

## **Resolution of the 2021 New York City Racial Justice Commission, December 9, 2021**

WHEREAS, the 2021 New York City Racial Justice Commission has conducted extensive public outreach, including holding numerous public input sessions, including sessions focused on, and located in, each Borough of the City; as well as multiple virtual sessions, with one of those focused on hearing input from youth below the age of twenty-four; and

WHEREAS, the Commission has heard and received written testimony from members of the public at those sessions in person and virtually, including from representatives of public interest and advocacy groups, civic and community organizations, elected officials, and local community residents; and

WHEREAS, the Commission has heard and received testimony from thought leaders through its series of Transforming Foundations issue panels; and

WHEREAS, the Commission has engaged community leaders in a series of conversations to solicit their input and ideas; and

WHEREAS, the Commission has solicited input and ideas and encouraged public comment from New Yorkers through a variety of methods, and in multiple languages, including at community-based events, on the Commission's website, and through various forms of social media; and

WHEREAS, the Commission has solicited comments and ideas from City Agencies including leadership and staff; and

WHEREAS, the Commission has reviewed the entire Charter as part of the revision process; and

WHEREAS, the Commission staff prepared an interim staff report identifying from New Yorkers' testimony, written input, comments, and ideas six persistent areas of racial inequity across the city, including but not limited to: (1) inequity in quality services that promote social and emotional wellbeing; (2) inequity in work, advancement, and wealth-building; (3) inequity within and across neighborhoods that inhibits thriving individuals, families, and communities; (4) marginalization and over-criminalization of communities of color; (5) inequity in representation and decision-making; and (6) lack of enforcement and accountability of government and other entities; and

WHEREAS, the Commission directed staff to further research and analyze the underlying causes of the persistent inequities identified, as well as potential solutions, including those presented by the public; and

WHEREAS, after the release of the interim staff report, the Commission engaged in a second round of public input sessions to solicit public input on the interim staff report and other planned areas of focus for the Commission's work; and

WHEREAS, as part of that public engagement, the Commission hosted focus groups with social justice organizations to solicit their ideas and suggestions on solutions to address the six persistent inequities identified; and

WHEREAS, at the Commission's direction the staff prepared, and the Commission considered, multiple proposals to address the inequities identified; and

### **Adding a Preamble to the Charter**

WHEREAS, Commissioners have noted the absence in the NYC Charter of a unifying statement that speaks directly to the spirit of the city, to the values that unite New Yorkers, and to a vision for the future; and

WHEREAS, in charters and constitutions across the country and around the world, preambles often serve the function of unifying the people and creating an aspirational vision for the future; and

WHEREAS, many members of the public and government officials have expressed a strong interest in the unifying and aspirational potential of a preamble;

WHEREAS, over the past several months, including at public input sessions and through requests for submissions online, the Commission has sought public input on the values that unite New Yorkers and the values that should guide New York City's government as it carries out its work; and

WHEREAS, the Commissioners have engaged in extensive discussions at Public Meetings, and reviewed, edited, and revised a draft preamble for the New York City Charter; and

WHEREAS, the Commission has determined that a preamble would help unite the people of New York City around historical narratives which have shaped the city's common identity and the fundamental goals of the city, and would also serve as a guide to New York City's government as it carries out its work for and on behalf of all New Yorkers;

Now, therefore, be it RESOLVED that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 8, 2022, if adopted by the Commission, consistent with the following:

- Add a Preamble to the NYC Charter that will serve as a unifying statement of the values of New Yorkers.
- Ensure the Preamble includes:
  - A strong, aspirational vision for an equitable city;

- An acknowledgment of the displacement of the original Lenape inhabitants from the land that now comprises New York City, and an acknowledgment of historical wrongs that have caused and continue to cause harm; and
- An intention to reconstruct, revise, and reimagine our city's foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers, in the aim of repairing these past and continuing harms; and
- In addition to its symbolic and unifying value, provide that:
  - The values in the Preamble must inform and guide the actions of city agencies and offices in carrying out their mandates under the Charter, including planning, programmatic reviews, and audits, and the preparation of agency-specific and citywide Racial Equity Plans; and
  - Programmatic reviews and audits must examine the extent to which such values have been fulfilled through the policies and programs of city agencies and officers; and
- Provide that the Preamble will not create any private rights of action;

**Advancing Equity Accountability through Planning, Budgeting, and Meaningful Enforcement**

WHEREAS, in its public testimony and submissions, the public, including local and national thought leaders and academics recommended and/or advocated for the inclusion of a racial equity framework or analysis in decision-making and policy development, especially in budgeting and capital planning; and

WHEREAS, the Commission received compelling testimony and submissions from leaders and representatives of City Agencies, and from the City's Task Force on Racial Inclusion and Equity, about the challenges of integrating racial equity into decision-making and policy development and the need for technical assistance to facilitate effective consideration, coordination, and application of racial equity principles into City government; and

WHEREAS, the Commission has determined that the establishment of a racial equity office would help to embed the values of racial equity into the Charter and provide opportunities and assistance to City agencies and offices to integrate racial equity considerations into the City's planning and budgeting processes in a more systemic way, thereby prioritizing meaningful consideration of racial equity throughout the operation of City government; and

WHEREAS, the Commission received compelling testimony regarding the importance of ensuring that government is proactive and responsive to community needs when setting priorities and developing policies and practices aimed at furthering racial equity and justice; and

WHEREAS, the Commission received compelling testimony that the absence of meaningful government accountability could undermine the effectiveness of efforts to integrate racial equity considerations into City government policies and processes; and

WHEREAS, the Commission has determined that a racial equity commission would serve as a vehicle to identify NYC communities' priorities for racial equity and justice, as well as provide opportunities for ongoing community oversight to increase government accountability through the tracking and measurement of quantitative outcome indicators, including the assessment of year-over-year performance on, or achievement of, stated priorities and goals;

Now, therefore, be it RESOLVED that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 8, 2022, if adopted by the Commission, consistent with the following:

### **Racial Equity Office**

- Establish a Racial Equity Office led by the City's Chief Equity Officer;
- Ensure that a secure and adequate level of funding for the Racial Equity Office is provided for in the Charter; and
- Provide that the Racial Equity Office shall be responsible for the following functions:
  - Technical assistance and partnership to agencies to support their capacity to engage in meaningful equity analysis and planning;
  - Oversight of, and technical assistance for, the creation of Agency-specific and citywide biennial Racial Equity Plans, as set forth in the Racial Equity Plan portion of this resolution;
  - Staffing and providing administrative support for a permanent Task Force on Racial Inclusion and Equity, comprising leaders from across City agencies, who will function as an interagency coordinating body for citywide racial equity policy development and implementation including incorporation into City capital and expense budget;
  - Works to ensure alignment between the most recently issued equity goals/strategies from the Citywide Equity Plan and the annual capital and expense budget;
  - Building a program to improve equitable access to City programs and services, through focus on service design and expanded focus on plain English, language access, and removing other barriers to access;
  - Coordinating collection and reporting of data and indicators related to equity, particularly the tracking of performance and outcome indicators to assess progress on the Citywide Equity Plan and the setting of standards for disaggregation of data to allow the City and public to track racial disparity across the city and its neighborhoods; and

- Supporting City Agencies in prioritizing the development of policies and practices aimed at reversing the marginalization of individuals and communities; including through addressing wage/occupational segregation and equitable hiring and promotion; providing access to services, information, and decision-making for all New Yorkers regardless of language, ability, education, time availability, or expertise; limiting the use of criminal history and background checks except where necessity is demonstrated; identifying and employing alternatives to punitive enforcement; and prioritizing resources and services into neighborhoods with the greatest need and deepest disparity.

### **Citywide Racial Equity Plan**

- Mandate the development by the Mayor of a citywide biennial Racial Equity Plan, to incorporate Agency-specific Racial Equity Plans;
- Provide that the citywide Racial Equity Plan shall:
  - Consider, and be informed by, the values identified in the Preamble to the NYC Charter;
  - Establish strategic priorities, goals and programs in pursuit of equity and racial justice;
  - Document efforts by City Agencies to repair the marginalization of individuals and communities;
  - Include identification and mapping of needs-based priority neighborhoods, and neighborhood-specific goals for equitable distribution of burdens and benefits;
  - Be coordinated with, and subject to a specified timeline and release date aligned with, the City’s budget process, beginning no earlier than the 2024; and
  - Be submitted to the Racial Equity Commission and publicly released;

### **Racial Equity Commission**

- Establish a Racial Equity Commission led by a Chair and supported by a full-time staff and secure budget;
- Establish that the Racial Equity Commission shall:
  - Have an appointment structure that includes Mayoral and non-Mayoral appointments; and
  - Be composed of community members resident in New York City, with particular consideration for appointment given to those with expertise and/or lived experience focused on racial equity and identified disciplines/subject matters;
- Provide that the Racial Equity Commission shall have the ability to propose priorities for racial equity in City decision-making and policy, and assess performance towards those priorities, including through the following functions:

- Proposing community-focused priorities and outcome indicators for the Racial Equity Plan;
- Tracking compliance with Equity Plan submission requirements; and
- Reviewing and reporting on the Racial Equity Plans for adequacy and effectiveness; and
- Reviewing progress reports & indicators to ensure accountability of outcomes, and revising proposed priorities;
- Exercising proactive accountability powers to track agency compliance and provide a public accounting;
- Exercising reactive accountability powers, including ability to receive complaints; and
- Providing for wide-ranging community accountability, including collaboration and partnership, and public transparency and reporting;

### **Measuring the True Cost of Living**

WHEREAS, commenters expressed serious concerns about the unaffordability of the city; and

WHEREAS, the lack of shared standards to assess the true state of self-sufficiency among New Yorkers makes it difficult to create accountability to address the patterns of inequity in work, advancement, and wealth-building; and

WHEREAS, the Federal Poverty Line creates an inaccurate and misleading perception of the needs of New Yorkers and the adequacy of wages; and

WHEREAS, the Commission has determined that the establishment of a more accurate measure would allow the City of New York to properly assess the self-sufficiency of its population, and inform its programmatic and policy decisions; and

Now, therefore, be it RESOLVED that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 8, 2022, if adopted by the Commission, consistent with the following:

- Mandate the development and creation of a new and additional indicator to measure the true cost of living in New York City by capturing the minimum costs of housing, childcare, food and other essential goods;
- Mandate the annual reporting of this indicator to provide critical data to better assess the true state of self-sufficiency among New Yorkers and thereby inform programmatic decisions and service needs; and

## **Racial Justice Roadmap**

WHEREAS, the Commission has recognized that it will not be possible to advance ballot proposals to address all of the many other proposed solutions to the six inequities that were surfaced and considered during their extensive public engagement process; and

WHEREAS, the Commission has determined that many of the proposed solutions surfaced have significant open questions worthy of, and requiring, further study in order to determine their feasibility;

Now, therefore, be it RESOLVED that the New York City Racial Justice Commission hereby directs the staff to carefully address those proposals that the Commission has determined to be worthy of further study in a Racial Justice Roadmap to be included in the Final Report, with a recommendation that they be considered by a future Charter Revision Commission or other executive or legislative body;

And be it further RESOLVED that the New York City Racial Justice Commission directs the staff to prepare a Final Report and ballot questions and abstracts consistent with the foregoing directives and with such further amendments as may be deemed necessary and appropriate by the Chair with notice to the Commissioners, and provided further that such Final Report and ballot questions and abstracts, cumulatively reflecting the Commission's proposals, shall be submitted to the Commission for consideration of whether to place such proposals before the voters at the general election to be held on November 8, 2022.