

Reform the City Charter to Help Make New York City Work Better

May 31, 2024

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One can argue the merits and timing on the most recent Charter Commission appointed by a Mayor. When I served in government, I saw mayors appoint commissions that effectively thwarted plans by the City Council to put one of its priorities to vote as a referendum. It is fair game.

It is also fair game to share reforms to this Commission appointed by Mayor Eric Adams and chaired by Carlo Scissura, and lead-staffed by Executive Director Diane Savino. As the fundamental governing legal document for our City, the City Charter provides in both outline and, often in specific details, how our City operates, as well as the obligations of those – electeds, civil servants, appointees and others – involved in the processes of our municipal government.

While the Mayor emphasizes safety, the appointment of any charter commission ought not lose any opportunity to consider and propose for the November ballot reforms that make sense.

I'll start with something rather current relating to the setting of water rates: Make elected officials accountable by barring mayoral rate-setting boards and authorities from imposing budget allocations unless the Council grants such authority, as in the example of the Water Board setting rates after, rather than, as it does now, before the budget's adoption. The current rate-hike include a back-door tax hike by the City re-instituting a wrongful rental payment to itself that gets passed along to City water-ratepayers (homeowners, tenants and/ or their landlords, business).

New York City has become more and more centralized rather than neighborhood focused in addressing problems. Issues and priorities often differ by community and New York City needs to empower communities to address what matters most to them. Not every matter requires a top-down fix. Each year many community groups and community boards – and others – argue during the annual budget deliberations that the City needs to direct resources to meet community needs. Recognize New York City as a region; recognize that the boroughs and neighborhoods offer more effective entities for making decisions on where many services ought to go. We can address that by budgeting for the delivery of city services where appropriate by borough and community district; that includes establishing a mechanism that devolves resource and service delivery to the appropriate borough or local level.

In line with the above, maximize community participation in City approval of (all) concessions for private use of public spaces, including parkland, by involving the Borough Presidents, Council Members and Community Boards in formulating rules defining and governing major concessions. The 1989 Charter revision required the City Planning Commission to propose rules governing the approval of so-called major concessions but the rules adopted (which the City council lacks the power to change) excluded too many uses most would consider “major” and thus subject to the City Charter's community review provisions.

Also, empowering the City Council to review Board of Standards and Appeals dispositions, a power held by the Board of Estimate but not passed on as part of the major charter revision after the Board of Estimate was ruled unconstitutional. Many communities express concern about an ability to challenge Board of Standards and Appeals decision because the only alternative is a costly court suit. This creates a divide of have and have-not communities in addressing questionable BSA decisions.

The discussion over City of Yes also brings into focus a further compelling need. I often emphasize that this scheme to make to many land uses as-of-right throughout the City makes absolutely no sense and runs counter to the community-based planning embedded in the City Charter going back to the creation of community boards and enshrinement of community review. Community Boards remain woefully understaffed and especially need resources to hire a planner to empower board to become proactive, in concert with their council member and borough president in identifying and addressing needs best addressed through zoning and land use. My friends on Long Island call it smart growth; indeed a bunch of Long Island communities and projects receive “Smart Growth Awards” on June 14 from Vision Long Island.

That greater engagement should include ULURP public review (which includes Community Board, Borough President and City Council review and oversight and approvals) for all residential, commercial, industrial and public (agency) developments that occupy a city block or more, and all public agencies’ projects, whether or not a zoning or permit change is required.

The Charter also needs to set a proportion of funding to empower a needed greater role for the borough presidents in local land use planning for their boroughs, allocation of agency resources within the boroughs, overseeing local implementation of the capital budget and greater oversight of the delivery of city services in their boroughs; this includes creating distinct borough-based planning and zoning offices under supervision of each borough president.

New York City's tax policies wrongly subsidize extra illegal occupancies that crowd some schools in our neighborhoods. The City similarly fails to collect the correct taxes from the illegal commercial uses of these homes. Citywide, these failures cost taxpayers over one billion dollars. This amount could be dedicated to build affordable housing to help relieve the demands that help fuel illegal development.

Everyone talks of transparency and putting more info on the web. In terms of transparency, rather important when it comes to measuring the performance of city agencies, shift responsibility for preparations of the Mayor’s Management Report (MMR) to the Independent Budget Office and renaming the document the Independent Management Report. Further, the city council lacks authority to require reporting in the MMR. Requiring reports or imposing terms and conditions in the budget do not seem to provide the same attention as the ability the council currently lacks to requires reporting of data in the MMR. Thus, empower the City Council to require reporting by mayoral and city agencies of essential data in the MMR. [Examples include: precinct staffing; borough command staffing; specialized unit staffing; 911 Response Times to Crimes in Progress [CIP] to identify areas that may need more attention by Borough and Precinct, and segmented by Critical, Serious, non-Critical and overall response times; and efforts to maintain the City’s watershed, including DEP’s compliance with federal and state mandates to maintain the quality of NYC’s drinking water.]

Since the Mayor charged the commission with public safety, it remains long overdue to create an independent Civilian Complaint Review Board (CCRB) by base-lining its funding as a percent of the NYPD budget, and establishing a mechanism to make the appointed CCRB members more reflective of the City and controlled less by City Hall.

Following the above logic, base-line the budgets of the borough presidents, the public advocate, the comptroller and the community boards.

I conclude with one needed correction of a mistake by the last commission. Rescind term-limits for Community Board members; the appointing borough presidents and council members have sufficient power to make any changes. Community Board need not face wholesale replacement of capable volunteer public servants by statute; every two years, the appointing electeds have the ability to remove and replace and add as they believe makes sense; that remains sufficient and in the public interest.

Many of the above were part of a Queens Community Board 13 [resolution](#) approved in response to a prior Charter Revision.

If we bother with charter reform, let's do something meaningful. The aforementioned initiatives meet that benchmark

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