NYC Racial Justice Commission

Transforming Foundations: Planning for a Racially Equitable Future

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• Nicholas Bloom
• Darrick Hamilton
• Michella de Lauz

Jennifer Jones Austin (JJA): 00:00
Are you there? Tell me -- Okay, don't lose you, we're --

Jimmy Pan (JP): 00:05
Here, we're here.

JJA: 00:20
Good morning everybody, I am having problems accessing the document while I'm with you, just, it's just proving not to be a good day -- Wait wait wait, hopefully we're here. Alright, alrighty, I think we're in and I think I'm completely good and again, I apologize to everybody. First, couldn't get in and then, couldn't open the document but i believe we are here and ready to go

Anusha Venkataraman, RJC (AV): 01:08

Great, and Jennifer, before we begin, just you know, the phone number that's there is Fred.

JJA: 01:15
Very good, alrighty, but we will make it work and I don't want to hold people up any longer. I'll figure it out as we go. Alright, are we letting people in? Are we ready to begin our panelists here?

Henry Garrido (HG): 01:45
We're ready to go.

JJA: 01:47
Okay, alright. Good afternoon, good afternoon everyone. I'm Jennifer Jones Austin and as you can tell, given that it's 3:06, but I'm having a little bit of a challenging afternoon, but hopefully I'm beyond the challenges right now. Accepting the fact that you can't really see me well, but we'll take care of that in just a minute. I want to thank you all for joining the Racial Justice Commission this afternoon for what I anticipate will be a very rich and meaningful afternoon of information and dialogue about critical issues in New York City and around the nation concerning continuing racism.

The aim of the Racial Justice Commission is to identify within the New York City Charter, which is our Constitution, the laws, the foundational structures that have allowed racism to persist through government functioning in government relations with the community, with businesses, and with other enterprises. You know, since the founding of New York and in the years since, we are looking to you experts and thought leaders, subject matter experts, to help us understand how we as Commission Members appointed by the Mayor, but dare I say, not beholden to the Mayor, how we can take the first steps for the city to begin to dismantle the systemic racism that persists because of structural laws embedded in the New York City Charter. So we want to talk to you, hear your experiences, your thoughts, your ideas -- We want you to point us in the direction in which we should be moving and help us to essentially dig deeper and understand what we may not already know. We are talking with many people throughout New York City and across the nation to gather as much information as we possibly can. We are a Commission of 11 persons, New York City-based persons from the five boroughs.

On this call with us today, on this Zoom, are several Commission Members. I will call their names. Our Vice Chair is Henry Garrido, we have Commissioner Jo-Ann Yoo, Commissioner Chris Kui, we have Commissioner Phil Thompson, Commissioner Ana Bermudez, Commissioner Lurie Daniel Favors, and Commissioner Fred Davie. And there are several others, just a few other Commissioners who cannot be with us today and their names are on the Racial Justice Commission website. I try to do it off the -- They are K. Bain, Yesenia Mata, that may be it. I think that's it. We're also joined by our Executive Director, Anusha Venkatarman, and then several of our Racial Justice Commission leadership and staff. You'll also see that we have an ASL interpreter who is with us as well. So these meetings are public, oh, and Darrick Hamilton, forgive me. I forgot, I knew I was missing someone. Forgive me.

Thank you Lurie. Commissioner Darrick Hamilton. And I hope he forgives me for not remembering him in the moment. I certainly do remember him but just not in this moment. Alright, appreciate all that he's doing. So we're here to hear from you -- We've lost a few minutes, we're going to gain them on the other end, we're not going to take them from you, but we're going to find a way to make sure that we're hearing from all of you.

This way, this is set up, there are three panels and the first panel, each panel has been asked to speak for a period of no more than eight minutes, and then we will have dialogue with the Commissioners with the panel list. This is not a Commission or to Commissioner dialogue -- That is reserved for public Commission meetings. This is a panel meeting and the purpose of this is to hear directly from you and then to dialogue with you. Excuse me. So I'm just going to jump right in, however first, I'm just going to ask Anusha, is there anything that I'm leaving out that everybody needs to be mindful of.

AV: 06:39
No, I think that's a wonderful introduction. Thank you.

JJA: 06:42
Okay, good. Let's just jump right to it. The first panel, three persons -- Sheila Foster, Raya Salter, and Summer Sandoval.

Sheila Foster, the Scott K. Ginsberg Professor of Urban Law and Policy at Georgetown University -- Foster's a recognized authority on the role of cities and city leadership in promoting social and economic welfare, achieving environmental and climate justice, improving global governance and addressing racial inequality. From 2017 to 2020, she served as the Chair of the Advisory Committee of the Global Parliament of Mayors and is currently a member of the New York City's Mayor, New York City Mayor' Panel on climate change. She's [also] the Co-Chair of the Equity Work Group.

Raya Salter is an attorney educator and clean energy law and policy expert with a focus on energy and climate justice. She's the Principal of Imagine Power, LLC, and a member of the New York State Climate Action Council, which is developing New York's plan to reach the nation's leading climate action goals. She's also the policy organizer for the NY Renews Climate Justice Coalition.

And thirdly, we have Summer Sandoval, who is the Energy Democracy Coordinator at UPROSE. In this role, Summer leads many energy democracy campaigns such as developing New York's first community solar cooperative, fighting power plants and implementing a local just transition through UPROSE's community-led comprehensive waterfall plan called the Green REsilient Industrial District Grid Plan.

So I'm going to ask each panelist to speak for about eight minutes, and we will follow each one. We won't ask you questions in between, and then the Commissioners will engage in a Q&A dialogue with the three of you. So let us begin with Sheila Foster. Thank you.

Shelia Foster (SF): 08:48
Thank you so much, and it's such an honor to be here. And let me dive right into my remarks because I know that eight minutes will go by quickly, but it's an honor to share the panel with Summer as well as Raya. So I've spent my career as the other panelists have on issues of environmental climate justice and in particular, the legal and policy processes that lead to the distributional inequities in the way that BIPOC communities have experienced for many years.

First, I'll say that the environmental justice concept understands the environment as the places or communities where we live, work, and play, and these communities have, as it's been established, more pollution and toxic exposure, they're hit harder by climate impacts, heat, flooding, they have higher energy burdens including energy bills and they live in less efficient homes. At the same time, they have less access to clean water, green space, green amenities, and affordable and quality housing as well as less access to energy generation that is distributed such as micro grids as well as rooftop solar panels for instance. And COVID has laid bare these vulnerabilities as we know in a Harvard study, which previous studies have shown these communities are unequally exposed to, and the roots of all of this vulnerability, this ecological and social vulnerability in these communities, is a manifestation of the systemic racism that was already mentioned, and this includes a history of racial covenants -- Racial zoning by local governments, redlining, and urban renewal, and slum clearance programs, the legacy of which has been entrenched and exacerbated by the way that we zone today. Exclusionary zoning practices and predatory property tax and mortgage foreclosures in communities of color --

And so there's been a history of land dispossession and displacement in these communities that continues today through market-based development policies that gentrify these communities and that's made worse by decades of under investment and disinvestment. So my recent work focuses really on how our legal and regulatory system can be reformed in ways that support the creation of healthy sustainable and just communities that provide equitable access to green space amenities, clean air, water, healthy food, affordable housing, high-speed broadband in safe neighborhoods.

The history that I talked about has created an uneven playing field that prevents residents in these communities from receiving these resources or from participating equally in local decision-making processes and the high and rising value of urban land in places like New York City also is a barrier, as we've seen, to the provision of these goods. Increasingly, many residents in these kinds of communities across the U.S., in New York City, and really across the world, are beginning to assert their right to urban infrastructure, vacant land, and structures to build affordable housing. You know, community cooling centers, urban gardens, entrepreneurial spaces, and other kinds of localized, heavily hyper local goods in some cities

for instance. Mothers have led the movement to occupy vacant homes that are owned by local governments or state governments to address homelessness and housing instability at a time when the COVID pandemic has made paying rent unmanageable for so many. And despite the risk that they can be removed at any minute by their local government and communities. Here in New York, we have [also] long struggled to maintain access to community gardens on vacant land for instance.

So in my work, I've argued that this available vacant, underlying, underutilized urban land and infrastructure under the control of the local government should be more than just assets for market exchange, but should be considered a common resource that can be utilized and shared with these communities. My colleagues and I, as part of the larger research project called Co-Cities, have identified examples of policies and initiatives and cities working with these communities, particularly the most vulnerable, to share this available urban infrastructure to co-create with these communities housing, broadband energy, food, and other critical resources to help them survive and thrive in urban environments. And we're beginning to see local governments utilize this idea to make bold investments in BIPOC communities as a response to systemic racism. So the City of Seattle for instance, recently announced it would transfer one million dollars in the fire station to the Africatown Community Land Trust designed to help that historic Black community develop affordable housing and business opportunities for its residents, and its a collaborative effort between the community, in the cities' Department of Neighborhood and planning these initiatives. And efforts are very much linked to the idea of the right to a city, which has been a principle codified in City Charters and also state and federal laws abroad. Most recently, the Mexico City Charter, but also Mexico City built on the experience of similar initiatives, including Brazil's City Statute, the Montreal Charter of 2006 in the World Charter on the right to the city.

So my proposal is to suggest an amendment to the New York City Charter that embraces a similar right to the city, focused on a commitment to the equitable use and sharing of city infrastructure according to principles of sustainability, democracy, equity, and social justice. And this would entail the following three aspects, and I'll stop here first -- A civic or community use, right to urban infrastructure which would be rooted in the social function of property principle, which is included in many of these Charters. My study of this principle is that it elevates community use, value of public infrastructure such as vacant land and structures over market exchange value. It would privilege communities utilizing vacant land in structures under the authority of the local government in under-invested communities and would work with public authority to engage residents in the construction of affordable housing and other goods that are put into limited equity legal instruments that maintain the affordability of these goods over time. So principle one is a civic or community use, right to urban infrastructure.

Principle two would be public community partnerships which facilitate the right of communities to use and collectively manage these land or structures under the control of local authorities to form new community-based enterprises constructed from these abandoned city assets and this

would ensure that disadvantaged and under-invested communities are actively engaged in the process of making the city more just and inclusive.

And the third and last principle is what I would call collaborative budgeting, which would build on a version of what's now currently called "participatory budgeting" but would be designed to support the public community partnerships mentioned above. These will be neighborhood-based targeted funds dedicated to community-based enterprises that are the result of a process of bringing together key community institutions and stakeholders to co-design and code and to co-construct these enterprises. So that's my proposal, those are my comments. I think I'm at the eight-minute mark. Thank you for listening and I look forward to our discussion.

JJA: 16:38
Thank you and looking forward to having a conversation with you in just a short while. Raya Salter, please begin.

Raya Salter (RY): 16:46
Hello, thank you so much for this opportunity to appear before you today. It is an honor to speak to you, it's an honor to be on this panel with my distinguished colleagues. So thank you so much for that. Again, my name is Raya Salter, I'm an Energy Attorney based in New Rochelle and I am a member of the New York State Climate Action Council, which is developing the scoping plan for how New York will achieve its statewide greenhouse gas emissions goals. I started my career as an Energy Associate with the Law Firm of Dewey and LeBoeuf in New York City. In prior roles, I was a Regulatory Attorney for the Environmental Defense Fund and a Senior Attorney for the Natural Resources Defense Council and I've really worked with activists, community stakeholders, utilities, and others from New York to Hawaii and other jurisdictions to promote the just integration of clean and renewable energy onto electric grids. I'm an Adjunct Professor of Law at Cardozo Law School and my book, "Energy Justice" was published in 2018. So just that, just a bit more about myself -- I'm a big fan of popular education on these issues so you can find me, I encourage all of you to consider me your climate auntie and that's also where you can find me on ig and tiktok, and there's a reach out to me there and elsewhere anytime.

So right now we are at a really at a critical moment as we and this Commission march relentlessly forward for racial justice and equality, we navigate difficult political waters in DC and at the state and the vanishing window for climate action, yet I'm here today to tell you about the power of New York City and New York State's leadership on climate and recommend alignments that could begin to bring a measure of course correction on climate and environmental injustice.

So first, to do that I want to talk a bit about New York State's landmark climate law, the 2019 Climate Leadership and Community Protection Act, powered by activists including the New York News Coalition, is one of the state's most ambitious climate laws, but also completely unique -- The only state in the country that has this type of robust energy climate and

environmental justice provisions that have been massively influential. So what is the CLCPA trying to do writ large, we're talking about a 85% reduction in GHG emissions by 2050, that's 100% zero emissions, electricity sector by 2040 -- Big investments in solar offshore, wind transmission goals for energy storage -- They could be higher and big investments and thinking towards energy efficiency and building electrification, we know that the vast majority of New York City's emissions come from the building sector, so that's particularly important, but let me get to these provisions that I mentioned, just a couple of them.

These are among other things that are in the law but the state law says that state contracts and decisions must not disproportionately burden disadvantaged communities. Now, that phrase "disadvantaged communities" was borrowed from California law, it's a bit of an unfortunate phrase but it's the phrase that we've got in terms of the statute. It is not the preferred phrase for a lot of folks, the law also requires that emissions and co-pollutant reductions be prioritized in these disadvantaged communities and I'll talk a bit more about how those communities are being identified at the state and federal levels.

When I talk about how the New York City and New York State leadership on climate has shaken the ground in this country, it truly has -- So what the CLCPA did is it includes a goal that for state law, 40% of state spending to fight climate crisis and create a clean energy economy must be directed to disadvantaged communities. Now this has been adopted by the Biden Administration as the Justice 40. It's really important that folks understand that that came from New York, that that came from the activist community and that these two ideas of a redirect an investment frame for climate and energy investments into front-line communities is happening at both the state and the federal level. In fact, the Biden Administration released draft Justice 40 guidance literally just a few days ago on July 20th and as you can imagine, these concepts are developing in terms of the standards and and how they'll be implemented on separate tracks, what is New York's process, so New York created this, the statue created a Climate Action Council that I mentioned before, it's developing a scoping plan, it created a Climate Justice Working Group to develop the criteria of who is a disadvantaged community and that draft criteria is expected as early as next month and that Climate Justice Working Group is made up of several stakeholders but including environmental justice activists UPROSE, Summer who's sharing this panel with me, the Executive Director of UPROSE is in that process as are other key environmental and climate justice advocates and activists.

So what else is going on that's really important to understand, the Department Environmental Conservation has provided interim guidance on what a disadvantaged community is and it won't surprise and what interim guidance is, it's located within a census block group that reaps HUD's 50 AMI, and is also in a New York State Opportunity Zone and it won't surprise folks that there are large swaths of New York City that qualify as disadvantaged communities, and that are expected to qualify under both the state and federal guidelines.

So what are some of the key intersections that I think that New York City should be thinking about and thinking about in the context of Charter amendments, identifying disadvantaged

communities, creating standards for benefit, what does benefit mean to a disadvantaged community, we encourage dollars spent is the benefit level, not any other more abstract within New York State. We've had some success when we've seen it in terms of dollars spent, require interagency coordination and compliance plans, require program audits and ways to evaluate track and enforce this type of spending, require stakeholder consultation, and it's really important that New York city begin to think about best practice on these issues now and also I encourage folks to both leverage the wealth of city actions on race revitalization in the environment. There's a New York City climate emergency, there's a myriad you know, we have office sustainability, there are a myriad of plans, office of resiliency that are happening.

New York City has been leading on this issue, leverage what New York has already done to amend and adjust the Charter to provide for methodologies, methodologies to evaluate disproportionate burden, how to prioritize [reducing] emissions and reductions in disadvantaged communities and when you do this, New York City will be aligning with New York State law. I also really encourage this Commission to think about the lessons learned from your New York City's experience with COVID and recovery related disbursements. We know that a lot of money went out, we know that minority and women owned businesses, veteran owned businesses, and others had, did not, were not able to equally access that funding, and so the creation of financial mechanisms and infrastructure for the equitable distribution and absorption of these investments is critical to ensure that money actually goes to community-led projects.

So I will end my comments here and just really, encourage this Commission to think about how New York City really is in a place to take advantage of what the state and what the city and what the federal government, how they are realigning in terms of climate and energy investments which could have important near-term implications in both the infrastructure package and potential reconciliation packages, but even as important is aligning for how this revitalization can go forward.

JJA: 25:36
Equitably, going forward. And thank you very much. I will end my comments there, thank you. Thank you very much. We will now hear from Summer Sandoval.

Summer Sandoval (SS): 25:46
Thank you and I deeply appreciate the opportunity to share space with you all today and share comments. Again, my name is Summer Sandoval and I'm the Energy Democracy Coordinator at UPROSE where Executive Director Elizabeth Young Pierre sends her regards. For those who don't know, UPROSE we were founded in 1966 and we are the oldest Latino community-based, we are an intergenerational multiracial women of color led organization and we work at the intersection of climate change and racial justice and we do that through advocacy, policy, community engagement, youth leadership, and cultural artistic expression.

UPROSE has achieved a lot and it's over 55 years since its inception -- We've stopped deciding at power plants, we've doubled the amount of open space and facilitated years' worth of community-based planning and proposals. Sunset Park is an environmental justice community of over 130,000 in South Brooklyn, also home to New York City's largest significant maritime industrial area in SMIA and suffers from a long legacy of exposure to pollution from peaker power plants to Brownfields to several solid waste transfer station -- The Iguanas Expressway that traverses the community north to south and sees over 200,000 cars and 25,000 diesel trucks every single day which are all exacerbated by the climate crisis and despite all of this, we've been able to achieve some of our recent victories, including passing legislation on every single level from the city's Climate Mobilization Act and Local Law 97 to the State Climate Leadership Recruitment Protection Act that Raya was discussing to develop New York City's first community solo cooperative, and that process in increasing and building community capacity not only to provide the benefits but to really be investing in building the leaderful engagement with the community, to participate in a localized clean energy system as informed stakeholders, to be able to participate in that way that's very different from traditional systems, we're working with both city and state agencies to create equitable markets and operationalizing community-led plans.

And just this past January, successfully achieved [in] helping bring 200 million dollars in state investments to the South Brooklyn Marine Terminal, which is just three blocks that way right, the direction from our office to transform the South Brooklyn Marine Terminal into offshore wind staging and assembly port. This investment in clean energy infrastructure will bring thousands of direct and indirect jobs and is part of the comprehensive Community Land Plan in the operationalizing, the green reindustrialization of our waterfront. A plan that is the culmination of about a decade's worth of planning on how to implement policy, bring funding and resources to community projects and infrastructure, create, not only create jobs but create the resources for training and education to ensure that these well-paid family sustaining career building jobs are accessible to the community, which is also part of also spending seven years to defeat the billion dollar, the private developer-led industry city rezoning that threatened to displace the fire community, which is in exact opposition to what the community has said -- They wanted in the grid plan and this, plans like these developer life plans really inhibit and reduce the not only local capacity to produce, but those in or industrial spaces need to be thought about differently. We see this issue across the city and across many cities across the country. When industry is dying, it's being turned into high-end retail and luxury uses which really inhibits the local ability to produce and it's that ability to produce and to create clean energy that's going to really pose a huge climate justice problem in terms of using our spaces to build for a climate future.

When it comes to adaptation, mitigation resilience, even though we celebrate so many transformational victories, our community is constantly threatened, and put in harm's way by the business as usual development model, and the existing processes that constantly force our communities to fight for the right to live, this includes the proposal to power two of the largest power plants that is in total over 800 megawatts of fossil fuel based energy in our community --

Burning fuel oil and natural gas, making bad pollution days even worse in a community with already extremely high asthma and upper respiratory rates. We have private developers also proposing to bring commercial and demolition c&d waste handling into the community and we see the rapid and unregulated growth of e-commerce development. There's a 1.2 million square foot development being proposed right on 21st street in our community that poses a really big threat to the local economy, to safety traffic and transportation as well as exposure to air pollutants. And of course, there will reform to Euler, the uniform land use review procedure, a lot of a lot of acronyms, so that these structures, these systems need to be changed to be able to better protect our community -- So that we can use our time and energy and resources to build build the infrastructure that are going to create the equitable systems we seek and to promote racial equity. It's absolutely necessary to work with environmental justice community leadership to create those systems, to prioritize community decision making and planning and solutions.

So in terms of in terms of the assets, you know, these ideas aren't new -- They are the culmination of years of work and years of community planning to operationalize the comprehensive community plans like the grid, that are both scalable and replicable community based models that address land use, zoning policy, funding, infrastructure, and transportation, and to co-create, co-governance models with front-line community leadership and not treat environmental justice like the fad -- We're seeing it a lot you know, environmental justice is all all the rage unfortunately, and we see people treating as very superficial checklist item where they, where people are groups and individuals are running to get funding to pick our brains in a very attractive manner and they're not accountable to our communities, they're not accountable to community leadership, and so these types of practices are against environmental justice principles. Like there's the, Raya also mentioned the movement of resources as investments directly to environmental justice justice communities, 40 outlined in both the state and federal level being the minimum, and not seeing as the basement, not the ceiling, and you know the very, at the very heart of this the understanding of implementing a just transition is not about, is not solely about the outcome that we could go 100 and mission free and that would not be achieving a just transition and that the just transition is written in principles and process and that that's going to take true partnerships and co-governance models to achieve that just transition.

Lastly, I want to just say that you know, we need accountability measures so that we know exactly where our recommendation, where and how our recommendations are being incorporated into change and what are the timelines in implementation, what are the tracking and enforcement strategies, mechanisms, so that we can be working as true and equal partners in creating these equitable systems. We're in an era of COVID and climate change, where you know a seat at the table is no longer enough. We need to have a true say in decision making, in creating an equitable system together, and I'm happy to send in my written comments and I again, appreciate the opportunity to share comments with you, with this amazing panel. Thank you.

JJA: 34:43
Thank you, I thank all three of you. We are transcribing this but if you have the documents, your remarks written out and are willing to share them that would be helpful to us. We very much appreciate them. A lot has been said -- I have questions but I want to first ensure that our Commissioners have the opportunity to engage directly with you, and so I'm going to ask Commission Members if you have questions to raise your hands and we can begin dialoguing with our guest panelists. If I don't see a hand go up right away, then I'm just gonna jump right in. So I don't see a hand, I'm gonna, I'm gonna talk very slowly just this one line -- I don't see it.

HG: 35:34
And I'm sure you -- Do you see mine?

JJA: 35:38
I don't see, oh you know what, you've got this colorful background going so your hand blended in. I didn't see it. Thank you, thank you both. Please begin.

HG: 35:50
Good afternoon everybody, thank you very much for your presentation and this is a question for the entire panel. I think all three of you addressed kind of the issues that we're grappling with, which is where your actionable ideas we could put together with the discount on the concept of equitable distribution and I think this issue very close to my heart as many of you probably heard, but I think that you know, several you recommended ideas on either cooperative ownership or some for a community involvement in the decision-making process for the actions that have been proposed and I find that to be very very healthy, very intriguing and I want to, I want to get, I'm going to push you and push a little bit about what that how you think that would be implemented in an existing Charter structure which already has it's riddle away you know, a lot of these overly bureaucratic processes that do that and you got the state, you got the federal, you got the city, you got all these things from a practical map in terms of the, amending the City Charter, proposing a possibility of them in the City Charter. What are some of the practical applications of some of these ideas that are very lofted and very well implemented in your opinion. Any one of you could probably, I mean --

SF: 37:26
I'm happy to start, that's a great question. And I hear in your question a lot of skepticism about current planning and other participatory models where communities get a chance to come in and say something, and that goes from federal, state to local, and those processes exist and there's been a lot of frustration with those processes.

What I've been talking about is not simply more community involvement or participation, I think you know, not just a seat at the table but rather, there are models -- Land trusts are one with a tripartite governance board where you have part community, part leaseholders, or people who are leasing land and park, public and other officials where it's a true co-governance model. There are distributed micro energy grids, for instance, that are now popping up in cities everywhere. So one proposal would be to utilize, allow the utilization of

excess energy from CUNY and public hospitals to feed into a harlem grid for instance, to make that community more resilient but you do need -- So those are all ideas that are decentralized in place, very localized models. But in order to really activate those, I guess my comments were suggesting that you need a more substantive, not a participatory but a more substantive right embedded in the City Charter and Constitution unless you have that substantive right. For me, it's not a real reform simply to ask for more participation or more seats at the table. So I'll stop there -- I'm curious to know what my co-panelists believe.

RS: 39:19
Yeah, I can offer some comments and thank you Professor Foster for you know, what you know, are excellent ideas and also excellent examples of the type of structures that we need to support and have exist. If these investments in climate are actually going to result in community-led projects or even be absorbed by frontline communities or even MWBEs at all.

And so that piece that Summer also emphasized, that piece on tracking and enforcement message methods and also this piece of requiring real interagency, accountability, enforcement, coordination and auditing, in terms of you know, where is, where is this money going now, where does it need to go. And where is it needed. And so these are the types of things that I think could be productive amendments to the Charter.

SS: 40:26
And I'll also just add that you know, for first, it's the kind of twofold way -- On the one hand, it's what needs to be done in terms of creating the new and then on the other hand, it's what needs to be changed or fixed in the existing system that is opposing such big challenges and obstacles for what we're doing because we're you know, we're inventing it as we go. We're learning and inventing and doing it all at the same time. And you know, in terms of cooperative ownership like this is something that looks different with different pieces of a community assets and infrastructure.

And at the forefront of focus, of ownership, is building the community wealth right, and that we're already, we're timing to play catch up, because everything from what type of incentives exist, how those incentives move, what financing models, what investors invest in -- All of these systems are set up for very traditional developers. They're not and they were never created to support community-led projects and so this is something we're documenting and learning as we do our projects, as we put infrastructure on the ground in terms of okay, that regulatory change, that regulatory issue is a challenge for us, this you know, how utilities treat you know, community-led interconnection -- That's a challenge you know, the structure of the investment tax credit -- That's a challenge. And so it's through our personal you know, experiences on doing these community projects, that documenting process, that we are hoping really, we can have that meaningful engagement. And that on that level, to really say look, these are all the challenges and how can we incorporate these challenges to address that we were not going to just say okay, how much money do we have to put towards clean energy to get to an affordable

market. We need to lay it out -- It's not just funding you know, it's how everything is structured and synergized together that either work or don't work for community projects you know.

The short story we say is we can let big oil become big renewable energy and if you want to support cumulative projects, we have to support them from the get-go and so, and then you know in terms of the existing systems part, you know, happy to continue conversations in terms of how, what, how is the existing Charter creating challenges to moving work forward because I think this panel is awesome. I think we've learned a lot and you know, this is kind of just the first right, the introduction.

HG: 43:08
My second question is more probably to what I do right -- I'm a labor person, I'm a union guy right? So I think one of the things that Ms. Foster talked about the disproportional you know, I would say distribution of resources -- I think all of you alluded to it at some point. My challenge is green renewable energy also brings the tremendous prospect of good paying jobs for people in our community and a lot of the times, those jobs have eluded the people of our community, so it's, I call it adding insult to injury right.

By excluding them right, and quite frankly unions have been part of that process, that process, good process, bad process right, so how would you suggest that we the people who are in labor right, in doing this perform more you know, sincere process of recruiting and retention, minority community members to these good paying jobs you know, and begin the process of that training because I think that has been always a challenge and a lot of us put resources as a challenger. To be honest, your resource is only part of the story, the training of it, so the training, hiring recruitment, if you could just comment to that. Madam Chair, thank you, that's because of my questions --

SF: 44:37
I mean, I will say that community capacity and training is huge -- That is a resource I think actually, and it also needs resources to support that. But I'm gonna, Raya is really the expert on energy justice and I'm just going to see all my time to her because I know we're short on time.

RS: 44:55
She says talk to Ms. Raya and I know that, I know that Ms. Summer has a lot of things to say here too. Just as a preliminary, just as a preliminary answer, I want to go back again to the structural pieces because this is really happening and my major concern when Summer talked about EJ as being a fad and a checkbox justice, Summer was saying we're kind of figuring this out, the state is literally figuring it out as well, and the federal government is literally figuring it out as well. And the feds, they just put out their guidance and they are literally looking to New York State in terms of who is going to be a quote on quote, disadvantaged community.

There's a lot to say about how we need to make sure that we get new you know, new manufacturing sectors and Summer could speak to the grid project -- They have a lot of plans

there, we want to create industry in New York, we want local jobs for local folks with a focus on front-line communities, and we need to make sure that those criteria are matched up, that federal, state, and city criteria backed with those mandates and those enforcement mechanisms, so that at the very, at the very least, the resources are directed to specifically including consideration of census, race, health, that the resources directed into that area and there's accountability. That those resources, training and otherwise, or at least absorb -- So that's my top-level answer there.

SS: 46:33
Yeah, I agree and I would say you know, this, like there's a disconnect between the environmental justice movement and labor -- There shouldn't be but there is and so I think that you know, you point out a very big, a big issue, that there needs to be more alignment in terms of how to move forward together because it's exactly the members of the unions that live in, many of them live in environmental justice communities. And so it's how to how to ensure that jobs like I said, that the investments in infrastructure, in our communities that are creating so many jobs, that those jobs are actually being accessed by community members, this is happening in lifetime right now -- We are working with multiple stakeholders on city and state level on figuring this out with the offshore wind investment, that's happening as we speak you know at South Brooklyn Marine Terminal. What are the jobs, what are the criteria, and the qualifications and certification for all these different types of jobs, both direct and indirect you know.

We want to plug in and make sure these investments, that's, we're answering the questions of what are the gaps, what are the gaps in education and training, and investments, and that's how we're building with multiple stakeholders -- These career pathways to ensure that the jobs are accessible, they're not just created but they're accessible and that those pathways are created now for jobs that are even, come online four to five years of life, so we're doing a lot of work on that and happy to share more.

JJA: 48:01
Thank you. Commissioner Thompson.

Phillip Thompson (PT): 48:09
Hi, thank you so much for these presentations. When Sheila Foster mentioned microgrids and connecting schools or hospitals and others to residential housing or other things in communities that could help folks, it occurred to me that two hospitals in Brooklyn are building code generators to generate electricity and the housing authority is considering a new energy grid for public housing in Brownsville with 11 big complexes. But no one really seems to know where the pipes are or even how to connect the pipes to other buildings.

Say, if you wanted to do hot air or hot water in a grid and I'm just using that as an example of -- I think one of the panelists mentioned the need for capacity -- I'm wondering if you all would suggest that the city create an agency, a new agency explicitly focused on climate justice, in

order to enable the kinds of collaborations that you all are talking about, and I'll just say right now, the city has a sustainability office in the mayor's office, a resiliency office in the Mayor's office, different office, but then other, Department of Administrative Services, has a piece of what happens in retrofitting. Department of Design and Construction has another piece, Department of Environmental Protection as another piece, and the Economic Development Corporation has another piece. And so I'm just wondering if you all would suggest that the city create something that, or do you think communities can actually navigate across all these things on their own as things are now.

SF: 50:14
So I think you just made the case for why we don't need another agency or office and there are lots of them, they're hard enough to navigate even for experts. So I'm on the New York City Panel Climate Change that works out of the Mayor's Office of Resiliency -- That's a thick environment and it's a, and if it's thick for the experts, it's thick for communities right? To penetrate and to work with a lot of what we've done -- Both on the last MPCC, and on this one, is not just to bring communities to the table and to the process of co-designing in the programs that the cities are putting in place like solar roof programs.

One mistake that's often made is exactly, that it starts from some agency -- A good idea is created, they put it in place, and then they go "oh, by the way, community what do you think about this and can you help us you know, put these solar panels on top of the buildings." Meanwhile, communities, the micro grid is not my idea, but we act in, Harlem has a whole Climate Action Plan, which proposes microgrids, which has a whole idea in plan about how to create these microgrids, how to connect them to existing public buildings. So one of my ideas was a public community partnership and the idea is to get away from the overly centralized top-down model that's operating now, but also not to romanticize you know, community-based stuff when there's no capacity or limited capacity, limited resources, you can't leave everything on communities either. You really do need a transfer of fiscal and other resources and a true partnership between the public sector and the community to come together, not for them to create and then to ask for participation at the back end, and there are models, I mean part of our work is to have studied these models, not just all over the country, but all over the world including --

So one of the things that cities are doing is inventing. If you're going to invent something, invent an office of experimentation and put it out in the communities, don't put it in City Hall. If you're going to invent something new, invent a space where the public and community actors can come together and co-design and come up with programs like, that's the innovation -- It's not a new or another agency with experts that's top down. So I'll stop there.

RS: 52:36
I'll add, thank you so much for your comments. I want to add that something that I've observed again and again that is a complete missing piece to the existing agency you know, panels and structures etc, are more literal funding opportunities to enable individuals, community-based

groups to actually access these spaces, and even hire you know, experts to help do some of this analysis.

One of the pieces you know, some states have something called "intervenor compensation," where community groups and others can actually qualify to get, to actually get funds from say, the Public Service Commission, to enable that petition in a public service commission docket because that issue that you and others alluded to in particular, it goes to the enormous challenges of building electrification and resilience in the built environment where New York City is of course, absolutely hate using these more analogies, ground zero. And how local these issues are and how this in particular, what you mentioned in terms of you know, how do you have not only that code generation at that one plant, but why can't the hospital off take over to across the street -- These become sort of regulatory issues that end up being resolved or not resolved at say, the Public Service Commission, which now has a lot of restrictions against that type, that's specifically, that type of development.

JJA: 54:10
We're going to go until our panelists are able to stay with us. I know that Commission Member Lurie Daniel Favors has a question as does Commissioner -- Forgive me, Lurie please.

Lurie Daniel Favors (LDF): 54:28
Yes, thank you so much all of you for the powerful presentations and the information that you shared, you had mentioned, and at this point, I'm sorry, I've been taking notes. I cannot quite remember who had said this, but there was discussion earlier about, not even going to pretend I remember who it was, but there was okay yes, this, Dr. Foster, thank you, there was some conversation about auditing capacity. Which for me, reminded me of issues related to community benefits, agreements, which are designed to balance the power between groups that have an inequitable share of power, and yet I'm reminded when for example, the Barclays Center went up having a community benefit's agreement without some automatic trigger, really didn't do the community a lot of good. If the community cannot afford to buy lawyers to go into court to ensure that the community benefit agreement terms are actually adhered to -- What are your thoughts on creating triggers, automatic triggers that will relate to compliance. Because I envision a world where we do all of this work and it's amazing and let's say it all works as we hope in plan and dream. If there's no enforcement mechanism that's put in place, no automatic trigger for punishment for harms that are inflicted or for violating the terms of in that example, of community benefits agreements, we're sort of, we've got great words, we've got beautiful paper, but as Gail Noble says, it's a noble piece of paper without much substantive capacity.

What are your thoughts on creating within, whatever it is that we would be proposing as a result of this work, creating pathways for enforcement that do not require the community to organize in some meaningful way to make sure that we're going to actually see the benefits of the changes that we're hoping to make.

SF: 56:29
I mean, I would just say quite quickly that the, see the problem with the CBAs is that it's the, community is brought in as a counterweight to what is effectively a deal between the city and a private developer right, and so you've got two problems --

One problem is on the front end is already, that creates an inequality right, because traditionally, the developer has already approached the city, there's a development that's going to be done, now you're telling communities to go in there and extract some benefits for yourself in a highly unequivocal [way].

The other problem is once you have an agreement as you say, on the back end, there's a lack of enforcement, so I stayed away from CBAs in my remarks exactly for this purpose. When I say substantive right, you say trigger, but when I say substantive right, I do think that there is, there are a lot of participatory rights in the law right now and when I say substantive right, I mean a right to it could be a right to enforcement. It could be a set of penalties, a right, I said the right to the city, a right to access and to use and to claim community assets that are there, that are under the public authority.

If you think about COVID, all the amazing opportunities we have in New York City with all this vacancy to think creatively right, and so the question is from where should those ideas come from and who should be favored in those ideas -- It's not bringing the community along again after the deal is effectively done, after the program has been, right, that's the model now, but rather, starting from there and then bringing the public resources in private, where necessary bringing those resources to the bottom, but to do it, to pull the resources with others. Communities can't do it alone right and CBAs expect them to right, what I'm talking about is no, it's a transfer of resources and also a starting, these are community-led initiatives that then the public body supports and the resources support. And so the trigger I think, you need a substantive right to trigger going there first right, for the, and then putting the resources there and giving them power. And the right to the city is one model but there are others right.

JJA: 58:42
I'm going to jump in here and ask for, we're going to hear from Commissioner Kui in just a minute, and he'll be our last Commission Member to ask the question. I'm going to you know, essentially hold off on my questioning and will likely follow up with you, but I would appreciate your sharing with us, any jurisdictions any you know, any municipalities, states where you see this work in action, and believe that they're you know, there are lessons that we can learn and examples that we can, that would be very much helpful, especially with respect to right --

SF: 59:20
I can do that.

JJA: 59:21
But from everyone, appreciate that. Commissioner Chris Kui.

Chris Kui (CK): 59:26
Yeah, my question is more for Sheila. You know, I really like the presentation about these rights and the three components and the question, I mean, my question is more along the line of like Commissioner Thompson you know, in terms of like, is there some kind of a structure where we can really incorporate what it's like planning and development form a more city-wide effort. So then we have all these system parts that we're talking about right now that could come out with a more comprehensive planning approach and development. Because right now, city planning really does not plan for the city -- Technically it's supposed to -- But it doesn't and then, so it's more reactive to projects that come before it right, in terms of like you just mentioned, developer comes in and then have projects already decided pretty much. And then, asking for certain changes. So that audit may be some type of I don't know, I think another agency. I know, I'm not suggesting another agency, but some kind of like form you know, where it could incorporate what you just mentioned.

You know, you have different stakeholders and then looking at you know, the interest of the city as a whole -- That is the social value you know, like well, you know from like, where we cite projects to I say, what do we really need you know, in the next five, ten years. You know, what is affordable housing, etc. You know, and then the same that has that enforcement and veto power. All of a sudden, all projects are something you know, so then in that sense, there will be more fair negotiations of you know, getting the social benefit, which is being taken by mostly developers, private developers right now. Because I think the structure we have right now is, really gives us you know, the past approach of development from a private sector point of -- So that's my question you know -- What do we need under that, there's a Czar, some sort you know, really have power, who can decide for the community of a city as a whole of interest.

SF: 01:01:35
Right, so I'd like to to hear from my other colleagues, but I would just say that there are models I'm happy to pass along, but one is our city labs for instance, cities that want to move into the experimental space like I talked about, but want to create a kind of uber agency but that has kind of non-experts you know, civic actors and people from communities -- They have created a city, a city-wide lab where that work takes place. So that's one model.
There are other models, policy innovation, labs, policy, you know, new offices of civic innovation. So again, there are models around the world as well as in the U.S.

So I'll stop there, but I'm happy to talk with someone offline or pass along some of the research that I've done on that and some of the work I've been involved in actually personally both abroad as well as here in the U.S.

JJA: 01:02:29
We're going to bring this panel to a close. Do very much appreciate all that you've share dand I just want to ask that you will take our call, we'll likely be calling again just to delve more deeply into specific ideas that you've presented. If there's additional information that, would you

believe, you add as we walk through these ideas -- We'd love to hear that. And as I shared just a moment ago, if there are specific municipalities, states, where you think we an learn from them, good and bad, what to do, andwhat not to do, we would ery very much appreciate that. But I, like the other Commission Members, appreciate all that you shared and are encouraged. I'm encouraged I should say, that you're in this fight and we wan tto join you in it. So thank you, thank you very much.

We're going to move to the next panel and three persons on the next panel are Melissa LaChan, Dustin Duncan, and Nicholas Bloom.

Melissa Eushon is Senior Supervising Council on the Environmental Justice Program at NYLPI, where she supervises the legal work of the environmental justice team and advocates to improve access and equity for vulnerable low-income communities and communities of color. Before joining the organization, she worked in the City of New York at the Mayor's Office and at the New York City Business Integrity Commission.

Dustin Duncan is an associate professor of epidemiology at Columbia University's Melbourne School of Public Health and Director of the Columbia Spatial Epidemiology Lab. Dr. Duncan is a social and special epidemiologist studying how neighborhood characteristics and mobility across geographical contexts influence population health and disparity and health disparities. His intersectional research focuses on black, gay, bisexual,a nd other sexual minority men and transgender women of color.

Nicholas Bloom is a Professor of Urban Policy Planning at Hunter College. His research analyzes long-term planning outcomes in essential urban systems such as housing and mass transit and transportation. He's the author of "Public Housing that Worked" and co-editor of four edited collections. His current research explores how the demise of America's once excellent bus transit systems damage the quality of life of all Americans and contribute to the rise of today's highly segregated metropolis.

We will begin with Melissa, please begin. And you have 8 minutes. We'll hear from you each and then we'll talk to our panelists and then we're going to take a break. But I'm sorry, we'll talk to the Commission Members. Thank you.

Melissa Lachan (ML): 01:05:29
Thank you so much and I'm going to speak very quickly because I have a lot to say -- Good afternoon and thank you for inviting me to present to you today. As was just introduced, my name is Melissa Lachan and I am Senior Supervising Counsel for Environmental Justice at New York Lawyers for the Public Interest. NYLPI is a nonprofit civil rights legal organization who for more than 40 years, has advocated for equality and justice for all New Yorkers to defeat bias and barriers based on race, poverty, disability, and immigration status. NYLPI's EJ program was founded in response to grassroots community organizing, decrying the inequitable distribution of environmental burdens in our city. Today, more than three decades after our EJ program was

established, we continue our advocacy alongside our community partners to try and advance more equitable distribution of both benefits and burdens to human health and environment in New York City since our inception of the program -- Supporting and responding to community needs because of disproportionate health and environmental impacts.

The environmental racism in the city has only persisted and grown what we refer to now as "sacrifice zones," are prevalent throughout our city in the historically black and brown communities where we see a disproportionate amount of polluting infrastructure. Cited not surprisingly, these same communities have below average access to green space, suffer more acutely from urban heat island effects, have higher incidence of asthma emergencies, and of course, were much more affected by serious hospitalizations and death during the COVID19 pandemic. Despite some attempts to bring equity into sighting of polluting infrastructure and despite the Charter having been revised three decades ago to incorporate principles of fair share, these inequities persist.

For example, despite progress made in expanding access to parks under the last two mayors, communities of color currently have 33.5% less park space within a 10-minute walk per person than white communities. A brief case study that is illustrated relates to our waste processing system in the city, which is a huge environmental justice challenge that NYLPI has worked on for decades. For decades, more than 75% of our city's waste was trucked into and out of only three neighborhoods -- The South Bronx, Southeast Queens, and North Brooklyn. These communities are the same places where polluting power plants and generators requiring exemptions to Clean Air Act regulations are cited where bus and truck depots are clustered, where cement plants dispute dust and particulate matter into the air and where almost centuries [of] old wastewater treatment plants dominate the waterfront, spewing noxious smells into the surrounding neighborhoods. In 2006, the city undertook an attempt to come up with a comprehensive solid waste management plan or swamp with the goal of reducing the reliance on these inequitably cited truck intensive waste facilities clustered in only four community districts. 12 years later in response to continued advocacy led by the impacted communities still suffering the negative consequences of the clustering of the waste facilities and corresponding garbage truck traffic and air pollution, the City Council fulfilled some of the promise of the swamp by passing the Waste Equity Law or Local Law 152, which reduced the amount of waste that facilities in the overburdened community districts could process. This is modest relief but it is impermanent. Only last week, the council came moments away from voting on a bill that proposed to undo the reductions in the Waste Equity Law by allowing certain facilities in the overburdened districts to once again increase the amount of waste they could process. Thankfully, after outcry and organizing from the impacted communities, this bill was pulled minutes before the sanitation committee was scheduled to convene the vote on it.

What is needed today is a meaningful commitment to begin to implement solutions that could have and should have passed more than a decade ago and ensuring that they are codified into the Charter of our city, we need more than mere symbolic rhetoric being added to the City Charter. Noting the importance of racial equity, we are looking for real tools to assist

overburdened communities and the city as a whole in advancing equity in a meaningful way. Today, I will name five primary ways to amend the City Charter in order to center equity and reduce environmental and health burdens on our historically overburdened communities.

First, fix the fair share in the City Charter -- Fair share is currently provided for in sections 203 and 204 of the Charter, are ineffective as is for example, fair share statements are not currently as a matter of routine shared with the public even when they are released further unless a sighting of a facility has to go through NYLPI, there is still insufficient opportunity for community input and many of these facilities are cited outside of the Euler process. Finally, an example of a facility cited outside of Euler is emergency contracting -- This has been overutilized, allowing agencies to altogether skip public review and thorough analysis of facility siting.

What must be done first -- Prohibit unfair sightings in highly over concentrated districts. The charter must prohibit city agencies from citing facilities in highly over-concentrated districts unless the agency can pass a much higher bar than the current fair share analysis requires, which is simply an explanation of the decision the CPC should also publicly review and vote on. Facility sightings in districts that are the most over concentrated with that specific facility type with the ability to receive public testimony an agency should only be able to overcome this prohibition by demonstrating that the facility in question serves a particular need of that community district's residents or workers for further details and how to actually put this into action and give it teeth. Into 544 of 2018, the City Council Bill does a good job --

JJA: 01:10:51
I'm just gonna interrupt you for a second, I really appreciate the details but we can actually you know, if you can provide us with the document [of] your written remarks, then we can delve into the details. So if you can just stick right now, I just want to make sure that we hear from everyone to the five key issues.

ML: 01:10:11
So the second part of updating fair share is to mandate that the fair share criteria, which should be updated every five years are actually binding rules rather than guidelines. Because currently, courts view this criteria as mere guidelines and therefore almost always, will give deferential discretion to the agency by changing the criteria to rules. Plaintiffs challenging inequitably cited facilities would have more of the ability to have leverage and challenging the agency decision -- So that is the fair share piece.

The second piece is comprehensive long-term planning codified in the charter communities of color have been deprived of meaningful participation in land use zoning and development decisions in our city for too long. Under Mayor Bloomberg, preference was given to wealthy white communities in his down zoning initiatives and under Mayor de Blasio, the ambition to create massive amounts of affordable housing has resulted in ramming through up zonings and development growth in communities of color without adequate community notice and input.

There is currently no applicable city-wide rationale for consistently approving land use proposals -- In order to truly center principles of equity and public participation in our land use processes city-wide and ensure enforceable equity goals in zoning and development, we need a city-wide comprehensive long-term plan.

Here, I also cite three sections of the charter which I will pass along in my written testimony, but the idea is to have a more holistic assessment of the city's entire need for housing, including supportive transitional and affordable housing as well as public facilities and neighborhood amenities. This comprehensive plan will allow the city to plan for the city's long-term needs as well as cite schools' open fit space infrastructure and services to meet those needs citywide. And in specific districts, the targets should be generated and shared with communities at the very outset and also end with the communities also involved, should be elected representatives. Further, a comprehensive long-term plan could operate with both equity and resiliency planning at its core, allowing the city to move closer towards its goals of incorporating sustainability in the midst of our climate crisis and taking into account the most vulnerable communities to the impacts of climate change.

The third recommendation that I am making today is seeker reform. The seeker and EIS process should be modified to take into account primary and secondary displacement, which it currently doesn't track neighborhood outcomes after land use decisions are approved for lessons learned and require mitigation in those areas where significant adverse impacts are identified with enforcement. Additionally the secret technical manual must be mandated to be regularly reviewed and updated and subject to public review and input. It's currently 12 years out of date. Number four is community board reform -- We're out of time so what I just want to do is to give the two additional items and then we can come back either in Q&A -- I just want to honor other people's time and I also want your written remarks, that would be great. Sure. Number four is community board reform and number five is incorporate Local Law 60 of 2017 into the Charter, mandating EJ Analysis with the passage of every law issuance of every permit and promulgation of every rule.

JJA: 01:14:22
Excellent, okay. We'll be back to you. I appreciate you providing us with your remarks. Let us now hear from Professor Dustin Duncan.

Dustin Duncan (DD): 01:14:34
Thank you very much, it has been a distinct honor and privilege to speak before the New York City Racial Justice Commission today. My name is Dr. Dustin Duncan, I'm a tenured Associate Professor of Epidemiology at Columbia University where I co-direct the department's social and spatial epidemiology unit and direct the Columbia Spatial Videology Lab as a social and spatial epidemiologist. I'll provide my perspective based on my and others' research on structural changes, including those rooted in city planning to promote racial justice and reduce health disparities.

It is clear that New York City, like many other cities, is segregated, including racially in many studies including my studies that demonstrate that neighborhoods can have an enduring impact on the ehealth and well-being of residents, impacting health disparities. Due to our short time together today, I just focus [on] safe recreation open spaces, including safe parks and playgrounds across New York City neighborhoods. Many studies show that public recreation open spaces can influence health outcomes and health behaviors, including promoting physical activity and reducing depression just to name a few.

In addition, many studies show also that neighborhood safety concerns can impact health including physical activity and depression again, but also other health outcomes and health behaviors at the neighborhood level. Studies not surprisingly show the neighborhood amenities can have non-equitable distribution and often do, including safe public recreation open spaces.

[My] strong recommendation is creating equitable safe public breaker open spaces across New York City -- What does this mean and what could this mean, this could mean public policy interventions and in particular modifying urban and density zoning laws, a proposed land use ideal is a neighborhood including minority neighborhoods should have at least 10% of that neighborhood land dedicated to open spaces. I encourage that these open spaces are built from crime prevention through environmental design principles including changes to the physical environment such as eliminating hiding spots, landscaping trees, and shrubs and increased surveillance via lighting, closed circuit television surveillance cameras in public spaces and security guards. I include my comments here and look forward to our discussion. Thank you.

JJA: 01:17:03
Very very much appreciated. The last person from who we'll hear is Professor Nicholas Bloom.

Nicholas Bloom (NB): 01:17:10
Hi, good morning or good afternoon. I'm sorry and I'm honored to be here and Dustin, we should talk by the way on the open space. I think that's very interesting. So I'm going to talk briefly. I have some prepared comments about the role of the New York City Housing Authority and the Charter reform. A modest Charter reform proposal for them -- So when it comes to maintaining diversity in New York's public spaces and neighborhoods, there's no greater priority than stabilizing the New York City Housing Authority on NYCHA campuses even in elite areas like Chelsea in the upper west side. It's still possible for low-income people of color who compose 95% of the approximately 360,000 current NYCHA residents to sit on a bench or just hang out without buying anything, to party on family days, enjoy extensive NYC park and NYCHA recreational facilities. These are often the largest green spaces in their neighborhoods -- Gather in community and senior centers and to gain access to nearby jobs, transit and other community resources, more affluent New Yorkers may turn up their noses at public housing, the institutional you know, brick towers in the park, so forth. But approximately 166,000 families

still seek a nice apartment which ran on average just $558 dollars per month, which is remarkable.

Sadly this engine for neighborhood diversity is in distress. The combination of aging infrastructure, 175 out of 302 developments are 50 years or older, low rents and shrinking federal subsidies have led to a minimum 40 billion capital need for renovation. The state government mostly abandoned negative decades ago and the federal government despite once funding NYCHA at a higher level today, refuses to fund public housing at an adequate level. Many NYCHA initiatives have tried to address the scale, this crisis triage. Maintenance programs, staff reductions, rent increases, private sector renovation, and management under RAD board reorganization, tighter mayoral control, and occasional one-offs of federal, city and state aid. And I'm getting old enough that I've seen it all now at this point.

While there are small victories here and there, there are new roofs, some sandy redesigns, there are some creative RAD designs, the evidence, the overall failure to stop the downhill slide was the 2019 HUD. NYCHA consent to create in the federal monitorship, requiring the city government to begin investing in public housing to deal with lead mold elevators and other quality of life issues. The environmental quality of nature developments has declined significantly both in apartments and on the grounds the total of 4.3 billion in city capital. Commission commitments for NYCHA in the current 10-year capital plan, 2022-2031, is unprecedented and will make a difference, but pales in comparison to the immediate and long-term need the proposed blueprint for change out of NYCHA leadership to create a public housing preservation trust to speed renovation also remains stalled in Albany. So why isn't the city government taking more proactive role in stabilizing NYCHA, especially given the crucial role played by these developments and maintaining diversity in public spaces and neighborhoods? But history provides the answer since 1934, when knight to start operations City of New York has benefited from below market public housing with a minimum of public city budget dollars thanks to the combination of federal and some state subsidies plus tenant rents. The city has provided tax exemption for nature properties once provided a modest siphon for what were city-funded projects. The city on a whole gained a great deal of below market housing for very little direct outlay, remarkably little funding city funding has gone to create this vast system that today even houses 370,000 official residents and is 7.8% of the city's total renting stock.

So state and federal action has been more powerful forested NYCHA for almost a century. The state government responding to a housing reform pressure back in the 1930s created NYCHA as a local semi-independent intermediary for local state and federal housing funds. Because of deep distrust of local government, reformers viewed a free-standing housing authority staffed by career professionals and civil servants as the best way to handle a flood of federal and state cash as well as other complex housing functions like land clearance and tenant selection -- [The] so-called independence of NYCHA made sense when the federal and state governments were generous funders of public housing. The Mayor appointed NYCHA leadership from the

beginning but as a minor funder, NYCHA was not a central part of the city budget and NYCHA is not now and has not been a city department as the Charter indicates.

This arm's length arrangement has run its course, if New York is to have quality public housing in the future and sustain neighborhood and public diversity citywide, it's probably going to have to fund more of public housing operations than companies. So how do we begin to fund NYCHA locally? A crucial step and major statement of civil priorities would be changing the Charter. NYCHA's mentioned only briefly in the City Charter, has no section of its own, and is vaguely denoted compared to city departments like HPD, DOT, etc. This oversight in the Charter is intentional, given the origins of NYCHA and state law and the primary reliance on federal funds and rest of the present, but must be corrected, might just be adequately funded at the local level. The integration of merchant of City Government as a department is one solution the Charter Commission should consider. The Mayor of New York, thanks to state legislation, already appoints a Chair and the NYCHA board, and thus controls policy. But without direct budget responsibility, this control, no matter how well intentioned, is unable to resolve the crisis, separate department of public housing, or just integrating NYCHA itself is now needed to give the renovation effort a fair chance of success. NYCHA leaders, as other agency heads do, should be able to make a case for their ongoing expenses, operating funds, and capital needs, state of good repair. NYCHA's inclusion as a typical department City Charter would hopefully establish a more consistent and sizable operating capital budget for NYCHA.

Additional funding will attract talent to NYCHA and thus improve the quality of life for tenants. NYCHA as a city department would also be more creative partner with city agencies like HPD, which is already involved in NYCHA's RAD initiatives. NYC Parks, which already runs many parks on nature grounds and there are plans for more. I'm gonna reference to Dustin's talking about improving park spaces. I think NYCHA is a tremendous opportunity there, as well as other social service departments and schools that have relationship with NYCHA one way or another.

There are also many creative opportunities for making best use of natural resources to make a more equitable city including long overdue experiments in co-housing community land trust, community mental health, additional city parks on NYCHA grounds, and new models of senior housing. NYCHA's City Department would also take some of the pressure off partial privatization of the portfolio; under RAD, it would also reduce pressure for infill that will lead to loss of green space and trees needed in neighborhoods that often have insufficient natural resources -- Even redevelopment of public housing developments would probably proceed in a more equitable and creative manner under direct city control.

I know the challenges to integrating NYCHA City Government Charter are tremendous -- State and federal government would have to sign off on this, laws will have to be changed, voters citywide would have to endorse directly helping public housing residents which they haven't seen so far. The capital operating needs of NYCHA if funded, the needed levels could easily push other important priorities aside. After all, the total 10-year capital budget for the city as a whole is 133 billion. Fully funding NYCHA's renovation could easily absorb one-third of that

amount to finance NYCHA fully. Therefore, also might require new forms of taxation. Yet I would say, waiting on a NYCHA ferry for politicians to fund NYCHA without a local mandate or pretending that a forty billion dollar capital need is not impacting tenant quality of life has been a disaster. It's odd that NYCHA's continuing crisis failed to gain traction as a central equity and planning issue. I cannot figure it out. Billions are promised for new prisons, supportive and affordable housing, many other equity first priorities, all of which are worthwhile causes at the same time in the present, many tenants continue to endure substandard conditions.

The potential loss of these public housing communities and the people who live in them will create even more segregated neighborhoods and public spaces and that's the end of my formal comments, but I would note you can look at public housing redevelopment in most other cities in America, see what happens when the towers come down all right, in terms of equity.

JJA: 1:25:05
Thank you. There is one other panelist who we are hoping will join us for this panel or rejoin us, Michelle De Lauz, but why don't we move to questions right now and then if she comes back then we will engage with her directly. Commission members, any questions? You may have stumped us. We'll begin with Commissioner Hamilton, Darrick Hamilton.

Derrick Hamilton: 1:25:44
Thank you, thank you for the presentations. And my query is directed at Mr. Bloom. I like a lot of what you said, I think New York is kind of unique at least in my perception, positioned in that a lot of law income housing is placed in locations that might not see people from lower income backgrounds otherwise residing, and you definitely give us the issues with regards to funding. So I'm wondering also, you know New York is also perhaps one of the places that stands out with regard to housing costs and values in general, and you presented the problem with a funding stream. Given the constraints on local budgets, is there any creative finances that can link to our growing housing values in general that could promote equitable inclusion as it relates to NYCHA? Can you think of some models, some access to finance as it relates to that growing housing value in New York City in general.

NB: 1:26:55
Well, I mean, I'm not sure it's, I mean it's partially related to the tremendous value I suppose, and the interest generally of finance in New York City. But I mean this trust for or the preservation trust for public housing is one of these, just like RAD is looking to kind of leverage you know, future federal subsidies of, to help renovate public housing. I think the issue here that I see is politically as you probably know, you know you can tell right, there's growing resistance at least in a lot of quarters against relying on private sector financing for renovation of public housing right? I mean, this is, even though I mean, and it sort of played out in this election a little bit, but there is growing concern that you know, once you bring the private sector for instance into either the financing structure or even the management structure of public housing -- Certain qualities of public housing which people appreciated could be lost

right? That is for instance, NYCHA, even though it puts a lot of people into the eviction process, doesn't actually dispossess that many talents right? Private sector not so much.

So I would say, if the City Government wants true public housing with really, very stable tenancy, long-term preservation and low rents right, I don't see an option beyond tapping additional tax revenues because the other side of it, obviously yes there's a lot of proposals out there right for redeveloping NYCHA, for putting the private sector in there right? Through the management it's already happening.

DA 1:28:47
Now I'm with you. I guess, I'm now with you, I guess I'm proposing -- Is there any structural way to tie it into, try to tie that taxation into the housing value that keeps appreciating?

NB 1:28:57
Oh, I see what you're saying. You're saying more broadly like, that's beyond my area like taxation, but certainly there are opportunities for very creative ways for a kind of value-added component to basically go to NYCHA. Again, that would take a number of very smart lawyers and accountants to sit down in a room right and figure out how that additional, what's called the under increment, could go to public housing.

Certainly, if the political, I believe, have lived long enough, I believe if the political will is there to save this resource, people will come up with, you know, alternative financing strategies. You can look at the MTA this way right, I mean from you know, basically using tunnels to und transit right. There are, when the political will is there, somebody will figure out a way to do it.

JJA 1:29:56
I am going to ask our fourth panelist who hasn't had an opportunity to speak and she will share some remarks in just a minute, it was my oversight, and so I'm glad that she's rejoined. She's rejoined us, she actually doesn't want to jump on and answer this question, so please respond, and this is Michelle De Lauz who leads the Fifth Avenue Commission. Please.

Michelle De Lauz 1:30:20
Hi, thank you so much, I really appreciate being here and I'll be happy to do the testimony later. But on this point, I'll just say that Fifth Avenue committee worked with the Pratt Center for community development and David Rosen and Associates to do an analysis of the land value appreciation or increase as a result of the proposed Gowanus area-wide rezoning with the goal of trying to capture a portion of that to help address the nearly 300 million dollar capital needs gap at two public housing developments in Gowanus. So if you're interested in that analysis, I'll follow up and send you guys links. But you know, basically we found that the value capture potential was between 100 million and close to a billion dollars, so absolutely able to address the local needs. So that I think speaks to Professor Hamilton's question very specifically and there are a number of folks who are looking at that issue more broadly.

JJA 1:31:40

Thank you, I'd like to recognize that. I'll recognize Commission Member Thompson's hand and then we'll go to Commission Member and Vice Chair Garrido.

PT 1:31:54
I very much appreciate the raising the issue of value recapture and I'm not aware of a whole lot of research on this, I do know that Bogota, Colombia, London, some other cities take a portion of the upside -- Whenever they do a city park or transit stop, real estate values go up and they take anywhere from 20% to 70% of the upside and redirect it for low-income housing. But I'm not aware of any studies that kind of draw together these models, so I'd be curious if any of the panelists know of any any resources we could learn more about but the main, I also wanted to ask Professor Bloom why would he not frame the public housing issue as a national reparations issue because the federal government constructed property inequality through 200 million acres and land, essentially giveaways for White folks through the whole way -- HUD or the predecessor HUD created redlining to the way GI benefits were handed out disproportionately, zero inches VA loans, etc. to enable Whites to buy houses at very low income or no money down, et cetera. A lot of what we're talking about here is is actually a federal product in terms of homelessness and lack of housing, a lack of affordability, so why wouldn't we press the federal government to do reparations as opposed to saying local taxpayers should bear that burden?

NB 1:33:45
That's a great question, yes, well I guess for one thing, I was asked to comment on the City Charter -- My concerns about that, I think you have to walk and chew gum at the same time with this particular issue and yes, there's no question that federal policy and even the way public housing itself was shaped right, but then there were basically a lot of racist goals sort of embedded in it. I guess there's a couple reasons why I think it's dangerous as a national issue --

One is public housing, I don't believe it is really a vibrant national policy anymore, so when it comes to what we keep seeing you know, year in year out, I know there are proposals out there for funding public housing, you deal for public housing, and so forth. But it's very hard to generate national support even on an issue like let's say you know, a very strong basis of reparations for what has become a disproportionately New York centric institution. I mean you can look at other cities right and they have drastically reduced their portfolio. Look at Chicago right, Baltimore, and so forth. So I actually think it doesn't play very well as a national issue compared to, for instance, something like mortgage access right. I think there's much more whereas New York has 160,000 units out of, you know, maybe a million left of public housing units in the country. So I think the city will, does have to reckon with the idea that this is something that is unique to New York you know, the scale of the transit system also disproportionately large to the rest of the country. But there are transit, many more active transit systems I think in the US that help create that national push. So I guess my feelings, we can wait for the federal government to take these actions, but why should people have to suffer while we wait for the federal government to do the right thing? I believe that through taxation or realigning funding quality of life for NYCHA residents could be improved

significantly in the short term while this larger fight for basically equity and reparations takes place at the federal level.

JJA 1:36:02
That's very, appreciate that. Henry.

HG 1:36:12
Thank you Madam Chair, I'll be quick. The first question is for Mr. Duncan if he's still around -- Wanna ask if his proposal about the 10% for Euler was prospectively or does it include an analysis, a retroactive analysis, what's today and secondly, whether you have looked at the current setup and ascertain how much that would mean in the future because density is an issue here.

DD 1:36:46
No, that's a good question. Sorry, I should have clarified a couple things -- More so that there should be some type of minimum and I just kind of propose 10% of making sure that there's some type of public brokerage, open space across every neighborhood, and just suggesting that a lot of research shows that higher income and particularly white neighborhoods have open spaces and safe open spaces. I didn't do any analysis given the kind of the time and the request to see kind of the distribution of the open spaces across New York City and what will be needed, but in a follow-up, I can have a kind of, our group run those announcements to see what's feasible within the context of New York City. But I guess the overall thesis is that there should be some type of promise, dedication to a land space for each neighborhood and hopefully by having some minimum, it could begin the conversation of having some type of equity in terms of every neighborhood having access to open space.

HG 1:37:53
Thank you. I think my question now applies to Ms. Lachan about the fact that, let's say we follow you know, Mr. Duncan's idea of setting aside a percentage right? We have seen that in the application of the access of those, people of color have less access to parks and even when they do, I represent the New York City park rangers and when you compare the prep officers that are doing services in Central Park through a conservancy and compare them to say, England right, or the park that's not far from where I am, the vast differences in application of existing resources. So I think you've suggested some of the ideas that the Charter can begin to look at it, but I need a clarification on something you said about, because we've heard from previous panels that we don't need another agency, we didn't even know the enforcement, we don't need yet another thing. And I think when you have this little intention, idea, you have multiple layers of people. So can you clarify to me when you were talking about how do we begin to dismantle this disproportionate resource distribution within our society?

ML 1:39:17
Was that question directed to me?

HG 1:39:20

Yes.

ML 1:39:20
Okay sorry, thank you. So I think the question is if it's essentially what we're all talking about here, how do we begin to dismantle the disproportionate benefits and burdens right?

HG 1:39:32
Let me just, I want to push on this, would be specific to the Charter right? I think I'm not, you know, naive enough to think that a Charter revision is going to undo you know, decades of institutional inequities right? But right now, you've looked at the Charter, make specific references of the Charter where that exists, and that's where I want to pressure you.

ML 1:39:56
Yeah, so I think actually, a couple of the the suggestions I made could help with that and with what Dustin suggested as well for example, mandating a comprehensive long-term plan for the city as a whole in terms of how it intends to utilize its its land use and and the goals that it is going to set such as 10% of land in every community district shall be set aside for open space and having that be the long-term plan and of course, in developing that long-term plan, community input has to be at the forefront because you can't treat every community as the same and so telling every community that they need 10% to be used as open space may not necessarily be what the communities want, but that's an example of something that you could absolutely put in the long-term plan.

And then when the Euler's or the smaller you know, land use applications come in, they have to be held to the goals or to the long-term plan and if they're not meeting those goals or the values or determinations that the communities came together and approved as part of the long-term plan, a much higher explanation to explain why they're not meeting that needs to be put forth before that rezoning or particular land use application can even move through the process. And so I think that is one way to modify the Charter, by requiring this comprehensive long-term plan.

I mean, you think about the comprehensive long-term plans that the city has -- I refer to the solid waste management plan which is a 20-year plan about handling our waste which is required by the state and then we also have a long-term energy plan which the Mayor's Office of sustainability is currently developing in partnership with a lot of us stakeholders, and so there are long-term plans for specific areas and they're all kind of happening in independent vacuums and parallel universes and there isn't a comprehensive plan that also takes into account the need for housing, the need for open space and equity -- With equity and racial justice at its core, a comprehensive long-term plan could really go a long way at accomplishing a lot of the things that we're talking about here today.

HG 1:42:16
Thank you

JJA 1:42:17
Very helpful. I am going to turn now to Michelle De Lauz, who is the Executive Director of the Fifth Avenue Committee INC, and Neighbors helping Neighbors. She oversees the organization's mission and comprehensive programs, all that serve more than 5,500 low and moderate income people here in New York City. She serves on the National Board of Directors of Bliss, the Local Initiative Support Corporation, New York Housing Conference, and the Association for Neighborhood and Housing Development, among many other groups and organizations she was appointed to serve as the City Planning Commissioner on the New York City Planning Commission from 2012 to 2021. And that alone might get you many questions.

Michelle, if you would share with us some of your thoughts and reflections in this moment.

MDLU 1:43:10
Sure, thank you so much for inviting me and thank you to the Commissioners. Like, I know what it's like to sit on the other side and listen to a bunch of testimony and try to figure out how to parse it out and figure out where the nuggets are to move forward. I'll just say that equity happens intentionally, it doesn't happen by mistake and that you know, the challenge in New York City is, are we focused on growth or are we focused on equity? I don't believe it's an either or situation -- I believe inclusive growth is possible. I think Melissa just mentioned a number of different plans that the city has and depending on who's putting it out, one might be more focused on growth and another might be more focused on equity and I think overall and this was said by a number of the speakers that you know, equity is something, equity is a really, a societal obligation and we all have to contribute to furthering it in terms of you know, but this is going to sound a little bit like a broken record but I too believe that we need a comprehensive plan, a long-term plan where the challenges that the cities face, that the city faces either regard to inclusion um racial inclusion undoing segregation undoing the effects of redlining, undoing the effects of you know, urban renewal in various communities, addressing climate change and then and quite honestly, the coordination that's needed across multiple city agencies to achieve these goals -- That that is absolutely necessary right now.

About 90% of all development in this city is being done as of right [now] and in a lot of communities, it's being done based on zoning that was in place from the 1960s. The world has changed a lot. You know, I was born in the 60s and the world has changed a lot, and it's really important that a long-term plan that really takes into account current challenges, current goals, are taken, you know, are really put in place. And it's also really important honestly, that we connect our land use policy with our our capital budget in the city and that we also of course you know, think about in investing in people and communities. I also heard the need for secret reform, I believe in that as well.

There's you know, I think the biggest challenge that a lot of communities have about the environmental review process is that it seems very distant to them and it seems as though it doesn't address current concerns and that's because it really hasn't. I know from my experience and the experience of Fifth Avenue Committee -- For years, we've been most concerned about

how -- Treated rent stabilized housing and assumed that it was not under threat and that those tenants were not able to be displaced. And I can tell you certainly from direct experience of organizing rent stabilized tenants that they can be although you know, luckily the the changes in the right stabilization law a few years ago helped to make that more difficult.

You know, one of the questions that I was asked to touch on really was about structural roadblocks. Honestly, I don't know that -- I think the biggest roadblocks are really about political will and about you know, ensuring that there is the ability to focus on these things even when there's a lot of opposition. Obviously you know Fifth Avenue Committee and other folks are in the middle of a dialogue about rezoning Gowanus, that will be the first neighborhood under the Administration, that's a majority White neighborhood where the median income is close to $150,000 for the 62% of white residents. And there's significant opposition to the rezoning and a lot of misinformation going on despite the fact that that resulting will result in 35% of all the units about 3,000 units being affordable to low and moderate income folks, majority of folks of color. And you know, we're looking forward to the independent racial equity report that will be released very soon -- That will make sure that you all can have a link to and get a chance to review it.

I think the other thing I'll just say as part of the testimony is you know, organizations like Fifth Avenue Committee and um AFFY, the organization that Chris used to run you know, and others, we're part of, like a critical part of the civic infrastructure that really needs to be invested in. A lot of times people talk about community participating in processes, I'll just say that in order to make that meaningful, you often need trusted liaisons between government and community who can decode what is going on in these conversations. We do an entire educational series, we call the Community Development Series, that we've developed with groups like Center for Urban Pedagogy and others, where we do popular education in multiple languages. I'll just point out about what is zoning, what is affordable housing, what is environmental review, you know, all of these things to make it much more accessible to people. And I'll just share one anecdote -- A couple years ago, when we did it, we literally had folks as young as 10 years old in the room and as old you know, in their 70s, and I'll just say, including an elected official, a state elected official who had been in office for quite a long time and at the end, all of those folks were able to participate in these sessions and at the end of the session, the elected officials said "I appreciate so much what you did, finally someone explained to me like the interaction between area median income and affordable housing finance and now I get it." Like if you want communities to meaningfully participate in these discussions, you have to provide the education and tools the technical assistance in order for that to happen. And you know, that is what true democracy looks like and yeah.

So I'll stop there, I'm happy to answer a bunch of questions you know, I'll just say you know, FAC develops and manages affordable housing, we help market affordable housing, we you know, we currently have an affordable housing development pipeline of 1900 units and absolutely understand the interaction between land use policy, affordable housing finance, and addressing community concern in need.

JJA: 1:50:53
Now I just want to, company here -- First, thank you all for your presentations and I want to lean in on the, I guess, what was maybe your last comment and ask you all to respond or to you know to join in concerning the last comment about I guess, knowledge and capacity building -- We as a commission have talked about the importance of that, you know, that very often we may have a situation where we're bringing about changes in the law, bringing about reforms, but we're missing a critical link for people who for so long have been denied, deprived of the ability to meaningfully engage and that is you know, ensuring that they are supported to engage. And so I just, I want to lean in a little bit more on that and ask your thoughts about what that might look like.

MDLU: 1:52:03
I mean, I'm happy to jump in -- I think in the current model right that we have for for at least land use right, we have community boards. They don't have any technical assistance right, I mean they don't have the resources to, and oftentimes they're asked very technical questions and they rely on the volunteers that that you know, that participate in those community boards -- That's not a recipe for success right? I think you need to you know, teach this kind if we really want civic participation, if we really want communities to have a say in these processes and to meaningfully contribute, then we absolutely have to think of this as a civic academy type approach that is resource but is also local. And there are definitely models and like I said, the Center for Urban Pedagogy in New York City is a great resource, love working with them. Obviously groups like Pratt Center for Community Development groups like Hester Street, all of them I think are very well versed in this area.

NB: 1:53:20
I would say that the opportunity to rethink NYCHA as a city, a true city agency would hopefully lead to a complete rethinking of the current kind of resident engagement policies which were set by the federal government decades ago, which you know, quite frankly, don't really work and just to go with Michelle's point -- I mean, I think, rethink kind of like, how people participate and what they know about NYCHA, how they talk about NYCHA, and in these communities and really make us make such a strong case for the value of these places. But yeah, I think that there is a real opportunity to rethink the resident governance model in public housing. I see Michelle, yes, certainly yeah, and that that could be a really creative and powerful element of bringing [as] well.

MDLU 1:54:17
The first thing is I mean, people can't be, it's not tenure right, it's it's not an appointment for life right --

NB 1:54:23
Right, that would be a good change right, yeah. I'll stop there.

JJA 1:54:32

Let's see, Commissioner Hamilton has a question.

DH 1:54:40
So you know I appreciate and like all the focus on NYCHA, which I agree is kind of unique to New York in being integrative in ways that other cities aren't with regards to people from certain demographic groups, but can we think about the other end as well -- Are there structures in the city that allow for protectionism and discriminatory exclusion and housing perhaps at the high end, you know, I guess any any thoughts on on the co-op model -- For example, the ability to use discretion in ways that might be immune to some housing discrimination laws, and any insights or thoughts on that.

MDLU 1:55:25
For me, the co-op model -- You're right that it can be the issue for low and moderate income folks, isn't necessarily that they're being discriminated in my experience, based on the co-op model it's the high cost of entry, like having the ability to have the down payment like you know, one of the things Fifth Avenue and our affiliate neighbors, helping neighbors you know, we're NHN is a hub certified counseling agency so we do first-time homebuyer counseling and foreclosure counseling -- You know, most of our folks have credit scores over 700, they're moderate income folks you know, eighty, even a hundred thousand dollars a year, but they don't you know, they don't come from wealth and so they haven't accumulated the funds for down payment and when you, when you know when the median cost of a home in Brooklyn is close to 900 thousand dollars, that's the barrier to entry, not that the co-op board is not going to approve you -- At least that's been our experience.

NB 1:56:44
I mean, I'm more focused again with this particular proposal on the sort of quality of life of people who are currently in nycha and potential residents of nycha, and so piggybacking on Michelle's point, I mean gaining access to cooperatives for middle-income families can be very difficult because of the the high requirement for down payment or partial payment, but I don't have anything to add --

ML 1:57:13
My two cents is that other things are also exclusionary such as the use of landmarking and preservation and that has also resulted in a lot of exclusionary and discriminatory sort of impact. It's not a popular opinion, maybe it's more popular in this group than in normal groups.

MDLU 1:57:39
It also means that it shifts development to areas where that doesn't exist right, and some of that landmarking has happened in transit rich areas as well, which from a planning perspective makes no sense.

JJA 1:57:54
You good Darrick? Okay, it looks like Commissioner Kui has another question. I'm not sure Commissioner Thompson if you're still raising your hand if that's a holdover --

Chris Kui (CK) 1:58:19
I have a question for Michelle -- You know, because, I know that we actually had another panel that was somebody who one of the panelists mentioned about talking about how like the City Planning Chair is also the Director of the City Planning and how you know, also whether there should be a two separate decision and then also that there was a lot of response in terms of when a community organization goes up and talk about given comments and response to some projects and then the city planning staff will say that we're race neutral. So we can, you know, really look at anything from that lens with a neutral [perspective]. So I just want to ask your opinion in terms of like you know, whether there should be two separate roles and then within the City Planning Department and Commission, it's like you know, should that be two separate even agencies or entity where one would be really focusing on true planning and development and then looking at a larger kind of like, city needs in terms of infrastructure, how is it, not just about housing and then also put a racial lens to it.

MDLU 1:59:37
That's a great question Chris. I mean obviously, you have the perspective too, having you know, when you said on city planning -- I would just say I would be more focused on developing the comprehensive plan, the long term plan, and then figuring out what is the appropriate agency or staffing structure to support its implementation. I think sometimes we get too focused on, you know, modifying, making small adjustments to the current way things are being done rather than like having a more radical transformation that will kind of lead to the change we really want to see. So I would rather kind of focus on implementing the plan. Yeah, I mean you know, the current structure, what it does help to address I think is some of the coordination issues like there are, but there are larger interagency coordination issues that also need to be addressed, not just between the City Planning Commission and the Department of City Planning.

CK 02:00:44
But right now, it seems like there's no one, there's no entity that actually does anything or it has influence or power or resources to kind of conduct that kind of like large, long term, no?

MDLU 02:00:54
That's actually right, it would have to be created right, it would have to be created.

NB 02:00:57
I would just point out from a historical point of view there's a reason why you know, there isn't a comprehensive plan in part because the last major attempt was in the 1960s and the politics of a comprehensive plan are they, they're not minor in any way. It makes my nature proposal look like nothing like these are because again, you haven't just even seen this recent election right -- The notion everyone thinks well, people will think like me and they'll want this progressive vision or whatever it is right for this area, but that, it's a very diverse city in terms of politics and outlook and it is likely to be a very long and contentious process, which is one reason I think why it has remained as an aspiration of certain groups rather than being in the church right.

JJA 02:01:46
One of the things we're appreciating with this work is that the kind of, the tinkering on the edges doesn't really get us. Yeah, that's fair right, and so --

MDLU 02:01:58
It hasn't moved the needle especially, as it relates to racial equity injustice.

NB 02:02:03
And certainly NYCHA has as a part of a comprehensive plan, would be very interesting to look at NYCHA as an asset. Both the open space and the housing and so forth, that would be fascinating.

MDLU 02:02:16
I mean we've been advocates, have been advocating just to align from a housing policy perspective, the housing policy and NYCHA plan.

NB 02:02:22
Right, right.

JJA 02:02:26
Let's start there to a close but again, you've provided us with significant material information. We will be back to the well, we hope that you will, you know, make yourselves available to us when we do come back to the well. I can't give you specific dates, but we're going to be essentially dissecting many of the ideas that are being presented and thoroughly now analyzing them, aligning them with the Charter. If you have written remarks and are willing to share them with us, we would appreciate that very very much. So thank you for your time and I imagine you'll be hearing from us again. We're going to take a two minute break and then we're going to come back with the third and final panel for this evening right. Thank you for this whole day.

Hi, I am going to call us back from break so that we can hear from our three remaining panelists and have opportunity for conversation, and so I want to welcome them into the room now and they are Rebecca Bratspies, a Law Professor at the City University of New York Community CUNY School of Law. She's the Founding Director of the Center for Urban Environmental Reform. She's an internationally recognized expert on environmental justice, the regulation of new agricultural technologies, and the human right to a healthy environment. Professor Bratspies has written scores of law review articles, op-eds, and other publications including four books.

Justin Garrett Mooreh is a trans-disciplinary designer and urbanist and is the Program Officer for the Humanities in Place pProgram at the Andrew W. Mellon Foundation. He has extensive planning and design experience from regional and urban systems, policies, and projects, to grassroots and community focused planning, design public realm, and arts initiatives at the Mellon foundation. His work focuses on advancing equity inclusion in social justice through

place-based initiatives, built environments, cultural heritage projects digital, and forgive me, programs and commemorative spaces and landscapes. I've been going too long --

And the last person is Lyeshima Harris, Project Director of East New York Farms and Co-Director at Green Gorillas. She's dedicated to integrating youth empowerment and leadership into adult dominated sectors. Throughout her decade of involvement in the food justice movement, Lyeshima has taught food justice, advocated for universal free school lunch, assisted in the development and sustainment of youth-led organizations. She wishes to combine her passion for food justice and her knowledge of American politics to drive the importance of food in people's everyday lives.

We will begin with eight minutes for each panelist and then a back and forth with our Commission Members with the panelists. The first person that we ask to speak is Professor Bratspies.

Rebecca Bratspies (RB) 02:10:01
Well, thank you for inviting me to testify today. It's an honor to be here and to listen to all the people who've come before and I'm looking forward to hearing my fellow panelists. I want to start with the big picture and connect some dots about how we got to the situation that we're in and then I'm going to offer five suggestions for Charter revisions that might move us forward.

Everyone has a right to breathe clean air and to drink clean water -- These are basic human rights recognized by the United Nations and by 150 nations that have enshrined these rights in their Constitutions. This fall, New York will vote on whether to amend our Constitution to add section 19. "Each person shall have a right to clean air and water and a healthful environment." While the United States Constitution doesn't have an explicit environmental provision, we do have laws that could do much the same thing, specifically section 109 of the Clean Air Act, requires that air quality standards be set at a level requisite to protect human health with an adequate margin of safety. That means under existing domestic law, everyone should already have clean air to breathe, clean water to drink, a healthy neighborhood to live in.

Unfortunately, the reality is often quite different -- Too many of our Black and Brown communities have been forced to fight tooth and nail for these basic human rights. Black communities, communities of color, low-income communities bear far more than their fair share of the environmental burdens in this city. Take a map of the neighborhoods in New York City that were redlined nearly a century ago -- What you have is a map of the city's structural racism, the map that cut Black and Brown neighborhoods out of the New Deal and out of the economic prosperity that it built. Now, update that map, add a layer for where New York City cited its power plants, where the city cited its wastewater treatment plants, where the private waste transfer stations are located, where the polluting industry is more generally -- It's the same map, this is the map of New York City's environmental racism. It rests on the structural racism of redlining but has been added to layer by layer by a city that ignored the needs and

priorities of these communities. It is also a map of the neighborhoods burdened by over policing and mass incarceration.

Now take this map of structural racism and environmental racism, add to it the places with few green spaces or trees, the places where environmental enforcement lacks the places, where kids struggle with asthma and miss too much school because they are sick, the places with disproportionate cardiopulmonary disease, the places most vulnerable to the heat island effect, the places where COVID19 hit the hardest. Once again, it's the same map. This is the map of New York City's environmental injustice, the impacts that polluting industry, that lack of enforcement has on the health and welfare of its most vulnerable residents, it is this map of environmental justice, of environmental racism that we're talking about today, about how the redrawing the City Charter can change this situation.

So just a few facts about the city to illustrate these points and then I promise I'm going to get to my five suggestions. Until 2018, as you heard from Melissa, four neighborhoods processed three quarters of the city's waste all were and are overwhelmingly Black and Brown. The stench, the dust, the traffic, the pollution for the entire city concentrated into four neighborhoods -- This is environmental injustice. Many of the city's peaker plants predate the Clean Air Act, they're filthy, spewing particulates, nitrous oxides, and other pollutants as they start up and shut down. Something peaker plants do frequently, virtually all are in environmental justice communities. In fact, in 2000 the city cited 10 peaker plants in all, every single one of them in an environmental justice community. They were forced on communities without their input and over their objections with virtually no environmental assessment because they were supposed to be temporary for three years. Anyone born when the plants were built is now old enough to drink and the plants are still there. 60% of the city's power is generated in one overburdened Queens neighborhood and despite the CLCPA's carbon free mandate, there are two fossil fuel plants currently trying to get new operating licenses in environmental justice communities.

In our city, the health implications of these disparities are overwhelming. New York City is a serious non-compliance zone for ozone, one of the pollutants regulated by the Clean Air Act. That means New Yorkers routinely breathe air that does not meet the standard requisite to protect public health but the harm from this pollution is concentrated in just a few communities -- Low-income communities and communities of color. And just a sort of quick example, in Hunts Point Mott Haven, an overwhelmingly Black and Latinx community has extremely high levels of ozone and particulate pollution, its asthma rate is more than double the city-wide average, its children visit hospital emergency rooms many many times more than the city-wide average. By contrast, Tottenville, a comparatively prosperous and overwhelmingly White neighborhood in Staten Island has significantly less pollution, its children suffer asthma at a nearly an order of magnitude less than the city-wide average right. We have vast disparities that we need to fix -- Overall, a Black child in New York City is 42% more likely to have asthma than a White child, eight times more likely to be hospitalized for asthma-related ailments, and two to three times more likely to miss school because of asthma.

So there are Charter revisions you can make that would start to end this legacy of structural environmental racism and help New York City move from environmental injustice to environmental justice. We all deserve to live in healthy communities and these are five suggestions for how that might happen.

First of all, the City Charter could be amended to explicitly guarantee every city resident the right to breathe clean air, drink clean water, live in housing that is not toxic or damaging to their health. The City Charter could also put environmental justice at its center. In doing this, we could use the recent New Jersey environmental justice law as a model. Environmental injustice would be a mandatory reason to deny a permit, a license, or a similar authority from the city if a new facility would have a disproportionate negative impact on our already overburdened communities. The relevant agency should have to reject it, this would give teeth to the Charter's fair share provision and require those who want to put polluting industry or locally undesirable land uses into already overburdened communities to justify it and come up with benefits for the community that will counteract these burdens. And pursuant to Local Law 60 of 2017, New York City just finished a map designating its environmental justice communities. This kind of a Charter revision would be a way to make that designation meaningful, it would also help implement the CLCPA's mandate that 35% to 40% of green energy benefits go to disadvantaged communities.

Third, the City Charter should learn from participatory budgeting. In participatory budgeting, communities speak first and last; anyone over 12 has a voice, not based on citizenship, not based on property ownership, not based on any of the other privileges that skew our conversations. There's still a key role for agencies' expertise, but communities set the agenda and regulators take seriously their self-identified needs and priorities. Conversations occur in community spaces accessible to those with disabilities where people feel safe, welcomed, and valued, and at times that work for working people and for parents -- And the things that come out of this process are amazing renewable -- An example of the kind of transformative proposals that emerge from this kind of community driven policy making and as part of this approach, community boards need to be entirely rethought. They need widespread representation, they need for sure more nature representation, and they need teeth so that communities are in the driver's seat about development and land use plan decision making.

The Charter could explicitly recognize that all property is held subject to a social mortgage -- This is a recognition that private property ownership confers stewardship obligations, just as a conventional mortgage binds a homeowner to repay the institution that made that home ownership possible. A social mortgage obligates the property owner to recognize their obligation to the community that made the ownership of the property possible through providing services such as health care, education, transportation, police and fire protection, as well as through the cultural vibes that make neighborhoods desirable. It converts property ownership from an extractive to a participatory stance. Recognizing the stake that in the community with those of no private property holdings, it can be a way to change how we think of right zoning. A land use planning process built on this foundation will be more just and more

equal and may be capable of addressing the displacement problem we've all been talking about.

Finally, the city needs to reward its workforce for their role in making environmental justice manifest -- The Charter should require that agencies include explicit environmental justice metrics in every promotion job description; they should evaluate their workers productivity and excellence based on how responsive they are, how they solve community problems, how they achieve inclusion and equity, not how many fines or tickets they issue or how many projects get built or at least not only that. So anyway, I'm going to stop my remarks there. I will look forward to the conversation and I'm glad to provide any follow-up information you might like. Thank you.

JJA: 02:19:32
Thank you, thank you very much. Next, we will hear from Justin Garrett Mooreh.

Justin Garrett Mooreh (JGM): 02:19:41
Thank you and Professor Bratspies, that was incredible to hear your remarks. I underlined and agreed with most of it. So thank you to this Commission for inviting me to share some thoughts -- This obviously is an incredibly important conversation and an important time for us to explore together what we are collectively doing for our city, for our communities, and generally as people. So for those of you that don't know, I was formerly in the Administration as the Head of the Public Design Commission and before that, I had a long career in City Government with the Department of City Planning and my expertise really does connect to this broader topic about how communities change and I think this Charter revision conversation is an opportunity for us to think in a more complete way about how we change and what needs to change.

So we were given a couple prompts and questions of big ideas that are being proposed or tested in my field -- I work across multiple fields, so planning policy and design, and the thing that I would say is the most important and most encouraging is that social justice and racial equity explicitly are increasingly being used directly to shape and inform how planning development and design are sort of explored and used and implemented in different places. So for example, in urban planning, there are important conversations about the role of changing economies and changing relationships to things like housing and figuring out how do we even conceive of land uses and how those are regulated, and that there's a need to be more flexible and more adaptable to a wider variety of uses, but also a wider variety of people, a wider variety of cultures, a wider variety of circumstances that impact how we literally use land. How do we use our spaces right --

So the the current paradigm of zoning and planning that is largely structured and based on to be frank, a eurocentric and even white supremacist framing for how planning zoning policies and design have been implemented and there is a very deep legacy to that, are being questioned and are being challenged -- That's happening in certain fields and definitely serve

in spaces of scholarship. It's happening in spaces of sort of activism, but government is way behind, still fully entrenched in the structures of policy and power that have been designed for inequality and I'm going to say, I'm going to underline that plane again, the structures of our government -- Our planning, our policy, and design -- Have been designed for inequality, and so when you're looking at the systems, if you're nibbling around the edges with different sort of conversations, how can we make our planning process have better community engagement, that's the wrong approach because the whole system is designed to create this difference. And so adding community engagement, more community meetings you know, "oh we'll add a few more steps in the process," you're not actually addressing the issue -- What you're doing is actually uh sort of enabling the current system to do its job even better. So I just want to underline that as kind of a key point. So that's something that is happening in the field and happening practice and people are starting to challenge it.

The second piece of that is a an idea that aside from the kind of the planning and policy aside, that there's a an approach to thinking about design and place in a in a way that broadens who gets the ability to inform what happens, who gets to create, who gets to change, who gets to challenge, is something that we need to reevaluate who is designing the work. You know the fields largely, when you look at all the consultants and the firms that are doing all this work, they don't reflect the communities that are impacted and affected -- So great strides have been made for things like minority and business enterprise policies and things of that nature, but they're really not being done in a way that is systematic enough to address issues of planning policy and design that can have a potentially huge impact in terms of better connecting and relating to the again, that difficult process of how communities are changing in our societies.

The last piece and it definitely goes back to uh Professor Bratspies point, is that there's a big picture, big vision approach, which is to think about what are the United Nations' sustainable development goals. Alright, so this is a very big picture conversation about globally, what are our human rights, our environmental needs and responsibilities and stewardship that are required for us to live together right, and you're you know, in the global way, what does it take for us to live together, the sustainable development goals has these 17 kind of frameworks -- Everything from climate and stewardship of environment to addressing issues of social equity, economic opportunity, gender equality, etc. There's sort of a framework that people globally are starting to connect with, think about, and work with, and that's something that is obviously relatively new. I believe it was early 2015 that I think that it was started and we're working with a much older infrastructure for how we even think about these issues right. Again, one of these legacies for how the systems have been designed have taught us to think "well, we need a health department and an education department and a police department." Instead, there may need to be another kind of approach to even how we structure and frame these conversations around a broader set of goals that are interconnected and I would even add the word intersectional to that, to think about how we're structuring our government, how we're making our decisions.

The other sort of question that we are given is, what are the major structural roadblocks in achieving racial justice. So I would say that the first one, it's not the first one but the one that I want to say and highlight because it doesn't get said often enough, is that white and wealthy people have to give up something or at least perceive you know, accept that they may need to give up something. We've seen this over and over that communities of color are asked to do more they're asked to grow, they're asked to change, they're asked to take on more than their fair share and be told that this is how you're going to see investment, that this is how you're going to see opportunity, is that you have to change, but we never ask that of the higher income and frankly, the wider communities in the city and and in America and globally. And so that's a sort of a conversation is not directly something you can change in a Charter right. It's kind of a bigger conversation but in the Charter and in government, you can start to put mechanisms and policies in place that require that the question be asked right, that require that sort of the equity and the decision-making and distribution of resources, of infrastructure, of where change is happening, is needed.

The last point in my sort of wrap up is to ask what changes in the law or Charter would I propose and my direct proposal would be for the New York City Charter to create a new entity or new agency called the Department of Care. The Department of Care would be a way to work across all of those aforementioned silos and structures to go toward an approach and a system that looks toward. What does it take to care for and maintain and be healthy together, across all the different ways that that happens -- Whether it's built environment or operational and to resource it accordingly so that we spend our money and our land and our time in ways that are toward caring for people as opposed to only building, and let's call it enforcing people. And I'll leave it with that. Thank you.

JJA: 02:29:48
Thank you, thank you for your remarks. I will now turn to Lyeshima Harris and we'll hear from her and then we'll have a conversation.

Lyeshima Harris (LH): 02:30:01
Thank you, so in my field of expertise or area of focus, which is urban agriculture and youth development, we have supported the notion that community gardeners are the milk, community gardens are the melting pot of cultural diffusion. So we've used this form of community mobilization to integrate heritage culture lessons through intergenerational exchanges with youth interns and elders or youth in general and elders. We're also able to share experiences and ideologies over decades just by growing food. East New York, which is a community I'm from, has 50 plus community gardens and farms ranging from private land ownership, backyard gardens or government entities due to the diffusion of cultural exchanges. Food girls are able to develop self-resilience among themselves by sharing supplies, seeds, and equipment. We reduce racial inequity by educating community gardeners about the land, how to access the land in the space that they're on and how to also preserve that land by implementing systems that will allow for them to have generational transitional, generational

plan and also to continue mobilizing and supporting the local food access that communities of color has.

We understand that racial inequity leads to economical and infrastructural inequity; therefore at East New York Farms, we create a network of community gardeners that are able to sell their produce that they grow at our farmers markets in order to make an income because most of our community gardens are retirees or elders, so they live on a fixed income already. This also simulates local economic wealth in urban agriculture. We do not have the concrete data that is needed to give a snapshot of how diverse or how much food we're producing in the city in general and how we're helped shaping and moving the food infrastructure, and I think that's because no one really cares about local community gardeners or food producers in the city, and sometimes this could be due [to] lack of funding. Maybe there's a certain infrastructure set in place for organizations to conduct those studies.

On my daily interaction at urban farms or urban community gardens, I encounter people of color, mainly women, typically elders. Community food girls have been fighting for their stake in the fluid movement for decades as they have put in labor some hours on the land with a fracture of the reward. Urban agriculturalists are left abandoned a lot of times -- Three major roadblocks are lack of funding for local community gardens and also CBO's lack of legal protection for community gardeners outside of license agreements and also averted some expectations that are placed on local community gardeners in order for them to open their gates and have a 24-hour access or eight hour access out of the day to community members.

So a bit deeper, community gardeners are elders and there are barriers that prevent them from applying to certain grants, barriers like technology or lack of knowledge when it comes to applying for statuses like 501C3s. Since most community gardens do not have their 501C3 status they have to either rely on other 501C3 organizations as a conduit of them getting funding for their gardens or they cannot apply for those funds that are available. So we see the barriers that separating community gardeners from advanced organizations or other entities that might take advantage of those grants. But within my field community gardens, they really need the support, having other 501C3 entities as a conduit for them to receive funding. Then that nonprofit organization become financially burdened by having to track all that grants and funding for all the community gardens that they might be fiscal sponsors for which goes to the not so well structured, organizing not so well structured entity of nonprofit organization -- That's a different conversation. And we also try to make sure that community gardens or local CBOs are fighting to maintain programs and operations that they have going on already, but we realize that a lot of fundings that's available are for STEM programs and STEM programs are dedicated to aquaponic and hydroponic farms which then goes into a lot of infrastructure in terms of like building or housing developments that are going up in the city that then require us to like, think bigger, think wiser, have a rooftop garden like you know, and then it's like, what happens to our land space, what happens to community gardens if we then have rooftop gardens.

So there's a lot of unparalleled or unbalanced funding streams that goes out to local urban agriculture programs that are not STEM based and those are barriers that prevents local CBO's from hiring within the community, from expanding their programs, from having job readiness programs, and also college readiness programs in their local neighborhoods. So we see a lot of CBO's that are really struggling, especially during this pandemic, where all the money has been going towards food pantries but not really to the workers who have to work those food pantries. We live in a fast advancing society where every year, we get bigger, we get better, but we need to not rush nature as we are competing with ourselves at the cost of losing our homes.

And finally, to grow food, you need passion, love, and time. Community gardeners and farmers dedicate such work ethics to preserve access to local food in their communities, especially in people of color communities where diabetes, hypertension, is at higher rates and obesity. I am not aware of when growing food is needed, so much like bureaucracy and control, however, I do know that the selflessness and passion food producers harness. Before we instill guidelines and requirements, I encourage you to speak to the individuals that these laws, guidelines, and infrastructure might affect. We all have a voice but we're not all at the table. Thank you.

JJA 02:37:26
I thank all three of you, I really appreciate the remarks that you each provided and let me just say that you know, the common thread that I heard even though you were in from different vantage points is centering on these structures that essentially are perpetually that you know, that were purpose to provide for inequity and equality and are continuing to prop it up and that is at the very core what we're aiming to address here. And so your points, your remarks are spot on, I really appreciate what each of you has shared with us and I'm going to give the Commission Members an opportunity to weigh in at this point. I actually see that Commission Member Lurie Daniel Favors feels as I do, that your remarks are amazingly helpful as she, as she shared. And if you'd like to say a few words or ask a few questions, Commission Member Daniel Favors, please.

Lurie Daniel Favors (LDF) 02:38:28
Alright Chair, I actually have no questions. I am just filled with gratitude and a lot more optimism after having listened to each of you speak. This work is so difficult in so many ways and can be so demoralizing, so I'm just very grateful and appreciative to all of you for centering true approaches to racial justice in your work. I'm very grateful, thank you.

JJA 02:38:52
Thank you. Commission Member Thompson has, looks like he's come off. I don't know if he intentionally unmuted but I don't know if you have some remarks that you'd like to share if you do --

PT 02:39:04
I did intentionally unmute but I'm really intrigued by the last, the last panelist and her discussion of urban gardening and it just reminds me of a mentor of my father's, Reverend

Johns, Vernon Johns, and Reverend Johns used to come and preach at our church and he's always preach overalls and he'd drive a truck full of watermelon and collard greens and hams from Southern farms and he said you know, all you Black folks up North, you eat all this stuff but Black farmers have gone out of business and how can that be -- You know something's going wrong in the middle and you know between the farmers and us who are buying and eating that stuff adn this last panelist made me think like, DOE buys 190 million meals a year, so isn't that market for you know, Community Gardens and Urban Farmers right here in front of us. And I'd love a reaction or comment but I just think there's huge potential right here for us to build a self-supporting and maybe one of the experts here could comment on that.

LH 02:40:41
I could comment -- I think there is what Justin mentioned, is like the system, is not really a system [if] it's not working. I think there is a way for us to be resilient in New York City and in the work that we do, but no one is willing to take that step or no one is willing to give something up in order for that to happen.

My first, my very first garden that I built was on a DOE school property and they completely wiped it out and expanded sports activity because the DOE did not want to fund lessons or school to be, or students to be a part of the lessons that will be that were taking place at the garden. And people loved it and people enjoyed having a garden there because they're able to see a greenhouse, they're able to have an aquaponics system, a hydroponic system, and be able to like have lunch in the garden.

But I think the system is broken as much as we think about food as much as we gravitate to food, I don't think we really pay much attention to the laws or infrastructure around food. So a lot of times, when it comes to food, we're always telling people to eat healthy, but we're not educating them on that and for educating them on that, they don't have jobs where they could eat healthy or buy the healthier options. So it's just like a cycle of failure every single step of the way that you go until there's a change where someone or a group of people are like, "I'm willing to give this up in order for you to have this" and that's the only way in which we'll see a system that is fair and equitable, especially in New York City.

JJA 02:42:28
Okay, thank you. I see that, Justin has put into the chat --

JGM 02:42:38
Okay, I just quickly wanted to share, my grandfather ran a large urban agriculture program in Indianapolis, from originally in the 1940s and 1950s at a scale over 200 acres, serving hundreds of families. And it underlines Ms. Harris's point about all the different types of work needed, and so they had a cooperative grocery, they had training programs to actually teach people how to cook food correctly, and so it does need to be thought of at the kind of systems level and not only like one individual garden. One individual garden is not going to land against the

system right, or you know, one principle going on a limb to order the food right. It really needs to happen at a certain scale to be sustainable.

JJA 02:43:34
A lot is being written just you know, what has happened at the federal level with the funding that has been, not been denied, Black farmers by repeated efforts and calls for greater support -- Darrick, did you want to comment please?

DH 02:43:53
Yeah, I mean, I'll join the bandwagon and agree with the comments that a lot of inequality is structured and that Black farmers have been defrauded by the U.S. Department of Agriculture historically, and I'm in some ways contemporary.

I also just want to mention that a colleague and a friend, Dennis Derrick has a Corbyn Hill Project that's intended to bring, so I guess people are aware of it to match food deserts in New York City with farmers upstate and elsewhere adn with an emphasis on communities of color.

So I have a question, the question is, it was the issue of, we often ask of Black and other Indigenous, Latinx, and communities of color to make sacrifices to address the values of equity, to make dial out of 15 cents in a proverbial way. But then you know, the provocative notion of should we ask more of those that are more fortunate to achieve the value of equity. Are there any ways we can structure this you know, I can think of you know, for instance, an idea that I've championed a lot, baby bonds, and some people are talking about wealth taxes as a mechanism or an inheritance tax as a mechanism of funding it. but are there any ways we could think creatively about structural ways that we can achieve civic values around equity that are fair but also structural, particularly at the local level.

about structural ways that we can achieve civic values around equity that um that that are fair but also structural particularly at the local level

JGM 02:45:36
And I mean, I would say that Professor Bratspies's points about the kind of the environmental provisions is a great way to start the conversation about kind of what, what people call fair share right, who's being asked to provide for our cities, waste infrastructure is one sort of question, but it also could be which communities and geographies are being asked to address our housing needs right, where is growth happening you know.

We had all the, what were called the contextual rezonings or down zonings that largely went to protect certain communities from growth and development and at the same time, Black and Brown communities are being asked to take more growth and development while having less resources. So there's, what in the field we call "spatial justice." So if you look at where things are happening, there's typically a connection to who it's happening to and so the wealth, taxes, all of those provisions that kind of work on an economic level are definitely one way in one

approach, but there are actually multiple approaches that you might look at where things are happening.

So for example, where are new part investments being made right, little island out on the Hudson River you know, big project, big investment in parks, where are parks not being built and being invested in is a question that can be asked structurally by the government right, through mechanisms that could have data and evaluation and consultation and a sort of more complete way of thinking about where investment happens, where growth happens, who's responsible for taking care of everyone collectively.

The other point I'll raise and it's related to Ms. Harris's point and why I talk about the kind of the concept of a Department of Care is that when you look at New York City and it's kind of broader, labor force and an economy who is doing what kind of work has a complexion right -- We all know this, how that work and labor is valued has to do with our systems right, so people being, that are doing what are, is often called care work or kind of housekeeping work you know, taking care of elderly, doing things like gardening and growing food aren't valued as much as someone that's you know, in Wall Street right. Government does have the potential to kind of rethink and reframe that by virtue of the scale of its investments and kind of how it's doing work. And so the idea of valuing care and knowing kind of who is doing care work is a way to also sort of address some of those imbalances and again, asking people who are more privileged or have kind of legacies of privilege to sort of shift resources toward those kinds of work and those types of places is really really important conversation. And how we structure government again through the lens of space, spatial way of thinking about it, is one mechanism to do that beyond only kind of taxing or even political processing.

RB 02:49:15
If I could follow up on Dr. Morris's comments, care work was excluded from the labor laws that were enacted as part of the New Deal, as was farm labor, and that was explicitly a racial choice, racialized choice. It was intended to exclude black workers from the protections that the federal government was extending to workers more generally, and I think that talking about that repeatedly and emphasizing that these you know, facially neutral laws are in fact discriminatory at their core, is an important step forward there. And I also agree 100% about the spatiality. If that's a word of the way that we think about justice and injustice, we talk a lot about overburdened communities, but under burdened isn't even a word and the reason we have overburdened communities is because the burdens that should be borne by other communities have been transferred to them and you know, I think that's one of the problems I have with the way the SDGs are set up. You know, I think they do a lot of interesting things, but they focus entirely on the overburdened communities without recognizing that someone is overburdening them and that solving the problem can't be about those communities alone -- It's got to be about the communities that are transferring their obligations to them.

We saw the city try to do that a little bit, make a tentative first step in the waste equity, the Solid Waste Plan and the Waste Equity Bill of 2018. Those are, you know, a very modest model

but certainly, we can be explicit about that. Maybe the Charter can be explicit about that and say that you know, fair share really means that everybody has an equal obligation to deal with the waste that we generate -- the pollution that we generate -- Everybody has not only, and it has to bear a fair share of the burdens, but has a right to the fair share of the benefits as well, has a right to a fair share of the green space, has a right to a fair share of you know, public transit, a right to a fair share of schools that are well funded and have you know, heating systems and cooling systems that work and have rooms that are adequate and appropriate for learning and has space for community gardens and all of the benefits that come with this fabulous city that we have.

JJA 02:52:04
I'm curious, have you all spent any time with the social indicators report that the city is required to, by Charter -- Although it doesn't happen every year, the city is required by Charter to publish annually a social indicators report that is centered on you know, the aim is to assess equity, assess inequity across communities. I think the 59 community districts, by looking at better than 100 indicators that you know, range from you know, health and environmental concerns to housing and income and everything that we're looking at, I ask because I'm just appreciating that I believe everyone but you all are just triggering for me in this moment that you're looking at --

Of the panels we've heard from today and others just taking a look at those indicators and perhaps giving us your feedback as to you know, if and where they're, you know, they're hitting the mark and where they are it's published, I think the last one was done in 2019, it is a Charter requirement, it's not you know, there have been instances when the city government has said that they've provided other things like the Center for Economic Opportunity during the Bloomberg Administration, said we're providing poverty, anti-poverty activity reports and that meets the requirement and I personally, my organization pushed back on that and I do know that the Bloomberg Administration has done it from you know, on a couple of years, in a couple of years, but not necessarily every year. Just think that your insights there would be very helpful.

So I know we've asked a lot of you already, if you could take a look at that and just give us your two cents, that is what I think. Thank you, thank you, thank you very much. And then we have two minutes left and I just, I would appreciate hearing some, if there's anything more that you'd like to add Mr. Moore concerning the Department of Care we've been talking about, perhaps having a Mayor's Office of Equity that is centered on you know, the implementation across the agencies that various strategies, initiatives, pursuant to what comes down through the Charter reform, and that would also maybe you know, be the keeper if you will, of accountability. But we haven't really gone beyond that, so don't know if you have any thoughts in this moment, but if you do, we'd appreciate hearing them. And if you want to share some more with us and others, if you have thoughts about that, we'd appreciate this.

JGM 02:55:06

Sure, yeah, I think I'll give a little background in that the idea in the conversation came from a lot of different spaces including activist spaces from last summer, from all of the conversations and protests after the George Floyd killing and of course, the conversations about the city's budget and in particular, the pd budget and the idea and concept of you know, if you were to do something different with a billion dollars, what was needed clearly at the time between an obvious public health crisis, an obvious discrepancy between what people had access to in wealthy communities versus lower income communities and a growing crisis on homelessness and what people were calling kind of, quality of life conditions right, the trash and rats and all that, the concept that we needed a billion dollars for care right, was sort of the immediate prompt.

But of course, we need a lot more than a billion dollars for care -- We needed actually an infrastructure to ensure that all those different types of work, everything from your block being clean and healthy to someone that needs help being able to get help and that all of the different modes and ways that that happens needed to be reevaluated. And so the structures and anyone, I don't know if you all looked at the organization chart for the City of New York with all the agencies and departments -- You'll see the silos and the challenge is to get some kind of integration and intersection between where and how people get services and get care. It's a huge challenge for a city as big as New York and you know, government is as large and complex as ours, but the idea of the Department of Care isn't necessarily a new agency with a building somewhere -- It's embedded across the entire government right? The Department of Ed, Department of Care, the Police Department, Department of Care Aging, transportation, etc. to get these connections happening outside of the kind of the City Hall, political process approach because the City Hall political process is another engine of inequality.

JJA 02:57:46
That's helpful, so you're the intersectionalities of the critical joint of work that is necessary. Exactly. Okay, this has been rich. So as I've communicated to other panelists, we will likely be coming back to the, well, what we're doing here is, you're providing us with information that we've been, are, I'm going to you know, essentially work up -- We're in the process right now of identifying what are the you know, the themes and many instances, they are cross-cutting themes we're appreciating. We will, in New York City, to be able to put forward like 300- 400 ideas and the numbers are growing, but we're just trying to find the themes and the root causes if you will, that tie back to structural racism and then tackling them accordingly. So we would appreciate the opportunity to follow up with you as we are delving into these issues and find ourselves with questions and the need for more more thought leader input, so we ask that you just keep your doors open to us. We very much thank you and appreciate you for the time that you've given us and I'll just say for the work that you all are doing, so vital and so important and we're just grateful, we're grateful to you.

This concludes this conversation. Our next meeting will be August 10th at 3 p.m. -- Our next panel centered on achieving economic equity and closing the ratio, wealth gap -- That'll be next Tuesday, August 10th at 3 p.m. and you can access it using the same website that you

accessed this meeting. I will also share that tomorrow, we will have our second in-person public engagement forum and that will be at Bethany Baptist Church in Brooklyn New York, Tennessee location at 460 Marcus Garvey Boulevard. I can do that without even looking at the notes for personal reasons, 460 Marcus Harvey Boulevard in Bedford-Stuyvesant and that meeting begins at, the doors will open at 5:00 p.m. and the meeting will begin at 5:30 p.m. We will, we look to hear from the public at that meeting and so if you would like to attend, we ask that you come and you register and then we'll have an opportunity to engage in a rich conversation. So that's tomorrow at 5 p.m. and then we have another on Thursday evening in Queens and I don't know that information by here, so I'm going to turn to our Executive Director Anusha Venkataraman to help us.

AV 03:00:49
Happily, so on Thursday, we will be at Queens Borough Hall, also at 5 p.m. So we look forward to seeing folks out there. Please spread the word, share with any community member, any New Yorker can attend and testify at any of the borough hearings, whether they live in that borough or not, and information can be found on our website to register for those interested.

JJA 03:01:14
Excellent. So again, thank you to all the panelists and I thank the Commissioners for joining us and participating in this conversation, this panel discussion, and I wish you all a very good evening.

AV 03:01:28
Thank you so much.