

Testimony of Brendan Cheney, New York Housing Conference

New York City Charter Revision Commission
Manhattan Public Input Session on Housing and Land Use

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Good afternoon. My name is Brendan Cheney. I am Director of Policy and Operations at the New York Housing Conference (NYHC). I would like to thank the commission for the opportunity to testify about the ways we can amend and improve the City Charter.

NYHC is a nonprofit affordable housing policy and advocacy organization. As a broad-based coalition, our mission is to advance City, State and Federal policies and funding to support the development and preservation of decent and affordable housing for *all* New Yorkers.

NYHC is grateful for the commission's work and your focus on housing. At a previous meeting, we testified about the extent of the housing crisis and how our housing supply and new housing development are unequally spread out throughout the city. Our systems and practices are creating and exacerbating these issues. Our 2025 NYC Housing Tracker report shows that the top 10 out of 51 council districts have produced 53 percent of all affordable housing over the past 11 years. Of course medium and high-density districts will produce more affordable housing than low-density districts but the bottom 10 districts have only added 1% of the affordable housing in this same period.

While we value the role of the legislature and the community in zoning and land use decisions, and we do not propose changes to the system lightly, we do think changes are necessary to fix a system that is often working against citywide interests. One key example is member deference – an informal but well-recognized practice that allows the local Councilmember to decide on local projects and most other members follow their lead and their vote. It gives outsized power to the local Councilmember to reject housing projects.

Because of this practice, projects have been blocked before starting the rezoning process, delayed until after elections or modified to achieve a political “win”, without regard to adding to project costs or City subsidies or meeting citywide housing needs. In a recent example, a local Councilmember secured changes to a project that had proposed 60 housing units and 24 parking spaces to instead deliver 27 housing units and 35 parking spaces. We expect the full Council to support this modification resulting in a new construction building with more parking than housing in blind deference to the local member. While we don't think a majority of Councilmembers believe New York City has a parking crisis that is bigger than the housing crisis, local member deference quiets any deliberation by the full council on land use issues to let the local members dictate what is built in their “backyard”, without regard to citywide housing needs.

The process we have now was created during the 1989 charter revision. According to Eric Lane, executive director and counsel to the 1989 New York City Charter Revision Commission, they gave the Council a role in the process expecting it would be used infrequently. Other proposals they considered would only have allowed the Council to review projects in certain limited circumstances. We understand institutional arguments about the legislature's role in land use decisions,

but it is clear that there were and are alternative processes that do not give the legislature veto power over every project.

While we want a different process that does not allow local interests to continually block necessary housing, we also recognize the importance of a process that gives a voice to community needs and protects community interests where necessary. A new process should find a better balance between local and citywide needs.

Changes to the NYC Charter can help create a system for land use approvals that will better respond to citywide needs and facilitate the addition of housing supply in every NYC neighborhood.

In order to address the issues of housing affordability and inequitable patterns of development, the city should focus on changes that:

- create an easier approval process for affordable housing
- create a faster process for housing development, and
- make housing and zoning decisions with more of a boroughwide and citywide approach.

As such, NYHC makes the following recommendations for changes to the City Charter to help address our housing crisis.

First, to facilitate the building of more affordable housing throughout the city, HPD-sponsored affordable housing seeking a limited rezoning should have a special fast track approval process through the Board of Standards and Appeals (BSA). Under this provision, BSA can grant waivers to zoning regulations for affordable housing. This would be project-based approval like a variance or special permit and would not change the underlying zoning. It would only apply to projects with HPD approval and regulatory agreement. In addition, parameters should be added that put guardrails on the zoning waiver to assure residents that buildings would remain in scale with the neighborhood.

We have heard from partners that build affordable housing that the process is too long and has too many steps. This BSA fast-track would reduce steps and shorten the process of developing affordable housing, treating it like the urgent public policy priority that it is. This kind of option could apply while New York City meets the standard of “housing emergency” with a vacancy rate below 5% or be implemented under NYC’s Fair Housing Framework to help achieve affordable housing growth targets.

Second, disposition of City-owned land for affordable housing that conforms to underlying zoning should not have to go through ULURP. The current process slows down development and allows members to block new affordable housing in their district. A simplified public process should be established instead to ensure government transfers are appropriate. NYHC also recommends changes to the ULURP process for all housing development to prevent local concerns, particularly NIMBY and anti-development sentiment, from dominating decisions about zoning and housing development.

We recommend building on the City Council’s Fair Housing Framework by truncating ULURP as a consequence for districts that are not meeting their production targets in the framework. ULURP would end at City Planning Commission, preventing the local councilmember from blocking affordable housing after failing to meet district targets. We recommend that a City Council-appointed seat is added to the Planning Commission along with another mayoral

appointee to maintain the mayoral-appointed majority on the Commission. We also recommend that Fair Housing Framework production targets prioritize affordable housing. This could be done by giving greater weight to affordable housing in housing production targets.

We also support delegating review of small or minor projects with strictly local significance to borough presidents as the final step. The current process is so long and expensive that small projects cannot afford to go through it. Few if any small rezoning projects go through ULURP. Smaller projects are important ways to add housing in lower-density neighborhoods. A shorter review process for these projects would make it affordable for them to go through the process and where appropriate get approved.

We also support changes to shorten and improve ULURP. Currently, the process requires 60-day review by the Community Board and 30-day review by the Borough Board. We support merging the two reviews into one review overseen by the Borough President. This would shorten the ULURP timeline. It would allow for local input but give more of a borough-wide focus. And it could allow the Borough Presidents to create a process that includes more voices the community.

Finally, NYHC supports changes that would remove minor items from ULURP. We support requiring only agency approval for certain actions, including special permits, revocable consents, concessions, franchises, housing and urban renewal plans.

It is clear we are in a housing crisis and unfortunately some neighborhoods are blocking the type of housing that would both improve their neighborhood and address the citywide crisis. The current system was not meant to give local members regular veto power over zoning and land use decisions. It's time we changed the charter to make sure we can build more affordable housing in every neighborhood.