### Statement from Marisa Lago, <u>Chair of the NYC Planning Commission and Director of the Department of City Planning</u>, before the Land Use Committee of the City Council, on the Mayor's Fiscal Year 2021 Preliminary Budget

March 3, 2020

	DCP F	inancial S	Summary			
Dollars in Thousands	2018 Actual	2019 Actual	2020 Adopted	Prelimii 2020	nary Plan 2021	*Difference 2020 - 2021
Spending						100
Personal Services	\$ 25,550	\$ 28,150	\$ 31,137	\$ 30,906	\$ 31,261	\$ 124
Other Than Personal Services	\$ 10,556	\$ 11,923	\$ 20,182	\$ 21,348	\$ 13,779	\$ (6,403)
Total	\$ 36,106	\$ 40,073	\$ 51,318	\$ 52,254	\$ 45,040	\$ (6,278)
Funding						
City Funds	\$ 22,048	\$ 24,096	\$ 27,470	\$ 26,839	\$ 25,800	\$ (1,670)
Federal - Community Development	\$ 12,872	\$ 14,513	\$ 22,505	\$ 24,003	\$ 17,897	\$ (4,608)
Federal - Other	\$ 1,147	\$ 1,273	\$ 1,343	\$ 1,343	\$ 1,343	\$ -
Intra City	\$ 6	\$ 4	\$ -	\$ -	\$ -	\$ -
State	\$ 32	\$ 187	\$ -	\$ 69	\$ -	\$ -
Total	\$ 36,106	\$ 40,073	\$ 51,318	\$ 52,254	\$ 45,040	\$ (6,278)
Headcount						
Full-Time Positions - Civilian	296	309	359	359	362	3
Total	296	309	359	359	362	3

<sup>\*</sup>The difference of Fiscal 2020 Adopted compared to Fiscal 2021 Preliminary Budget.

Good afternoon Chair Salamanca Jr., Subcommittee Chairs Moya and Adams and distinguished members of the Land Use Committee. Thank you for the opportunity to discuss the Department of City Planning's (DCP's) Preliminary FY 2021 budget.

Before turning to the budget, I would like to touch upon some of our joint accomplishments of the past year and challenges that we face in the year ahead. Chief among them are:

- The 2020 Census;
- The creation of housing, and especially affordable housing;
- DCP's neighborhood planning work;
- Climate resiliency;
- DCP's data-based planning work and free, publicly available transparency tools; and
- Community Board trainings.

### 2020 Census:

The Administration and the City Council share a commitment to achieving a full, accurate 2020 Census, knowing that it is critical to New York City – to our representation in Congress, to the New York City budget and to the needs of our many and diverse communities.

At perhaps no other time in memory has it been so important for government to have the services and leadership of dedicated experts in their field. DCP is home to New York City's team of professional demographers. They serve as the analytical backbone for every decennial census count – directly advising and assisting the U.S. Census Bureau, City Hall and all of our partners as we seek to ensure a full and fair count.

For the first time, the Census Bureau will be collecting much of the data online, which will enhance our ability to track self-response across the city's neighborhoods, almost in real-time. Using their deep neighborhood knowledge, DCP's demographers will be analyzing these self-response rates and identifying patterns throughout the city's neighborhoods. They will be sharing their perspective with the New York City Census Office and the NYC Public Engagement Unit, which will enable them to reach out to, and further mobilize, "trusted voices" in communities that are not responding.

Even with this new daily response rate information, we continue to rely on our elected officials — including each of you — to report any issues with the Census that you are hearing or seeing on the ground. We appreciate our partnership on this critical issue.

### Affordable housing:

Because having stable, quality housing provides a path to equity and access to opportunity, creating and preserving affordable housing is a top de Blasio Administration priority. To understand where we focus our efforts, it is useful to look first at where housing gets built in New York City.

The vast majority of our new housing – at least 80% – is built as-of-right, under zoning as it exists today. And new housing is disproportionately built in the city's most affluent neighborhoods – 30% of new units since 2015 have been in the 20% of neighborhoods with the highest median incomes. These neighborhoods are also getting a proportionately large share of new affordable housing – 20% of new affordable units have been built in the most affluent 20% of neighborhoods.

Rezoning actions are important to sustaining the city's capacity for as-of-right housing creation. The City Council is an important partner in this endeavor. Since 2016, the Council has approved important upzonings through more than 100 individual land use applications across the city. These applications create capacity for the construction of tens of thousands of new mixed-income homes.

Zoning actions mobilize the marketplace to promote affordability and make the City's housing subsidy programs more effective.

Even more effective than individual applications are the homes that will be created through the six comprehensive neighborhood plans that the City Council has adopted since 2016. The communities around these rezoned areas are home to 1.2 million New Yorkers – that is twice as many people as live in Boston, Massachusetts.

This is real progress that we must sustain if we are going to make a dent in New York City's affordable housing crisis. Our housing crunch is the result of many years of not keeping up with the city's population growth, and it cannot be solved overnight.

The population growth that New York City has been able to support over the past four decades has contributed to our amazing diversity. Since 1980, the city's population has grown by over 400,000, and the share of residents that are of Hispanic origin, as defined by the U.S. Census Bureau, or non-white has increased from 48% to over 68%.

It was Mayor Dinkins who said: "I see New York as a gorgeous mosaic of race and religious faith, of national origin and sexual orientation." We must make sure that this "gorgeous mosaic" remains true for generations of New Yorkers to come, regardless of where they lived before calling New York City their home.

But the population growth that makes this mosaic possible has also placed strains on our neighborhoods' housing markets. We share the important concerns expressed by housing advocates, residents and many of you on this Committee about fears of gentrification and displacement in our communities. We will continue to work closely with our shared constituencies to make sure that growth benefits our residents, and that New York City's extensive tenant protection resources are made available to New Yorkers.

### Neighborhood planning:

Neighborhood planning is some of the most important work done by DCP.

This work is centered on community engagement and relies on the extensive use of data, which inform conversations that we have with residents, business owners, elected officials and neighborhood groups. This helps get us to informed policy debates and then decisions. Whether in a neighborhood rezoning adopted by the City Council or in a land use framework, DCP memorializes these discussions, which guide future neighborhood improvements and potential zoning actions.

There are many and diverse neighborhood planning efforts underway. One example is our ongoing and in-depth studies of the areas around four new Metro-North stations in the Bronx — Hunts Point, Parkchester/Van Nest, Morris Park and Co-Op City. These neighborhoods are home to half a million New Yorkers, and one third of all Bronx residents. Borough President Ruben Diaz

Jr. has been working closely with us on critical community engagement work, which will result in a planning report later this year.

### Climate Resiliency:

2020 will be a banner year for our waterfront and climate resiliency efforts, culminating in the December 2020 release of our Comprehensive Waterfront Plan. Together with the Waterfront Management Advisory Board, DCP is undertaking extensive public engagement to ensure that New Yorkers' voices are at the heart of the Plan. The Board benefits from the inclusion of a City Council member, as well as members appointed by the Council.

With a grant from the NYC Department of Cultural Affairs, DCP and two not-for-profit arts groups, Culture Push and Works on Water, are organizing a monthlong event in May in which artists, regular New Yorkers and city planners will walk the city's entire waterfront. We hope that you will join us for the portion of the walk in your Council District.

DCP began working on the 2020 update to the Comprehensive Waterfront Plan in 2018. Alongside the Waterfront Management Advisory Board, we have organized 28 events – including a family-friendly waterfront day of activities on Governor's Island last summer – and have received direct input from over 1,000 New Yorkers so far.

Among those from whom we are gathering input are public school students. Last week, along with Council Member Barron, I joined a 5<sup>th</sup> grade class at P.S. 306 in East New York, where we heard about their ideas for the future of their waterfront. These students presented a poster collage of their ideal waterfront.

Another critical part of DCP's ongoing climate resiliency initiatives is Zoning for Coastal Flood Resiliency, a citywide text amendment that we expect to enter public review in the coming months.

Building on years of engagement with coastal communities, these new rules will allow property owners in the flood plain to more easily retrofit their homes. For example, a family on Staten Island, the Rockaways or Howard Beach may want to raise and floodproof their home to protect against future sea level rise or the next Hurricane Sandy. But, if they do, they lose their basement, which may have been used for storage or as a recreation room. Today, they would not be able to replace the lost space because of longstanding zoning rules that did not account for flood risk.

If adopted, these clear as-of-right rules will help homeowners throughout the city take strides toward a safer, more resilient future.

Needless to say, this work is central to the future climate resiliency of scores of communities that dot our shoreline.

#### Data-based research:

Data, including the Census data that I mentioned earlier, is essential to DCP's planning work. In addition to using data ourselves, DCP works to provide research and reports that help the public and decision makers formulate fact-based policies.

Last September, DCP produced a report titled "Assessing Storefront Vacancy in NYC: 24 Neighborhood Case Studies." DCP undertook this report in response to concerns expressed by communities and elected officials about a proliferation of vacant storefronts, especially in high-profile areas of Manhattan.

While there was much debate about the cause of these vacancies, there was little hard data available to evaluate changes in New York City's retail landscape. DCP's report changed that by establishing some facts: that high rents are causing vacancies in some neighborhoods, but that other factors are also at play, including the strength of the local customer base, transit access, building types and land use regulations. The report also found that, generally, areas farther from Manhattan appear to benefit from solid customer bases and little market volatility.

During last year's budget testimony, I spoke to you about the numerous free digital tools produced by DCP over the past few years — and today I have an update.

DCP recently released an updated version of our free, online interactive Zoning Resolution, which makes this key document exponentially more user-friendly, searchable and accessible to the public. The enhancements mean that the about 10,000 amendments that have been made to the Resolution since 1961 are now digitally available and searchable. This digital tool is environmentally wise, since we are no longer printing the 1,500-plus page document. The online Zoning Resolution also means that the public no longer need to pay \$750 for a hard copy. Instead, it is free and available at your home, school, office or public library.

In August, DCP introduced an improved digital platform for community boards that allows them to formally submit their annual needs and budget requests to the City. The tool, "Community District Priorities," offers easier access to relevant City data to help community boards make a stronger case for their requests. Just this past November, we published the first-ever digital version of New York City's biennial Ten-Year Capital Strategy.

These online tools help New Yorkers — whether they be residents, Community Board members, elected officials, business owners or advocacy groups — understand, access and get involved in shaping the future of our city.

### **Community Board Trainings:**

Last year, I also mentioned the series of important and ongoing training sessions that DCP launched to better engage with both new and more experienced Community Board members. These trainings, which were augmented at the request of this Committee in 2017, focus on

strengthening community boards through consistent and ongoing training on fundamental planning principles.

These trainings are two-fold in nature. Basic training is provided by DCP's borough offices, with a focus on core planning topics, such as land use, zoning and environmental review, and the role of community boards in planning. DCP also provides more advanced training via interactive forums held at our headquarters. They bring together Community Board leaders from across the city to discuss current planning topics and provide hands-on training on DCP's newest digital tools.

Highlights from our fall 2019 trainings featured DCP's Storefront Vacancy Study, Geography of Jobs report about the metropolitan region, Zoning for Coastal Flood Resiliency and our Zoning Application Portal.

This fiscal year, DCP has already trained more than 200 Community Board members, and their feedback has been overwhelmingly favorable.

### Financial Overview

DCP began Fiscal Year 2020 with an Adopted Budget of \$51.3M and an authorized headcount of 359 full-time staff lines, of which \$27.5M and 158 positions are funded with City Tax-Levy dollars. DCP's remaining \$23.8M budget allocation and 201 positions are funded by grant awards — chiefly Community Development Block Grant (CDBG) funding — from the federal government. The \$51.3M Fiscal Year 2020 Adopted Budget allocated \$31.1M — more than half of DCP's operating budget — to agency-wide Personal Services (including part-timers and members of the City Planning Commission) and \$20.2M to Other-Than-Personal Services (OTPS). DCP deploys its budget to meet the priorities of the Administration, the strategic objectives of the Department, and above all, the needs of our communities in pursuit of its mission to plan for the future of our vibrant, diverse and growing City.

In comparison to the FY20 Adopted Budget, DCP's FY21 Preliminary Budget of \$45M and 362 full-time staff lines, represents a net \$6.3M reduction and 3-position increase to our overall operating budget. This \$6.3M decrease is the combination of a \$124K increase in Personal Service funding and a \$6.4M net decrease in OTPS funding. The \$6.3M net decrease between DCP's FY2020 Adopted Budget and FY21 Preliminary Budget is largely driven by the expiration of several one-time, temporary allocations, and are offset somewhat by supplemental funding for collective bargaining increases, new grant funding, and budget adjustments related to agency savings initiatives.

The \$124K and 3 position Personal Service increase to DCP's budget consists of an addition of \$595K and 5 positions which are counteracted by a \$471K and 2 position reduction. Additions to DCP's Personal Service budget include:

- \$328K and 5 headcount replenishment of previously-claimed Personal Services savings that are restored in Fiscal Year 2021.
- \$267K in contractual increases negotiated through collective bargaining.

These \$595K of additions are offset by:

- \$185K reduction in Personal Services funding for DCP's CDBG Disaster Recovery resiliency grant. Grant spending projections are typically reviewed with OMB annually and adjustments are made to DCP's budget over the course of the grant period to align with updated spending projections.
  Last year, DCP's CDBG Disaster Recovery grant was extended by the U.S. Department of Housing and Urban Development from January 2019 through June 2021. With the grant expiring in June of 2021 and no options to further extend the grant period, DCP's FY21 Preliminary Budget reflects a wind-down in grant resources. DCP is working closely with OMB to replace expiring funds and headcount so as to retain existing, invaluable resiliency staff who are currently supported entirely by temporary CDBG Disaster Recovery grant funding.
- \$150K in anticipated Fiscal Year 21 Personal Services savings resulting from hiring delays and natural attrition.
- Loss of \$135K and 2-temporary positions granted in Fiscal Year 2018 to implement the requirements of Local Law: Intro. 1533, which required DCP to identify land use actions within urban renewals areas and make the information easily accessible to the public.

The \$6.4M decrease to DCP's OTPS budget consists of \$7.1M in one-time and temporary project funds that are scheduled to expire at the end of FY20 and another \$264K in efficiency savings, which are offset by a net \$1M increase in CDBG Disaster Recovery grant funding.

This \$7.1M reduction from one-time and temporary project funds includes \$2.5M associated with the completion of DCP's internal Paperless Filing System and the elimination of \$4.4M in environmental consulting funds that were the result of a one-time transfer from prior years to FY20. Additionally, \$200K in temporary funds for various smaller agency initiatives are also set to expire at the end of FY20. These budget items include:

- \$100K to hire consultants to perform a land use study and analysis of issues related to residential development and neighborhood character in Staten Island. The study will analyze existing land use and development patterns, and identify potential planning interventions that would address community concerns. This study is underway and expected to be completed by the end of Fiscal 2020.
- \$60K in one-time funding granted for the translation of crucial public documents pursuant to new Citywide translation requirements, which expires at the end of Fiscal Year 2020. Funding for document translation and language accessibility reduces to baseline amounts in Fiscal Year 2021.
- \$30K in residual Census Outreach Office funding, which exits the budget. Funding and staffing for Census outreach and communication efforts by the Mayor's Census Outreach Office, which was initially hosted by DCP, has been transferred to the Department of Youth and Community Development.

The \$264K in OTPS efficiency savings came from DCP's environmental consulting budget, and is based on point-in-time project schedules and spending projections.

The remaining \$1M OTPS variance is attributed to the reforecasting of DCP's CDBG Disaster Recovery grant and the inclusion of additional CDBG Disaster Recovery funding from HPD to leverage DCP's environmental consulting contracts, which will be used for the environmental review of proposed zoning actions associated with the Resilient Edgemere Community Plan. DCP's CDBG Disaster Recovery budget decreases by \$700K in Fiscal Year 2021 in connection with the Zoning for Coastal Flood Resiliency Text amendment, which is expected to certify this fiscal year and complete the public review process in Fiscal Year 2021. This \$700K reduction in resiliency funding is offset by a \$1.7M increase in funding for environmental review work associated with HPD's Resilient Edgemere initiative, in which HPD will be using DCP's on-call environmental consultant contract to prepare the environmental impact statement for HPD's proposed zoning actions.

Overall, these budget changes result in a net reduction of \$6.3M and an increase of 3 positions to the DCP budget. DCP's FY21 Preliminary Plan budget stands at \$45M with an authorized full-time headcount of 362 positions, allocating \$31.2M to agency-wide Personal Services and \$13.8M to OTPS. The budgeted decline in funding in the Mayor's FY21 Preliminary Budget adequately supports DCP's robust work program and allows us to meet the needs of the people of New York.



### DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS TESTIMONY BEFORE THE CITY COUNCIL COMMITTEES ON LAND USE AND TECHNOLOGY

### FISCAL YEAR 2021 PRELIMINARY BUDGET

#### **TUESDAY, MARCH 3, 2020**

Good afternoon Chairs Salamanca and Holden, and members of the City Council Committees on Land Use and Technology. My name is Jessica Tisch and I am the Commissioner of the Department of Information Technology and Telecommunications, also known as DoITT, and New York City's Chief Information Officer. Thank you for the opportunity to testify today about DoITT's Fiscal 2021 Preliminary Budget. With me is John Winker, Associate Commissioner of Financial Services and Michael Pastor, our agency's General Counsel. I've been working for the City for 11 years, and for me, watching livestreams of agency budget hearings has been like sport. I am so honored to be here leading an agency, testifying in front of the Council and answering your questions.

And I am humbled to be joined today by a group of people who have made it their lives work to advocate for vulnerable New Yorkers. I am speaking in particular, about representatives of the Deaf, Hard of Hearing, and Survivors of Domestic Violence communities, who I have had the pleasure of getting to know and work arm-in-arm with over the past three months on the Text to 911 program. Nicolyn Plummer, Marsellette Davis, Dennis Martinez, and Huberta Ugar – thank you for your patience, your guidance and your partnership. I would also like to thank Deputy Inspector Craig Adelman, the Executive Officer of the NYPD's Communications Division, as well as Captain Michael Tracey from the Fire Department for being here; your presence at this hearing is an important symbol of our agencies' close partnership on all things 911.

I have a bold vision for the future of technology in New York City and I am working on a plan to modernize the City's technology infrastructure, which I look forward to briefing you on in full during the Executive Budget. This is exactly what I did, for a single, albeit very large, agency over six years as CIO of the NYPD. And I am certain that it is exactly what is needed across City government today. My way of saying: this is what I do.

Over the past few months, we have made significant progress on a number of fronts and I thought I might use this opportunity to highlight some projects that I know are of interest to the Council:



### 1. Text to 911

Let's start with some good news, and on a program that many of you know is near and dear to my heart. I am pleased to report that it is looking like Text to 911 will go live by June, so we will meet our commitment made at last November's oversight hearing.

And that is because Text to 911 is now technology ready and training is underway. As part of testing, we intentionally flooded the system, and it performed up to our high public safety standards. We have also worked closely with Cyber Command on robust cyber testing of the system.

### 2. Next Generation 911 (NextGen 911)

As you know, this Text to 911 system will be an interim solution, designed to bridge the gap between where we are today – with an entirely legacy, analog 911 system – and where we will be in 2024, when we roll out NextGen 911.

The purpose of NextGen 911 is to allow voice, photos, videos, and text messages to flow seamlessly from the public to 911 on modern, digital infrastructure. Make no mistake about it, NextGen 911 has the potential to be hands down, the most impactful new public safety system in the City of New York over the next decade. As a woman who has public safety IT running through her veins, I can tell you it is absolutely imperative that we get it right.

So, what progress have we made? Just last month, we selected vendors and completed contract negotiations for three key systems that are fundamental to the development of NextGen 911. We selected Vesta Solutions to build out the core backend and geographical information systems, and NICE Systems Inc. to build out the new logging and recording system.

These decisions were based on a rigorous vendor selection process that involved an evaluation committee with representatives from DoITT, NYPD, and FDNY, with advice and guidance from Cyber Command. The evaluation committee traveled to call centers to review products and gather first-hand customer feedback; and to vendor labs across the country for live demonstrations of NextGen technologies and briefings on each proposer's approach to factory staging and implementation.

Our selection balanced the equities of price, performance, and technical capability. And yes, the contracts that we negotiated have exhaustive protections in place to ensure that vendors we pay with City tax dollars deliver on time and on budget.

As for timeline, selecting vendors and completing contract negotiations by the end of January was key to getting NextGen 911 on track to be fully implemented in 2024.



### 3. Laying the Groundwork for 5G

Moving on from 911, but staying in the telephony space, I'd like to discuss 5G, which is one of the things I pledged to fix when I took this position three months ago. I am committed to working with the carriers and our agency partners to kick-start the 5G build-out across the City and to do so equitably and safely.

To that end, just weeks ago, DoITT awarded 12 new mobile telecommunications franchises to companies for the deployment of infrastructure to support the densification of 4G LTE, and ultimately, the buildout of 5G. The franchises enable the use of City light poles, and for the first time, street furniture, for the deployment of wireless facilities.

With these new franchises in place, I am proud to announce that we will be opening a new pole reservation phase in the coming months, during which franchisees will be permitted to reserve poles throughout the five boroughs for 5G roll out and 4G densification. Details of this reservation phase are being hammered out now, but I am confident that its scope and safeguards will underscore our commitment to aggressively build out this highway for the future; and to do so equitably, in a way that ensures that carriers build their networks in neighborhoods beyond Midtown Manhattan, bringing 5G to all New Yorkers.

Unfortunately, Federal and State forces are trying to dismantle our franchise model, a key revenue generator for the City, in lieu of an approach that claims to "streamline" and accelerate the expansion of 5G. It will not. And it will come at the expense of public safety.

For context, for 5G to work, carriers need to put equipment on New York City's poles and other infrastructure. This equipment is larger than the equipment required for 4G. We cannot risk harm to New Yorkers through the unfettered proliferation of suspended refrigerators on poles not built to support them. It is our responsibility to protect New York City's local control of its streetscape and this important revenue stream.

### 4. Modernizing 311

Finally, I wanted to give you an update on two additional topics before I move on to the budget. Since last year's executive budget hearing, we launched a new platform for the 311 system.

This was a long overdue overhaul to the legacy 311 system that had been in place since the program's inception nearly 20 years ago. Since launch, we have continued to make enhancements, including, notably implementing Local Law 8 of 2020, the legislation that requires the City to post monthly complaints of illegal parking of vehicles operated on



behalf of the City and requires 311 to accept pictures of suspected illegal parking of vehicles with placards.

I am aware that there are many ways we can improve even the most basic of functions, and I look to the Council Members and your constituents as core users of 311 to continue to give us helpful feedback, as Chair Holden, you and Council Member Cabrera did in your letter from February which is becoming an important part of the platform's roadmap.

### 5. Decommissioning NYCWiN

We are also full steam ahead on decommissioning NYCWiN. I am pleased to report that NYPD, DCAS, DOHMH, Parks, FISA, and DOB have already completely migrated to commercial carriers; and DOT, DSNY, and DEP should be fully migrated by the committed deadline of June 2020. Once all the agencies are off the network, we will begin the work of closing out the Northrop Grumman contract by removing the NYCWiN infrastructure from rooftops and restoring facilities leased for this purpose.

In the interest of time, I will now take the Committees through our FY21 budget as it stands today.

DoITT's Fiscal 2021 Preliminary Budget provides for operating expenses of approximately \$695.3 million, allocating \$181.3 million in Personnel Services to support 1,891 full-time positions; and \$514 million for Other than Personnel Services, or OTPS. Intra-City funds transferred from other agencies account for \$141.5 million, or about 20% of our total budget allocation. Telecommunications costs represent the largest portion of the Intra-City expense, projected at \$106 million for Fiscal 2020.

For Fiscal Year 2020, the expense budget appropriation increased by \$2.5 million from the Fiscal Year 2021 November Financial Plan to the Preliminary Financial Plan. The increase to the Fiscal Year 2020 Preliminary Budget is largely attributed to the intra-city funding transfers from agencies that have been reflected in the January financial plan.

For Fiscal Year 2021, the expense budget appropriation decreased by \$2.2 million from the Fiscal Year 2021 November Financial Plan to the Preliminary Financial Plan. The decrease to the Fiscal Year 2021 Preliminary Budget is largely attributed to the savings initiatives that we have implemented, through IT hardware decommissioning and the discontinuation of software licenses, subscriptions, and support services.

Finally, Council Members, before taking your questions, I'd like to address head-on an issue that I know is of concern to many of you and certainly to me: the general downward trend of DoITT's franchise revenues. For FY19, these revenues, projected at approximately \$186 million,



came in at \$156 million. There are several reasons for this. Notably, cable revenue has suffered because of shifting consumer practices and cord-cutting.

But make no mistake about it, the largest source of this revenue hit is not a change in consumer preferences, which government couldn't and shouldn't affect; it's something that we, as stewards of New York City's franchises, can fix and that is CityBridge's failure to pay the City what it owes us under the terms of their agreement to provide free Wi-Fi and telephony services through LinkNYC kiosks. The breach I am describing goes beyond money owed to the City of New York: CityBridge has also failed to install and activate new Link structures and remove old payphones.

One source of good news: in my short time here, I have worked with CityBridge to get the payphone removal portion of the franchise agreement moving again, and already authorized the removal of hundreds of public payphones, which many of your offices have been bringing to our attention. But on the Links, we have not gotten CityBridge to make any progress. Installation of new Links stopped in Fall 2018. Troublingly, a large majority of the 537 Links owed to the City are in underserved areas in boroughs other than Manhattan. New Yorkers who would benefit most from this service are not getting it, including thousands of people who live in districts that many of you represent, because CityBridge is delinquent.

By way of background, CityBridge is a consortium of companies, one of which is a subsidiary of Alphabet, the parent company of Google. CityBridge owes the City tens of millions of dollars, going back to FY19. All of this is against the backdrop of millions of dollars in advertising revenue that CityBridge has reported they received over the same time period.

But for me, the most shocking part is that the City has actually gone out of its way over a number of years to work with the franchisee to address a number of burdens that it said were affecting its ability to perform. For example, as recently as June of 2018, DoITT amended CityBridge's franchise agreement to provide more time to complete the build-out of the Links; and even to defer some of the revenue-based franchise compensation potentially owed to the City to later years. At the time of this renegotiation, CityBridge told DoITT and testified publicly at the FCRC that with the relief granted by the amendment to the franchise agreement, CityBridge would be on sound financial footing and fully capable of performing all remaining obligations under the agreement.

Just three months later, in September of 2018, DoITT went as far as to grant CityBridge forbearance from payments for a period of one year. The City has been a more than reasonable partner, working with CityBridge to help it fulfill its obligations. So let me be absolutely clear, so there is zero ambiguity – the City's expectation remains that CityBridge will pay the City what it is contractually obligated to pay.



I am here today to commit to you that as the new Commissioner of DoITT, I am poised to take any and all necessary action against these multiple breaches of contract to collect the money the City is owed.

With that....I want to thank the Committees for this opportunity to update you on DoITT's important work and I am now happy to take your questions.



### Testimony to the New York City Council Committee on Land Use Preliminary Budget Hearing for FY 2021 March 3, 2020

Good afternoon, Committee Chair Salamanca and members of the Committee on Land Use, and thank you for the opportunity to testify. My name is Julia Duranti-Martínez, and I am the Campaign Coordinator at New Economy Project. New Economy Project is an economic justice organization that works with community groups throughout New York City to fight discriminatory economic practices and to support cooperative economics and community-led development, rooted in racial and gender justice, neighborhood equity, and ecological sustainability. New Economy Project co-founded and co-convenes the NYC Community Land Initiative, a coalition of more than two dozen housing and social justice organizations advocating for CLTs to preserve and create deeply affordable housing and stabilize neighborhoods.

New Economy Project and 14 partner organizations are part of a citywide Community Land Trust (CLT) Initiative that seeks \$1.5 million in City Council discretionary funding in FY2021, to develop CLTs and permanently affordable housing, commercial space, and other community needs, in all five boroughs of NYC. We ask the Committee to recommend funding for the CLT Initiative in NYC's FY2021 budget.

CLTs are a proven model to combat speculation and displacement, protect public subsidy, and facilitate community-led development. A CLT is a nonprofit that owns and stewards land in the community's interest, and leases use of the land for affordable housing development and other community needs. CLTs ensure permanent affordability of housing through 99-year ground leases that establish income, resale, and other restrictions. The longstanding Cooper Square CLT, on Manhattan's Lower East Side, for example, stewards almost 400 permanently-affordable homes for families earning as low as 30% AMI, as well as storefronts for 20 local small businesses.

The flexibility of the CLT model can support any land use. CLTs in NYC are working to develop deeply- and permanently-affordable mutual housing and limited-equity cooperatives, multifamily housing and 1-4 family homes. Many are also incorporating commercial uses, community and cultural spaces, community gardens, and green infrastructure -- such as micro grids, community-owned solar, and storm water remediation -- into their CLT plans.

Crucially, CLTs engage community members in meaningful decision-making over neighborhood and housing development. CLT boards of directors are typically composed of equal parts CLT residents, community members, and public stakeholders. Through their governance, organizing,

leadership development, and stewardship activities, CLTs facilitate broad community participation in land use and planning decisions, ensuring that development meets local needs.

We appreciate the City Council's support of CLTs, including through its FY2020 discretionary funding award for the CLT Initiative. This crucial support has bolstered a dozen emerging CLTs that are conducting deep community education and organizing, holding workshops and community visioning sessions, developing grassroots leadership, securing legal and technical assistance, and engaging strategic partners. (Please see our attached mid-year report.)

FY2021 discretionary funding will allow groups to build on this progress as they move toward incorporating their CLTs and acquiring properties for long-term community stewardship. The initiative will reach 5,000 tenants, homeowners, small and worker-owned businesses, and other community stakeholders; develop and train CLT steering committees and founding boards; build capacity through legal, financial, and technical assistance; complete feasibility studies to acquire first CLT properties; and promote coordination among CLTs so they reach a sustainable scale.

Thank you again for the opportunity to testify. For more information or questions, please contact Julia Duranti-Martínez at New Economy Project (julia@neweconomynyc.org, 212-680-5100).



### **FY2021 Discretionary Funding Request**

The citywide Community Land Trust (CLT) Initiative requests \$1.5 million in FY2021 City Council discretionary funding to support development of CLTs and permanently-affordable housing, commercial and community spaces. The initiative combines comprehensive community outreach, education, organizing, and legal and technical support to incubate and equip CLTs to effectively steward land and housing, and combat displacement.

### In FY2021, the citywide CLT Initiative will:

- Provide 100 CLT education and organizing sessions, in multiple languages
- Engage more than 5,000 tenants, homeowners, small business owners, and other stakeholders
- Produce a start-up guide and tailored educational material for CLTs
- Provide 30 technical assistance engagements related to CLT incorporation, bylaws, property acquisition, and development
- Develop and train 10 CLT steering committees and founding boards
- Complete feasibility studies and acquire first CLT properties

**Long-term goals** include creating and preserving thousands of deeply- and permanently-affordable housing units; providing affordable commercial space for hundreds of small and cooperatively-owned businesses; and ensuring accountable, community-led development.



In FY2020, the CLT Initiative received its first discretionary funding award of \$855,000, to seed CLT organizing in 11 NYC neighborhoods. (See attached Mid-Year Report.)

In FY2021, we seek an increase to build on and engage additional groups in this work, reaching more neighborhoods in need of CLTs and truly affordable housing. We will deepen community organizing and community-led planning, develop grassroots CLT leadership, formalize partnerships with nonprofit developers and stakeholders, and support CLTs to incorporate, develop board and membership structures, and acquire property.

### What are CLTs?



CLTs are a proven model to combat speculation and displacement, protect public subsidy, and facilitate community-led development.

CLTs are flexible and can support rental, limited-equity, and mutual housing, as well as commercial and mixed-use development and other community needs. Cooper Square CLT on the Lower East Side, for example, stewards almost 400 permanently-affordable homes for families earning as low as 30% AMI, as well as storefronts for 20 local small businesses. CLTs ensure permanent affordability of housing through ground leases that establish income, resale, and other restrictions.

For more information, please contact New Economy Project at 212-680-5100 or by email: Deyanira Del Rio (dey@neweconomynyc.org) or Julia Duranti-Martinez (julia@neweconomynyc.org).



### FY2020 Community Land Trust Initiative Mid-Year Report

The citywide Community Land Trust (CLT) Initiative supports development of CLTs to create and preserve permanently-affordable housing, as well as commercial, community, and green spaces, in NYC neighborhoods. In FY2020, City Council discretionary funding providing crucial support for grassroots CLT education and organizing, as well as incubation and technical support.

- 25 WORKSHOPS AND INFORMATION SESSIONS HELD
- 750 COMMUNITY MEMBERS REACHED
- 30 CLT LEADERS RECRUITED
- 12 PARTNER ORGANIZATIONS ENGAGED
- 20 TECHNICAL ASSISTANCE ENGAGEMENTS PROVIDED

### FY2020 highlights to date include:

CHHAYA CDC has conducted one-on-one outreach to immigrant small business owners in Jackson Heights, about CLTs as a tool to preserve affordable retail space. Chhaya staff participated in a Boston site visit to learn more about mixed-use CLTs, and will engage stakeholders in CLT planning and a Queens CLT Study Group, in the coming months.

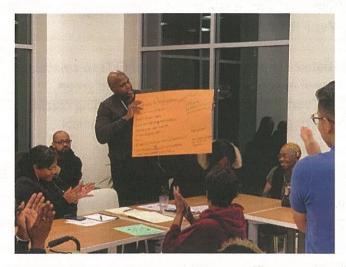
CITY COLLEGE is conducting one-on-one needs assessments with emerging CLTs to develop tailored community outreach and education materials.



**COMMUNITY SOLUTIONS** is finalizing a governance structure for the **BROWNSVILLE CLT**, and convened the **Brownsville Neighborhood Empowerment Network (BNEN)** -- comprised of local residents, including youth -- to lead **strategic planning and community outreach**. BNEN held eight CLT planning meetings and two community workshops, so far, and helped enroll 70 Brownsville residents in Housing Connect.

**COOPER SQUARE CLT,** which stewards 21 buildings with 380 deeply-affordable housing units, is in the process of **acquiring two rent-stabilized buildings** in the Lower East Side and converting them into one HDFC. The CLT hired a Project Director and is hiring a Community Organizer, and

**organizing tenants, recruiting board members, and drafting renovation plans** in connection with those acquisitions.



CYPRESS HILLS LDC has hired a full-time CLT coordinator, who has presented to local community boards and led two community CLT information sessions, with three more scheduled throughout the spring. The CLT will focus on preventing displacement and foreclosures in East New York. Cypress Hills has also begun recruiting leaders for a CLT steering committee, to be convened in April 2020, and staff traveled to Boston to learn from CLT governance models and community engagement at Dudley Street Neighborhood Initiative.

**EAST HARLEM EL BARRIO CLT** is finalizing the transfer of **four HPD-owned multifamily buildings**, with closing projected for early 2020. The CLT has partnered with **Banana Kelly CIA** to renovate the properties and form a resident-governed Mutual Housing Association, and is **hiring a full-time organizer** to support community engagement and leadership development. The CLT also added three new members to its board, and traveled to Boston to learn from youth organizing and creative place making at Dudley Street Neighborhood Initiative.

MOTT HAVEN PORT MORRIS
COMMUNITY LAND STEWARDS
has partnered with Hester Street
Collaborative to develop a
project summary and financial
feasibility study for the CLT's
proposed Health, Education and
Arts (H.E.ARTS) Center, at the
vacant Lincoln Hospital Detox
Building. The CLT hosted its third
annual H.E.ARTS festival to
celebrate and mobilize
community members and unveil
a community mural in September
2019, and held a public launch



for its H.E.ARTS project summary in January 2020.

As coordinators of the CLT Initiative, **NEW ECONOMY PROJECT** has provided **programmatic**, **legal and administrative support** to emerging and expanding CLTs. New Economy has

conducted 15 CLT presentations and workshops to over 350 stakeholders, including CBOs' staff and members, tenants, homeowners, and public officials. Staff also organized CLT site visits to Boston for 10 local groups; and coorganized the Affordable for Whom housing justice convening, focused on strategies to advance CLTs and deeply, permanently-affordable housing.

NORTHFIELD LDC has engaged Burlington Associates as consultants to develop a CLT governance model and financial feasibility analysis and



plans to convene a CLT Steering Committee of key stakeholders in Port Richmond and Mariners Harbor. The Steering Committee will draw on an intensive community planning process that Northfield led as part of its Brownfield Opportunity Area Study. The study resulted in a formal revitalization plan, with affordable housing identified as a primary focus for revitalization efforts.



learning and site visits.

NORTHWEST BRONX COMMUNITY AND CLERGY COALITION hired a part-time CLT organizer; recruited neighborhood leaders to a CLT steering committee; and finalized incorporation of the Bronx CLT with support from TakeRoot Justice attorneys. The Bronx CLT's founding board is identifying potential developer partners and exploring acquisition opportunities. NWBCCC has also engaged 100 community members in CLT workshops, coordinated youth-led participatory property research, and sent four CLT steering committee members and one staff member to Boston for peer**COMMUNITY DEVELOPMENT PROJECT, INC. DBA TAKEROOT JUSTICE** has provided **13 technical assistance engagements** so far, on transactional legal matters related to CLT and HDFC incorporation and bylaws, and next steps for CLT formation and acquisitions. The Takeroot team also **supported Northwest Bronx Community & Clergy Coalition in finalizing its incorporation of the Bronx CLT.** 

**WE STAY/NOS QUEDAMOS** is working with City College to develop a **community survey to identify CLT priorities and opportunities**. They will focus on community and tenant outreach to develop CLT leaders in Melrose, in the coming months.



### From the Boogie Down to Bean Town: A CLT Road Trip

In November 2019, 19 CLT staff and board members representing 10 organizations travelled to Boston to learn from their efforts to expand permanently affordable housing and mixed-use CLTs in a hot market city, and establish a citywide CLT collaborative. We attended the Greater Boston CLT Network Convening, and visited the Dudley Street Neighborhood Initiative and the Urban Farming Institute CLTs to deepen our understanding of CLTs as an anti-displacement and economic development strategy. We look forward to hosting members of the Greater Boston CLT Network in NYC, and visiting more mission-aligned CLTs in the region this spring.

Participating organizations included: Boston Tenant Coalition, Boston Neighborhood CLT, Chhaya CDC, Chinatown CLT, City College, Cypress Hills LDC, Dudley Street Neighborhood Initiative and Dudley Neighbors, Inc., East Harlem El Barrio CLT, Green Roots, Inc., Hester Street Collaborative, Highland Park CLT, Mott Haven Port Morris Community Land Stewards, New Economy Project, Northwest Bronx Community & Clergy Coalition, Reclaim Roxbury, Somerville CLT, Take Root Justice, Urban Farming Institute, and We Stay-Nos Quedamos.



Testimony of Christopher Schuyler, Senior Staff Attorney
New York Lawyers for the Public Interest, Disability Justice Program
To New York City Council, Committee on Technology Jointly with Committee on Land Use
Regarding the Implementation of New York City's Text-to-911 System (March 3, 2020)

For people for who stutter and those with other speech disabilities, the option to text 911 is more than a matter of convenience – it's absolutely essential.

Good afternoon. My name is Christopher Schuyler and I am a Senior Staff Attorney with New York Lawyers for the Public Interest, Disability Justice Program. I am also a person who stutters and an active member of the National Stuttering Association.

Stuttering affects 1% of the general population; accordingly, there are thousands of New York City residents who stutter, not to mention scores of others who work in or visit the city every day. While the root cause of stuttering is believed to be neurological and physiological – rather than psychological – it can be triggered by emotional or situational factors. For instance, some people who stutter experience increased difficulty speaking in situations when time is of the essence. It's also not uncommon for people who stutter to experience heightened difficulties when referring to proper nouns, such as names and places. These communication challenges, while inconvenient in everyday life, can be lifethreatening in a true emergency.

Text-to-911 is imperative for people who stutter because it would remove very real risks of miscommunication. When reporting an emergency, specific details are important – such as location, specific individuals involved, and what is happening. If a person who stutters is unable to verbalize these details, they may not receive the assistance they need in a timely manner.

Additionally, operators that are relatively unexposed to stuttering are liable to misunderstand a person who stutters. Accuracy and clarity in communications is of

<sup>&</sup>lt;sup>1</sup> National Stuttering Association, https://westutter.org/what-is-stuttering/.

<sup>&</sup>lt;sup>2</sup> Id.

<sup>&</sup>lt;sup>3</sup> *Id*.

paramount importance during an emergency. Text-to-911 would alleviate these major and unnecessary barriers to effective communication.

Notably, the benefits of Text-to-911, including increased accuracy and clarity in crucial moments, are benefits shared by groups outside of those with speech disabilities. The increased accuracy and clarity provided by Text-to-911 would also benefit the Deaf and Hard of Hearing communities, visitors with Limited English Proficiency, as well as individuals who need to text subtly, such as people experiencing domestic violence or active shooter situations.

Text-to-911 has been implemented by hundreds of call centers around the country. By failing to implement Text-to-911, New York City is placing countless people at risk every day. New York City must implement Tex-to-911 without further delay.

Christopher Schuyler, Senior Staff Attorney New York Lawyers for the Public Interest 151 West 30<sup>th</sup> Street, 11<sup>th</sup> floor New York, NY 10001 cschuyler@NYLPI.org (212) 244-4664

### About New York Lawyers for the Public Interest

For over 40 years, NYLPI has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, organizing, and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, secure environmental justice for low-income communities of color, and strengthen local nonprofits.

<sup>&</sup>lt;sup>4</sup> Text-911 Master PSAP (public safety answering point) Registry of the Federal Communications Commission, https://www.fcc.gov/files/text-911-master-psap-registryxlsx.



### NYSAFAH Testimony to the New York City Council Land Use Committee on the FY 21 Preliminary Budget March 3, 2020

Thank you, Chairman Salamanca and members of the Land Use Committee for the opportunity to testify today on the Mayor's Preliminary Budget.

NYSAFAH is the trade association for New York's affordable housing industry statewide. Its 375 members include for-profit and non-profit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSAFAH's members are responsible for most of the housing built in New York State with federal, state and local subsidies and incentives.

New York City's housing crisis is resulting in skyrocketing rents, homelessness, and overall housing insecurity for many New Yorkers. A recent NYU Furman Center Report titled *State of New York City's Housing and Neighborhoods in 2018* points out that 53% of all NYC households are rent burdened, and for low-income households it is a staggering 77%. A 2019 NYC Department of City Planning report on *Geography of Jobs*, notes that between 2000 and 2017, NYC permitted more than 390,000 new housing units, but during this same period added 643,000 net new jobs. The fact that job growth exceeded housing growth suggests that NYC's economy continues to draw on a regional workforce and housing supply, leaving us with a worsening situation of shortage of housing.

While there are a few approaches to address this crisis, it starts with ensuring the city has an adequate supply of affordable housing. There is no shortage of research that points to the fact that affordable housing is a quality of life issue that has a profound impact on the mental and physical health of individuals and families. We must all work together to support the creation of more rental opportunities that people can call home.

Working together means taking a close look at our zoning to find where we can increase density in land-scarce but transit-rich parts of New York City. It means that we can't succumb to NIMBYism, at play in all areas of New York City. To truly tackle this problem will require telling some communities: Yes, in your backyard, too. Our communities are critically important to this process and they need to be educated to the fact that neighborhoods will have to grow, and the key is in shaping the growth to get as much affordable housing as possible.

This point is highlighted by a recent Association for Neighborhood Development and Housing analysis of a Furman Center report that showed that the supply of housing serving moderate- and high-income New Yorkers is increasing, while the supply of housing for lower income New Yorkers is decreasing. Moreover, the vacancy rate of high-end rental units (with rents of \$2,000+) has been increasing (7.4% in 2017), but those affordable to lower-income population (with rents of \$800 or less) was decreasing to 1.2%.

The affordable housing crisis will only be hastened if we don't take a long view of the problem and plan for the needs of the city ahead and for the greater good of those who live here. NYC is not the only city in the US facing this problem and we must look at innovation and best practices elsewhere that can be scaled-up to help us here at home.

Thank you again for the opportunity to testify today and for your consideration. I welcome any questions or comments you may have.

Contact: Chris Widelo, Director of External Affairs, at christopher@nysafah.org and (646) 473-1206.

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