

MEMORANDUM

To: *City Council Speaker Melissa Mark-Viverito; Public Advocate Leticia James; Deputy Mayor Alicia Glen; Council Member Rafael Espinal; Council Member Debi Rose; Council Member David Greenfield, Chair of Land Use Committee and City Council Land Use Committee Members: Vincent Gentile; Annabel Palma; Inez Dickens; Daniel Garodnick; Darlene Mealy; Rosie Mendez; Ydanis Rodriguez; Peter Koo; Brad Lander; Stephen Levin; Jumaane Williams; Ruben Wills; Donovan Richards; Inez Barron; Andrew Cohen; Ben Kallos; Antonio Reynoso; Ritchie Torres and Mark Treyger*

From: *Association for Neighborhood and Housing Development (ANHD); Center for Urban Pedagogy; Coalition for Community Advancement: Progress for East New York; Community Action for Safe Apartments (CASA); Community Development Project at the Urban Justice Center; Community Voices Heard; Fifth Avenue Committee; Flushing Rezoning Community Alliance; Hester Street Collaborative; Neighbors Helping Neighbors; Pratt Center for Community Development*

Subject: *Proposal for Citywide & Local Monitoring & Oversight for Rezoned Neighborhoods*

Date: *June 6, 2016*

As the City continues to roll out the plan to rezone multiple neighborhoods across New York City in order to build more housing, community members are working hard to ensure that their voices are heard and priorities are included in their neighborhood's rezoning plans. Several communities, including those in East New York in Brooklyn, East Harlem in Manhattan, Jerome Avenue in the Bronx and Flushing West in Queens, have embarked on deeply participatory processes that have engaged tens of thousands of neighborhood stakeholders to create community-based plans and policy platforms to articulate their priorities.

Accordingly, we are calling for a comprehensive and coordinated approach to documenting, monitoring, overseeing and enforcing all public and private commitments made during the rezoning processes. This approach, outlined below, should include a citywide and a neighborhood-based, community-led component and should build off and fill the gaps of the various proposals put forth by the City.

While we continue to organize and push for our communities' priorities to be adopted as part of the various rezoning processes, we have seen too often that the commitments made during a rezoning are not kept or enforced. We also know that some commitments are not enforceable, such as promised expenditures in future years. We are deeply concerned about what this means for our communities and neighborhoods and hope to work with the City to ensure that the community's priorities are implemented and enforced.

The City's Proposals

To address the need for oversight and enforcement of commitments and agreements made during rezoning processes, the City (including the City Council and Mayor's office) have put forth several proposals. While we are encouraged that the City is thinking about the need to record and monitor commitments, we have some outstanding questions and concerns about these proposals.

- **Intro 1132**, a bill co-sponsored by City Council Speaker Melissa Mark-Viverito, Public Advocate Letitia James, Council Members Rafael Espinal and Debi Rose. The bill would require an agency of the Mayor's choosing to maintain a publicly accessible online database tracking all written commitments made by the mayor or any mayoral agency as part of any City-sponsored application subject to ULURP.
 - *Outstanding questions/concerns: This is limited to public commitments and does not include commitments made by private developers. It is also not clear from the legislation how "commitment" is being defined and in what format the database will be maintained. It is also unclear how accessible this database will be to local residents. It is not clear which mayoral agency will monitor the commitments or how these commitments will be monitored or enforced. It is also unclear which entity in power will oversee the fiscal decisions related to rezoning.*

- **Role of Mayor's Office of Operations:** As part of the Mandatory Inclusionary Housing (MIH) agreement, the Administration committed to develop an approach to report annually its commitments for City-initiated neighborhood rezonings through the Mayor's Office of Operations. All Neighborhood Development Funds will be incorporated in these reports.
 - *Outstanding questions/concerns: It is unclear how the Mayor's Office of Operations will publicly report out on progress made on commitments and whether this office will have any interaction with community-based stakeholders. It is also unclear if this office will coordinate all the agencies taking part in implementing the commitments made. If this office is not responsible for making sure the commitments are actually implemented, then who is?*

- **Department of City Planning's Division of Capital Planning and Infrastructure:** Cited in a memo from Mayor de Blasio, this new unit would work with budget officials on implementing rezoning plans.
 - *Outstanding questions/concerns: We do not have any further information about this unit or whether it is currently operational. It is also unclear how this unit will interact with Intro 1132, the monitoring function of the Mayor's Office of Operations and Housing Preservation and Development's enforcement function of MIH. We would like to know more about this unit, how it will be staffed and resourced, what its mandate will be and how it will coordinate with other City agencies and with local stakeholders and residents.*

- **Local Law to Permit Department of Housing Preservation and Development (HPD) to enforce Mandatory Inclusionary Housing requirements:** As part of the MIH agreement, the Mayor’s office committed to enacting a local law to empower HPD to enforce MIH.
 - *Outstanding questions/concerns: MIH is just one aspect of the many agreements made during rezoning. How will HPD interact with other agencies that are also responsible for implementing commitments to make sure that holistic neighborhood plans are being implemented and enforced? What are the accountability mechanisms in place to ensure HPD is transparent in its enforcement of MIH?*

Our Approach

We propose that a specific mayoral office work with local neighborhood monitoring committees in each rezoned neighborhood in order to uphold the commitments made during the rezoning process and coordinate the many stakeholders and agencies that are part of the process. This approach builds off of and fills the gaps of the various proposals already put forth by City officials for monitoring and enforcement of rezoning commitments. Below we lay out a proposed structure, role and powers of the mayoral (citywide) and neighborhood bodies. We look forward to working with the Mayor’s Office, the Speaker and the City Council to further develop this proposal.

1. Mayoral Office: Providing Citywide Oversight, Data Sharing and Agency Coordination for Rezoned Neighborhoods

Overseeing the large public investment of subsidies associated with Housing NY and the Neighborhood Development Fund while supporting the ongoing, equitable growth and development in rezoned neighborhoods will require an integrated approach absent from previous rezonings. The proposed tasks below reach beyond the purview of any one agency or existing Mayoral office and will require a high level of interagency coordination.

Accordingly, we believe that a specific mayoral office is needed to provide overall agency coordination, oversight and accountability for the implementation of commitments made to communities during the rezoning process. This office could also oversee the spending of zoning-related investments, direct spending to fulfill community priorities, and implement commitments on a clear and measurable timetable. This Mayoral office could also absorb the zoning-related reporting tasks that the City’s proposals have assigned to the Mayor’s Office of Operations, as well as fill roles envisioned in the City’s proposals that do not yet have an office to execute them, such as maintaining the database proposed in Intro 1132. While this Mayoral office could be a new office established via citywide

legislation, it could also be housed within an existing office with the resources, staff and flexibility to take on the following roles.¹

We propose that a coordinating Mayoral office do the following:

- **Coordinate Agencies:** The office should convene regular meetings both on the citywide and neighborhood level and mandate the attendance of relevant city agency representatives including (but not limited to) HPD, SBS, EDC, DOE, DEP, DCP, DOT, SCA and DOB to ensure inter-agency coordination and cooperation in implementing commitments. The Mayoral office should also coordinate communication between agencies and respective neighborhood monitoring committees. For example, if a new school is included in a “commitment plan” this office will coordinate all the agencies that would be involved in making sure the school is built and operationalized.
- **Support Neighborhood Monitoring Committees:** The office should ensure the establishment and operation of local monitoring committees and provide funding to those committees to support operating expenses for areas such as language access, outreach and engagement, materials creation and meeting facilitation. Local monitoring committees will be composed of neighborhood residents as well as agency representatives and other stakeholders (see pg. 5-6 for more information on the proposed committees).
- **Report on Progress:** Building off of Intro 1132, in coordination with the neighborhood monitoring committee, the office should create goals and benchmarks for each rezoned neighborhood, based on the community’s stated priorities and commitments made in the zoning plan. The office should then conduct ongoing assessments for each rezoned neighborhood and compile an annual report to track progress towards goals and benchmarks. The office could also track the funding status for all commitments made during the rezoning process and ensure projects are completed on a clear timeline, and, in consultation with neighborhood monitoring committees, propose solutions and alternatives to problems that may arise. Local neighborhood monitoring committees should be the direct recipients of the assessments and annual progress reports.
- **Manage and Share Data:** In addition to maintaining a publicly accessible online database and producing annual progress reports on commitments per Intro 1132, the office should regularly update key metrics related to the implementation of the rezoning plan. This information should be available on the office’s website and should also be regularly shared with each community.

¹ *This approach builds off of various models for cross-agency coordination and government accountability for major investment, including the Mayor’s Office of Recovery and Resiliency (ORR) as well as the Mayor’s Office of Criminal Justice Public Housing Neighborhoodstat program.*

The office should also ensure that community members receive the appropriate training and education so that they can understand and process the data.²

Housing these various roles in a single, specialized, mayoral office would ensure that sufficient capacity and focus can be dedicated to overseeing the many moving parts of implementing rezoning commitments, and establish a clear responsible party with the authority to direct agency actions. Coupled with the below local monitoring component, this approach would also enable participation from local residents and stakeholders who are needed to maintain strong communities.

2. Local Neighborhood Monitoring Committees: Providing Real Participation and Oversight to Local Residents

Community members work tirelessly to ensure their voices are heard and priorities incorporated into the rezoning processes in each neighborhood. Accordingly, these community members must be able to continue to participate in the monitoring and decision-making related to the changes in their neighborhood. Neighborhood monitoring committees should be established via citywide legislation to ensure that any commitments made during a rezoning process (of a certain size) are implemented, and that implementation decisions are made in a way that supports community priorities. We propose that funding is made available for operating expenses and staffing for the committees.³

- A. While each neighborhood should decide on their own scope of work and structure, we offer some proposed roles for the committee.
 - ✓ **Monitor Neighborhood Commitments** that will be documented in the online public database established via Intro 1132. Neighborhood committees will work with the coordinating mayoral office to identify a timeline and implementation plan for commitments in each neighborhood that are in line with each community's priorities. The committee will then meet regularly with City officials to track progress on these commitments.
 - ✓ **Problem-solve and Advocate:** Work with the Mayor's office and various City agencies to ensure that the commitments and communities' priorities are being fulfilled.

² This data sharing and community education can be based on the model of the Office of Criminal Justice Neighborhoodstat program.

³ A model of a successful local oversight body is the Hunts Point Monitoring Committee, which grew out of the expansion of the Wastewater Treatment Plant. In that case, DEP funded an agency liaison, a Committee coordinator, and a consultant to support the research and writing needs of the Committee.

- ✓ **Inform:** Create opportunities for regular updates to the larger community and for feedback on the implementation of various public and private commitments made during the rezoning.
 - ✓ **Agency Collaboration:** Agencies should be mandated to attend regular meetings of the neighborhood monitoring committees. These agencies should provide information and data to ensure that the committee is informed about the implementation of all zoning-related agreements and projects.
 - ✓ **Evaluate:** Work with the coordinating mayoral office to establish a set of metrics by which to evaluate the impact of rezoning actions – both before and after implementation. Some metrics to consider might be changes in employment rates/fields to assess promised job creation, high-road business development, changes in demographics (including racial demographics, changes in local incomes, share of non-English speakers, share of rent-burdened households, etc), and change in/loss of affordable housing units.⁴
- B. These committees may take different forms depending on the neighborhood. Each will be composed of neighborhood residents and other local stakeholders; will develop their own scope of work; type of committee composition, selection systems for committee members, voting powers, committee leadership, and the role of agency representatives, amongst other things.

3. Moving Forward

While we are encouraged by the proposals put forth by the City Council and the Mayor’s office to monitor commitments made during the rezoning, we believe a stronger, more coordinated approach is needed to ensure that commitments made during the rezoning process are implemented and operationalized. This approach includes both a centralized mayoral office and local neighborhood monitoring committees working together. We believe this approach will go further in ensuring that our long term residents are protected from displacement and that our communities are able to participate in the changes that are taking place. We look forward to working with you on implementing this critical proposal.

⁴ *This is modeled off of the Portland Plan, created by the City of Portland, Oregon, which works to evaluate and better manage potential gentrification impacts of policies and programs in changing neighborhoods. An assessment tool created for the Plan includes three components: 1) a Vulnerability Analysis; 2) Gentrification + Displacement Study, and; 3) Gentrification Risk Assessment Maps. The Portland Plan “sets an expectation that an equitable city should be proactive about the inequitable impacts that neighborhood change and gentrification can have on vulnerable households.”*