NYPD in 2019. He was just a Black man standing on the street in the Bronx waiting for his cab when plainclothes cops jumped out of their vehicle, chased, beat and murdered my son without cause. Those police were so reckless in shooting all over the place that they killed one of their own that night too.

I'm testifying to call for the Charter Commission to not place anything on the November 2024 ballot. I was shocked to learn about this commission, your rushed timeline and reporting that cites the How Many Stops Act as one of the supposed reasons this commission was created.

I'm speaking as a mother and as someone who fought for the How Many Stops Act. When the NYPD murdered my son Antonio, it was because they illegally escalated what would have just been a level-one stop. I was proud to fight for the How Many Stops Act and speak at rallies, to elected officials and at the hearing because this was also a way to fight for my son. It took a long time before the City Council passed the legislation – and it wasn't a secret or rushed or hidden process the way this commission seems to be.

In fact part of why it took so long to pass the legislation was that the NYPD has too much power in any legislation related to them – whether it's at the city or the state level. They held up the passage and with the mayor they led a massive misinformation campaign with their press access and their money for public relations. I was proud of the City Council for overriding the mayor's veto – especially after the huge misinformation and bullying by the NYPD about these common-sense, simple laws.

I'm calling on you to say no to putting anything on the November ballot because I think you've been misinformed and that as a result you're misinforming New Yorkers. If anything, there needs to be fewer obstacles to pass police accountability bills for NYers' safety -- and the NYPD and police unions shouldn't be able to interfere as much as they do. The NYPD already acts like they're above the law – there's multiple laws they don't comply with and they shield officers who kill and brutalize New Yorkers from discipline. The police already have outsized influence, they're not elected by the people and they shouldn't have as much control as they do. Letting the police have so much power in public affairs is bad for democracy and it's bad for public safety.

The rushed timeline already makes this seem like a rigged process – if it's not, then I'm calling on you to not put anything on the ballot in November. It's outrageous to think that you've rushed hearings through for a month, only since Jun 5th and you're scheduled to vote on final ballot language on July 25th even though you haven't told New Yorkers what the final ballot language will be. There's no good reason to rush charter changes

through in less than 2 months. That's not democracy, that's a sham. I call on you to do the right thing and don't put anything from this commission on the November ballot.



JUMAANE D. WILLIAMS

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NYC CHARTER REVIEW COMMISSION**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I thank the members of the Charter Review Commission for holding this hearing today that will focus on public safety and allowing me the opportunity to testify. Please know that my testimony will address a few issues aside from public safety.

Every budget season, we recognize the budget as a moral document, but the same is also true of our city's charter. It defines the organization, functions, and essential procedures and policies of our government. The last revisions to the charter included 19 ballot proposals, combined into 5 questions and approved overwhelmingly by voters in 2019. These revisions were the culmination of a 15-member committee, created by Local Law 91 of 2018, with members being appointed proportionately by nine different elected officials: four members were appointed by the Mayor, four by the Speaker of the Council, and one apiece by the Public Advocate, the Comptroller, and each Borough President.¹ While I commend the progress achieved by those revisions and as we find ourselves today before another Charter Revision Commission, I recognize that there is still a lot of work to be done.

In a 2013 [memo](#) to mayoral candidates, written jointly with then Council Member Dan Garodnick, we highlighted one of the goals sought by voters in the 1989 City Charter revisions: strong City Council oversight over the mayoral administration. Thirty-five years later, we finally have a proposal on the table to empower the Council's powers of advice and consent but there is still room for improvement on the budget process. Two of the requests highlighted in that memo include proposals to provide tighter definition around 'units of appropriation' in the expense budget, require service level information and performance measures for each unit of

¹ <https://www.nyc.gov/assets/charter/downloads/pdf/reports-ballot-issues/final-report-20190802.pdf>



JUMAANE D. WILLIAMS

appropriation, as well as proposals to revise the definition of capital projects in the Charter. With rising costs, our city must ensure that our capital and expense budgets are truly working for New Yorkers.

In addition to these budgetary asks, I would like to request independent funding for the Commission on Public Information and Communication (COPIC) which was created in 1989 to improve the public's access to city information. Due to budgetary constraints, COPIC has been unable to produce the annual Data Directory since 1993 and while the city's Open Data law now maintains much of the city's public information, not all information is subject to Open Data. COPIC would be a useful tool in filling those gaps especially as the city begins to archive data and shift away from the costly defunct Enterprise Vault system.

Further, in the last charter the Office of the Public Advocate was granted a more independent budget. This has helped strengthen the office. An additional power that was requested to strengthen the Public Advocate was subpoena power. This would assist in providing more meaningful oversight of City Agencies. Subpoena powers would create an effective tool for the Public Advocate's Office to dig deeper into and illuminate issues of concern.

Lastly, and more directly to the topic of public safety I would also like to call on this commission to explore what a multi-agency rapid response would look like for shootings. (My years of work, Ms Adams,) proud of the work to create CMS) The work of the Crisis Management System has helped lower gun violence in neighborhoods around the city but as we've seen in our communities far too often, situations can escalate quickly, bringing danger even to those not directly involved. In addition, the past few years has seen some stagnation of thought and creativity. Having agencies collaborate on these encounters, as they do instances of natural hazards, would give us an additional comprehensive understanding of the systemic factors at play. For example, when there's a school shooting there is an immediate response



JUMAANE D. WILLIAMS

including agencies such as the Department of Education, the New York Police Department, Small Business Services, Department of Youth and Community Development, Administration for Children's Services, Department for Health and Mental Health as well as housing agencies Department of Housing Preservation and Development and the NYC Housing Authority. This would provide a support system that would remain in place long after the shooting occurs.

Much like the mayor touted in his January 2022 Blueprint to end Gun Violence, I believe there should be a Charter mandated office to support and expand the work of the CMS and it should include additional stakeholders in the conversation to grow the effectiveness of the program.

I look forward to any questions

Thank you.

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NYC Council Member Julie Wons' Testimony to the Charter Revision Commission
July 12, 2024

The Commission Should Proceed Deliberately and Ensure Public Engagement

A Charter Revision Commission is an important effort, and the objective of any such commission should be to enhance representative democracy and good governance in our city by conducting a comprehensive review of the entire city charter, as mandated by state law. Thoughtful and thorough processes can result in positive, balanced changes to the Charter, making the government more responsive, transparent, and effective.

While this important undertaking is no small feat, it should be completed with ample time and thoroughness. By comparison, the New York City Council typically spends over 280 days reviewing a bill between its introduction and the final vote. Further, this timeline typically expands for bills in the Committee on Public Safety, which averages 292 days between the introduction of the bill and the final Council approval.

Additionally, the 2019 Charter Revision Commission (CRC) held dozens of rounds of public hearings across the city, focus groups, and awareness events with over 150 New Yorkers testifying in-person regarding hundreds of ideas for Charter amendments. It was established in December 2018 and issued its final report eight months later in August 2019. The Commission convened expert forums that were open to the public to more closely examine many of these proposals and heard expert testimony from around the country on the experiences of other cities and states on ideas being considered, wherever relevant. The 2019 CRC held hearings on its preliminary report to ensure the public was engaged at every step of the process.

Fortunately, there is still sufficient time for this Commission to do its critical work—the law permits the Commission can continue to operate until the General Election in 2025, at which time ballot proposals could be considered by voters. There is no sound reason to short-circuit this process and submit one or more questions to the voters before that time, which would be hurried and underdeveloped. A rushed process would only undermine the Commission's ability to successfully carry out its stated mission of reviewing the entire City Charter and putting forward thoughtful proposals. I implore the Commission to avoid this detrimental outcome that would risk significant harm to good governance and democracy in New York City.

I also want to address reports and assertions about the purported origin of the Commission. It has been reported and confirmed that the idea for the Commission emerged from complaints voiced during a May 2, 2024 meeting regarding the purported lack of ability for the public to provide input on City Council legislation. This is unequivocally false and ignores the reality of long-established policies and procedures for City legislation. The City Council's process for legislation always includes formal pathways for the public to provide input. Each bill contains a public hearing, where any member of the public can either testify in person or virtually; they also have the opportunity to submit a written testimony without attending. To further ensure accessibility, hearings are translated for New Yorkers who speak different languages, upon their request. Hearings are live-streamed on the Council's website, where all testimonies received are added to a public record; here, there are also archived livestreams and transcripts of other hearings.

The public is always encouraged to provide testimony because the Council utilizes hearings to inform lawmaking and policy decisions. In fact, the bill specifically referenced in the meeting on May 2, 2024, was the subject of a hearing that extended to nearly five hours of testimony by Administration officials and members of the public with a diverse array of perspectives. There are reasons to establish a Charter Revision Commission, but the rationale asserted is not a credible one.

The Commission Should Provide Voters with the Opportunity to Vote on Advice and Consent

In addition to providing the time necessary for the Commission to properly review the entire Charter and thoughtfully consider public ideas for its amendment, the Commission should not simply advance a rushed proposal to deny voters the ability to decide whether to expand City Council advice-and-consent of additional agency commissioners.

As the Council Member of a district that contains constituents who are disproportionately impacted by these policies, it is imperative that we take the proper steps that will empower the public to express their concerns and engage in our city's democratic process. In a preliminary report released by the Mayor's Commission, it was stated that *more* time was needed to address testimonies of members of the public, which further underscores the need to avoid rushing this process.

On June 6, the Council passed Introduction 908-A (Int. 908), which would subject 20 additional agency commissioners to advice and consent for appointment. The Council has a record of effectively working with the Administration on appointments that require advice and consent, including during the current Administration, where over 35 appointments have been approved. Given that there are more than 80 such positions in which advice and consent could be extended, the addition of these 20 agency commissioners to the existing process would be an incremental change that increases transparency and enhances good governance.

State law requires that Int. 908 be approved in a referendum before it can become operative. As such, the legislation stipulates it to be submitted for approval at this year's General Election. The 2019 New York City Charter Revision Commission submitted five questions at the General Election that year, one of which included a proposal to subject the Corporation Counsel to the advice and consent of the Council. That proposal was approved by the voters with 77.4% voting in favor.

However, state law also holds that a mayor-created Charter Revision Commission proposal "bumps" a referendum question derived from a local law. This means that, if this Commission chooses to rush its process of reviewing the entirety of the Charter, engaging with the public, and making a submission of one or more questions to the voters by submitting for this year's General Election, it will deny New Yorkers the opportunity to vote on Int. No. 908.

New Yorkers deserve the right to vote on Int. 908 and denying their ability to exercise it would be undemocratic. It would raise the question of what the Administration and Commission fear in allowing voters to determine this through the democratic process. The Commission has the power to ensure this doesn't happen and should utilize these powers to do so. Taking more time to consider ideas for Charter revisions comes with the additional benefits of allowing additional time for the public and experts to engage, thoroughly review, and complete public education on the eventual proposals.

Commissioners manage their agencies to deliver specific services to their constituents. Limiting transparency in their appointments could lead to unqualified individuals taking on these responsibilities, ultimately causing constituents to suffer the consequences. Not only is this unfair to the public but its impact could be catastrophic.

Charter Revision Proposals for the Commission

A Charter Revision Commission that considers improvements to the important issues of fiscal responsibility and public safety should conduct a comprehensive assessment. In doing so, it would be difficult to ignore the lack of transparency in how agencies spend money as a problem to address, given that these funds are taxpayers' dollars. Additionally, there is a lack of confidence that there will be accountability when civilians are harmed by incidents of misconduct committed by individual members of the New York City Police Department, despite a small proportion of officers within the department being responsible for most incidents. In considering ways to achieve improvements in these areas of city government, the Council recommends consideration of the following ideas:

Proposed Unit of Appropriation Amendment

The Council recommends amending the Charter to ensure adherence to its mandate that units of appropriation correspond more closely to the various functions, activities, or programs of each agency as the framers of the Charter intended.

Under current law, the Charter states that each unit of appropriation (U/A) represents an amount requested for “a particular program, purpose, activity, or institution.” The Charter also says that a single U/A may only represent amounts “for more than one particular program, purpose, activity or institution” if the Council has passed a resolution on the inclusion of multiple programs, purposes, activities or institutions in a single U/A (Charter § 100(c)).

Current budgeting practices are not in compliance with these standards in the City Charter and undermine transparency for the taxpayers whose money is being spent and the Council’s ability to perform its Charter-mandated budget responsibilities.

According to the Charter, the units of appropriation are the legal “building blocks” that comprise the budget and are intended to be highly descriptive to facilitate the Council’s and the public’s understanding of agency spending and performance. However, the units of appropriation set forth in the Expense Budget submitted by the Mayor are generally broad and wide-ranging. Multiple agency programs may be contained in one or a handful of units of appropriation and funds are transferred between programs without the required oversight or accountability. The Charter expressly prohibits large, multi-purpose U/As without a resolution adopted by the Council and such a resolution has never been submitted by the Mayor or adopted by the Council.

When the units of appropriation do not properly reflect the programmatic activities of the agency, the budget becomes a less honest representation of the City’s priorities. As intended by the 1989 Charter Revision Commission -- smaller, programmatic units of appropriation enable the Council and the public to conduct more in-depth oversight of City agencies and better understand the Mayor’s priorities and to adjust program funding levels.

A Charter amendment clarifying definitions and/or creating restrictions on having a majority of an agency’s spending in a single unit of appropriation would reform the current U/A structure so that the U/As would actually reflect substantive, programmatic functions of each agency --ensuring compliance with the Charter requirement that a unit of appropriation (whether for personal or other-than-personal services) could not extend beyond a single program, purpose, activity, or institution unless the Council adopted a resolution (either on the recommendation or with the approval of the Mayor).

Proposed Civilian Complaint Review Board Amendment

The Civilian Complaint Review Board (CCRB) was created to ensure accountability when police officers abuse their authority or engage in misconduct but currently, they do not have enough funding to investigate all the complaints within their jurisdiction. This Administration has repeatedly resisted providing the agency with the resources it needs within the city budget to perform its mission and core responsibilities, despite the Council’s advocacy. It is crucial to shift the CCRB’s guaranteed budget model from a “guaranteed headcount” model to a “guaranteed

dollar amount” model based on the NYPD budget. This change will allow CCRB to better address their specific staffing and operational needs, providing the necessary flexibility to adapt to the evolving demands of their work.

The 2019 Charter Revision Commission led to the adoption of an amendment that mandated CCRB’s personnel budget be at minimum sufficient to fund CCRB personnel headcount at least equal in number to 0.65% budgeted headcount of uniformed members of the Police Department, as determined to be consistent with published budgeted headcount documents of the Office of Management and Budget (OMB). As we’ve learned, this funding structure has failed to provide CCRB with adequate funding to keep up with an increasing workload. The problem is a disconnect between the number of positions that CCRB is theoretically able to fill and the amount of money OMB allocates for salaries for available positions. For example, CCRB has an extremely high turnover rate of investigators, a position that requires a four-year degree, and has a starting salary of \$46,000/year. At that pay scale, CCRB is unable to retain talented staff members. The agency is reliant on OMB to approve promotions and raises, which are regularly delayed or denied.

Amending CCRB’s funding structure to guarantee a total overall budget amount instead of a minimum headcount would resolve this operational problem and make New York City’s funding for civilian police oversight comparable with other major cities. In both Miami and Chicago, the funding for civilian oversight is guaranteed to be at least 1% of the budget for the police department they oversee. In Fiscal Year 2025 (FY25), the NYPD’s proposed budget is \$5.4 billion with 35,000 uniformed officers. If New York City were to adopt the Miami/Chicago model, CCRB’s projected budget would be \$54 million, more than double what Mayor Adams’ proposed in his FY25 Executive Budget.

Sincerely,

A handwritten signature in black ink, appearing to be 'Julie Won', with a long horizontal stroke extending to the right.

Council Member Julie Won
26th District
New York City Council

Testimony of Jacky Wong

My name is Jacky Wong, and I am a member of the Greater Chinatown Civic Coalition. I am also a former journalist, non profit housing leader and member of community board.

I wanted to address the many council members who spoke about expanding authority over mayoral appointments as improving democracy and giving people a voice at the Queens Public Library hearing on July 22nd. However, what I observed tonight contradicts these principles. Council Members already have a powerful platform in the city council to express their points of view, but instead of adhering to the 3-minute time limit at the charter revision hearing, they always overran and squeezed the time the public could speak. Even though the Commission allowed everyone to speak eventually, it was already past the originally planned closing hours of 7:30 pm, which is unfair to public members who have other commitments. The Council Members' rhetoric about giving voice to the people is, in fact, stealing public opportunities to speak.

Secondly, our lives in Chinatown are miserable due to the oversaturation of various types of shelters. Therefore, I support repealing the sanctuary city laws and the right-to-shelter laws. In the 1970s, people criticized the "military-industrial complex" for pushing for war. Unfortunately, today we are witnessing a "poverty-industrial complex," where for-profit industries, especially those with real estate interests pretending to be non-profits, push for more and more homeless shelters instead of the government simply providing housing.

These professional poverty promoters have access to lobbyists, money, and resources to "persuade" elected officials and government institutions. The Department of Homeless Services (DHS) uses sanctuary city laws and the right-to-shelter laws to allow these poverty-pimps to prevail under the guise of helping the homeless. However, there is very little accountability from these shelter operators. In reality, the more shelters they build, the more homeless people we see on the streets, particularly among single men. DHS lacks the policy and capacity to genuinely treat and cure this particular group, while simultaneously creating significant safety problems for the neighborhoods where they place single men's shelters.

Most of these single men's shelters are placed in neighborhoods of color, and the majority of our council members are not addressing this issue of equity. Only by repealing these laws can we enable all parties involved to create holistic policies that truly benefit homeless men, communities, and the city.

Lastly, I recommend abolishing the appointment system for Community Board members and replacing it with elections, similar to the Community Education Council (CEC). Currently, members are appointed by borough presidents and council members, which introduces significant political influence. Community Board members should be elected by the people, or a hybrid system should be adopted to genuinely reflect the voices of local residents, rather than being influenced by political or economic interests.

Testimony of Milly Wong

My name is Milly wong. I lived in New York City all my life.

I am here because this Commission has the power to address significant issues that New Yorkers care about, though their voices are not always heard in City Hall. I urge the Commission to consider including the repeal of sanctuary city laws on the ballot.

Congress has enacted limits on immigration for good reasons, including to reduce job competition for the poorest and least-educated Americans and to avoid burdening public coffers. Local law enforcement has a role to play in enforcing immigration laws. Because ICE does not patrol the streets and jails, it needs the cooperation of local authorities. They should not hesitate to work with ICE out of unfounded concern that this will undermine trust in immigrant communities. Many areas of New York would much rather go face to face with a Law enforcement than be face to face with a criminal

People need to be vetted before they enter our country. The border has been unsecured for too long. While a majority of the migrants coming in are not criminals, too many have already entered and are living amongst us. They committed crimes against our citizens and against their fellow migrants.

Recently, there was a assault and rape of a young girl in Flushing Meadows Park, I walk along Roosevelt Av and witness rampant prostitution, every flowing distribution of illicit drugs, I read about the many robberies committed by migrant gangs. The list goes on.

There needs to be cooperation between all levels of law enforcement. New Yorkers need to be safe from criminals. Too many law abiding, tax paying New Yorkers are leaving our City because they were impacted by crime..

Give New Yorkers a voice, a chance for them to decide if they want to Repeal NY's Sanctuary City laws

Testimony – Repeal New York Sanctuary City Laws

Date: July 22, 2024

Name: Sally Wong

My name is Sally Wong and I am here to respectfully request a referendum to Repeal our Sanctuary Laws. When these laws were first enacted, we did not face the migrant crisis we have now. The influx has impacted New Yorkers from a financial, educational and job perspective. But the most detrimental, is the dangerous criminal aspect it has brought to our State.

As we speak today, there is a caravan of over 3,000 migrants who are looking to cross the U.S. Southern border. This is on top of the millions who have already entered the country. Most migrants are seeking a better life, but there are many unchecked individuals who have crossed over with the intent to join or form gangs to rob, burglarize, shoplift and rape unsuspecting residents. Unfortunately, it only takes a small percentage of illicit felons who have crossed the border to devastate communities and neighborhoods.

Nearly every week, we hear reports of illegal migrants, violently assaulting, shoplifting, and burglarizing our citizens. Organized gangs have claimed territory in each borough and promote addictive drugs, prostitution and sex trafficking. These ruthless gangs are relentless and do not fear law enforcement. They know the Authority's hands have been tightly bound and that it would be very difficult to detain and deport them. This has to change. We must repeal our sanctuary laws to permit law enforcement at the federal, state and city levels to efficiently and effectively expel these violent offenders. We need to send a message that if you have a criminal history or have victimized New Yorkers, you will be jailed and deported.

New York has lost countless families who have exited the State as well as many businesses that have closed due to the excessive crime. We cannot keep going down this path as it is unsustainable. I again ask that you allow the voters to decide on the Repeal of our Sanctuary Laws by adding it on the ballot. Thank you all for taking the time to listen to my testimony.