



## COMMUNITY DEVELOPMENT PROJECT

### **Testimony of Paula Segal to the 2018 City Charter Revision Commission**

*May 7, 2018*

Commissioners,

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

We are extremely excited to collaborate with the Commission on a thorough review of the City Charter, which is long overdue in the land use context. We encourage the Commission to examine the following areas closely and are happy to provide background or expertise on any of them:

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

- Ensure that all development and disposition of public housing authority land is subject to public review under the City’s Uniform Land Use Review Procedure (ULURP). Today, residents of campuses that would need to be rezoned to permit construction are given an opportunity to voice their concerns within the ULURP, but this chance is denied to NYCHA residents in areas where no rezoning is required. The charter can help to ensure that all NYCHA residents and their elected representatives have a say in the development of critical public housing authority land.
- Eliminate the Urban Development Action Area Program (UDAAP), which now allows some public land to go to private developers without public review through ULURP.

#### **Streamline the ULURP process and create greater transparency.**

- Unify the process of public land disposition. Prohibit other City agencies from holding land they are not using in an inventory separate from the general City inventory. This will ensure uniform treatment across public land dispositions and make public participation in the disposition of our most valuable assets more likely.
- Limit how long a ULURP approval can be used after it is obtained to two years or the term of the City Council that approved it, whichever is longer.

- Add timelines and disclosure requirements to the pre-ULURP process, including disclosure of all Department of City Planning pre application meetings with developers or other agencies, so that community members can know what is planned before it's too late for their input to be meaningful in developing proposals. ULURP only provides a mechanism for review before the public by elected and appointed government actors, not for public participation in creating proposals. Equitable development requires a meaningful opportunity to participate in the making of the City, not just a clear view of the actors who are actually making decisions.

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

- Require the City to track and enforce all deed restrictions it holds for the public benefit.
- Prioritize community land trusts in the disposition of public land to ensure stable, long-term benefit from public land.

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

- Add the charity property tax exemption already in the state constitution to the city charter so that key community institutions (gardens, churches, community centers) are not lost due to administrative hurdles created by the Department of Finance.
- Prohibit tax lien sales of properties owned by charities eligible for tax exemption, regardless of their paperwork with the Department of Finance or the Department of Environmental Protection.
- Prohibit tax lien sales of vacant buildings and lots. Instead, require a rapid timeline for transferring these properties to non-profit developers and community land trusts.

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

- Ensure New Yorkers a Right to Housing. This would go a critical step further than the "right to shelter" guaranteed under State Law.
- Create a financial disincentive for warehousing residential and commercial units, for example by creating a vacant property registry with a progressive registration fee.
- Create a requirement that all new development approvals be done in light of climate change and its resulting sea level rise.
- Create a requirement that the true impact of speculation on rent stabilized, rent-controlled, and existing subsidized housing be considered before any rezoning is permitted. For these purposes, the City must acknowledge the reality that tenants with legal protections are vulnerable to displacement from rapidly gentrifying areas.
- Require that mitigations for developments, re-zonings, and other land use actions found to have adverse impacts not only be disclosed, but fully funded, implemented, and enforced via binding legal mechanisms.
- Add processes to protect commercial tenants to the Charter to protect the small businesses and cultural institutions are the life blood of the City.

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

- Create and fund an independent office of Community Planning to support resident-led futures for our neighborhoods.
- Standardize community board application and selection processes.
- Resource community boards with technical assistance through the office of Community Planning.
- Require consistent neighborhood profile data collection that will permit residents and City agencies to evaluate the impacts of land use actions in the long term; tracking demographic and market shifts in the wake of rezoning and/or redevelopment will allow us to clearly understand the relationships between private and public actions and changes we see in our neighborhoods.
- Require Fair Share distribution of all new facilities and housing so that all neighborhoods equally benefit from new facilities and housing, and are equally burdened by the infrastructure that supports the entire City.

**For further information, contact:**

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**Attachment:**

Inclusive City: Strategies to achieve more equitable and predictable land use in New York City <http://library.rpa.org/pdf/Inclusive-City-NYC.pdf>  
(January 2018, CDP )