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2025 NYC Charter Revision Commission ballot proposals on housing

The New York City 2025 Charter Revision Commission is proposing three ballot questions that are intended to tackle the city's housing crisis by helping to build faster, especially affordable housing.

The three measures provide for: (1) an Affordable Housing **Fast Track**; (2) an Expedited Land Use Review Procedure (ELURP) that would allow certain projects to be reviewed more quickly; and (3) an Affordable Housing Appeals Board that would give affordable housing proposals that are downsized or denied an appeal to a board comprised of the mayor, the council speaker and the borough president.

The proposals pertaining to the Uniform Land Use Review Procedure ("ULURP") weaken the authority of the

City Council. Council Speaker Adrienne Adams is understandably standing up for the city legislature and opposing those measures. The appeals board measure adds power to the speaker at the expense of district council members. The main purpose of the proposals are to reduce the power of an individual council member to effectively "veto" a project in her or his district.

As we have previously written, "member deference" is a given in any parliamentary body.

The leader (here the speaker) must consider the view of a local member in regard to local matters.

Otherwise, the speaker will lose the support of the majority under the theory that if the speaker is willing to try to override the wish of one member, other members

will fear that fate for themselves. Thus voting bodies defer where the affected member could risk losing a seat.

In practice of course, the speaker negotiates with the member to seek compromises on important matters particularly where a project has broader benefits to the city as a whole. Hospital and university expansions fit that description. Private developers

understand the need today to try to respond to the legitimate and economically feasible demands of a city council member in whose district one seeks to build.

The council member, of course, is trying to stay elected by reflecting the often NIMBY views of affected constituents. The below summarizes the three initiatives.

The Fast Track creates two new paths for affordable housing: a new action for publicly financed affordable housing projects through the Board of Standards and Appeals (BSA), and a fast-track review of applications delivering affordable housing under Mandatory Inclusionary Housing in the 12 community districts that produce the least affordable housing.

To account for differences between higher-density and lower-density districts, and districts with more area not zoned for residential, community districts would be assessed based on the rate of affordable housing produced rather than the total number of new affordable units – in other words, based on the percent of housing produced in that



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district that is affordable housing as opposed to market rate housing. The Fast Track process is intended to cut the normal ULURP approval time in half. The proposal may rankle those who believe more review is better, but given the affordable housing crisis and the fact that ULURP typically takes approximately 24 months, asking voters whether certain affordable housing projects should move faster is worthy of debate. Under the measure, in those 12 community boards there would be the same 60-day opportunity for community board review as under ULURP today, but to speed review, the borough president's review period would run concurrent with the community board. Following the community board and borough president review periods, the process would conclude with a final vote by the New York City Planning Commission, rather than the council.

The **ELURP** proposal would replace ULURP in the same manner (concurrent community board/borough president review and a final vote at the city planning commission) for certain projects, eliminating the city council's vote except where state law requires council review. In medium- and high density zoning districts (R6 and above), it would allow zoning map changes that increase residential capacity by 30% or less. In low-density parts zoning districts (R1 through R5),

it would enable zoning map changes that allow small-scale multifamily housing, up to a standard height limit of 45 feet and a maximum floor area ratio (FAR) of 2. Acquisition, disposition, and city map changes related to affordable housing, and minor infrastructure and resiliency projects, like raising the grade of a street to protect a community from flooding and adding solar panels on public land, would also be eligible for ELURP. This proposal would also directly diminish if not eliminate the power of a district city councilmember in ULURP.

The third proposal, to create a new **Affordable Housing Appeals Board** ("AHAB"), made up of the relevant borough president, the speaker of the city Council, and the mayor, would replace the mayor's veto at the end of ULURP for projects that would create affordable housing. The appeals board would have the ability to reverse city council disapproval (or approval with modifications) of such ULURP actions, and restore the city planning commission's approval, if two out of the three officials agree (with no opportunity for the council to override).

Because the speaker will have a key vote on the AHAB, her power will enable her to help the district member enact a "non-appealable" resolution at the council. For an appeal to succeed, either the speaker or the borough president (often formerly

a council member) will have to side with the Mayor, who would most likely support the appeal since the mayor appoints the majority of the city planning commission. As for a speaker abandoning the district council member, the circumstances would likely have to be extreme. If a speaker is against a council member, that issue is likely to be settled behind closed doors where matters of committee assignments and reduced budget allocation for pet projects can be discussed candidly. Perhaps this AHAB process will add to the speaker's leverage, but generally, open hostility to a member is not an effective tool for any speaker. The net effect of this proposal would be to greatly increase the influence of the borough president in the ULURP process.

Voters will have the final say, as these three proposals will appear on New Yorkers' ballots as Questions 2 through 4. Stay tuned!

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