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Title: A Local Law to amend the New York city charter, in relation to requiring a comprehensive long-term plan

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Attachments: 1. Summary of Int. No. 2186, 2. Int. No. 2186, 3. December 17, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 12-17-20, 5. Minutes of the Stated Meeting - December 17, 2020, 6. Committee Report 2/23/21, 7. Hearing Testimony 2/23/21, 8. Hearing Transcript 2/23/21

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Int. No. 2186

By The Speaker (Council Member Johnson) and Council Members Reynoso, Lander, Rivera, Gibson, Kallos, Salamanca, Brannan, Levin, Rodriguez, Powers, Rosenthal, Rose, Eugene, Ayala, Cabán and Koo

A Local Law to amend the New York city charter, in relation to requiring a comprehensive long-term plan

Be it enacted by the Council as follows:

Section 1. Section 17 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 17 [Strategic Policy Statement] Citywide Goals Statement. a. On or before [the fifteenth day of November of nineteen hundred ninety] April 15, 2023, and every [four] five years thereafter, the [mayor] director of the office of long-term planning shall submit a preliminary citywide goal statement for the city to the borough presidents, council and community boards. Prior to the release of the preliminary statement, the director shall convene at least one public meeting in each borough to solicit proposed goals in response to the long-term issues identified in the conditions of the city report.

b. Such preliminary statement shall include: (i) [a summary of the most significant long-term issues faced by the city; (ii)] citywide policy goals related to the long-term issues identified in the conditions of the city report required by subdivision j of section 20 which shall include but not be limited to goals to reduce and eliminate disparities across race, geography, and socioeconomic status in access to opportunity and the distribution of resources and development; (ii) [(iii) proposed strategies for meeting such goals.] quantitative citywide targets for housing, jobs and associated needed commercial, retail, and industrial space, open space, resiliency infrastructure, city facilities, school seats, public transportation, public utilities, and other infrastructure that the director of the office of long-term planning finds appropriate to include; and policy goals pertaining to the waterfront, with such targets established by the long-term planning steering committee and informed by the conditions of the city report; (iii) criteria and methodology established by the long-term planning steering committee for determining quantitative community district level targets for each community board within each category enumerated in paragraph ii of this subdivision, which shall include but not limited to prioritizing population growth, where applicable, in areas that have high access to opportunity and low risk for displacement, as determined by the conditions of the city report prepared pursuant to section 20; and (iv) a statement of the planning policy of the department of city planning and city planning commission, which shall take into consideration, at a minimum, the information contained in the conditions of the city report. In preparing such citywide goals statement [of strategic policy], the [mayor] director of the office of long-term planning shall consider the strategic policy statements prepared by the borough presidents pursuant to

subdivision fourteen of section eighty-two.

[b] c. On or before [the first day of February of nineteen hundred ninety-one] July 1, 2023, and every [four] five years thereafter, the [mayor] director of long-term planning shall submit a final citywide goals [strategic policy] statement for the city to the borough presidents, council and community boards. The final statement shall include such changes and revisions as the [mayor] director of the office of long-term planning deems appropriate after reviewing the comments received on the preliminary citywide goals [strategic policy] statement. The director of the office of long-term planning shall hold at least one hearing in each borough for the public to comment on such preliminary citywide goals statement no less than 30 days prior to the release of the final citywide goals statement.

§ 2. Paragraph 1 of subdivision b of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

1. develop and coordinate the implementation of policies, programs and actions to meet the long-term needs of the city, with respect to its infrastructure, environment [and], overall sustainability and equitable distribution of resources and development citywide, including but not limited to the categories of housing, open space, brownfields, transportation, water quality and infrastructure, air quality, energy, [and] climate change; economic development, land use, public health, and arts and culture; the resiliency of critical infrastructure, the built environment, coastal protection and communities; and regarding city agencies, businesses, institutions and the public;

§ 3. Subdivision d of section 20 of the New York city charter is REPEALED.

§ 4. Subdivision e of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[e] d. Long-term [sustainability] plan. 1. The director shall develop and coordinate the implementation of a comprehensive[,] long-term [sustainability] plan for the city. Such plan shall include, at a minimum:

[i. an identification and analysis of long-term planning and sustainability issues associated with, but not

limited to, housing, open space, brownfields, transportation, water quality and infrastructure, air quality, energy, and climate change; and

ii. goals associated with each category established pursuant to paragraph one of subdivision b of this section and any additional categories established by the director, and a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal by no later than April twenty-second, two thousand thirty.]

i. policies and strategies for achieving the goals set forth in the citywide goals statement prepared pursuant to section 17 and for each such policy or strategy identified, capital, and expense budget needs required to implement each such policy or strategy;

ii. an analysis of the portions of the zoning resolution that merit reconsideration in light of the planning policy of the department of city planning and city planning commission and proposals for implementing such planning policy whether by amendment of the zoning resolution, development of plans, or otherwise;

iii. quantitative community district level targets for housing, jobs including associated needed commercial, retail, and industrial space, open space, resiliency infrastructure, city facilities, school seats, public transportation, public utilities, and other infrastructure corresponding to each such district that the director of the office of long-term planning finds appropriate to include;

iv. three potential land use scenarios for accommodating the community district level targets established by clause iii of this paragraph, each of which shall include all applicable proposed future land uses, including but not limited to: residential, commercial, industrial, institutions, open space, transportation, and utilities, with indications for relative height and density. Each of the three potential land use scenarios shall prioritize: (1) areas for population growth, where applicable, that have high access to opportunity and low risk for displacement, as determined by the conditions of the city report prepared pursuant to section 20, and (2) any other priorities identified by the director through the public engagement process pursuant to paragraph 3 of this subdivision; and

v. the capital investment needs of each community district under current conditions, any projects corresponding to the community district found in the most recent capital commitment plan, and any additional capital needs to accommodate the community district level targets.

2. [No later than April twenty-second, two thousand eleven, and no later than every four years thereafter, the director shall develop and submit to the mayor and the speaker of the city council an updated long-term sustainability plan, setting forth goals associated with each category established pursuant to paragraph one of subdivision b of this section and any additional categories established by the director, and a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal by no later than twenty years from the date each such updated long-term sustainability plan is submitted. No later than two thousand fifteen, and no later than every four years thereafter, the plan shall also include a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal relating to the resiliency of critical infrastructure, the built environment, coastal protection and communities. Such updated plan shall take into account the population projections required pursuant to subdivision d of this section. An updated] Such plan shall include [, for each four-year period beginning on the date an updated plan is submitted to the mayor and the speaker of the city council,] implementation milestones for each policy, program and action contained in such plan including an identification of the responsible agency and a projected timeline for completion, where applicable, [. An updated plan] and shall report on the status of the milestones contained in the immediately preceding [updated] plan. Where any categories, goals, policies, programs or actions have been revised in, added to or deleted from a [an updated] plan, or where any milestone has been revised in or deleted from a [an updated] plan, the plan shall include the reason for such addition, revision or deletion. [The director shall seek public input regarding an updated plan and its implementation before developing and submitting such plan pursuant to this paragraph. The director shall coordinate the implementation of an updated long-term sustainability plan.]

3. Following the release of the citywide goals statement required by section 17, the director shall hold at

least one public meeting within each community district to solicit input on the draft comprehensive long-term plan.

4. No later than April 15, 2024, and no later than every tenth April 15 thereafter, the director shall submit to the council, borough presidents, and community boards a draft comprehensive long-term plan.

5. No later than 150 days after the submission of the draft comprehensive long-term plan, the long-term planning steering committee, applicable borough presidents, and applicable community boards shall each submit to the speaker of the city council a recommended preferred land use scenario for each applicable community district and may adopt suggested amendments to the corresponding community district level targets.

6. No later than February 15, 2025 and no later than every tenth February 15 thereafter, the council shall, after a hearing on the draft comprehensive long-term plan, adopt a single resolution establishing one preferred land use scenario for each community district. If the council fails to adopt a preferred land use scenario for each community district by such date, the director shall select preferred land use scenarios, which shall be accompanied by a written narrative describing the director's selection process.

7. Not later than June 5, 2025, and every tenth June 5 thereafter, the director shall submit to the speaker of the city council, borough presidents, and community boards, a final comprehensive long-term plan prepared in accordance with the provisions of this section. The final comprehensive long-term plan shall include the preferred land use scenario and community district level targets adopted by the council for each community district. If the council failed to adopt a preferred land use scenario, the final comprehensive long-term plan shall include the preferred land use scenario selected by the director for each community district. The director shall consider all public feedback in producing the final plan.

8. The plan required by this subdivision, and any amendment thereto, shall be subject to the provisions of the city environmental quality review procedure and shall be designed to also serve as, or be accompanied by, a generic environmental impact statement developed pursuant to the state environmental quality review act

statute and regulations. No further compliance with such law shall be required for subsequent site specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.

9. If the citywide goals statement pursuant to subdivision d of section 17 adds, eliminates, or substantially changes the community district level targets pursuant to subdivision a of section 17 by increasing or decreasing the targets by more than ten percent, the director shall produce an amendment to the comprehensive long-term plan no later than June 4 in the fifth year following the release of the draft comprehensive long-term plan pursuant to this section. The director shall convene at least one public meeting in each borough on the updated comprehensive long-term plan and provide opportunities for the public to comment. Following the public meetings, any proposed updated preferred land use scenario shall be subject to council review and adoption pursuant to the procedures of paragraph 3 of this subdivision.

§ 5. Subdivision f of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[f] e. Review and reporting. 1. No later than December 31, 2022, [April twenty-second, two thousand nine,] and no later than every December 31 [April twenty-second] thereafter, the director shall prepare and submit to the mayor, [and] the speaker of the city council, and the long-term planning steering committee a report on the city's long-term planning and sustainability efforts. In those years when an updated long-term [sustainability] plan is submitted pursuant to paragraph two of subdivision [e] d of this section, such report may be incorporated into the updated long-term [sustainability] plan. The report shall include, at a minimum:

i. the city's progress made to implement or undertake policies, programs and actions, including the community district level targets, included in the [sustainability] comprehensive long-term plan [or updated sustainability plan required by subdivision e of this section] and the ten-year capital strategy prepared pursuant to section 215, since the submission of the most recent plan [or updated plan] or report required by this paragraph, which shall include all city-initiated land use actions studied, scoped, or filed since the prior report;

and

ii. any revisions to policies, programs or actions in the previous long-term [sustainability] plan, including the reason for such revision.

§ 6. Subdivision g of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[g] f. [There shall be a sustainability advisory board whose members, including, at a minimum, representatives from environmental, environmental justice, planning, architecture, engineering, coastal protection, construction, critical infrastructure, labor, business and academic sectors, shall be appointed by the mayor. The advisory board shall also include the speaker of the city council or a designee and the chairperson of the council committee on environmental protection or a designee. The advisory board shall meet, at a minimum, twice per year and shall provide advice and recommendations to the director regarding the provisions of this section.]

Long-term Planning Steering Committee. 1. There shall be a long-term planning steering committee consisting of thirteen members appointed by the mayor, speaker of the city council, and borough presidents. No later than February 1, 2022, the mayor shall appoint four members to the committee, the speaker of the city council shall appoint four members to the committee, and each borough president shall appoint one member each to the committee. In the event of a vacancy on the committee, a successor shall be chosen in the same manner as the original appointment. The committee shall include individuals who are members of groups historically underrepresented in planning and land use decision-making processes. Each appointed member shall have expertise in one or more of the following areas: planning, transportation, sustainability, resilience, housing, public utilities, social services, and economic development.

2. The steering committee shall: i. establish the citywide targets described by section 17 by majority vote no later than March 1, 2023 and every tenth March 1 thereafter, and as necessary revise no later than July 1 of the corresponding year;

ii. meet, at a minimum, twice per year and provide recommendations to the director regarding the provisions of this section;

iii. hold at least one annual hearing on the planning process and implementation of the comprehensive long-term plan;

iv. adopt criteria and methodology for establishing the three potential land use scenarios pursuant to subparagraph vii of subdivision d of section 20, no later than March 1, 2023 and every tenth March 1 thereafter, and as necessary revise no later than July 1 of the corresponding year;

v. adopt the community district level targets for any category within the previously adopted citywide targets, no later than February 1, 2024 and every tenth February 1, 204 thereafter; and

vi. no later than January 31 of each year, issue a report to the mayor and speaker of the city council that describes each meeting held by the committee and any other activities undertaken by the committee for the immediately preceding year.

3. Borough Steering Committees. The long-term planning steering committee shall no later than September 1, 2022 convene borough steering committees to inform the comprehensive long-term planning process and the long-term planning steering committee's obligations under paragraph 2 of this subdivision. In convening borough steering committees, the long-term planning steering committee shall ensure each borough steering committee reflects the diversity of each borough with respect to race, ethnicity, earnings, age, gender, ability, homeownership rates, and immigration status among other factors determined by the long-term planning steering committee. The borough steering committee shall provide recommendations to the comprehensive long-term planning steering committee on the citywide targets and potential land use scenario criteria and methodologies and on the committee's preferred land use planning scenario for each community district. Such recommendations, upon their transmittal to the steering committee, shall be sent to the mayor, speaker, borough presidents, and community boards.

§ 7. Subdivision h of section 20 of the New York city charter, as added by local law 17 of 2008, is

amended to read as follows:

[h] g. The director shall post on the city's website, a copy of each [sustainability] comprehensive long-term plan required by subdivision [e] d of this section, and all reports prepared pursuant to this section, within ten days of their completion.

§ 8. Subdivisions i and j of section 20 of the New York city charter are renumbered h and i, respectively.

§ 9. Section 20 of the New York city charter, as added by local law 17 of 2008, is amended to add subdivision j as follows:

j. Conditions of the City report. 1. No later than February 7, 2023, and every five years thereafter, the director shall prepare and submit a report detailing the existing conditions of the city for the purpose of comprehensive long-term planning. No sooner than six months prior to the date established for the release of the report required by this subdivision, the director shall convene at least one public meeting in each borough to solicit feedback on existing conditions and areas of inquiry.

2. Such report shall include: i. a summary of the most significant long-term issues faced by the city as determined by the director and an identification and analysis of comprehensive long-term planning and sustainability issues associated with, but not limited to housing, employment, open space, transportation, education, city facilities and infrastructure, resiliency, energy, climate change, public health, arts and culture, economic development, zoning, and land use;

ii. an analysis of overall changes in demographic, housing, and economic data over the prior 20 years and projections for the subsequent 20 years, including population, race, ethnicity, age, and household family structures; housing market and production data; and changes in employment, the number and size of businesses, and industry sectors, and wages, as available;

iii. an assessment of the city's existing and projected affordable housing needs, with respect to the number and size of units, depth of affordability, and unit habitability, including projected needs for maintenance, repairs, capital improvements, and expiring regulatory tools for the city's existing affordable

housing stock;

iv. a displacement risk index designed to predict areas with populations that are at risk for physical displacement based on indicators of population vulnerability, including but not limited to development potential, construction activity, median rents and rates of rent burden, housing market changes including residential property sales prices and the number and share of rent-stabilized units, eviction rates, employment and wage data, poverty rates, and projected climate change impacts;

v. an access to opportunity index that identifies disparities among populations with respect to social, economic, and physical determinants including but not limited to access and proximity to existing civic infrastructure including schools, libraries, health care centers, child care centers, parks and open space, proximity to public transit; the quality of existing transportation infrastructure including streets and sidewalks; school performance and graduation rates; proximity to employment; and access to healthy food;

vi. an assessment of segregation, including, but not limited to, fair housing and school segregation by race, ethnicity, or income;

vii. a climate change adaptation analysis that identifies short-, medium- and long-term threats to the city, including but not limited to those projections made by the New York city panel on climate change pursuant to paragraph 2 of subdivision 2 of section 3-122 of the administrative code;

viii. an assessment of waterfront resources for the natural waterfront, the public waterfront, the working waterfront, and the developing waterfront;

ix. rankings indicating how saturated each community district is with respect to city facilities and services discussed in section 203;

x. a physical needs assessment that assesses and rates the physical condition and state of repair of the city's capital assets, including, but not limited to, buildings, facilities, infrastructure, systems, or components thereof. Such physical needs assessment shall include a resiliency score for each capital asset calculated in accordance with a resiliency score matrix prepared by the office. Such resiliency score matrix may include but

need not be limited to features such as elevation to reduce the risk of flooding over the anticipated useful life; flood-proofing of structures or equipment; energy efficiency; energy resilience, including energy storage with or without use of on-site renewable energy generation; and on-site storm water capture and management. Such physical needs assessment shall be prepared or reviewed by professional engineers or architects after a field inspection and shall contain a recommendation of whether to repair, replace or maintain each capital asset or component thereof, or take no action, as well as an assessment of the urgency and purpose of any such recommended action;

xi. an analysis of the five most recent social equity reports on the social economic and environmental health of the city required by section 16 of the Charter including data on the social, economic, and environmental conditions; gender, racial, ethnic and income disparities; and disparities relating to sexual orientation, as well as other disparities as may be identified by such report, which may include national origin, citizenship status, age, and disability status, across the domains of education, health and wellbeing, housing, empowered residents and neighborhoods, economic security and mobility, core infrastructure and the environment, personal and community safety, and diverse and inclusive government;

xii. a summary of the significant plans and studies completed or undertaken by the department of city planning and adopted plans proposed pursuant to section 197-a in the preceding ten years; and

xiii. an analysis of all rezonings adopted no less than 10 years and no greater than 15 years prior to the release of the report required by this subdivision where the (1) amendments to the zoning regulations pertaining to such area were proposed by the city or a local development corporation; (2) the city planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of section 197-c of the charter; (3) the city planning commission decision was approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; or (4) the amendments involved at least 10 blocks of real property in such area or increased permitted floor area by at least one million square feet. Such analysis shall

review the impacts of such rezonings, including but not limited to changes in land use, production of housing units and affordable housing units, production of commercial and industrial space, median market-rate rent, project area population and key characteristics such as race, ethnicity, median household income, project area businesses, employment, and industry sectors and evaluate these impacts in comparison to the stated policy goals of the project.

§ 10. Subdivision 14 of section 82 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

14. On or before [the first day of] September 1, [nineteen hundred ninety] 2022, and every [four] five years thereafter, prepare a strategic policy statement for the borough and provide copies of such statement to the mayor, council, [and] community boards in the borough, and the director of the office of long-term planning. Such statement shall include: (i) a summary of the most significant long-term issues faced by the borough; (ii) policy goals related to such issues that reduce and eliminate disparities across race, geography and socioeconomic status in access to opportunity and the distribution of resources and development; and (iii) proposed strategies for meeting such goals. In preparing the statement, the borough president shall consult with the community boards in the borough.

§ 11. Subdivision b of section 197-c of the New York city charter, as amended by a vote of the electors on November 7, 1989 is amended to read as follows:

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, [and] (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law, and (5) a statement of alignment describing how the application aligns, conflicts, or is not applicable to the comprehensive long-term plan prepared pursuant to subdivision d of section 20. The

department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

§ 12. Subdivision c of section 197-c of the New York city charter is amended to read as follows:

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. The department shall promulgate rules to determine whether such applications align with the comprehensive long-term plan required by subdivision d of section 20. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

§ 13. Subdivision h of section 197-c of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected

borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of citywide administrative services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action. A written explanation of the rationale for such action shall accompany any (i) action of the city planning commission, or (ii) written recommendation of a community board, borough president, or borough board, which approve or modify an application which conflicts with the comprehensive long-term plan prepared pursuant to subdivision d of section 20.

§ 14. Paragraph 1 of subdivision b of section 197-d of the New York city charter is amended to read as follows:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph three of subdivision a of section one hundred ninety-seven that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20, a matter described in paragraph [or] eight of subdivision a of section one hundred ninety-seven-c, a disposition of residential real property (as defined in this paragraph) pursuant to paragraph ten of subdivision a of section one hundred ninety-seven-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section one hundred ninety-seven-a that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20, or a change in the text of the zoning

resolution pursuant to sections two hundred or two hundred one that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20. For purposes of this section, residential real property shall mean real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but shall not include property subsequently converted to non-residential use;

§ 15. Section 205 of the New York city charter is REPEALED.

§ 16. Subdivisions b and c of section 215 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

a. The ten-year capital strategy shall be issued by the mayor pursuant to section two hundred forty-eight after [(i)] 1. submission of a preliminary strategy by the department of city planning and the office of management and budget pursuant to section two hundred twenty-eight, and [(ii)] 2. submission of a report on the preliminary strategy by the city planning commission following a public hearing, pursuant to section two hundred thirty-four.

b. Contents of ten-year capital strategy. Each ten-year capital strategy shall include:

[(1)] 1. A section detailing the cost to maintain existing city infrastructure and public buildings in a state of good repair so as to preserve structural integrity and prevent deterioration. This section shall include a cost estimate for every action recommended in the physical needs assessment required by subdivision j of section 20, and shall be prepared or reviewed by the professional engineers or architects who prepared or reviewed the physical needs assessment or by professional engineers or architects registered in the state of New York and employed by the office of management and budget or the agencies involved. The cost estimates shall be organized by agency and completed without regard to whether funds are available at the time the ten-year capital strategy is completed to do the work projected by the physical needs assessment;

2. [a] A narrative describing the strategy for the construction and development of [the] new city[']s capital facilities and infrastructure for the ensuing ten fiscal years; the factors underlying such strategy including goals, policies, constraints and assumptions and the criteria for assessment of capital needs and how

those factors align with each goal or citywide budget priority set forth in the comprehensive long-term plan prepared pursuant to subdivision d of section 20 or any new goals or budget priorities set forth in the amendment to the draft comprehensive long-term plan; the anticipated sources of financing for such strategy; and the implications of the strategy, including possible economic, social and environmental effects. This section shall include tables presenting the capital commitments that would need to be made during each of the ensuing ten fiscal years, by program category and agency, to complete the projects proposed therein, regardless of whether such funds will actually be available or committed in the applicable build years; and

[(2) tables presenting the capital commitments estimated to be made during each of the ensuing ten fiscal years, by program category and agency. Where relevant the anticipated sources of financing for particular categories and projects shall be specified; and]

[(3)] 3. a map or maps which illustrate major components of the strategy as relevant.

c. Any project included in the ten-year capital strategy which addresses a goal or budget priority identified in the comprehensive long-term plan required by subdivision d of section 20 or that fulfill the capital investment needs of each community district as set forth in subdivision d of section 20, shall be so identified in the ten-year capital strategy.

[c] d. In the preparation of the preliminary ten-year capital strategy, the department of city planning and office of management and budget shall consider [(i)] 1. the citywide goals statement and the strategic policy statements of [the mayor and] the borough presidents [pursuant to section seventeen, (ii)] 2. relevant citywide, borough and community plans adopted pursuant to section one hundred ninety seven-a, 3. the physical needs assessment, and [(iii)] 4. the reports pursuant to section two hundred fifty-seven comparing the most recent ten-year capital strategy with the capital budgets and programs adopted for the current and previous fiscal years.

§ 17. Subdivision d of section 219 of the New York city charter, as renumbered and amended by a vote of the electors on November 7, 1989, is amended to read as follows:

d. The mayor shall require each agency to prepare and submit periodic reports in regard to the progress

of its capital projects and projected capital projects for the succeeding ten fiscal years, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. If such proposed, added, or projected project was not previously anticipated by the physical needs assessment or ten-year capital strategy, the agency shall provide an assessment of the necessary addition or deviation. Such reports shall be published at least three times each year: no later than 120 days after the adoption of the capital budget; no later than 30 days after submission of the preliminary capital budget; and no later than 30 days after submission of the executive capital budget. Copies of such reports shall be transmitted by the mayor to the council, the city planning commission, the community boards, the borough boards and borough presidents, and posted online on the website of the office of management and budget in a machine-readable format. Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

§ 18. Section 228 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 228 Draft ten-year capital strategy. Not later than the first day of November [in each even-numbered year] 2024 and every five years thereafter, the director of management and budget and the director of city planning shall jointly submit to the mayor, the council, the borough presidents and the city planning commission a draft ten-year capital strategy prepared in accordance with the provisions of section two hundred fifteen.

§ 19. Subdivision a of section 230 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

a. Not later than thirty days prior to the date set by the mayor in accordance with section two hundred thirty-one for the submission of departmental estimates, each community board shall submit to the mayor and the appropriate borough president a statement of its expense budget priorities and a statement of its capital budget priorities for the ensuing fiscal year, in such form and containing such information as the mayor shall

prescribe. The form prescribed by the mayor shall include (i) a method by which continuing support may be expressed by a community board for existing programs and capital projects; [and] (ii) reasonable limitations on the total number of expense and capital budget priorities which a community board may propose; and (iii) a requirement that the community board identify whether each such expense and capital budget priority was included in the most recent statement of community district needs required by paragraph 10 of subdivision d of section 2800 and the reason for identification of any new needs or reprioritization. The mayor shall provide each community board with reasonable notice of the date set for the submission of such priorities. The mayor shall ensure that representatives of each agency that delivers local services, or is responsible for capital projects, within any community district shall be available for consultation with the community board for such community district in the preparation of its statement of budget priorities.

§ 20. Section 234 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

Not later than the sixteenth day of January [in each odd numbered year] 2025 and every five years thereafter, the city planning commission shall submit to the mayor, the borough presidents and the council a report containing its comments on the draft ten-year capital strategy submitted in accordance with section two hundred twenty-eight of this chapter, including such recommendations as it deems appropriate. The city planning commission, in the preparation of such report, shall, upon adequate public notice, hold a public hearing at which interested organizations and individuals may express their opinions regarding the draft ten-year capital strategy.

§ 21. Section 248 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

Not later than the twenty-sixth day of April [in each odd-numbered year] 2025 and every five years thereafter, the mayor shall issue and publish a ten-year capital strategy, prepared in accordance with the provisions of section two hundred fifteen of this chapter.

§ 22. Subdivision f of section 1110-a of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

f. Not later than the first day of October of each year, commencing in nineteen hundred ninety and ending in 2022, the mayor shall transmit to the council estimates for the ensuing fiscal year and for each of the three succeeding fiscal years of the amounts, by agency and project type and, within project type, by personal services and other-than-personal services, necessary to maintain all major portions of the capital, consistent with the maintenance schedules on file with the mayor pursuant to subdivision e of this section. Such estimates shall be prepared or reviewed by the professional engineers or architects who prepared or reviewed such maintenance schedules or by professional engineers or architects registered in the State of New York and employed by the office of management and budget or the agencies involved. Such architects or engineers shall set forth in writing (1) their opinions as to the reasonableness of such estimates and whether such estimates have been logically derived from such maintenance schedules and (2) their recommendations, if any, for changes in such estimates. Such opinions and recommendations shall be centrally stored and accessible to any interested party.

§ 23. Section 1110-a of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to add a new subdivision h to read as follows:

h. Not later than the first day of October 2023, and not later than October 1 of each year thereafter, the mayor shall transmit to the council and post online in machine-readable format, an updated recommendation of whether to repair, replace or maintain each capital asset or component thereof, or take no action for every item deemed to be in poor condition or to require urgent maintenance or replacement pursuant to the physical needs assessment mandated by subdivision j of section 20. Such recommendation shall be accompanied by a cost estimate for the work projected by the recommended action. Such recommendations and estimates shall be prepared in the same manner as the recommendations contained in the physical needs assessment and the estimates contained in ten-year capital strategy pursuant to paragraph 1 of subdivision b of section 215.

§ 24. Paragraph 10 of subdivision d of section 2800 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

(10) Prepare and submit to the mayor, [on or before a date established by the mayor] no later than September 15, 2022 and every two years thereafter, [an annual] a statement of community district needs in a form and containing such information as the mayor shall prescribe. The form prescribed by the mayor shall include: [including] a brief description of the district, the board's assessment of its current and probable future needs, [and] its recommendations for programs, projects, or activities to meet those needs, and a standardized qualitative and quantitative survey, including, but not limited to, ranked expense and capital budget priorities.

§ 25. Subdivision b of section 668 of the New York city charter, as amended by local law number 83 for the year 2017, is amended to read as follows:

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation included in the comprehensive long-term plan required by subdivision d of section 20 or filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

§ 26. Section 5 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 5. Annual statement to the council. The mayor shall communicate to the council at least once in each year a statement of the finances, government and affairs of the city with a summary statement of the activities

of the agencies of the city. [Such statement shall include a summary of the city's progress in implementing the goals and strategies contained in the most recent final strategic policy statement submitted by that mayor pursuant to section seventeen.]

§ 27. Sections 3, 8, 9, 15, 16, and 17 of this local law shall take effect February 7, 2023; sections 1 and 26 of this local law shall take effect April 15, 2023; sections 2, 12, and 20 of this local law shall take effect immediately; sections 4 and 7 of this local law shall take effect April 15, 2024; section 5 of this local law shall take effect December 31, 2022; section 6 of this local law shall take effect February 1, 2022; sections 10 and 19 of this local law shall take effect September 1, 2022; sections 11, 13, 14, and 25 of this local law shall take effect June 5, 2025, section 18 of this local law shall take effect November 1, 2024; section 22 of this local law shall take effect January 16, 2025; section 21 of this local law shall take effect April 25, 2025; section 23 of this local law shall take effect October 1, 2023; and section 24 of this local law shall take effect September 15, 2022.

LCB
12/16/20