Page 1

1   **Charter Review Commission Public Hearing**

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4   **Moderated by Richard Buery**

5   **Wednesday, April 23, 2025**

6   **5:21 p.m.**

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9   **New York Law School**

10   **185 West Broadway**

11   **New York, NY 10013**

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17 **Reported By: Paul Grasso**

18 **JOB NO.:   7215034**

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 1               A P P E A R A N C E S
 2     List of Attendees:
 3     Richard Buery, Chair
 4     Anita Laremont
 5     Carl Weisbrod
 6     Dr. Lisette Nieves
 7     Julie Samuels
 8     Grace Bonilla
 9     Shams DaBaron
10     Leila Bozorg, Secretary
11     Anthony Richardson
12     Sharon Greenberger, Vice Chair
13     Valerie White
14     Kathryn Wylde
15     Diane Savino
16     Dena Tasse-Winter
17     Susan Nial
18     Nick
19     Mark Weller
20     Christie Peale
21     Celeste Royo
22     Alex Maza
23     Albin Henneberger
24     Lo van der Valk
25     Ken A.
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1   A P P E A R A N C E S (Cont'd)

2   Benjy Ross

3   Ilan Rabinovitch

4   Frampton Tolbert

5   Karl-Henry Cesar

6   Moses Gates

7   Tania Arias

8   Annemarie Gray

9   Gabriel Turzo

10   DeRay Mckesson

11   Cassandra Ippaso

12   Abdul Nasser Rad

13   Hassan Naveed

14   Britny McKenzie

15   Simeon Bankoff

16   Roberta Gratz

17   Howard Slatkin

18   Brendan Cheney

19   Felix Stetsenko

20   Jessica Katz

21   Keri Butler

22   Sara Penenberg

23   Maria Danzilo

24   Benjamin Kallos

25   Melanie Wesslock

Page 4

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 1              A P P E A R A N C E S (Cont'd)
 2    Alexa Aviles
 3    Jerrod Delaine
 4    Michelle de la Uz
 5    Annie Levers
 6    Kimberly Cruz
 7    Tara Duvivier
 8    Michael Lewyn
 9    Gale Brewer
10    Selvena Brooks-Powers
11    Amanda Farias
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 1                P R O C E E D I N G S
 2                MR. BUERY:  Can you all hear me?  All
 3    right.  Great.  Welcome to the public hearing of the
 4    Charter Revision Commission.  My name is Richard
 5    Buery.  I have the honor of serving as our chair.  We
 6    are here as New York celebrates our 400th anniversary
 7    to take a fresh look at the city's governing charter.
 8                Our goal is to ensure that New York
 9    City remains a cradle of opportunity as it was for my
10    parents when they immigrated from Panama to New York
11    City some 60 years ago and to explore how we can
12    make -- how we can revise the charter to make it a
13    more effective tool for building the inclusive and
14    affordable city that New Yorkers deserve.
15                We have the responsibility to review
16    the entire charter and suggest changes for the voter's
17    consideration.  Only if the voters agree to those
18    changes at an election would any changes to the
19    charter go into effect.  I know that I speak for my
20    fellow commissioners when I say that we are committed
21    to hearing from the broadest spectrum of New Yorkers
22    and to pursuing the best ideas we can find.
23                This is just one of many public
24    hearings across every borough to hear ideas from
25    experts, from community leaders, from elected
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1   officials, and indeed, from any member of the public

2   who wishes to testify. And very importantly, this is

3   an independent commission. So in making our

4   recommendations to the city voters, we are bound only

5   by our judgment and our values. We will pursue ideas

6   regardless of who propose them and regardless of who

7   supports them.

8   Joining me in this task are 12 other

9   commissioners, some of whom are attending virtually,

10   our vice chair, Sharon Greenberger; our secretary,

11   Leila Bozorg; Grace Bonilla; Shams DaBaron; Anita

12   Laremont; Dr. Lisette Nieves; Anthony Richardson;

13   Julie Samuels; Senator Diane Savino; Carl Weisbrod;

14   Valerie White; and Kathryn Wylde.

15   Although, as I said, we will be

16   considering the entire charter, the commission is

17   looking in particular at the charter's approach to

18   housing and planning. From my perspective, there is

19   no more urgent challenge for this body -- and everyone

20   here understands and knows the city is in the midst of

21   a profound affordability crisis.

22   For millions of low-income New Yorkers,

23   housing costs are the essential struggle of their

24   lives. For millions more, especially low-income New

25   Yorkers, our housing crisis limits where New Yorkers

1   can live and, therefore, limits what schools they can

2   attend, where they can work, the quality of the air

3   they breathe, whether their families can stay

4   together.

5   These challenges will remain -- will be

6   the focus of this hearing. But, of course, testimony

7   on any topic related to the charter is always welcome.

8   So before we dive in, let me say a few words about how

9   this hearing will unfold.

10   We'll begin by hearing from members of

11   the public who have signed up and then from those who

12   are attending virtually. We will keep you to a strict

13   three minutes. We ask you to try to time yourself. I

14   will also be relatively aggressive, but hopefully not

15   rude in keeping you to that three minutes.

16   We'll call two or three people at a

17   time to the panel. We'll hear from all three of you.

18   And then once we've heard from the panel, we'll open

19   it up to questions for the entire panel from the

20   commission. And I'll ask my fellow commissioners to

21   hold any testimony until the entire -- hold any

22   question until the entire panel has finished their

23   testimony.

24   If you are not here in person but wish

25   to testify virtually, there is a form online. You can

1   find it at the meeting page for this meeting at the

2   website -- at our website, which is found at

3   nyc.gov/charter. You click on the meetings tab, then

4   select this hearing, select the Manhattan hearing, and

5   we will also drop a link to the sign-up form in the

6   chat if you're already online.

7   And the last thing I'll say is that we

8   will do our best to hear from everyone, but the

9   schedule -- this meeting is scheduled to end until

10   8 p.m. In the event that we do not get to your

11   testimony this evening, just know there are many ways

12   to submit testimony.

13   You can submit it on the website we

14   just described, nyc.gov/charter. You can also find

15   out about other commission hearings there. And you

16   can also submit listing -- written testimony via email

17   at any time to chartertestimony@citycharter.nyc.gov.

18   That's chartertestimony@citycharter.nyc.gov.

19   All the hearings are live streamed,

20   and, of course, all of our hearings are public. And

21   you can also watch any prior hearing online. They're

22   all archived online. So before we begin, I would like

23   to ask for a motion from my fellow commissioners to

24   approve the minutes from both our March 4th meeting

25   and our April 9th meeting.

1   Is there a second?

2   UNIDENTIFIED SPEAKER 1: Second.

3   MR. BUERY: Any discussion on the

4   motion? All in favor?

5   MULTIPLE SPEAKERS: Aye.

6   MR. BUERY: Any opposed? Any

7   abstentions? All right. The minutes are adopted.

8   And with that, we'll move on to our testimony. We're

9   going to start with minority leader -- I'm sorry.

10   Does the word "glasses" help? We're going to start

11   with Majority Leader Farias.

12   Please come and testify. Thank you.

13   I have distance classes and reading

14   glasses. I only have my distance glasses with me.

15   MS. FARIAS: That's okay. I know I'm

16   in the majority. We good?

17   MR. BUERY: Yes, please. Thank you so

18   much.

19   MS. FARIAS: Great. Good evening,

20   Commissioners. My name is Amanda Farias. And I

21   proudly serve as the majority leader of the New York

22   City Council, and I get to represent District 18 in

23   the Bronx. Thank you for the opportunity to testify

24   today on the critical topic of housing and land use.

25   New York City is facing a housing

1   crisis that demands bold, smart solutions. As we

2   consider changes to the charter, we must protect and

3   strengthen the tools that allow communities to

4   meaningfully shape their futures. Chief among them is

5   the city council's role in the ULURP process.

6   The charter gave the council land use

7   authority to correct a long history of top-down

8   decisions that disenfranchise black and brown

9   communities, concentrated poverty, and deepened racial

10   segregation. While we have made progress, our

11   neighborhoods remain deeply unequal.

12   Many communities, particularly in the

13   Bronx, still lack access to affordable housing, public

14   transit, and critical infrastructure. That is why

15   local leadership must remain central to any

16   conversation about land use. As councilmembers, we

17   are the closest level of government to the people.

18   We don't just represent our

19   neighborhoods, we live in them. We see firsthand the

20   challenges our constituents face, and we are the best

21   position to balance the needs of developers, tenants,

22   homeowners, and businesses alike. That is what makes

23   our role in the ULURP process so valuable.

24   We help mediate divergent interests and

25   forge compromises that make development possible while

1 ensuring that our communities are not left behind.

2 The results speak for themselves. Since 2022, this

3 council has approved land use applications that will

4 produce over 120,000 homes, including nearly 29,000

5 from private applications, more than half of which are

6 affordable.

7 That level of affordability would not

8 have happened without council advocacy. Beyond

9 housing, the council has secured billions with a "B"

10 of dollars in public and private investments from

11 major neighborhood re-zonings to community benefits

12 like childcare centers, job training, and cultural

13 spaces.

14 An excellent example of the leverage

15 that ULURP provides to local communities was the Bronx

16 Metro-North area neighborhood plan that passed in the

17 city council last summer. The project is slated to

18 bring four new train stations to the East Bronx,

19 including the Parkchester/Van Nest station in my own

20 community.

21 Alongside a brand-new train station,

22 this project will bring housing, jobs, and other

23 amenities. My office worked closely with council

24 planning and land use to create multiple community

25 engagement sessions where we had meaningful

1   conversations with our neighbors.

2   Through the community engagement in the

3   ULURP process, we received what council would bring to

4   the negotiating table, which enabled me to secure

5   nearly 195 million for District 18 alone in a nearly

6    $500 million deal with the city, critical investments

7   to address longstanding infrastructure issues with

8   upgrades --

9   Can I have additional time?

10   MR. BUERY: Yeah.

11   MS. FARIAS: Thank you. Critical

12   investments to address longstanding infrastructure

13   issues with upgrades for water management and

14   flood-prone areas, millions of dollars in renovations

15   to our local playgrounds, upgrades to schools in the

16   area, and in a full study of the surrounding area for

17   safer streets, and 2,000 units of new housing that

18   includes open plaza concepts, community spaces, and

19   capital upgrades for the existing Parkchester

20   condominiums.

21   Despite claims to the contrary, ULURP

22   is not the bottleneck. The real delays happen in the

23   pre-certification phase where applications can sit for

24   years in environmental review, a process over which

25   the council has no control over. And even after

1   ULURP, many approved projects wait years for HPD

2   financing.

3   If we want to speed up housing, we need

4   to focus on fixing those parts of the pipeline, not

5   gutting council oversight. Some argue that taking the

6   council out of ULURP would de-politicize venues, but

7   politics does not appear when you centralize power.

8   It becomes less accountable.

9   The mayor, borough presidents, and

10 agency heads are all political actors too. Removing

11 councilmembers from this process would reduce

12 transparency, silence local voices, and concentrate

13 powers in ways that risk further marginalizing working

14 class communities. We have already seen this happen.

15   For example, in 2022 there were 111

16 recommendations in the mayor's 2022 Get Stuff Built

17 report, which was a result in the building and land

18 use approval streamlining task force. The council has

19 not had an update from the mayor on those

20 recommendations since 2023, including more than 20

21 improvements to the CEQR process, which is a

22 notoriously cumbersome part of the pre-certification

23 process.

24   The administration could heed its own

25 advice and recommendations in 2022 and make several

1   meaningful changes to improve the building and land

2   use approval process without significant changes to

3   the charter. If we want to move this system, let's

4   focus on real solutions.

5   We should increase community education

6   around land use, streamline the pre-ULURP process to

7   create a more inclusive opportunities for housing and

8   secure residents to participate in public review. We

9   should also recognize that the loudest voices in these

10   processes are not always the most representative and

11   find ways to elevate those most in need of affordable

12   housing.

13   Charter reform should not -- should be

14   about empowering communities, not disempowering them.

15   It should reflect our shared values, equity,

16   transparency, and meaningful engagement. The city

17   council's role in land use is essential to advancing

18   those goals, and I urge you to preserve it.

19   Lastly, I'd like to briefly speak to

20   you about the importance of our communities and the

21   continuity of their success in development, budgetary

22   allocations, capital investments, and civic

23   engagement. I know you've heard from one

24   councilmember already on this, but extending New York

25   City Council term limits to allow for a third term is

1 necessary and timely change to the city charter,

2 especially for the current legislative body.

3   As the city faces increasingly complex

4 challenges from housing and climate resiliency to

5 economic recovery and public safety, it's more

6 important than ever to ensure continuity in leadership

7 and governance. A third term would allow

8 councilmembers to see long-term projects and

9 community-driven initiatives through to completion,

10 providing much needed consistency and stability for

11 constituency.

12   When I entered the council, I had far

13 too many stalled projects in schools, senior centers,

14 and local infrastructure, all with budget gaps that

15 could not continue being implemented due to not being

16 fully funded.

17   Moreover, a longer legislative horizon

18 strengthens the council's ability to serve as an

19 effective check on the mayoral administration,

20 offering a more balanced distribution of power and

21 avoiding the destabilizing effect of concurrent mass

22 turnover across branches of government.

23   This is about good governance,

24 accountability and ensuring that progress isn't lost

25 to term limits that work against the city's long-term

1 interests. This is about the stabilization of our

2 institution.

3   I appreciate your time listening to my

4 testimony and the extended time allotted to me. Thank

5 you.

6   MR. BUERY: Thank you so much, Leader.

7 Any questions from the panel?

8   Kathryn?

9   MS. WYLDE : All right, Councilmember.

10 When citywide interests conflict with local interests

11 and this -- we're not really talking about a situation

12 in your district, but we're talking about a situation

13 where protectionist interests in a district conflict

14 with something that the city desperately needs, like

15 affordable housing. How would you suggest that we try

16 and deal with the councilmember deference issue?

17   MS. FARIAS: I think councilmember

18 deference is always an interesting concept that comes

19 up. It is something that really we are unable to

20 mandate in any way as it is amongst relationships

21 among members.

22   I do think what's -- what we've been

23 driving in the city right now is the, you know, fair

24 chance for housing, right, making sure that every

25 district is doing their own allotment of building, of

1   development, of affordable housing, of cooperative

2   housing, just of housing opportunity throughout the

3   city.

4   I think if we continue to move in that

5   direction where we're looking at who's building and at

6   what rate and at what amounts, where we -- we can be

7   able to redistribute and have those, you know, more

8   important conversations in different districts with

9   who needs to be able to take on some of the

10   development.

11   I do think that a part of the dialogue

12   always needs to have and always needs to happen around

13   what neighborhoods can take what capacity and what

14   type of development. I think that's a real

15   conversation that we consistently have every single

16   time a ULURP application comes in front of us.

17   We're always consistently trying to

18   look at what does the fabric of that community look

19   like? Can a six-story building go there, or can we

20   push for a ten, or is it better to be a four-story?

21   I mean, we're consistently having that

22   dialogue, and I think that is a huge driver in even

23   amongst the body itself in supporting the member

24   deference concept in that way because the dialogue

25   amongst members is what's really driving how folks can

 1   push further or even help communicate outward to

 2   communities.

 3   But without the education piece going

 4   into community boards, CECs, the precinct councils,

 5   people understanding land use themselves and what it

 6   means to build and what our equal responsibility we

 7   have across the city to add to the housing stock and

 8   to answer for the housing crisis, we really -- that's

 9   really the starting point that we need to push within

10   communities and within the council.

11   MR. BUERY: If I could follow up on

12   that question. And I definitely appreciate the

13   sentiment. But in some ways, the question is also

14   about how you manage it in your district. But as

15   we've said how it's managed citywide. And we've heard

16   compelling testimony from some developers. They will

17   not even propose projects in certain districts because

18   they've anticipated opposition from local council

19   leadership.

20   We've heard from developers of --

21   smaller developers that the process -- not only the

22   pre-certification process but the ULURP process itself

23   is so onerous that they have no ability to -- they

24   have very limited ability to pursue projects because

25   they don't have the capital or time, particularly for

1 smaller projects to move forward.

2   And so even -- and I'm sorry if the

3 question's repetitive. But I guess I would ask, even

4 understanding the value of having local leadership who

5 understand the community both drive what develop

6 happen in the district but also use that power to

7 deliver things like affordable housing and other their

8 needs.

9   In some ways, I'm trying to understand

10 what you would recommend to drive different action in

11 other districts where council leaders might not be as

12 open to those good faith negotiations that we need to

13 have affordable housing, not just in some districts.

14 Because in the other testimony, we've seen very

15 starkly of that, that housing development you

16 described is not happening citywide. It's happening

17 in the portion of the city.

18   MS. FARIAS: Yeah. I mean, the first

19 thing that comes to mind is a recent example from one

20 of my colleagues, Councilmember Narcisse, who

21 negotiated a deal in her community with a developer

22 that has now turned that affordable housing project

23 into a shelter.

24   So I think there are a lot of gaps

25 within the system, like the agency policy itself,

1 where we can put some stoppages to make sure that the

2 housing that we are actually putting people through in

3 terms of a ULURP process is actually coming out in

4 implementation.

5   I think to couple with that and to

6 support that, the -- looking at different ways where

7 the city can either expand bonding capacity, to expand

8 the amount of closings we have every year, I think we

9 do have to be a little bit more innovative on how many

10 closings HPD can do, for example.

11   Even looking at their term sheets and

12 redeveloping them, which I know is something that we

13 are consistently communicating with HPD on. There's a

14 multitude of facets that we have in front of us that

15 just quite aren't working right now, and no one is

16 taking a deep look into on how to preliminarily say

17 the system can be better.

18   I gave some solutions here, and I'll

19 make sure to put this testimony in the record too and

20 written, but we have agencies that aren't quite

21 functioning at their best. And it's not for a lack of

22 trying, and it's not for the lack of the efforts being

23 made out of those leaders.

24   But there is capacity issues. There is

25 closing issues. There is bonding issues that I think

1   the city can take time to look into more deeply other

2   than this one component of removing community's voice

3   and council's decision-making process, which is

4   coupled with the community's voice and the land use

5   decision making.

6   MR. BUERY: Thank you. I do want to

7   encourage you if you could just submit those specific

8   recommendations to the commission, we'd appreciate it.

9   MS. SAVINO: Good evening,

10   Councilwoman. So I think in a couple of the hearings,

11   we've heard people talk about the issue of member

12   deference. Now, we honestly know that we couldn't

13   legislate away member deference. We couldn't include

14   it in the charter or exclude it in the charter because

15   it's the way the legislative body works.

16   It's -- whether it's the New York City

17   Council, the state legislature or congress, you know,

18   having the respect of your colleagues and being able

19   to support each other on these things makes the, you

20   know, the world turn.

21   But what do we do? It's been said that

22   if every council district created 5,000 units of

23   housing, we could solve the housing crisis that New

24   York City faces. But we know that not every

25   district -- for some councilmembers, the creation of

Page 22

1   500 units of housing is catastrophic to them, where

2   others are doing 20,000 units.

3   How do we break that so that we can

4   find a way to actually achieve the stated goals of

5   creating the amount of affordable housing that we need

6   and protecting, you know, the relationship that local

7   elected officials have with the people who sent them

8   to make those decisions for them.

9   So you mentioned a few things in your

10   testimony about making some potential changes to the

11   certification process and to the approval process.

12   Why not move that forward through the legislative

13   process and not just wait for us to do something in

14   the Charter Revision Commission and work together on

15   that?

16   Because you're right, when you

17   mentioned the Metro North train station project, that

18   project -- that discussion started 12 years ago.

19   Twelve years ago. It should not take 12 years to get

20   to the point where you finally approved it as the

21   representative from your district.

22   So how do we break those log jams?

23   It's not just the ULURP process, which shouldn't be a

24   one size fits all. You shouldn't need a ULURP for a

25   five-story building and a sixty-story building, right.

1   We can probably agree on that, but what steps do you

2   think could be taken at the legislative level that

3   would help support whatever efforts we're doing here?

4   MS. FARIAS: Well, I'd love to keep the

5   conversation going on the legislative items, and I'm

6   happy to take these specific recommendations to the

7   legislative division to see what the council can draft

8   up. And I'm happy to prime on those bills and work

9   with you folks on it.

10   The initial thought that came to mind

11   on finding the spaces or the communities that can take

12   on whether it's 5,500 or 5,000 -- you know, we also

13   have a bunch of housing stock that isn't necessarily

14   housing stock, right. We have transitional housing.

15   We have the stabilization housing. We have folks that

16   are in shelters.

17   I think some of that burden and the

18   conversation that comes with whether or not ULURPs

19   come up and where we place different housing spaces,

20   also looks at -- also deals with looking at which

21   communities are taking the burden of some of these

22   larger shelters or transitional housing hubs that are

23   not getting housing opportunities for their local

24   members too.

25   So I think, I mean, there's a whole

1 host of things we could be working at as a city on how

2 to stabilize New Yorkers and offer real housing

3 opportunities for them. I think looking at DHS and

4 the contracts we have and maybe even the properties

5 that the city owns, our own assets, and what can be,

6 you know, transitioned or changed into housing.

7   I know we're -- approved that and going

8 through all of that notion as well. There's a lot of

9 areas to that are not getting housing opportunities

10 despite other areas that could even build a small

11 shelter where those areas are not getting anything.

12 And so I think we really need to talk about balancing

13 of the scales and looking at what communities can take

14 on what responsibility for all of New York, not just

15 who can build the housing. It's all of it together.

16   MS. SAVINO: Thank you.

17   MS. BOZORG: Thank you, Majority

18 Leader. And first, I just want to say you have

19 personally been an amazing housing leader for the

20 city. The speaker's been an amazing housing leader

21 for the city, but it takes amazing housing leaders and

22 the council to get housing built because of our

23 current system.

24   And I think one of the questions I

25 have, acknowledging too, that I think it's been

1   something like 16 years since we've gotten a project

2   through ULURP without the local member support. You

3   have been great at leveraging your, you know,

4   leveraging the ULURP process to get more resources, to

5   make sure the project meets your community's needs.

6   But there have been a lot of other

7   members who have just used that leverage to ensure no

8   projects are happening. And so I think the question I

9   have -- because we're not looking at this as a binary

10 of should there be a ULURP or not.

11   The question is are there adjustments

12 we can make to, kind of, correct for the fact that it

13 does end up being a binary? Some people use ULURP to

14 make projects better and fight for their community,

15 and some use that power to truly block it. And so we

16 have uneven development across the city.

17   So I think my question is, would you

18 support changes that at least try to correct for that

19 imbalance, knowing that you still want to preserve,

20 kind of, community input and a member's ability to

21 change the project in the ways that are best for the

22 project and for the community but have some mechanism

23 to, kind of, correct for the citywide imbalance we

24 have?

25   Because even the Fair Share framework,

1   which I think the Fair Housing Framework is amazing,

2   but there's no teeth to it. We know that. We can

3   analyze and say what would be fair for different

4   districts to produce, but we have no mechanism for

5   enforcing that. It just becomes a nice report and a,

6   kind of, thought process.

7   So curious to hear your thoughts on how

8   to, kind of, correct for that imbalance when the

9   question isn't should we have ULURP or not. It's

10   really, how do you balance community input with these,

11   kind of, citywide reality of what we've been dealing

12   with with member deference?

13   MS. FARIAS: Yeah. I appreciate this

14   question. I think the operational side of it -- I

15   mean Diane Savino brought up a great point. Twelve

16   years for Metro North to happen, and it ended up in my

17   lap.

18   And that entire process, the state's

19   involvement for the first five, six, seven years were

20   more so telling people that it was coming but not

21   actually going into the community and talking about

22   what's coming and how could they benefit, let alone

23   the housing components that was -- that were attached

24   to this application.

25   None of that dialogue happened until I

1   really asked DCP and this council's land use division

2   to help reengage the community in a real way. And

3   like, I'm, you know, super grateful for all the folks

4   that worked with me on that.

5   I mean, we had development teams that

6   had their architects actually build models and show

7   people Plan A, Plan B, Plan C of what the development

8   could look like to help realize for people and

9   contextualize, like, the difference between 15

10   stories, 18 stories, 23 stories.

11   And that supported my efforts in

12   encouraging the community and really empowering them

13   to own this project as their own again and to feel

14   good about building buildings that were for the

15   community, that were going to create units for their

16   families and their extended families, or their kids

17   and moms not to still be in their place with them.

18   So I really think looking at DCP's

19   process or the outreach part of this, creating more

20   community engagement where it's in person getting

21   ideas. I mean, we had activities from people that

22   were basically like forcing them to look at trade-

23   offs.

24   If you want a community center or you

25   want a school, what does that mean in development of

 1 this housing? And does that mean we have to go taller

 2 or wider? Does that mean we get less three bedrooms

 3 and more one bedrooms?

 4   Things like that that helped people in

 5 the moment become more educated on the process and

 6 what opportunities were in front of them or what

 7 options they had but also allowing them to help be

 8 decision makers. And I think that was the most

 9 empowering part of the process for people, that we

10 re-engaged them in the decision-making process.

11   And for me, I think when looking at --

12 and I fully understand -- looking at every single

13 project and having a fully engaged process can feel

14 cumbersome and feel like our agencies don't have

15 capacity to do that. But it was the reason why I had

16 not a single protest, and I had only cheers when we

17 passed Metro North in my district.

18   Why I still have people excited for it

19 to come, and I have people excited for taller

20 buildings that come with the school and come with the

21 community center and come with open space and come

22 with a commercial space at the bottom. That all

23 happens because they were part of a super engaged

24 process that actually contextualized the project for

25 them.

1   So I think if we can look at the steps

2   it takes to come to a project in the community before

3   even it goes to a community board vote, I think even

4   beginning at how do we engage the land use committees

5   and our community boards or how do we engage the

6   community board in that process, more times than not,

7   I feel like it does -- a piece of paper goes in front

8   of people or an -- a PDF gets, you know, swapped

9   through on a meeting that is really supposed to be an

10   hour but ends up being three hours because of it.

11   You're not as engaged in that process.

12   Looking at the outreach and education component prior

13   to that pre-certification phase I think is really,

14   really important in having communities buy in or at

15   least feel looped into the process of what's going to

16   come in their community.

17   MR. BUERY: Thank you so much. Really

18   appreciate your testimony.

19   MS. FARIAS: Thank you so much,

20   everybody.

21   MR. BUERY: Thank you. We're going to

22   go -- I think we're going to go slightly out of order.

23   We're going to go to Zoom where we have Councilmember

24   Selvena Brooks-Powers.

25   UNIDENTIFIED SPEAKER 2: I don't think

1   she's here.   Oh, she's on the -- she's on mute.

2   MS. BROOKS-POWERS: Hi.   Can you hear

3   me?

4   MR. BUERY: Yes, we can.   Thank you so

5   much.

6   MS. BROOKS-POWERS: Hi.   Good evening.

7   I am New York City Council Majority Whip Selvena

8   Brooks-Powers, proudly representing the 31st Council

9   District in Southeast Queens.   I thank you for the

10 opportunity to testify today.

11   Let me be clear, removing or limiting

12 the city council's role in the land use process with

13 disenfranchised countless voices, particularly for

14 working class communities of color that have too often

15 been left out of decisions that shape our

16 neighborhoods.

17   Councilmembers are the closest

18 connection many New Yorkers have to city government as

19 my colleague had shared earlier.   And we listen to our

20 communities, not only when a development application

21 comes up but every day in between.   We are intimately

22 familiar with every block of our district.

23   More importantly, we know the people

24 that make up these blocks and these communities.   That

25 proximity allows us to broker real solutions that

1 reflect both citywide needs and neighborhood

2 priorities. A perfect example of that is the Ocean

3 Crest re-zoning and Far Rockaway.

4   This proposal had stiff opposition at

5 first from neighbors due to the density proposed.

6 Working with my colleagues and community partners, we

7 transformed what could have been a typical rental

8 development into the first 100 percent affordable home

9 ownership project in the Rockaways in more than a

10 decade.

11   Eighty-nine families, many of them

12 longtime residents, will now have an opportunity to

13 own a home in a city that has made home ownership

14 increasingly inaccessible, especially for black

15 New Yorkers. That's equity in action. That's

16 generational wealth. And that kind of result simply

17 would not have happened without local leadership

18 guiding the ULURP process.

19   Beyond this project, I've approved four

20 other housing projects in my district for a total of

21 over 2,300 units, 2,000 of which are affordable. For

22 all of these projects, I was able to broker

23 compromises that alleviated community concerns while

24 also improving the proposals.

25   It's been said that the ULURP process

1   delays housing production, but the delays don't happen

2   during the council's review. We have a short 50-day

3   window to act. They happen long before certification

4   and long after approval during environmental review

5   and when projects sit in line for HPD financing.

6   Let's address those bottlenecks rather

7   than dismantling one of the few avenues where

8   communities still have a seat at the table. The

9   council's involvement has made projects better,

10   whether that's securing home ownership opportunities,

11   supporting local hiring, or protecting open space.

12   Our roles should be strengthened, not

13   sidelined. I do not agree with those that view the

14   ULURP process and the negotiations as obstacles. The

15   ULURP process is a cornerstone of our democracy,

16   allowing everyday residents to have a role in shaping

17   their community.

18   I urge the commission to focus on

19   reforms that expand inclusion, builds trust in the

20   process, and accelerate housing in ways that don't

21   sacrifice community input or equity. Once again,

22   thank you for the opportunity to testify today.

23   MR. BUERY: Thank you so much,

24   Councilmember. Are there any questions for the

25   councilmember?

1   MR. DABARON: I got a question. So I

2   wanted to know, in your testimony, whether you

3   submitted, like are you -- do you have ways,

4   especially from this council's standpoint, of being

5   able to, sort of like, find suggestions to how to

6   speed up that process?

7   It definitely -- it's not a situation

8   where the council is, sort of like, creating the

9   delays. But are there ways to speed up that process?

10 Just because I think the objective is really to find

11 ways to get more housing done quicker in the city and

12 in communities throughout the city and not necessarily

13 to eliminate community input, council input, et

14 cetera.

15   MS. BROOKS-POWERS: Thank you for the

16 question. Like I said before, many of my colleagues,

17 including myself, feel that our 50-day review period

18 is not nearly enough to have some of the comprehensive

19 conversations that a ULURP process really requires

20 when you're talking about transforming parts of your

21 community.

22   But in order to speed up the process

23 when you're looking at it holistically, a part of it

24 also is how do we move these projects through the HPD

25 pipeline sooner? There are projects that I have

1   approved in my first term. I'm now entering --

2   preparing to enter my fourth term, four years later.

3   And those projects have still not been put on the list

4   to go to closing.

5   And so we need to understand what that

6   bottleneck is to be able to move these projects along

7   because developers come to us, they have an idea of

8   where their financing is coming from and what they

9   need. What this also does is it increases the cost of

10   the development as well because, as we know, every day

11   the price of construction goes up.

12   And so sometimes it makes it that much

13   less unattainable to see it through because of now you

14   have a gap that has been presented and then the

15   developer has to go and find other funding sources as

16   a result.

17   MR. DABARON: Yeah. Well, look you --

18   so I -- sometimes I think that perhaps there may be

19   capacity issues at HPD and -- but I think probably --

20   and I want to know from you -- do you think that it's

21   also a question of the budget that they're working

22   with and perhaps we need to put significant funding

23   behind HPD --

24   MS. BROOKS-POWERS: And again, thank

25   you for that. We have had this conversation with HPD

1   trying to drill down to understand what the

2   bottlenecks are that exists. I know that it's a mixed

3   bag. It -- there's an element of needing to staff up

4   the agency because, again, when I first got elected,

5   it was, you know, in the midst of the pandemic.

6   So there was staffing challenges there,

7   but then also having to prioritize all of the housing

8   across the city. Everyone can't go at the same time.

9   And so to your point, the funding is always going to

10   be important, and this council has prioritized that,

11   whether it be in the budget or different negotiations

12   to try and support the work of HPD as well.

13   But we can definitely work with the

14   land use team to provide some additional

15   recommendations if the commission is open to receiving

16   that. But to your point, this is an area that really

17   needs some focus and attention, which could help to

18   move along a lot of these housing projects much

19   sooner.

20   Because right now I can count at least

21   four projects off the top of my head in my district

22   that have been approved for several years since I've

23   been a councilmember that have not been sent to

24   closing yet.

25   MS. BOZORG: Hi, Councilmember. Thanks

1   for your testimony. I think I want to ask a similar

2   question that I just asked the majority leader.

3   Because I think part of the challenge -- you're

4   highlighting how you have used the ULURP process to

5   negotiate for your community and you've gotten to

6   "yes" and used that power to make sure that projects

7   are meeting the needs of your local community.

8   And the HPD -- you know, the affordable

9   housing side of the world where it's absolutely the

10   case that we have a resource need to get through a lot

11   of the backlog of projects. But I think part of what

12   we've been focused on and hearing a lot about is

13   that -- is not the challenge of -- with members who

14   are willing to get to "yes," but members who have used

15   the, kind of, practice of member deference to not even

16   let projects get started in the first place.

17   And so what's happened is this unfair

18   situation where most of the development has been

19   happening in low-income communities. Communities of

20   color, and typically whiter, wealthier communities

21   have been able to just block projects from starting

22   off the ground from the start.

23   So I'm curious to hear your thoughts

24   about just the fairness of that reality and if you'd

25   be in favor of some kind of mechanism that still gives

1   you power and input to shape projects and get to "yes"

2   in a way that works for you and your community, but

3   really solves for this other problem that there are

4   other colleagues that have been able to use the

5   process to ensure nothing is happening, and not just

6   HPD projects, but no development whatsoever, even of

7   modest size.

8   MS. BROOKS-POWERS: So I can appreciate

9   that question. And what I will say is I don't look at

10   it necessarily as members trying to not get to a

11   "yes." I think many members have often come in with

12   good intentions, but they're not engaged early enough

13   for sometimes the size of the projects.

14   But I also think that this council

15   takes seriously the need to create housing. And when

16   we see that there is a greater citywide need or

17   impact, the council takes that very seriously. But I

18   do believe wholeheartedly that as a councilmember, we

19   have a unique lens on our community and what our needs

20   are and what some of the challenges are.

21   So there may be a type of development

22   that's being proposed in our district that may work in

23   one part of New York City and not necessarily in

24   another. Give my district, for example, where we have

25   crumbling infrastructure, where we are largely a

1   coastal community, and already have great density.

2   So when myself or members that have

3   districts that are very similar, it may come off like

4   we are NIMBY or that we don't want to see development

5   when that's not the case. It's about being nuanced,

6   understanding that we have vulnerable communities.

7   Certain districts lack the basic infrastructure and

8   members may need to address those challenges before

9   they can accommodate additional density.

10   So I think while we look to address the

11   housing crisis, we can't do it in a vacuum in the

12   sense that we're not taking into account other

13   elements in that community on the ground because what

14   then happens, will be that we'll then make a community

15   even more vulnerable.

16   So like, as you see, NASA put out a

17   report about a year or so ago talking about New York

18   City sinking. When you look at some of those

19   community districts that are included, a lot of it is

20   in my district, right. So when I approach ULURP, I

21   have to take that into account and not solely just

22   building housing.

23   And so in the council, again, I think

24   we have that unique lens that the agencies may not

25   have. They have the lens of the housing crisis

1   globally and a goal of creating X amount of housing.

2   We have a responsibility to our community to make sure

3   that we do create housing because every district has a

4   housing crisis and is impacted by that. But we also

5   have to be nuanced in how we approach it.

6   MR. BUERY: Thank you so much,

7   Councilmember. Thank you so much for your testimony.

8   I appreciate it.

9   MS. BROOKS-POWERS: Thank you.

10   MR. BUERY: I'm going to call

11   Councilmember Alexa Aviles.

12   MS. AVILES: Hello. Okay. Hello,

13   everyone. How are we doing?

14   MR. BUERY: Great, Councilmember.

15   MS. AVILES: Great. Thank you so much.

16   So I've lived in Sunset Park for over 20 years. I'm a

17   Brooklynite, actually raised in East New York,

18   Brooklyn. So I have seen many, many changes.

19   MR. BUERY: Give me -- if I could

20   say -- one second.

21   MS. AVILES: Yes.

22   MR. BUERY: Shout out to East New York.

23   MS. AVILES: That's especially for you.

24   I have seen many, many changes in our incredible

25   borough of Brooklyn, and among them is -- has been

1   certainly over the recent history of commiserating

2   with so many fellow neighbors about how our

3   neighborhoods were growing on a -- more and more

4   unaffordable, watching families being dispersed,

5   having to move out of state, losing the cohesion of

6   knowing everyone on the block, which really meant a

7   lot for communities.

8   That's how we survived very difficult

9   conditions. And yet here we are. We're still with

10   new, raising costs, and we continue to watch

11   neighborhoods like Sunset Park and Red Hook and

12   working class black and brown neighbors get pushed

13   aside again and again through our city's political

14   process.

15   Of course, anger is rising when we see

16   the interests of wealthy, well-resourced communities

17   being protected while other communities are completely

18   being disregarded. And so, in every way, these

19   neighborhoods are our homes, and we want to take care

20   and nurture it.

21   And that's why when I was elected first

22   as a public servant, to fight alongside my neighbors,

23   to see our neighborhoods that were overlooked, to know

24   intimately that the struggles we face as a home of

25   immigrant and working-class New Yorkers. And this is

1   among one of the many reasons why city council should

2   be -- their agency should be protected in this land

3   use process.

4   And in some ways expanded, and I can

5   get into that a little more later. Our housing issues

6   through long-term sustainable solutions to

7   affordability is where we really need to get. When we

8   talk about the ULURP process and zoning changes, we're

9   talking about changing people's homes, our lives, our

10   histories, and we are trying to build a better future.

11   And so city council has a say in that

12   process because we are able to speak to, as some of my

13   colleagues have mentioned, the really deeply rooted

14   concerns and idiosyncrasies of all of our

15   neighborhoods in many -- in very intimate ways.

16   And frankly, when the administration,

17   any mayoral administration, has a variety of

18   interests, it too is a political body that is driven

19   by politics in the same way that individuals, and

20   certainly these tools that we have at our disposal,

21   while very imperfect, and ways to improve them, do

22   have an important protection mechanism among them.

23   And so rather than taking a

24   sledgehammer to this instrument, I think it's

25   important to be surgical here because there is a lot

1 of nuance. And I'll -- I just completely disregarded

2 my comments.

3   Lastly, I'll just say the city

4 council's participation here is an intimate and a

5 short one. And there are certainly significant

6 problems with the overall process, as you've heard my

7 colleagues mention, years and years of delays for

8 projects which are outside of our scope.

9   But if we are trying to solve a problem

10 among some of those solutions would certainly be a

11 more strategic intervention and looking very closely

12 at all of it. And in particular, putting in

13 guardrails to protect both from the political winds of

14 a mayoral administration who may not be considering

15 the nuances of a neighborhood and members who may not

16 be interested in bringing more housing when we have a

17 crisis in our city.

18   So not throwing out the baby with the

19 bath water, but really looking at this finely with a

20 fine-tooth comb and allowing the members to continue

21 to represent their communities in a 50-day period.

22 That is what we have as community representatives,

23 which is really important.

24   And we should think about strengthening

25 those tools rather than diminishing them because

1 removing council authority and process from this

2 larger process would truly be a detriment to our

3 communities and our interests.

4   And by and large, you see

5 councilmembers negotiating significant community

6 benefits that would have never been there had it not

7 been for their participation and their commitment to

8 protecting the interests of their community members.

9 I'll stop there.

10   MR. BUERY: Any questions?

11   MR. WEISBROD: Thank you. Thank you,

12 Councilmember. I was struck by what you said at the

13 outset, which is how -- and I can appreciate how you

14 and other communities and councilmembers feel about

15 your communities getting a lot of housing while, as

16 you said, other communities are protected.

17   We heard a lot of testimony from

18 developers saying that one of the first things they do

19 is look and see which councilmembers are at all

20 receptive to housing and which ones aren't. And those

21 that aren't, they just won't proceed at all. They

22 won't go forward.

23   They won't propose projects because

24 they'd have to invest a lot of money, and it would be,

25 at the end of the day, a waste of time. And in fact,

1   the communities that you referenced that are protected

2   have been protected for a long time by councilmember

3   after councilmember resisting housing in those, in

4   those districts.

5   How would you address that issue given

6   the existing willingness of councilmembers to defer to

7   each individual councilmember as to the desires of his

8   or her district?

9   MS. AVILES: Well, thank you for the

10   question. I would first make an amendment here. This

11   is not a process that solely depends on a

12   councilmember and a developer. There is an

13   administration. There is with DCP. There is the

14   whole process. There is the borough president. There

15   are actually many political bodies that determine,

16   kind of, the life cycle of these projects.

17   MR. WEISBROD: I don't want to

18   interrupt you, but in fact, it does depend on,

19   usually, on a developer who is prepared to put up some

20   money upfront --

21   MS. AVILES: Sure.

22   MR. WEISBROD: -- in order to

23   potentially see a project completed at the end of the

24   day. And if that developer or any developer is

25   unprepared to do that, irrespective of what the city

 1 can do, there's really not going to be development in

 2 that district.

 3   MS. AVILES: Well, I think, again,

 4 here, there are many voices that determine, kind of,

 5 whether our project comes to fruition or not. If

 6 developers are not interested in engaging in the work

 7 that it will require to responsibly develop in our

 8 city, then I think that that's their choice.

 9   I think lacking a comprehensive plan

10 for a city, which I think is a really fundamental

11 problem for our city, that we do not comprehensively

12 plan where we can make sure that we are not only

13 building to achieve certain level of goals to make

14 sure that our city runs appropriately and has fair

15 distribution of whatever, you know, public mechanisms

16 that it requires, right, to run effectively.

17   I think you have to -- it is not just

18 the developer's whims here. You have -- it's carrots

19 and sticks and guardrails and responsible development.

20 So I don't think it's just a developer -- if we want

21 to incentivize the appropriate development as a city,

22 our administration should be doing that, our

23 councilmembers should be doing that.

24   And we should be doing it in a way

25 where there's appropriate guardrails and appropriate

1   considerations because there are different nuances.

2   In fact, our community had an enormous -- we haven't

3   had a ton of development, but we have had an enormous

4   amount of siting of shelters.

5   We've had a building of all these

6   hotels in a community where there was no tourist

7   attraction. They were being built because the city

8   was incentivizing shelter as a good business model.

9   And so there was no one watching for interest there,

10   right, so but the development was moving towards the

11   money.

12   So I think, you know, there's no easy

13   answer here. And I can't solve the problem of the

14   developers who are chasing their profit, but I can say

15   on behalf of the public interest of this city, that we

16   not only need to comprehensively plan, but we have to

17   place guardrails on all facets here, right, because if

18   you are chasing the dollar, you're certainly not

19   chasing the public interest. Maybe those two can

20   converge, and many times they do, and it's a good

21   thing.

22   Nevertheless, what we see is

23   development that is not quite hitting the interest and

24   the need within our city. And this is where the

25   council's intervention is able to help move that in

1   the place closer to the needs of the residents. I'm

2   not sure I fully answered your question.

3   MR. WEISBROD: It may not be a fully

4   answerable answer.

5   MS. SAVINO: It's -- I'm just going to

6   follow up on that. So first of all, thank you for

7   coming tonight, Councilwoman. Assuming we had a

8   comprehensive plan -- I'm not sure exactly how we

9   would define that because state zoning law requires us

10 to have a comprehensive plan for zoning purposes.

11   But let's assume we created a plan that

12 said we have 51 council districts in the city of

13 New York. I don't know how many neighborhoods there

14 are. I'm sure Gail Brewer knows the answer to that

15 question.

16   But this -- that plan that New York

17 City would create, alongside the council and city

18 planning, is to have X number of new housing units

19 across all 5 boroughs, all 51 council districts, every

20 community, to meet the need.

21   We still come up against the fact that

22 there are certain districts and certain

23 councilmembers -- and I know a few of them who lived

24 to -- live pretty close to me -- who have vehemently

25 opposed to any development. So how do we square that

1   circle?   How do we solve that problem?

2   So even if we had this comprehensive

3   plan which identified, you know, how we build and

4   where we build and how many stories, we still have

5   because of the local, you know, representation -- and

6   I agree.   Councilmember is the closest person to the

7   community.   I absolutely agree with you on that.

8   Voters sent you there to make decisions, but we do run

9   up against this.

10   MS. AVILES: Sure.

11   MS. SAVINO: There are people who for

12   whom the idea of building any units of housing in

13   their district, they are vehemently opposed to.

14   MS. AVILES: Yeah.   Yeah.   I mean, we

15   run up against it almost in every facet.   We run up

16   against it with polluting facilities, of which my

17   community has a disproportionate amount.   We run up

18   against it with shelters, of which my community has a

19   disproportionate amount.

20   So this is not a unique problem to the

21   housing space.   It is certainly a unique problem to a

22   very diverse city that has a lot of competing needs

23   and often protects powerful interests.

24   MS. SAVINO: Yes.

25   MS. AVILES: So I think there are many

1   interventions here. I don't think one intervention

2   will solve this problem. I think we, as a city, need

3   to -- like we have a Fair Share housing policy. There

4   is a Fair Share shelter siting policy. No one follows

5   it. There's no enforcement.

6   And what does the agency do? It says

7   we believe in this Fair Share policy, however, here's

8   your number 18 shelter facility while your two

9   neighbors have zero shelter facilities. How do we

10   solve that problem? We need an administration who's

11   committed to proper siting.

12   We need to have some enforcement

13   mechanisms there. We probably need to change the

14   siting process to say, "No. Actually you cannot

15   build, you know, over a certain threshold in a

16   community." So I think there are many mechanisms

17   here.

18   I think what we want to be -- while

19   there are a few members who maybe stop the development

20   of housing in their districts, I don't think the

21   answer is removing the power of the councilmembers

22   still to be able to advance projects in their

23   communities that bring benefit. It feels too blunt of

24   a response.

25   I think we're trying to tackle what is,

1   thankfully, not a giant problem. It is a problem

2   without question, but I think we've seen more benefit.

3   We have to tackle it, I think, in a number of

4   different ways.

5   MS. SAVINO: Thank you.

6   MS. AVILES: Yeah.

7   MR. BUERY: Thank you so much for your

8   testimony. Deeply appreciate it.

9   MS. AVILES: Thank you.

10   MR. BUERY: Next we hear from

11 Councilmember Gale Brewer.

12   MS. SAVINO: Oh good.

13   MR. BUERY: Thank you so much.

14   MS. SAVINO: I like that.

15   MR. BUERY: Thank you.

16   MS. SAVINO: Oh --

17   MS. BREWER: According to the New York

18 Times, there are 350 neighborhoods in New York City.

19 And according --

20   MS. SAVINO: I knew you would get me

21 the answer.

22   MS. BREWER: -- according to the

23 Department of City Planning, there are 339. So take

24 your choice. So I'm Gale Brewer. I'm city

25 councilmember for District 6, Upper West Side, the 50s

Page 51

1 to the 90s, and Central Park. And I chair council

2 Committee on Oversight and Investigation.

3   So I'm not going to -- just to in time,

4 I list the fact that Tish James, when she was on the

5 council and I had our -- we passed a law -- I think

6 Weisbrod knows about it -- that passed -- we had a

7 commission that was, I think, more representative than

8 this one or anybody else's.

9   And then we go through the time that de

10 Blasio -- soon as the council had a commission, he had

11 a commission. And now the same thing is happening.

12 Just to give a little history of the charter issues.

13 Number 2, I'm going to just list some of the concerns

14 I have. ULURP is just really small on my list, but I

15 can talk more if you want. I've done 250 ULURPs in my

16 life.

17   In terms of land use, I just want to

18 talk about the Franchise and Concession Review

19 Committee, FCRC. As you know, those outcomes are

20 weighted in the mayor's favor. The charter also

21 states that when an application relates to more than

22 one borough, the borough president share a single

23 vote.

24   I did pitch in the past that FCRC in

25 2010, along with Christine Quinn, that we should have

Page 52

1   a different system. The reforms were not considered,

2   and the Adams administration is poised to award the

3   expiring contract for operation, for instance, on the

4   Wollman Rink in Central Park, perhaps to the Trump

5   organization or another private outfit.

6   The reason I mention this, this would

7   be an example where, I think, the city council, when

8   it's a major concession -- and I list this in my

9   testimony -- should be the ones considering that kind

10 of a decision. I feel very strongly about it, and

11 that is something that I'd like to have considered as

12 part of your deliberations.

13   In terms of ULURP, I agree a lot with

14 my colleagues. I do want to say that one aspect that

15 has been in -- the way it's been done, but not

16 mandated, and I do think, to answer your question,

17 Carl, how you could speed up the process.

18   Mandate that the Department of City

19 Planning brief community boards on any ULURP

20 application before the process begins. A lot of these

21 community boards are turning over with that stupid

22 eight-year thing that you came up with in the previous

23 charters, so they only have eight years. And that

24 means they never really learn land use.

25   And so therefore, they need

1   pre-briefing, and then they need to have much more

2   support in terms of the fund for the city of New York

3   having the wonderfully Alden -- Alvin Bonea [ph]

4   trained Urban Fellows to help them with their process.

5   That is how you're going to speed it up.

6   Some of the neighborhoods, how do you

7   end up having ULURP that is helpful to developing

8   housing? You have to listen and maybe not make them,

9   you know, 30 stories tall. Quickly. I want to

10   establish a New York City land bank. It could be done

11   legislatively but can also be done by the charter.

12   I want to protect landmark buildings.

13   As you know, we have one now that the developer wants

14   to turn down -- tore down. It is landmarked, and I

15   think individually designated landmarks, if they're to

16   be torn down, the decision should be made by the same

17   organization that landmarked them, called the city

18   council.

19   I want to say we had a discussion today

20   about the issue of how you deal with outdoor cafes on

21   the roadside and battery swapping cabinets. One of

22   the ways that these get delayed is they need a

23   revocable consent. Get rid of it, and do a permit.

24   Makes much more sense.

25   Budget independence, oversight

1 agencies, you'll see my list. These agencies, some of

2 them have the ability to be tagged and -- to the

3 agency that they deal with. IBO is an example with

4 OMB. But guess what? Department of Investigation

5 does not have that. Board of Correction does not have

6 that. Special Commission for Investigation of the

7 School District does not have that.

8   Really tiny budgets compared to what

9 they have to do. They need to be tied to an agency.

10 Enhanced units of appropriation. Oh my goodness.

11 You'll have -- police department has in one unit of

12 appropriation, boroughwide offices, detective

13 division, forensic investigation, narcotics division,

14 and the SRG, Strategic Response Group operations. How

15 the hell you supposed to know what's in that?

16   Revenue estimates. The city council

17 and the mayor's office should somehow come to some

18 kind of an agreement. I believe in advice and

19 consent. We did it as a result of my commission, and

20 it should be for all the other agencies. I know that

21 wasn't loved by the mayor's office. I feel strongly

22 about it. And then if a local law is passed, it

23 should be implemented.

24   Mayoral control of some of the

25 commissions should be less mayoral control. And I

1 talked about the DOI, and then I do believe, as the

2 Citizens Union does, that we should have election

3 cycles that are all one so that people would actually

4 not have to vote so many times during the year. Thank

5 you very much.

6   MR. BUERY: Thank you very much,

7 Councilmember.

8   MS. BREWER: You're welcome, sir.

9   MR. BUERY: Any questions?

10   MS. SAVINO: I have a question. So

11 thank -- first of all, thank you. You know, I knew

12 you would know the answer to any and all questions.

13 On the -- one of the recommendations you have about

14 the community boards -- and I don't necessarily

15 disagree with you.

16   Eight years is not enough time to

17 learn -- it's not enough time to learn land use in a

18 community board level or eight years is not enough

19 time to learn how to become a councilmember --

20   MS. BREWER: Correct.

21   MS. SAVINO: -- but that being said,

22 community boards are oftentimes more opposed to

23 development than anybody. So how do you -- how do we

24 resolve that? So again, I actually know some

25 councilmembers and other elected officials who say

1   they would never, ever take a position in opposition

2   to what their community board recommended, even though

3   it's a non-binding vote.

4   So if we were to go through this to

5   reform this process and inform the community board,

6   and they said "No," how does that councilmember then

7   move forward?

8   MS. BREWER: Well, the councilmember

9   needs to have a little guts, first of all. But --

10   MS. SAVINO: Well, guts is in short

11   supply these days, Gale.

12   MS. BREWER: No, I don't understand

13   that, and I have a lot of guts. So -- but the issue

14   is the lack of understanding of land use at the

15   community board level is intense. There's -- I'm -- I

16   was borough president. I had to appoint people. We

17   did trainings constantly, and it still isn't enough.

18   So I would say -- also, if you are in

19   an area -- I don't know anything besides Manhattan. I

20   know there are five boroughs, but I never go to the

21   other ones. And so I am not familiar with, you know,

22   suburban Queens or suburban Staten Island. I know

23   they're beautiful, but I don't go there.

24   MS. SAVINO: We're going to bring you

25   out there.

1   MS. BREWER: So I know, but you pointed

2   out in your area in Staten Island that people are

3   opposed. So the issue, for me, would be like what

4   Community Board 4 did in Manhattan.

5   They went to every single lot in that

6   community, and they have actually superb land use

7   experts on the board. And they have a report -- you

8   should read it -- and it lists every single way that

9   affordable housing could be built on every single lot

10   the way they want to do it. And they're building it.

11   So that's -- you know, you have -- if

12   somebody doesn't want, you know, a 30-story building

13   in an area that has, I don't know, 10-story

14   buildings -- I don't even know what a 10-story

15   building looks like in Manhattan, then go with a

16   low-rise, affordable, maybe home ownership.

17   That's what they -- instead of spending

18   years fighting this stuff, for god's sake, go with

19   something that is acceptable and compromise in that

20   area. That's what I would do.

21   MS. SAVINO: Thank you.

22   MS. BREWER: You know what? I would

23   make it happen.

24   MS. SAVINO: All right --

25   MS. BREWER: How many is this for you?

 1   MR. WEISBROD: Excuse me. I hesitate

 2   to ask you a question, but I will.

 3   MS. BREWER: How many commissions is

 4   this for you? That's what I want know.

 5   MR. WEISBROD: Only two.

 6   MS. BREWER: Only two?

 7   MR. WEISBROD: Only two.

 8   MS. BREWER: I don't believe it.

 9   MR. WEISBROD: Actually, I have a -- I

10   do have a question for you Councilmember. Which is,

11   you've been both a borough president and --

12   MS. BREWER: Yeah.

13   MR. WEISBROD: -- and a councilmember.

14   And I just -- do you think that the balance of the

15   roles of the borough president and the councilmember

16   with respect to ULURP and the land use process is

17   about right? Or do you think it should be modified in

18   some way?

19   MS. BREWER: It's a good question. The

20   way -- on the controversial projects -- it's easy on

21   the ones that are not. But on the controversial

22   projects, the community goes to the community board

23   and then the borough president, which has a land use

24   staff, right, that helps.

25   The controversial project -- they make

1   changes. The council makes -- I mean, the borough

2   president makes changes. The community board makes

3   changes. So by the time it gets to the city council,

4   hopefully, there's enough cover because when it's

5   really controversial, it's rough to have to say "yes"

6   to a very tall building or a very -- in a area that

7   people don't want housing, or they don't like poor

8   people, or whatever the hell it is.

9   Then as -- so I do think that the city

10   councilmember gets some cover from the borough

11   president, to answer your question, because there

12   is -- the borough president doesn't have to vote.

13   They just have to recommend. Now, you could all --

14   the borough president -- when you're there, you feel

15   kind of powerless, like why the hell does a city

16   council get to vote on this?

17   But if it's controversial, you might be

18   pleased. It's a political process. But I do think

19   the relationship -- if the borough president has a

20   good land use staff -- and the city council has one

21   too, but it's not just focused on that councilmember.

22   So the borough president, you lean heavily on what

23   they have to say, and they lean on the community

24   board.

25   Along the way, to be honest with you,

1 no matter how good staff is, there's not a lot of it.

2 And it's, you know, probably could all use some more

3 intelligent thinking about what really is needed.

4 That's -- you know, we're really lacking in thoughtful

5 consideration of what really could be built.

6   I'm struggling right now. I'm trying

7 to figure out A, B, C, Extell, Gary Barnett. You

8 know, that's a big challenging situation, and we're

9 trying on every level to think outside the box. It's

10 hard. There aren't a lot of people who really know

11 land use in the city of New York, to be honest with

12 you.

13   MR. BUERY: Thank you. Well, thank you

14 so much. Appreciate it.

15   MS. BREWER: Thank you very much.

16   MS. SAVINO: Thank you, Gale.

17   MR. BUERY: Thank you.

18   MS. BREWER: Now you know how many

19 neighborhoods there are in New York.

20   MR. BUERY: Somewhere between 339 and

21 350. Next, we'll have a panel. I'm going to invite

22 up Jessica Katz and Howard Slatkin. I'll ask the

23 commissioners to hold their questions until both have

24 testified.

25   UNIDENTIFIED SPEAKER 3: All right.

1   MR. BUERY: Jessica, would you like to

2   begin?

3   MS. KATZ: Sure. Thank you. Hi. And

4   thank you for inviting me to testify here today. My

5   name's Jessica Katz. I'm a lifelong houser and a

6   former government official. Thank you for your

7   service to this commission.

8   After more than 20 years in the housing

9   industry, both inside and outside government, I

10   strongly believe it's time to change the rules of the

11   road for how housing gets built. You might not hear

12   this a lot during this process, but I'm actually a

13   huge fan of ULURP.

14   For more than a decade, it was my job,

15   my honor and privilege really, to go before community

16   boards and make the pitch for supportive housing

17   projects for chronically homeless New Yorkers. I've

18   stood in school auditoriums and senior center

19   cafeterias in every borough, a couple times pregnant

20   and in heels, answering questions and hearing

21   community concerns, sorting out fact from fiction.

22   I've been called every name in the book.

23   I've been shouted at in every

24   neighborhood in this city. And I truly appreciated

25   those moments where things got heated in those

1   meetings because it gave me the opportunity to set the

2   record straight about the challenges faced by

3   New Yorkers experiencing homelessness, to build some

4   empathy and understanding in the hopes that when the

5   building opened, the community would welcome their new

6   neighbors.

7   For every project that had a small but

8   vocal army of opponents, it was my job to help build a

9   base of support. And I knew that if the opponents

10   would just meet some supportive housing tenants, they

11   would see that their fears were unfounded.

12   But I always had my misgivings about

13   this strategy. It was effective, but it was a lot to

14   ask of formerly homeless New Yorkers who had just

15   achieved a measure of stability. I'd be asking them

16   to appear publicly before an angry crowd to tell their

17   traumatic stories and how they overcame the worst

18   times in their lives in an effort to win a little

19   grace for the next homeless New Yorker who desperately

20   needed a place to live.

21   In those moments, it felt like the

22   rules of the game were rigged in favor of

23   stably-housed New Yorkers. "Housing is a human right"

24   is a really lovely phrase, but how do you make it more

25   than a bumper sticker?

1   First of all, you need to build some

2 housing for housing to be a human right. And also,

3 legally, a human right is something that's even more

4 important than democracy. We elevate certain rights,

5 and we put them on a higher plane because those rights

6 are so fundamental that they're not subject to the

7 whims of public opinion.

8   So "Housing is a human right" means we

9 shouldn't be asking for a show of hands to determine

10 whether our homeless neighbors live stable lives or

11 die in the street.

12   Another change that has had a huge

13 impact on housing development has been term limits.

14 When the current ULURP process was designed, we were

15 typically working with local elected officials who'd

16 been office a long time and who would continue to hold

17 their seats long after the controversy about any

18 particular project had died down.

19   So the players in the project would be

20 around to see a project go from idea to

21 implementation, from an angry community board meeting

22 to a round of applause at a ribbon cutting. Today,

23 term limits means that councilmembers who are

24 skeptical of new housing have little reason to take

25 into account their future constituents who may need

 1 housing, and even the most pro-housing councilmembers

 2 will likely not be in office to see a project come to

 3 fruition.

 4   This combination of short term limits

 5 and long development timelines is a structural problem

 6 that inhibits new housing that was not the case when

 7 our current land use rules were first created. So I'm

 8 so grateful to this commission for finding new ways to

 9 build more housing.

10   This is necessary because the

11 affordability crisis is worse than ever before because

12 it's not fair to ask our homeless neighbors to fight

13 for their lives in a ULURP process that is stacked

14 against them and because term limits has fundamentally

15 changed the rules of the road. Thank you.

16   MR. SLATKIN: Good evening, Chair Buery

17 and commissioners. Thank you for the opportunity to

18 speak. I'm Howard Slatkin, Executive Director of

19 Citizens Housing and Planning Council.

20   And I would like to use the opportunity

21 this evening to build on testimony that I presented to

22 the -- this commission back in February and highlight

23 some of the specifics of the proposals we published in

24 our report, Key Charter Reforms for Housing and Land

25 Use.

1   I'll also describe one additional

2   proposal not included in that report that I think is

3   responsive to the issues that the commission is

4   considering here. In highlighting these elements of

5   this proposal -- of these proposals, I want to

6   emphasize, you know, as part of tonight's discussion,

7   that I don't think the question is whether the city

8   council should have a role in the process of land use

9   review, but what the effect of, and how to incorporate

10   the city council's review within the land use process.

11   The proposal that we've outlined in

12   this report wouldn't remove the council from ULURP but

13   would lean into the council's role as a citywide body

14   that also, like other participants, the process is

15   responsible for integrating local and citywide

16   concerns and not acting in a strictly local capacity.

17   The -- a key element of these proposals

18   would be to create a check, a procedural check, on

19   member deference that would, in event -- in the event

20   that it would compromise the broader public interest,

21   by allowing -- by super majority vote at the city

22   planning commission and override or modification of

23   the council vote on a land use action.

24   In addition, the proposals include

25   giving the council speaker the 13th appointment to the

Page 66

1   City Planning Commission in order to provide

2   opportunities for coordinated and cooperative review,

3   rather than the sequential and rival risk review that

4   occurs through the process in most circumstances

5   today.

6   And finally, to make council's review

7   of land use actions optional rather than mandatory,

8   which could, in the event that there is a -- an

9   outcome that could be achieved at the commission with

10   that composition of the commission would take nearly

11   two months off of the process. I'll also highlight

12   one additional item -- proposal, which would be in

13   order to address the issue of the challenges facing

14   affordable housing development.

15   In particularly, in geographies where

16   there has been an insufficient supply of affordable

17   housing, providing the Board of Standards and Appeals

18   with the ability to provide project-specific zoning

19   relief for affordable housing developments in areas

20   where there has been an insufficient supply of

21   housing, the BSA would have the authority to waive

22   zoning provisions based on findings of programmatic

23   necessity and neighborhood character.

24   And the emphasis here is that this is

25   project specific relief for a proposal. It's not a

1   zoning change. The underlining zoning would not

2   change through that process. I can answer any

3   questions about those proposals.

4   MR. BUERY: Thank you so much.

5   Appreciate it.

6   Any questions for this panel?

7   MR. WEISBROD: Just a second. The

8   proposal to allow the BSA to -- for certain kinds of

9   projects, to in effect modify the zoning for that

10   project, how would -- would that be after the ULURP

11   process? Would that be instead of the ULURP process?

12   How would that work?

13   MR. SLATKIN: Right. The idea is it

14   would be instead of the ULURP process and strictly for

15   a category of affordable housing projects, essentially

16   projects that are going to be subject to a regulatory

17   agreement owned by an HDFC and can be targeted toward

18   geographies where there has been an insufficient

19   number of affordable housing units provided in order

20   to counterbalance that.

21   MR. WEISBROD: Thank you.

22   UNIDENTIFIED SPEAKER 4: That's the

23   trigger then that would allow that --

24   MR. SLATKIN: Sure. The threshold --

25   and this is building on things like the Fair Housing

1   Framework that the city council has laid out. The

2   idea is that there are clearly geographies that fall

3   below a threshold. But you can -- that threshold can

4   be set.

5   But there are clearly geographies that

6   fall below that threshold, in which there has been

7   insufficient production of affordable housing, and

8   this, sort of, streamlined process would be available

9   in those places.

10   MS. SAVINO: -- a question. Thank you.

11   I have a question for Jessica. First of all, it's

12   good to see you. And so here in the testimony, we

13   heard from the majority leader, Amanda Farias, Alexa

14   Aviles, and Gale Brewer about some of the challenges

15   of the long process.

16   So it's -- based on your experience in

17   the past, like what could we do to improve the process

18   before we ever get to the ULURP because, as the

19   councilmembers said, they only got 50 days to approve

20   a project. But some of these projects go on for

21   years.

22   I mean, I still reflect on Coney

23   Island. We re-zoned Coney Island in 2009, and some of

24   those buildings are -- they're just getting to the

25   ribbon cutting now. That is -- 16 years -- I lost

1   track -- 16 years later.

2   So what can we do in the

3   pre-certification process, the HPD process? How do

4   we, you know, expand the ability to finance some of

5   them or to come to closing sooner? How do we do that?

6   And you must have some thoughts based on your long-

7   term experience working in this field.

8   MS. KATZ: Yeah. I mean, certainly,

9   there are, certainly, resources, staffing and

10 procedural improvements, like the "Get Stuff Done"

11 report, are all very important to achieve in order to

12 push forward the pipeline that already exists.

13   The pre-certification period, I think,

14 is really just a reflection of the way that member

15 deference works in the actual ULURP process that makes

16 ULURP, in a way, sort of, perfunctory where you do --

17 you know, you can negotiate with someone for years or

18 even decades, and you would never enter into a formal

19 ULURP without having some confidence of the actual

20 outcome.

21   So I think those two things are

22 related. So if you felt like you had a better -- if

23 you had a broader constituency to appeal to, then you

24 wouldn't have this very long tail before the ULURP

25 process started.

1   MS. SAVINO: I don't think enough has

2   been said also about the requirements that the state

3   places on local governments with respect to

4   development -- today is -- I think today is the one

5   year anniversary of Albany last year finally giving

6   New York City the tools it needs to, you know, get the

7   old 421-a projects in the pipeline and create a new --

8   a replacement 485-x.

9   I don't know when, you know, or how

10   long it's going to take for anybody to actually

11   utilize any of those new tools, but the reality is the

12   state does require the city, not just New York City,

13   but all localities to adhere to a certain set of

14   principles, particularly around environmental review.

15   And some of those things take an extraordinary amount

16   of time.

17   Now, certainly we don't want to build

18   housing on brownfields, and we want to make sure that

19   we're building appropriately and safe housing. But is

20   there some way for us, independent of what we do with

21   the Charter Revision Commission, to change that

22   dynamic so that the state takes its foot off the neck

23   of, say, local government?

24   MS. KATZ: Sure. And I think the SEQR

25   process in particular is designed to measure the

1   impact of doing a thing and assumes that the impact of

2   doing nothing is nothing. And with housing, that's

3   just not the case.

4   The impact of building no housing is

5   very significant, but we don't measure that if we're

6   not doing it in the first place. So that's something

7   that the SEQR process doesn't -- well -- it doesn't

8   embody that well.

9   MR. BUERY: Thank you.

10   MS. SAVINO: Thank you.

11   MR. BUERY: -- any other question?

12   MR. DABARON: Oh, I had -- Howard.

13   But Jessica, I think you might've said

14   something, but I was going to ask, is there something

15   that the charter can do to help address the housing

16   crisis? And I think you were speaking to that just

17   now.

18   MS. KATZ: Yeah. I mean, I think

19   homelessness in particular, that's the, kind of,

20   narrow lens that I've taken here. It's just not a

21   hyper-local issue. And we have many, many ways in the

22   existing land use process to address those hyper-local

23   issues and not a lot of other ways to address a

24   citywide immediate crisis.

25   So, you know, when Hurricane Sandy hit,

1   we sheltered tens of thousands of people who are

2   homeless. Like, it was our number one priority, and

3   it was our job.

4   Meanwhile, we've been living with tens

5   of thousands of homeless people and not truly treated

6   it like it was much of an emergency prior to that. If

7   you are strictly looking at a human rights

8   perspective, you would never do a show of hands and a

9   public opinion poll about whether or not we should

10   have a roof over people's heads.

11   Failing that kind of radical change,

12   there's plenty of ways that have been suggested by

13   some of the experts on these panels and by this body

14   in terms of looking at a broader citywide approach

15   that is not necessarily treating every single project

16   individually and, kind of, treating the housing crisis

17   with the urgency that it's going to require.

18   MR. DABARON: For Howard --

19   Thank you. Thank you.

20   And for Howard, so when I'm listening

21   to your statement -- and I heard you mention this in a

22   previous testimony. You were talking -- it sounded

23   like towards the issue of member deference, and you

24   was associating it with where there is a need and with

25   the planning and I just -- Fair Share.

1   So I wanted to, like, kind of like,

2   find out from you if what you were speaking to --

3   because it sounds to me a little like eminent domain.

4   Is it that, or is it something else?

5   MR. SLATKIN: The -- I'm sorry. The --

6   which part of it? The sounds like not the --

7   MR. DABARON: You were saying that the

8   super majority -- yeah.

9   MR. SLATKIN: Yes. Okay. Yeah. And

10 I -- it has -- I think -- I hope it doesn't, and it's

11 not intended to. So let me see if I can clarify that.

12 It is just a matter of providing a procedural

13 rebalancing of the way that decisions are arrived at

14 through the process that we already have for ULURP.

15   The same types of land use decisions

16 would be made through that process. But in the

17 event -- one of the things that we highlighted in

18 the -- our report, the elephant in the room, is that

19 land use and zoning is the only arena in which the

20 city council effectively votes on things that are

21 strictly local in nature.

22   Everything else -- local laws are

23 general in nature. They affect the city. The

24 policies may affect different parts of the city in

25 different ways, and of course, there's a lot of

1 texture to that. But there's no such thing as member

2 deference in the other arenas of the council's

3 authority.

4   The issue here is to try to create a

5 process by which the other actors in the ULURP

6 process, the other officials, officials at the

7 boroughwide or the citywide level, have an opportunity

8 to articulate, "Actually, there's a broader interest

9 at stake here, and this decision needs to be

10 considered in that light."

11   It's a -- as other speakers have said

12 tonight, there's not a way to say, "You're -- thou

13 shalt not have member deference." It's inherent in

14 the nature of a deliberative body where, you know,

15 members elected from a district allow each member to

16 look after the issues that are specific to their

17 district.

18   The idea is to introduce an -- a level

19 on which that then gets reintroduced to the citywide

20 or boroughwide level. The original ULURP process in

21 1975 -- you know, the idea was give voice to community

22 concerns as the first step of the process.

23   Begin the process with hearing what the

24 local community has to say. Then you gradually

25 proceed to higher levels of geography. And at the

1 citywide level, then it was the aptly derided Board of

2 Estimate. But the idea was that the decision happened

3 at some broader level where all those perspectives

4 could be integrated.

5   The effective member deference in the

6 1989 charter revisions was to short circuit that and,

7 basically, take the city council, which is a citywide

8 body, and turn it into, effectively, a local body on

9 local actions, which returns you to the first part of

10 the process. And that was, I would say, a bug and not

11 a feature.

12   It does not mean that the council and

13 that local perspectives are not important to bring

14 into the process of the council. It just means that

15 the last vote in the process shouldn't be local in

16 nature.

17   MR. BUERY: One last question?

18   MR. RICHARDSON: Yes. Thank you both

19 for your testimony, first of all.

20   I have a question for Ms. Katz. Given

21 your specific experience, I want to get your thoughts

22 about something, and I want to connect, kind of, two

23 points that have been made. So I think you've heard

24 the suggestion that there could be tweaks to ULURP or

25 carve-outs for certain things.

1   And you, you know, talked about this

2   idea of elevating certain rights, and some of that

3   speaks to the idea that there could be a consensus,

4   that there could be certain things such as all

5   affordable proposals that have a level of significance

6   or are critical enough that we could all agree that

7   they could be in this carve-out.

8   At the same time, we've heard testimony

9   that says that, well, there are bottlenecks in the

10   system that have to do with the scarcity of funding or

11   bonding capacity and the like. So I want to hear from

12   you, do the idea of carve-outs, in light of the other

13   constraints, exacerbate the problem? Or could you --

14   what do you think about that?

15   MS. KATZ: I mean, I think we have to

16   work on both tracks. I think, in housing, we're not

17   going to find that one single solution that's going to

18   solve the problem.

19   I do think, in terms of some of the

20   negotiations that go around on ULURP, I think the way

21   that that functions right now actually exacerbates

22   some of the equity concerns across the city, right,

23   like a well-heeled neighborhood does not need to beg

24   for parks funding or education funding or a daycare

25   center in exchange for blocking a ULURP.

1   They just block the ULURP, whereas it's

2   those neighborhoods that do need to, kind of, beg for

3   those resources because they lack them that engage in

4   that kind of negotiation. Whereas, the ones that

5   already have the resources just say "No" in the first

6   place.

7   So I do think that the equity issues

8   are exacerbated by the fact that we have this member

9   deference and so much inequality across the city, and

10   I think that a more citywide or a boroughwide approach

11   would actually improve some of those equity issues.

12   MR. BUERY: Thank you so much both for

13   your testimony.

14   MR. WEISBROD: Excuse me. I'm sorry.

15   I do have -- we heard from Councilmember Aviles and, I

16   think, others about Fair Share. And the -- I think

17   what we would all recognize is that Fair Share, as

18   envisioned by the 1989 charter, has not lived up to

19   its expectations, to put it mildly.

20   Do either of you have suggestions on

21   how Fair Share can be improved and to what extent it

22   can be applicable, not only to the kinds of uses that

23   neighborhoods don't want to see, but the kinds of uses

24   that we would want to see, including more housing?

25   And I'm not necessarily asking for you to respond now,

1   but if you can think about it then and and let us

2   know.

3   MR. SLATKIN: Yeah. I would -- I will

4   do that, but I would just add that as some of the

5   other speakers have alluded to, there's not a simple

6   objective way to construe what Fair Share means. You

7   know, what is the ability of a neighborhood to support

8   one thing or the other?

9   And with certain types of facilities, I

10   don't think that it's even easy to say whether a

11   facility is desirable or not in an objective sense. I

12   think that there's a lot of texture to that. So I

13   think for that reason, I think it's important. And I

14   will consider the question in more detail as well.

15   But I think it's important to look at

16   the goal decision-making process and the procedures

17   for decision making in which all of those issues are

18   going to be considered and balanced, rather than to

19   look for formulas that are going to substitute for the

20   judgment of the people acting in that process.

21   MS. KATZ: Yeah. I would add that Fair

22   Share, as it's currently written, is primarily a

23   reporting process and a disclosure process, rather

24   than a, kind of, decision making "yes" or "no" tool.

25   I think it should probably remain that

1 way, particularly if when viewed through the lens of,

2 say, a supportive housing or a social services kind of

3 service where you're dealing primarily with people who

4 are disabled, who have a mental health issue, who have

5 a substance abuse issue.

6   And these are all protected classes,

7 and you really can't -- or we shouldn't and we can't

8 create a system that says, "No, there are too many of

9 those kind of people here," the same way we would not

10 do that for other kind of protected classes.

11   MR. BUERY: Thank you so much.

12 Appreciate it. Our next panel will be Britny McKenzie

13 and Keri Butler. While you are coming, I'll just

14 notify the next panel already. They'll be followed by

15 Sara Penenberg and Annie Levers. Whoever would like

16 to start first.

17   MS. MCKENZIE: Sure. I'll go ahead.

18 Thank you, commissioners, for the opportunity to

19 submit our testimony and contribute to this important

20 discussion. The Fair Housing Justice Center, FHJC, is

21 a nonprofit civil rights organization committed to

22 eliminating housing discrimination, promoting

23 inclusive and accessible communities, strengthening

24 the enforcement of fair housing laws throughout

25 New York City and its seven surrounding counties.

1   For over two decades, FHJC has played a

2   leading role in advancing housing equity and access

3   across our region. We have assisted thousands of

4   individuals and organizations in challenging

5   discriminatory practices, filing complaints, and

6   asserting their legal rights under local, state and

7   federal fair housing laws.

8   Our organization operates a full

9   service fair housing program including proactive

10   investigations, systemic testing, litigation support,

11   policy advocacy, education and technical assistance.

12   Through our investigative work, FHJC has uncovered

13   widespread discriminatory practices among both housing

14   providers and public agencies.

15   Our legal actions, more than 160 in

16   total, have resulted in increased compliance, open

17   access to over 80,000 units, and secured 55 million in

18   damages and penalties. Yet despite these victories,

19   discrimination remains a persistent force shaping

20   housing opportunity in and access in New York City.

21   We submit this testimony today to urge

22   the Charter Commission to take bold necessary steps to

23   embed a stronger fair housing mandate within the

24   city's planning governance and planning and

25   accountability structures. As a member of the

1   Thriving Communities Coalition, the FHJC supports the

2   Our Neighborhood, Our Plans initiative, which calls

3   for a fair and comprehensive planning approach.

4   While we support the range of

5   recommendations of the Thriving Communities Coalition,

6   given our service area and expertise, we want to

7   highlight and provide recommendations related to fair

8   housing and fair housing enforcement.

9   Specifically, one, strengthening the

10   Fair Housing plan in the charter pursuant to the

11   Thriving Communities Coalition comprehensive plan.

12   The Thriving Communities Coalition comprehensive plan

13   is attached to my written testimony, which you'll see.

14   Secondly, require fair housing planning

15   documents, including those required by the city

16   charter to evaluate how city laws, zoning codes,

17   infrastructure, investment, and program administration

18   effort affects -- excuse me -- residential

19   segregation, the relative success of fair housing

20   enforcement efforts, and the location availability and

21   accessibility of housing.

22   For example, CHR should be required to

23   release data on discrimination complaints received and

24   to make preliminary determinations on whether

25   discrimination exists regardless of whether it

1   proceeds with enforcement.

2   Third, any update to the city charter

3   as it relates to residential units must enforce

4   stricter requirements and robust oversight around the

5   design and construction. May I have more time?

6   MR. BUERY: Just a few --

7   MS. MCKENZIE: Yeah. Just one more

8   point. I'll start from the top. Any update to the

9   city charter as it relates to residential units must

10   enforce stricter requirements and robust oversight

11   around the design and construction standards to ensure

12   that all new developments and renovations are fully

13   accessible to people with disabilities.

14   My last point, expand on access to home

15   ownership opportunities and implement reforms that

16   ensure fairness and inclusivity in housing markets.

17   The commission's recommendations should include

18   advocating with the mayor and the city council to pass

19   the co-op disclosure bill, 407, currently pending

20   before the city council.

21   Just to conclude, addressing these

22   structural issues requires more than acknowledgement.

23   It requires sustained coordinated action and the

24   political will to make bold and often uncomfortable

25   changes.

1   New York City has often been described

2   as "a tale of two cities," one where privilege is

3   preserved through restrictive zoning and planning

4   policies and another where communities of color and

5   low-income residents are left to shoulder the burden

6   of limited affordable housing options and government

7   disinvestment.

8   If we're serious about equity, we must

9   stop mistaking performative planning for progress, and

10   the time to review is now. The time is -- the time

11   for action is now.

12   MR. BUERY: Thank you.

13   MS. MCKENZIE: Thank you for your time.

14   MS. BUTLER: Hi. My name is Keri

15   Butler. I am the interim president of the Municipal

16   Arts Society, and MAS did -- does support the Thriving

17   Communities Coalition's text -- draft text for

18   comprehensive planning. We are a member of that

19   coalition.

20   But today I'm going to focus on ULURP,

21   the "funnest," wonky topic. So it's also a

22   notoriously expensive and risky process, especially

23   for smaller and nonprofit developers, and it can be

24   opaque and confusing for community members.

25   I think there were a lot of important

1   topics that were touched on today, including community

2   members having a lack of resources and knowledge about

3   land use process, how complicated it can be. MAS does

4   try to do some of that work with our Livable

5   Neighborhoods program, but it is complicated.

6   And I also have heard -- and I'm going

7   a little off script here, sorry -- but I also have

8   heard from many people that it is the time before

9   ULURP that can be most risky because it's so unknown,

10   and it has a lot of to do with personal, I guess,

11   opinions and things, you know, in the process.

12   And I think there's also an importance

13   to note that there's city plannings process when they

14   want to re-zone and do a neighborhood plan where they

15   have been, I think, doing a really good job of going

16   into the community for an extended period of time.

17   But then you have private developers.

18   So there's different types of processes

19   here. So there have been a lot of proposals shared,

20   and I'm just going to go through some of the things

21   that MAS supports as quickly as I can. We support

22   increasing efficiency and improving transparency and

23   reducing the timeline, if possible.

24   Perhaps that would be establishing --

25   as I said about the pre-process -- establishing a

1 formalized pre-certification phase to reduce

2 uncertainty. Having, perhaps, community boards and

3 borough presidents conduct concurrent reviews.

4   You, perhaps, could change the order of

5 reviews, so shifting city council to before the

6 borough president or having them happen concurrently.

7 Establishing an appeals panel, perhaps it would be

8 members of different representatives, city planning,

9 community board, borough president, and the council.

10 Evaluating the scope of actions that require ULURP.

11   There are 12 categories, some of which

12 are often bypassed because of due -- due to city

13 planning's rulemaking authority. I think we should

14 establish a transparent process for regular city

15 planning evaluation of these actions subject to ULURP,

16 to both remove those that are outdated, but also,

17 perhaps, incorporating new categories as environments

18 change.

19   Allowing CPC final decision making

20 authority on a selection of smaller scale or CPC-

21 determined low impact products -- projects. Okay.

22 Can I just real quickly say which we don't? We are

23 strongly opposed to incentivizing the disposition of

24 city-owned property to expedite short-term

25 development.

1   This will compromise the city's long-

2   term flexibility and control and weaken the ability to

3   leverage those assets to achieve broader housing

4   climate goals in our future. We oppose fast-tracking

5   for specific uses because it could lead to inadequate

6   community input, incomplete impact assessments, and

7   diminishing project quality.

8   And we do not propose adding time

9   limits to application or pre-certification processes,

10   as those have shown poor results in other cities. And

11   we strongly oppose consolidating ULURP decision making

12   within major city -- mayor -- excuse me -- within the

13   mayor or city council.

14   MR. BUERY: Thank you so much.

15   MS. BUTLER: Thank you.

16   MR. BUERY: Appreciate it.

17   Any questions for the panel?

18   MR. RICHARDSON: Thank you both for

19   your testimony. And given your work at the Fair

20   Housing Justice Center, I think there was other

21   testimony talking about the extent to which the

22   scarcity of housing drives the discriminatory

23   practices. I'd be interested to hear if you found

24   that -- concur with that statement or --

25   MS. MCKENZIE: So housing

1   discrimination is very prevalent and is happening

2   whether communities have a lot of housing or a little

3   bit of housing. And that's what we see in our

4   investigative efforts. So I would say it's not

5   restricted to just communities that don't have enough

6   units, but it's really happening throughout the city.

7   MR. BUERY: All right. Thank you so

8   much. Thank you for your testimony.

9   MS. BUTLER: Thank you.

10   MR. BUERY: Next, I'll invite Sara

11   Penenberg and Annie Levers, that they're prepared.

12   They'll be followed by DeRay Mckesson and Cassandra

13   Ippaso.

14   MS. PENENBERG: Hi. Good evening, you

15   guys. My name is Sara Penenberg, and I'm here on

16   behalf of SEIU Local 32BJ. 32BJ is the largest union

17   of property service workers in the country,

18   representing over 175,000 members across 13 states,

19   including tens of thousands of commercial property

20   service workers, security guards, airport workers, and

21   residential building staff in New York.

22   32BJ believes that the city's ULURP

23   process is a vital democratic process through which

24   community members, groups, including labor unions,

25   have the opportunity to engage developers, the

1   projects that shape New York City.

2   Through decades of involvement in city

3   land use review process, our union has been able to

4   defend hard won industry standard, wages, benefits,

5   and to educate the real estate industry and

6   legislators about the importance of creating good jobs

7   in the property service sector.

8   At the same time, our union understands

9   the urgency of New York City's housing crisis, and we

10   recognize that confronting the crisis and the demand

11   and working with our policy makers to advance

12   solutions to facilitate the production of hundreds of

13   thousands of new units of housings as soon as

14   possible.

15   We are hopeful that to the extent that

16   this Charter Review Commission considers amendments to

17   ULURP, the commission's proposals will balance the

18   pressing need to build more housing with the

19   importance of preserving representation, democracy in

20   the review process. Thank you, guys.

21   MS. LEVERS: Good evening, everyone.

22   And thank you for the opportunity to testify. My name

23   is Annie Levers, and I am testifying this evening on

24   behalf of Brad Lander, New York City Comptroller and

25   mayoral candidate. I'd like to thank Chair Buery, the

1 commissioners, and the commission staff for convening

2 this hearing.

3   Over the last several years, Brad

4 Lander has proposed a robust set of charter revision

5 proposals, ranging from strengthening the city's Fair

6 Share rules to modernizing its fiscal framework.

7 Given the commission's emphasis tonight on land use

8 reforms, my testimony in this evening will focus

9 exclusively on proposals for tackling the city's

10 housing crisis.

11   To boost New York City's housing

12 supply, build political consensus for growth, and

13 ensure that expansion is backed by critical

14 investments in infrastructure, Brad's housing plan

15 proposed revisions that would allow the city to

16 immediately expedite re-zonings for increased density

17 while laying the groundwork for a long-term

18 comprehensive plan, a best practice that Brad has

19 championed for decades, but that the city has failed

20 to implement.

21   These recommendations are aligned with

22 proposals from ANHD, the Thriving Communities

23 Coalition, and Open New York to make the city's Fair

24 Housing Framework enforceable. The charter should be

25 amended to empower the mayor to declare a temporary

1   housing emergency, alongside mechanisms to streamline

2   and fast-track new development.

3   Under this framework, the mayor would

4   convene a Citizens' Assembly to address the housing

5   crisis, the affordability and homelessness crisis no

6   less than 100 days after the declaration of the

7   emergency. The Citizens' Assembly would be a group of

8   randomly selected diverse New Yorkers who are

9   unencumbered by the entrenched interests and political

10 dynamics that too often stall out growth.

11   The assembly would be required to

12 develop and adopt plans for increased density and

13 transit-oriented growth that fulfill the targets and

14 mandates of the city's Fair Housing Framework. These

15 plans would provide New Yorkers with more detailed

16 land use and infrastructure visions for their

17 neighborhoods.

18   The Citizens' Assembly plan would be

19 sent to the community boards, borough presidents, and

20 the New York City Council, requiring a two-thirds

21 council vote to reject the plan altogether. For

22 re-zoning actions that the City Planning Commission

23 determines comply with the Citizens' Assembly plans,

24 the charter would establish an alternative streamlined

25 90-day ULURP review and public comment period.

1   That would bring the ULURP clock from

2   roughly seven months to 90 days. Re-zoning actions

3   that comply with the Citizens' Assembly plan would not

4   be subject to council review or approval. To supplant

5   the emergency process, the charter should then be

6   amended to require the development of a comprehensive

7   plan no less than two years since the start of the

8   housing emergency.

9   The adopted comprehensive plan in

10   place, the charter would be amended to make permanent

11   that 90-day streamlined ULURP process. Additionally,

12   I strongly encourage the commission to put the

13   original City of Yes proposal on the ballot to New

14   Yorkers to deliver the additional 20,000 units that

15   were lost after negotiations.

16   Thank you for the opportunity to

17   testify this evening. I have attached more details to

18   my written testimony, which you'll all receive, and I

19   would be happy to meet with each of you and the staff

20   to discuss these in more detail. Thank you.

21   MR. BUERY: Thank you so much. I want

22   to applaud each of you for testifying with -- are

23   there any questions from the panel?

24   DR. NIEVES: I actually have one. Can

25   you cite an example where -- you -- whenever I hear a

1   Citizens' Assembly --

2   MS. LEVERS: Indeed. Yeah.

3   DR. NIEVES: Some could view that as

4   adding another layer and want to reject it outright.

5   Can you give me an example where that has been one

6   where it's actually encouraged greater buy-in versus

7   created more tension?

8   MS. LEVERS: Sure. Well, I'll start

9   first by just making clear that the point of the

10   comprehensive plan itself and the way it's used in

11   other cities has always been to develop buy-in and

12   build political consensus citywide on these individual

13   neighborhood-level issues.

14   So that's why it works in other

15   jurisdictions. You bring the plan to the council and

16   the council has to agree to address the crisis, right,

17   citywide. Each councilmember is forced to take a

18   little bit. They've already taken leadership in this

19   area by passing the Fair Housing Framework.

20   So there's clearly some buy-in to this

21   concept that there is a need to deliver citywide

22   housing in every neighborhood. A comprehensive plan

23   does exactly that. I think a big critique of

24   comprehensive planning has been that it takes too

25   long, and it sits on a shelf and never gets

1   implemented.

2   And what this proposal is designed to

3   do is address those two critiques. We would create a

4   Citizens' Assembly, which has been used -- I mean, my

5   favorite example is it's actually used in legislative

6   areas. So it was used in Ireland to dramatically

7   expand abortion rights in a country that would not

8   otherwise actually be inclined to do so.

9   Through this, sort of, diverse body of

10   people that were randomly selected jury-duty style to

11   actually just learn about the issue and vote on what

12   they really saw was the right thing to do. So that's

13   an example of where it's been used previously.

14   But the idea is that it would take the

15   Fair Housing Framework, it would get information from

16   city agencies and independent experts, many of whom

17   are in this room, on sort of where the crisis is, you

18   know, hitting hardest in communities and build a land

19   use plan for each district so that councilmembers have

20   a somewhat clearer sense of where in their district

21   growth is going to go and that that could help build

22   some consensus. They would then adopt that plan, and

23   then they would forgo their review from there.

24   MR. DABARON: Does this -- sort of

25   like -- is that similar to the process with community

1   boards and stuff like that? Or is this different?

2   DR. NIEVES: Outside of that.

3   MR. DABARON: Outside of --

4   MS. LEVERS: So this would it -- it

5   would exist outside of it. It would be a temporary

6   body. It would be convened within, you know, a

7   hundred days of the mayor declaring the emergency.

8   And within six months of being

9   convened, it would deliver these plans. The plans

10   would then go to community boards, which are obviously

11   critical and have a lot of input and context, for

12   comment. And it would -- the whole plan would go to

13   the council for a vote, but it would exist outside of

14   community boards.

15   MS. LAREMONT: Could I just ask you

16   regarding that, how would you account for the dynamic

17   nature of the city and the diversity of the city in

18   terms of having a plan that was done and then would

19   need to be redone again? What is your thought about

20   how often this would have to be done? Because that's

21   one of the challenges that we have in the city is it's

22   dynamic nature.

23   MS. LEVERS: Yeah. So the Citizens'

24   Assembly plan, we are hoping, would only need to

25   happen once. I think we all agree that we're in a

1 housing emergency right now.

2   What that would do would lay the

3 groundwork for a real ten-year comprehensive planning

4 cycle where, you know, best practices show that you

5 should create a whole new plan every ten years that,

6 you know, in context of what's gone on over the last

7 ten years, what you predict to happen in the future

8 ten years, with opportunities for amendments about

9 five years in.

10   MS. BOZORG: I'm curious to understand.

11 So the council would still have to vote on the plan?

12   MS. LEVERS: That's the idea.

13   MS. BOZORG: Okay. So in an emergency,

14 to develop a plan that the council still votes on.

15 And then projects go through, assuming the council's

16 voted on the plan and agrees with it. Okay.

17   MS. LEVERS: Indeed. And creating that

18 higher threshold for them to just outright reject the

19 plan, I think can help build the consensus.

20   MS. BOZORG: Okay.

21   MR. BUERY: Can I ask --

22   MS. BOZORG: Hold on. I just want to

23 finish. I'm curious -- because you both mentioned the

24 importance of democracy and democratic processes, also

25 acknowledging housing emergency is something that

1   maybe well-housed people shouldn't be voting on, you

2   know, the types of projects or the need for certain

3   types of projects.

4   How would you -- I mean, how do you

5   think about this balance of what is a necessary

6   democratic process versus acknowledging it's an

7   emergency that needs quick, fast action?

8   MS. PENENBERG: Yeah.

9   MS. LEVERS: Do you want --

10   MS. PENENBERG: No. Go ahead.

11   MS. LEVERS: Okay. I think what this

12   does is actually strengthen our forms of democracy by

13   creating a new process, basically, that still allows

14   for consensus to be built with opportunities for input

15   along the way. And I -- you know, I think that there

16   are lots of things that will come out through that

17   emergency process that could be addressed through a

18   longer term comprehensive plan.

19   But this would create, sort of, an

20   immediate relief mechanism to make sure that the

21   targets that are put in the city's Fair Housing

22   Framework, which I think everyone agrees is, like, a

23   critical framework for actually addressing the crisis,

24   can actually be implemented. Because otherwise, it's

25   just another plan that's going to sit on a shelf.

1   MS. PENENBERG: Just to add to that, I

2   think a big part of the democratic process that us as

3   a union sees is the ability for our membership to have

4   a voice in a process that they wouldn't be aware of or

5   a part of, right, and so we're that governing body for

6   them.

7   So I think the democratic process for

8   us is really shown in those relationships that we

9   build in making sure that the good job -- you know,

10   the good job parameters are seen and that advocacy is

11   done through our voice as representing that larger

12   membership base, which is around 90,000, and in all

13   vast communities in all different boroughs of the

14   city.

15   MR. BUERY: When you describe a

16   comprehensive plan, how comprehensive is

17   comprehensive? Do that include schools, sanitation

18   needs, transportation?

19   MS. LEVERS: Yes.

20   MR. BUERY: Okay.

21   MS. LEVERS: Yes, it would. I mean,

22   the proposal that we -- that I think makes sense for

23   the city to pursue is one that actually integrates the

24   city's ten-year capital strategy, which outlines all

25   of our city's planning for that kind of infrastructure

1   with our land use plans.

2   And what that requires is the city to

3   first and foremost do an assessment of the state of

4   good repair of our infrastructure, which we are not

5   currently doing a great job at.

6   So it would start there and look at

7   where we need to make repairs, first and foremost

8   prioritize the areas that need those investments, and

9   then match that with a land use plan that actually

10   makes sure that the areas experiencing significant

11   growth are being matched with the infrastructure they

12   need to support it.

13   MR. BUERY: And what would you say to

14   those who might say that the mere complexity of that

15   plan, not only the, sort of, the surface complexity

16   but the need to engage with the MTA, other bodies, or

17   not even necessarily city bodies risk creating

18   something that is so complex and difficult that, in

19   fact, the process gets buried under the weight of the

20   plan itself?

21   MS. LEVERS: I think that's why you

22   need clear timeframes. Like I agree that it is not a

23   good idea to let the planning process go on forever,

24   in part, because I think it will just bog down

25   community conversations and actually erode public

 1   trust in government and just give everyone planning

 2   fatigue.

 3   So I think what makes sense is to have

 4   a timeline for actually developing the plan that

 5   creates room for building true consensus among

 6   community members and making, you know, making sure

 7   that people have an opportunity to weigh in without

 8   letting it go on forever.

 9   MR. BUERY: Thank you very much.

10   Really appreciate your testimony. Thank you.

11   Next up we have DeRay Mckesson and

12   Cassandra Ippaso. And just so that they know,

13   following them will be Abdul Rad and Hassan Naveed.

14   Thank you so much. Okay. Please whoever wants to go

15   first.

16   MR. MCKESSON: Hello. I'm DeRay

17   Mckesson, the executive director of Campaign Zero, an

18   organization that works to end police violence and

19   mass incarceration across the country. But my first

20   job and the honor of my life was being a sixth grade

21   math teacher in Starrett City in East New York. Sixth

22   grade is still the best --

23   MR. BUERY: Once again, I have to

24   interrupt. Shout out, East New York.

25   MR. MCKESSON: I want those seconds

1   back.

2   UNIDENTIFIED SPEAKER 5: That's also in

3   Brooklyn, Chair. I just want to make --

4   MR. MCKESSON: Sixth grade is still the

5   best grade of middle school to teach. I'm not here to

6   talk about housing directly, but I am here to talk

7   about public safety. And we think about public safety

8   as the only issue that touches all of the other issues

9   that people think about safety a lot, both in this

10   city and around the country.

11   And there's no way to talk about safety

12   without talking about the police. We also think that

13   the issue of accountability is key to talking about

14   the issue of safety, if we talk about it at all. The

15   CCRB, as you know, exists, and the power to discipline

16   any police officer in New York City is rested in the

17   charter.

18   And the charter is clear that the

19   police chief is the only person that has the power to

20   discipline an officer. So the CCRB right now

21   functions as a review and advisory body. They make a

22   lot of recommendations, some of which are ignored and

23   some of which are heeded by.

24   But I'll tell you, when we look at the

25   data over time, we have seen that commissioners have

1   just wholesale dismissed many of the recommendations

2   of the CCRB. And the question becomes is it really

3   oversight if they can write recommendations, they can

4   do investigations, and they actually lead to nothing?

5   When I think about what I told my

6   students, what I tell people as organizers is that we

7   should make structures that work independent of

8   whether the people who hold the roles are people we

9   like, people we don't like.

10   And right now, we have a structure that

11   actually doesn't work, that it is beholden to who the

12   mayor is and who the police chief is, and there are

13   some concrete ways that we can actually change this.

14   We can give the CCRB the power to actually discipline

15   officers.

16   It'd have to be in accordance with the

17   discipline matrix, which is robust here in the city.

18   When I think about the work that we've done, we've

19   reviewed more police union contracts and discipline

20   systems across the country. So we've done an analysis

21   of 3,000 discipline systems across the country of the

22   police, and there's a real opportunity here.

23   And the last thing that I'll say is

24   that if we are able to give the CCRB the power to

25   discipline, this would not be an outlier in some of

1 the major cities. There are cities across the

2 country, major police departments, where the police

3 chief is either not the only person who can discipline

4 a police officer or there's some places, like L.A.,

5 where the police chief actually cannot fire a police

6 officer at all on his own. He has to go through

7 another process.

8   So I say this to say that I think it's

9 possible. The only people who are not in favor of

10 this largely are the police, and what people say is

11 that if this happens, police will quit, things like

12 that.

13   There's a 2020 study by Grunwald that

14 says that police officers who choose to leave are not

15 leaving because of the protest or accountability.

16 They're leaving for a host of other reasons. So I'll

17 stop there with ten seconds to spare.

18   MR. BUERY: -- thank you so much.

19   MS. IPPASO: Good evening. My name is

20 Cassandra Ippaso. I'm a proud New York City resident

21 and also the policy director at Campaign Zero, an

22 organization committed to ending police violence and

23 cause for violence through data-informed policy

24 solutions.

25   First, I want to thank you for

1   providing me the opportunity to speak before you

2   today. I am here to speak in support of critical

3   reforms to the New York City charter that would

4   strengthen the Civilian Complaint Review Board as

5   DeRay mentioned, the CCRB, and restore public trust in

6   our systems of policy oversight.

7   The CCRB is intended to provide

8   independent, transparent, and impartial civilian

9   oversight of the NYPD by allowing the public to file

10   complaints against officers and have those complaints

11   investigated outside of the police department itself.

12   Right now, the CCRB is failing to carry out this

13   mandate.

14   While its mission is to ensure

15   accountability, it lacks the authority to enforce its

16   decisions. Its work is often obstructed by limited

17   access to NYPD records, long investigation delays, and

18   a system where the police commissioner can ignore or

19   overturn its disciplinary recommendations.

20   And in 70 percent of cases, it does.

21   This gross dereliction renders the CCRB powerless and

22   leaves New York City without real accountability.

23   Simply put, the CCRB cannot fulfill its intent mission

24   in its current form.

25   Let's be clear, New Yorkers deserve a

1   police accountability system that is independent,

2   transparent, and effective. That's why we need

3   reforms in the hands of voters through ballot

4   measures. These changes are essential to realign

5   oversight with public expectations, not political

6   convenience.

7   Our first recommendation is make the

8   CCRB independent. Today, the mayor controls 9 of 15

9   board appointments, creating a lopsided structure that

10   undermines the board's independence. We propose

11   expanding this board to 21 members and reforming the

12   appointment process to limit political influence and

13   ensure broader representation of New Yorkers.

14   We also recommend a 60-day time limit

15   for interim chairs. Why? Because open-ended interim

16   appointments sidestep accountability and weaken the

17   city council's role in governance. Currently, all

18   board member vacancies must be filled within 60 days,

19   and we are asking that the same is applied to the

20   chair position, the most important of all.

21   Second, the CCRB must have direct

22   access to NYPD misconduct databases. Currently, the

23   NYPD controls the flow of misconduct records, meaning

24   they determine what information is shared. No

25   accountability system would allow these subjects to

1   review the control of information, and, in this case,

2   it forces the CCRB to rely on subpoenas that are

3   frequently delayed or ignored.

4   A 2020 ProPublica investigation found

5   that NYPD routinely fails to provide the CCRB with

6   essential records and body-worn cam footage,

7   particularly in the most severe of cases. This

8   information sharing obstructs investigations and

9   delays justice. We propose direct access to the NYPD

10 misconduct database, so that oversight is timely,

11 complete, and independent.

12   Third, and most importantly, the CCRB'S

13 disciplinary decisions must be final. Even when the

14 CCRB substantiates misconduct and recommends

15 discipline -- almost finished, I promise -- the police

16 commissioner can, and most often does, overrule them

17 70 percent of the time.

18   This gross failure renders the board's

19 work as merely symbolic rather than substantive. And

20 the public's faith in oversight evaporates. We must

21 give the CCRB binding disciplinary authority, so

22 accountability is not just a recommendation but a

23 guarantee. Thank you so much.

24   MR. BUERY: Thank you so much. Any

25 questions?

1   MR. RICHARDSON: Thank you both for

2   your testimony. You alluded to some other models for

3   enforcement, I think, and if you know, it's fine. But

4   you could submit it, subsequently. I'd be interested

5   to know in those models, is there evidence that they

6   either decrease complaints and/or repeated instances

7   of misconduct --

8   MR. MCKESSON: Yeah. So there are

9   other models. We don't love those either, but they do

10   exist. So in Wisconsin, there's a ancient law in

11   Wisconsin that allows a police and fire commission to

12   terminate any officer, including the police chief.

13   The problem with that model is that all of the people

14   in those commissions are appointed by the mayor. So

15   you know, questionable whether it is used, but does it

16   exist? Yes.

17   In L.A., after -- it, sort of, came

18   after Rodney King. There's a Board of Rights. So the

19   police chief can recommend termination, and the Board

20   of Rights has to say "yes" or "no." The problem with

21   the Board of Rights is that it -- up until a couple of

22   years ago, it was all police on the Board of Rights.

23   That is -- wouldn't choose that.

24   And then the other option is all

25   civilians, but they are all lawyers, and the data

1   shows that you -- police officers are more likely to

2   get disciplined if they choose the police panel and

3   not the civilian panel because the civilians aren't

4   what, I think, people intended when they did the

5   civilian model.

6   Chicago also has a very complicated

7   model where if there's disagreement amongst the

8   oversight agencies, it goes to another group and da da

9   da. So none of the ones that exist we love

10 structurally, but there -- but there is no CCRB that

11 exists as robust as the New York City model.

12   So a lot of the oversight agencies that

13 exist are, like, either paltry, or they, sort of,

14 don't have staff, or they don't have -- people don't

15 make complaints. And this one is robust. They have

16 real investigations. They make real recommendations,

17 but they have no power. That is, sort of like, the

18 rub here.

19   DR. NIEVES: My question is about

20 expanding it to 21. So are you saying that you also

21 want to make sure that the mayor only gets to a 0.9?

22 Is that what -- part of that? So even if you could --

23 or send that in, but you don't -- I'm curious to hear

24 just a little bit more on that. You don't even have

25 to answer, but it'd be great to have that fleshed out

 1 in a -- submitted.

 2   MR. MCKESSON: So we actually -- we

 3 have the edits to the charter that we would love to

 4 see. I think we only made six copies because it's a

 5 long document, so we can send that to you. So Cassie

 6 will answer the details, but what we're trying to do

 7 is have no one political member a point, a majority.

 8 So we are adding people to the process.

 9   DR. NIEVES: Totally get that. The --

10 other than expanding it, are there -- particularly in

11 the 21 -- representation that is not there now that

12 you have recommendations you'd like to see?

13   MS. IPPASO: Yeah. Our proposal is

14 that -- so currently there is one appointment per

15 borough by the city council. We recommend increasing

16 that to two appointments per borough by the city

17 council. We believe that that would be a broader

18 representation of New Yorkers at large.

19   And similarly, we actually recommend

20 that we add an appointment by the city comptroller.

21 We believe that this is kind of an additional voice

22 that would work -- help with additional

23 representation.

24   DR. NIEVES: Thank you.

25   MR. MCKESSON: And we added the

1   comptroller -- as you know, there's -- New York City

2   has a record number of settlements that the

3   comptroller's office manages with regard to police

4   misconduct. So when we included the comptroller, we

5   didn't do it, sort of, out of left field.

6   It was like we actually think that the

7   comptroller's office has a different lens on police

8   accountability. And we've actually been trying to

9   work with that office under a previous comptroller to

10   see if we can actually identify streets and, like,

11   neighborhoods where police misconduct is centralized

12   from misconduct database. But that's how we added the

13   comptroller.

14   DR. NIEVES: Thank you.

15   MR. BUERY: A few other follow up

16   questions. One, following up on Commissioner Nieves's

17   question. If -- given that the CCRB, as you say, is

18   robust, is making recommendations, can you say a

19   little bit more about what is the problem with the

20   current makeup? If it's making recommendation, then

21   the problem is these commissioners override the power?

22   MR. MCKESSON: You see, the fundamental

23   power that -- problem that we see with the makeup now

24   is that the board doesn't operate independently if

25   they can -- if the majority of the members can change

1 when the mayor changes. So that is generally our take

2 on this, is that the board should be one that is not

3 subject to the whims of who the mayor is or who the

4 police chief is.

5   The police get three appointees. We're

6 fine with that. That makes sense to us. But trying

7 to make sure that the mayor's office doesn't have an

8 outsized role in the CCRB running, I think it makes

9 sense. And the way the interim appointment of the

10 chair works is that the mayor can just appoint an

11 interim that, sort of, lasts forever, bypassing the

12 other processes to make sure that there is a real

13 appointment process.

14   So what we would do and what we propose

15 in the backup that we've given to some of you, but

16 that we will send, is that if the mayor does not

17 appoint a real chair after the time limit, then the

18 appointment power goes to another political leader so

19 that we can make sure that there's actually a chair of

20 the CCRB and that no one political leader can

21 hamstring the CCRB from functioning, which is what

22 happens now. So we look at the data. You look at

23 2018.

24   Commissioner O'Neill sided 83 percent

25 with the CCRB, and then today, it's, sort of, the

1   exact opposite. It's like, you know, the commissioner

2   is only agreeing to about 30 percent of them, not

3   actually giving over the materials.

4   And we've learned a lot in the past

5   decade. You know, I think ten years ago people were

6   asking for subpoena power. They were like, let the

7   oversight agency subpoena. Nobody anticipated that

8   subpoenas would be denied. And then all of a sudden,

9   they just didn't get anything, right.

10   So the question -- what we've learned

11   is, like, there should actually be direct access so

12   that you don't have to go through the legal process or

13   have the agency fight, get the subpoena denied, create

14   precedent, and then you're, sort of, hamstrung in the

15   accountability process.

16   MR. BUERY: On information access, are

17   there any privacy concerns around giving CCRB

18   investigators direct access to body cam footage or

19   other kinds of data?

20   MS. IPPASO: Yeah. That's a good

21   question. So Seattle and Chicago are two examples

22   that have -- and Washington, D.C. -- that have this

23   direct access that we're proposing. In --

24   MR. BUERY: Chicago and Seattle, you

25   said?

1   MS. IPPASO: Chicago, Seattle, and

2   Washington, D.C. Unfettered access to police records

3   does not mean full public disclosure. Chicago's COPA,

4   for example, states very clearly that their

5   investigatory files and reports, while relying on

6   access to relevant police records, will not be

7   diverged to any personal agency.

8   So, you know, that -- both the CCRB and

9   NYPD are both part of the city and that does not mean,

10   like, that these records are going to be public. It's

11   just that that CCRB is able to do their job with due

12   diligence within the timeframe that they need to do

13   it.

14   MR. BUERY: I'm sorry. I have one

15   final question. Is there anything in state law -- and

16   I'm sorry.

17   People in the room, the room acoustics

18   here are very loud. So if you even whisper, I can

19   hear. So if you can try to step outside, if you need

20   to have a conversation.

21   Is there anything in state law, like

22   a -- of a bargaining agreement that impacts the police

23   commissioner's final authority?

24   MR. MCKESSON: So not the bargaining

25   agreement. So we have the only database of police

1   union contracts in the country. Most places do

2   bargain discipline. New York City, the NYPD, cannot

3   bargain discipline because the charter precludes it.

4   With the charter saying that the police

5   chief is the only person that can discipline, that

6   removes this as a bargainable topic. So in that case,

7   no, not subject to bargaining. We do have language

8   that we would like for you to use that doesn't open us

9   up to bargaining later because I think it is a good

10 thing that we don't bargain discipline in the city.

11   There is no state law that precludes

12 the CCRB from having the power to discipline. When

13 this topic comes up, there is a lot of emotional

14 arguments about why this is necessarily a bad thing.

15 It is not an illegal thing.

16   MS. IPPASO: Yeah. And the only thing

17 I'll add to that is New York City -- so you might have

18 heard of the Rochester case in 2023, where the

19 oversight board -- it was ruled that they did not have

20 final disciplinary decision power.

21   What's different about New York City is

22 that Rochester relinquished that control in 1985.

23 New York City has never relinquished that control. So

24 Taylor's law does not apply in the case of New York

25 City. And so because of that, because this New York

1   City charter dictates, you know, who has final

2   disciplinary decision power, state law isn't relevant

3   in this -- in New York City specifically.

4   MR. MCKESSON: And what Cassie means by

5   "relinquish control," there was a period in Rochester

6   where they did negotiate and bargain discipline. That

7   is not the case in New York City. It has always been

8   very clear that the police chief is the sole arbiter

9   of discipline.

10   MS. IPPASO: Because of the New York

11   City charter.

12   MR. MCKESSON: Because of the charter.

13   MR. BUERY: Any further questions? All

14   right. Thank you so much.

15   MS. IPPASO: Thank you.

16   MR. BUERY: Next step is Abdul Rad and

17   Hassan Naveed. They'll be followed by Ben Kallos and

18   Brendan Cheney.

19   MR. RAD: Good evening, Commissioners.

20   How's everyone holding up?

21   UNIDENTIFIED SPEAKER 6: Well.

22   MR. RAD: A lot of that. Okay. Well,

23   thank you for the opportunity to -- an issue that's

24   been important to me as both a lifelong New Yorker and

25   as someone who's devoted their career to working on

1   public safety and police reinvention.

2   My name is Abdul Nasser Rad, and I

3   serve as the managing director for research and data

4   at Campaign Zero. Publicly available data makes one

5   thing unmistakably clear. The CCRB is currently

6   structured -- the way the CCRB is currently structured

7   cannot hold the NYPD accountable.

8   Before I discuss the data underscoring

9   the issues crippling the CCRB, I want to provide some

10   information on my background and experiences I've had

11   as an applied public safety researcher in both

12   government and nonprofit sectors.

13   In government, I worked at the New York

14   City Mayor's Office of Criminal Justice up until 2021,

15   where I managed several research portfolios, including

16   the New York City Office of Neighborhood Safety and

17   the beginning of the police reinvention and

18   implementation task force.

19   In the nonprofit sector, I was the

20   public safety researcher at the Vera Institute, where

21   I advised law enforcement agencies across the U.S.

22   through Department of Justice grants on comprehensive

23   efforts to improve safety.

24   And relevant to this conversation is my

25   doctoral research at the University of Oxford focused

1　on police violence and accountability. My colleagues

2　spoke a little bit about the policy recommendations.

3　I'm here to talk a little bit more about the why and

4　the data behind it.

5　　　　　　　　So from 2000 to 2020, despite

6　investigating over 180,000 complaints, fewer than 2

7　percent result in any NYPD discipline. In 2021, the

8　NYPD enacted changes that would ensure -- "ensure

9　greater transparency around the disciplinary process.

10　Most notably, the strengthening of the disciplinary

11　matrix and making this disciplinary matrix public."

12　　　　　　　　The theory being that transparency in

13　the commissioner's decision complying or not complying

14　with the matrix would improve accountability. Despite

15　the changes, the 2024 CCRB data renders a disturbing

16　image that proves reforms were meaningless. 2024 CCRB

17　data showed that NYPD administered discipline in fewer

18　than 2 percent of cases. No real difference from 2000

19　to 2020.

20　　　　　　　　Without granting power to CCRB to both

21　fully investigate and make disciplinary

22　recommendations final, there will be no real

23　accountability or transparency. In 2024, CCRB

24　substantiated 1,057 cases of misconduct. The NYPD

25　declined to act, as my colleague mentioned, in 890 of

1 them, often citing timing issues tied to the statutes

2 of limitations.

3   These outcomes are not the result of a

4 lack of misconduct. The CCRB received 12,698

5 complaints alleging police misconduct in 2024, the

6 highest volume since 2012. Yet systemic barriers

7 contain to prevent meaningful accountability. They

8 reflect structural deficiencies that inhibit

9 independent oversight.

10   I would request just maybe 15 to 30

11 more seconds if that's all right. Thank you,

12 Commissioners.

13   Delayed access to critical evidence, a

14 lack of final disciplinary authority and governance

15 structures that expose the CCRB to political influence

16 all contribute to a system where accountability is the

17 exception rather than the rule. These persistent

18 failures highlight why targeted reforms are urgently

19 needed.

20   Expanding the size of CCRB, limiting

21 the interim chair's term, and providing direct access,

22 as my colleague mentioned, are all critical. The

23 broader data environment continues to reinforce the

24 same theory. Oversight without real power is

25 oversight in name only.

1   Today the Charter Review Commission has

2   an opportunity to strengthen accountability and ensure

3   that the CCRB becomes an institution capable of

4   delivering the accountability New Yorkers deserve.

5   Thank you.

6   MR. NAVEED: Good evening. My name is

7   Hassan Naveed. I want to thank you for the

8   opportunity to testify tonight. I'm here to urge the

9   commission to amend the city charter to give CCRB

10   final authority to impose disciplining cases where

11   misconduct by NYPD officers has been substantiated.

12   Over the past decade, I've worked

13   across New York City government and public service and

14   police oversight. As director and special

15   investigator at the Office of the Inspector General

16   for the NYPD at the city's Department of

17   Investigation, I was part of multiple investigations

18   into NYPD practices, including a landmark report on

19   bias police that helped establish the CCRB's bias

20   policing unit.

21   I later served as the deputy -- first

22   deputy executive director and then the executive

23   director of the New York City Mayor's Office for the

24   Prevention of Hate Crimes where I led the citywide

25   efforts to prevent hate violence, launch the first

1   hate crime curriculum in public schools, expanded

2   safety programs across all five boroughs and

3   coordinated rapid responses to emerging threats.

4   Throughout my career, I've had the

5   opportunity to build new systems, implement policy

6   reform, improve government efficiency, fight

7   corruption, and see firsthand that many benefits of

8   effective accountability and how easily they can

9   evaporate when not enforced or institutionalized.

10   As someone who has worked closely with

11 NYPD and deeply respects the many officers who serve

12 with integrity and dedication, I've seen firsthand

13 their commitment to public service. But that good

14 work is undermined when the disciplinary system is

15 inconsistent or unenforced.

16   Let me be clear. What I'm asking for

17 is practical, necessary, and long overdue. I'm not

18 calling for the CCRB to impose harsher punishments.

19 We need the CCRB to have the authority, as it was

20 intended to have, and enforce discipline in cases

21 where police misconduct has been substantiated through

22 a thorough independent investigative process.

23   Too often, even after thorough

24 investigations that clear findings of misconduct,

25 cases end without consequences. This is particularly

1 unfortunate given the commitment of so many NYPD

2 officers who serve with integrity every day. It

3 erodes trust, morale, and legitimacy from within.

4   I commend NYPD Commissioner Jessica

5 Tisch for her efforts to modernize the department and

6 strengthen accountability tools showing that internal

7 reform is possible with strong leadership. Still,

8 lasting public trust requires more than leadership

9 alone. Commissioners change, but policies must

10 endure.

11   We need systems that are consistent,

12 transparent, and accountable no matter who is at the

13 helm. The CCRB was created to provide meaningful

14 civilian oversight, not to make recommendation that

15 can be dismissed without consequence. Granting the

16 board final disciplinary authority would send a clear

17 message. Oversight is essential, and accountability

18 shouldn't depend on who's in charge.

19   Just ten more seconds, if you don't

20 mind.

21   When misconduct is substantiated

22 through a full CCRB investigation, discipline should

23 follow. This isn't about harsher penalties. It's

24 about closing the loop of accountability. New Yorkers

25 deserve a system they can trust, and officers deserve

1   one that is fair and consistent. This reform would

2   restore integrity to a broken process and move us from

3   symbolic oversight to real accountability. Thank you

4   for your time.

5   MR. BUERY: Questions?

6   MR. WEISBROD: Yes. I was struck by

7   the testimony before you that under Commissioner

8   O'Neill 80 percent of the CCRB disciplinary

9   recommendations were upheld and now 30 percent are

10   upheld. Is that dramatic change simply due to the

11   views of the commissioner, or are there other factors

12   at play?

13   MR. RAD: I mean, I won't be able to

14   speak to what the commissioner is thinking on those

15   things. As we stated, the issue is around the

16   structures and, as Hassan mentioned, who's at the

17   helm. And we're trying to advocate for a system where

18   who's at the helm does not dictate accountability.

19   MR. NAVEED: And this speaks at a time

20   when we're looking at complaints at a record high.

21   We've seen, just in the last year itself, 12,000

22   complaints -- this is the highest since 2012 -- that

23   have been filed against officers that have been, I

24   guess, alleged misconduct.

25   MR. WEISBROD: I'm just not sure you're

1   answering my question or maybe you're not capable of

2   answering my question. But is it the dramatic change

3   simply do to the views of the commissioner at the

4   time, or are there other factors at play? For

5   example, the different nature of cases that are

6   determined by the CCRB now versus ten years ago, eight

7   years ago with Commissioner O'Neill?

8   MR. RAD: Let me try to respond to

9   that, Commissioner. So as I started, the data that

10   from 2000 to 2020 still showed that NYPD administered

11   and still fewer than 20 -- than 2 percent of cases.

12   So that is the data for two decades.

13   Now, Commissioner O'Neill being having

14   a different administration of -- or a compliance,

15   whatever you'd like to call it, that -- can't say what

16   the case is for that year, but on average, is what

17   we're talking about. So again, on average, this is an

18   issue.

19   MR. NAVEED: Yeah. And again,

20   discipline resides within the discretion of the police

21   commissioner, and how the police commissioner's

22   carrying it out really leads it to that

23   decision-making process.

24   I can't speak to what goes into the

25   commissioner's mind themselves in that decision-making

1   process, but what we can say is that there is a

2   situation where we're saying -- the disciplinary

3   recommendations have only, in this particular case,

4   30 percent of the time compared to previous

5   commissioners.

6   I'd also add that CCRB did testify not

7   too long ago on the matter of it being granted -- of

8   it itself, advocating for disciplinary powers to be

9   given to the agency itself. Sort of recognizing the

10 fact that this is a matter of concern when we have

11 this inconsistency, when we have this lack of balance,

12 I guess, un-enforcement, that is.

13   MR. BUERY: -- ask this some -- I'm

14 trying to ask a slightly different way to see it. Is

15 there any other independent factors that you can think

16 of that could lead to -- that have led to that change?

17 Were there other policy changes? Changes in the

18 nature of complaint? Are there any other data that

19 you might be able to point to?

20   MR. RAD: Yeah. I mean, I would need

21 to look at the specifics, and I'm happy to follow up

22 in detail with the commission afterwards. We know

23 that from year to year there are changes.

24   So specifically, I would need to know

25 what year that was of Commissioner O'Neill's tenure

1 because there was, as we all know, the COVID pandemic

2 and a bunch of other things. So the nature of those

3 offenses and those things do change. So I would need

4 to look at specifically what the year and then slice

5 the data to understand --

6   MR. BUERY: Fair enough.

7   MR. RAD: -- if there were certain

8 differences. But again, 20 years of data and over

9 180,000 complaints show you that discipline was only

10 administered in fewer than 2 percent of cases.

11   DR. NIEVES: When you submit that data,

12 could you separate the data, pre-body cam usage and

13 post-body cam usage?

14   MR. RAD: Let's see what we could do.

15   DR. NIEVES: Thank you.

16   MR. BUERY: I have one other question.

17 Again, just sort of reflecting on the process. I

18 mean, I think we're -- we think about disciplinary

19 processes. It's comfortable thinking about there

20 being an appeal.

21   And so when we say that the CCRB

22 recommendation would be final, that mean there would

23 be no appeal from that recommendation -- even if it

24 was not to the PC? There would be no appeal to that

25 whatsoever?

 1   MR. RAD: You're saying if an officer

 2   appeals the decision?

 3   MR. BUERY: Yeah. Would there be any

 4   opportunity for an officer to appeal under this

 5   regime? To anyone?

 6   MR. RAD: So I mean, they're -- it

 7   depends on whether, you know, again, with the

 8   bargaining contract, whether there's a, you know,

 9   binding arbitration agreement in there in New York. I

10   would have to double check that in detail. But so --

11   we'll follow up with the commission up to that.

12   MR. BUERY: Any other -- all right.

13   Thank you so much for your testimony. Deeply

14   appreciate it. Thank you.

15   Next up, we have Benjamin Kallos and

16   Brendan Cheney. Thank you.

17   Councilman, you want to begin? Thank

18   you so much.

19   MR. KALLOS: Distinguished members of

20   the Charter Vision Commission, thank you for your

21   individual service to the people of this great city,

22   for your partnership that I had with many of you when

23   I served in the council, and for your service on this

24   Charter Revision Commission.

25   Through charter revision, we've been

1 able to empower voters to adopt big, bold changes that

2 could not have been accomplished any other way.

3 Following one charter revision where I testified, the

4 voters adopted the eight to one public matching that

5 paved the way for the full public matching system I

6 authored that allows anyone to run on small dollars.

7   I prepared a three-minute summary of

8 detailed testimony, which I welcome an opportunity to

9 discuss further with commissioners and staff. I'm

10 proposing eighteen amendments to the charter, along

11 six main themes.

12   The first theme is, let's increase

13 housing supply. Let's get a vacancy tax. There's

14 200 -- sorry -- 20,000 apartments previously used for

15 short-term rental back -- that are not back on the

16 market. Let's expand the law I already authored to

17 cover every multifamily housing unit and then tax the

18 vacant units.

19   Number 2, let's renovate and repair

20 rent-regulated apartments. Let's get 90,000

21 rent-regulated apartments back on the market by

22 overhauling, unlocking doors. Let's increase it from

23 25,000 a unit to a hundred thousand a unit. Let's use

24 market rate housing to house the homeless.

25   It costs the city $8,000 a month to

1   shelter a family. I proposed with Fred Shack that we

2   use this money to buy market rate apartments for

3   homeless families in every community, including the

4   Upper East Side. This would be less expensive, even

5   on the upper East Side, and it would be permanently

6   affordable housing.

7   While we're at it, Number 4, stop

8   predatory equity from buying houses for families.

9   These are all things that you can do. You can change

10   the charter. It's like being councilmember. It's

11   awesome. The second theme is delivery -- deliver

12   affordable housing for more New Yorkers.

13   Let's set the median income for

14   affordable housing to the census block instead of the

15   area median income. The median household income in

16   East Harlem neighborhood tabulation area, which I

17   represented was $39,490. While the area median income

18   is $179,355. I think we should just use the local

19   number.

20   I don't think people making $180,000

21   should be getting that affordable housing. We can

22   replace rent-regulated, affordable housing, torn down

23   to make way for new mixed income. Buildings, in my

24   district, we would regularly see four brownstones with

25   80 rent-regulated units replaced by a brand-new luxury

1   building that had a fraction of the units and very

2   little, if any, affordable housing.

3   I'd also love to count the number of

4   people getting affordable housing instead of units.

5   This would reorient the city from studios and one

6   bedrooms to two, three, and four bedrooms families

7   actually need.

8   Similarly, where the market has failed

9   to actually build two, three, and four family units,

10   we need to require it as part of every new

11   development. Third theme, building more housing.

12   I don't know how much more time I may

13   be granted, but I'll just wrap up and --

14   MR. BUERY: Yeah. Thank you.

15   MR. KALLOS: -- just say there's a lot

16   that we can do. We could also empower communities in

17   the re-zoning process. Please take a gander at the

18   testimony. I know there's also been a lot of

19   conversation around member deference. I read

20   editorials about myself and member deference all the

21   time.

22   I'd just like to note that in my

23   district we had more housing starts than anywhere else

24   in the city while I was a councilmember. The former

25   planning chair can correct me on that. We had a

 1   thousand units of affordable housing, including on

 2   Roosevelt Island where one of you lives.

 3   We welcome new housing shelters and

 4   services for the homeless. And so I would really be

 5   interested to learn more about some of the questions

 6   about member deference because I'm not sure where

 7   there's districts where there's no housing happening.

 8   MR. CHENEY: Good evening. Good

 9   evening. My name is Brendan Cheney. I'm the director

10   of policy and operations at the New York Housing

11   Conference. Thank you for the opportunity to testify.

12   New York Housing Conference is a nonprofit affordable

13   housing policy and advocacy organization.

14   As a broad based coalition, our mission

15   is to advance city, state, and federal policies and

16   funding to support the development and preservation of

17   decent affordable housing for all New Yorkers. You've

18   got my full testimony, but I'm going to try and

19   summarize it so I can fit it all in the time I have.

20   When I testified in the Bronx, I shared

21   information and data about the extent of the housing

22   crisis and shared data that you guys have already

23   heard, just showing how affordable housing is not

24   distributed equally across the city. We have our

25   New York City housing tracker that shows that data.

1   We're updating that data probably next

2   week with the latest information, and it's going to

3   show the same thing that we've been seeing in the

4   past. Nothing's changing. It's the same unequal

5   distribution across the city.

6   And so unless we make changes, next

7   year's housing tracker's going to show the same thing

8   as this year's housing tracker as last year's housing

9   tracker, that we have really unequal distribution

10   across the city. So when we, you know, thought about

11   how to -- what to recommend to you all, we focused on

12   three main issues, right.

13   How can we create an easier approval

14   process for affordable housing? How can we create a

15   faster process for housing development? And how can

16   we make housing and zoning decisions with more of a

17   boroughwide and citywide approach? With that focus,

18   we came up with several recommendations which I will

19   summarize.

20   First of all, two recommendations that

21   we think would make an easier approval process for

22   affordable housing. First, you've already heard

23   Howard talk about it, but this sort of fast-track for

24   affordable housing through the board of standards and

25   appeals, waiving the re-zoning for that project.

1   And then secondly, allowing for

2   affordable housing on city-owned land should not have

3   to go through ULURP if it meets the underlying zoning.

4   So sort of exempt that. Affordable housing,

5   city-owned land should not have to go through ULURP.

6   Specifically, for ULURP and housing

7   development, we recommend building on the city's Fair

8   Housing Framework by shortening ULURP process so that

9   in districts that are not meeting their Fair Housing

10   Framework goals, the housing -- the ULURP process

11   would end at the City Planning Commission.

12   And then finally, just a few short

13   proposals. Let's see, shortening the ULURP. We

14   support merging the borough president and community

15   board review into one review that's shorter and that

16   would be under the focus of the borough president. We

17   think you could have a shorter timeline, but also one

18   that has better, less toxic review process.

19   And then small and minor projects, we

20   support going through the borough, stopping of the

21   borough president. A lot of small projects don't go

22   through ULURP because it's too expensive. And then

23   finally, smaller changes that we think should not have

24   to go through ULURP, like special permits, revocable

25   consents, concessions, things like that.

1   MS. WHITE: Yes. Thank you both for

2   your testimony. Former city council person, good to

3   see you. And thank you for mentioning the AMI versus

4   census block. It's been a thing of mine for, like,

5   close to 30 years that I've been in the business, so

6   thank you for that.

7   I had a question in relation to the

8   20,000 short-term units that you referenced that

9   should go back in -- on market in every single type of

10   multifamily structure. Do you mean every single type

11   of multifamily structure, and precisely what type of

12   short-term units are you talking about? Were they the

13   Airbnb or whatever? Yeah.

14   MR. KALLOS: Thank you. A publication

15   called SCIF did a steep dive onto the law I wrote on

16   short-term regulation and found that the 20,000

17   short-term rentals had not been put back on the

18   market. Local Law 64, which I wrote, governs

19   affordable housing subsidized by the city and requires

20   all of those affordable housing units to register.

21   In my more detailed testimony, I

22   suggest expanding Local Law 64, so it would be

23   multifamily housing with ten or more units, as well as

24   if one person owned ten or more units across multiple

25   buildings.

1   So we're trying to target some of the

2   larger landlords and then making sure that, as part of

3   that registration, we're putting in a vacancy tax so

4   that if they try to leave their markets off -- leave

5   their units off the market in order to, kind of, drive

6   up prices, it would actually mean that they couldn't

7   do it.

8   There's buildings in my district with

9   400 vacant units, and that just shouldn't be when

10   we're trying to increase housing supply.

11   MS. WHITE: Right. Because my -- the

12   reason I was questioning, I was thinking of the family

13   that, you know, four-family house that might have a

14   vacant unit and was that who you were talking about?

15   MR. KALLOS: No. We exempted that from

16   Local Law 64 as well.

17   MS. WHITE: Okay. So but I wasn't

18   aware -- the law. Thank you.

19   MR. KALLOS: No, you got it.

20   MS. BOZORG: Yeah. Thanks for your

21   testimony. Brendan, first, thanks so much for

22   New York Housing Conference's great advocacy all

23   across the city for housing. The report you guys do

24   on the distribution of development, I think, has been

25   a really helpful tool for folks to really understand

1   the distribution of where housing's getting built and

2   where it's not.

3   Former Councilmember, I'm curious to

4   hear a little bit more about your perspective on

5   how -- what the city can be doing. It sounds like you

6   have all these great housing ideas. We can't bring

7   all of them to voters, which is what the charter

8   revision process requires. And some of them could be

9   put in a housing plan.

10   But for these districts that build

11   little to no housing, partly because there's really no

12   way to compel, and there's a process that really does

13   put the final vote in a local councilmember's hands

14   and acknowledging that, you know, over 16 -- it's been

15   16 years since we've had housing project go through

16   without the local councilmembers vote.

17   Curious what you think the city should

18   do to create more housing and neighborhoods that have

19   not done very much. According to the housing

20   conferences report too, I think, in your district, I

21   think only 488 units got built in -- between 2014 and

22   2023.

23   So I'm not sure where the thousand is

24   you're coming from, but I -- but just curious to get

25   your ideas on what we can do in neighborhoods and

 1   districts where little to no housing has been getting

 2   built.

 3   MR. KALLOS: Sure. So I might might

 4   ask some of my colleagues who served at city planning.

 5   So what's detailed in my testimony is a issue, which

 6   is in order to put up new housing in a city that is

 7   largely built, they have to tear down buildings.

 8   And so in my district, there's four-,

 9   five-, and six-story buildings that are old, and

10   therefore, often rent-regulated. So you're losing

11   80 rent-regulated apartments where the rents are

12   anywhere between $80 a month -- I have tenants who are

13   rent-controlled who are paying $80 a month to live in

14   this great city, which is amazing.

15   And people paying a thousand, and then

16   they -- those -- they get moved out. They get pushed

17   out. They get bought out. And then we get a 20-story

18   building or a 30-story building with luxury

19   developments starting at a million dollars a unit.

20   Sometimes they have affordable housing in them.

21   So we might get -- if it's got

22   40 units, 20 percent will get eight units of

23   affordable housing. The city will pay several hundred

24   thousand or a million dollars per unit of subsidized

25   affordable housing. And so the number issue that

1   you're talking about is between that and the fact that

2   there aren't enough two, three, or four bedrooms in my

3   district between the loss of the regulated housing and

4   people combining units.

5   That's why you have that number of 400

6   when we had more housing starts than anywhere else.

7   But in terms of how to help people get more units of

8   affordable housing in their districts, later in my

9   testimony, I suggest doing real honest to goodness

10   community planning.

11   In Melissa Mark-Viverito's district who

12   represented more of East Harlem than I did, she funded

13   a group to -- a community-based group to do honest to

14   goodness community planning. And they put forward a

15   community-based up-zoning. That up-zoning, I think

16   that the speaker at the time felt that city planning

17   did not listen to that, and they came back with their

18   own plan.

19   MS. BOZORG: But that plan -- but

20   that's a neighborhood that's produced a lot of

21   housing. I'm asking about neighborhoods where very

22   little housing has gotten built.

23   MR. KALLOS: So I think what I -- where

24   I'm going with this is, if for districts that don't

25   have a speaker who can fund a community group to do

1 it -- and in my district, I actually raised money to

2 do my own re-zoning, which the city planning did

3 accept.

4   So I think one of the solutions I'm

5 proposing is for you to create a fund to support

6 communities that want to have organizations that work

7 with community members to do a community-led up-zoning

8 and then pair them with urban planners and the land

9 use professionals to actually put forward community

10 plans.

11   Because right now, residents can say

12 let's do an up-zoning, the community board can pass a

13 resolution, but it's up to city planning whether or

14 not they do anything with it. And so I would really

15 push strongly for giving those urban planners to the

16 community board so that they can come back with their

17 plans.

18   MS. BOZORG: Do you have any ideas for

19 neighborhoods that don't want to do community planning

20 and are saying they don't want new housing? But we're

21 saying we have a citywide crisis, and every

22 neighborhood should be evaluated for where it can be

23 building housing.

24   MR. KALLOS: I honestly was curious as

25 I heard the commissioners talking about neighborhoods

1   because I think there might be a conception it was the

2   Upper East Side, but we were fighting to get

3   affordable housing and homeless shelters, and we voted

4   for them. So I'm not sure where those neighborhoods

5   are in the council.

6   We were all trying to push for more

7   affordability. And I'll be honest, there's a memo I

8   gave to the de Blasio administration with, I think,

9   several sites to up-zone to build homeless beds. I

10   asked the mayor if we could please just up-zone a

11   block so that a church could put a homeless home --

12   beds for homeless, either permanent housing or shelter

13   beds above the church.

14   And they came back and said, "We don't

15   have the money. Your district's too expensive. And

16   two, we're -- we don't want to go through the ULURP

17   process, even if you're on board, Senator Krueger's on

18   board, and your borough president, Gale Brewer's on

19   board." So my --

20   MS. BOZORG: Okay. Well, I would point

21   you to housing conferences report, if you want to know

22   the districts that have not been producing any

23   housing. You said you don't know where they are, and

24   I know you're data driven, so I think you should take

25   a look at their report.

1   MR. KALLOS: I'm concerned that that

2   data may not reflect -- I -- I'm -- I was looking at

3   some of the data on my way on -- as I was drafting the

4   testimony, and I'm concerned that it's not -- I'm

5   happy to go over the data with you. I'd be

6   interested.

7   MR. CHENEY: Yes, please. The data is

8   from the Park of Housing Preservation Development and

9   the -- planning.

10   MS. BOZORG: Great.

11   MR. BUERY: -- the question? No?

12   Okay. Any other questions? No? Okay.

13   Thank you so much for your testimony.

14   MR. KALLOS: Thank you.

15   MR. BUERY: I appreciate it.

16   Next up, we have Moses Gates and Dena

17   Tasse-Winter. I please apologize if I'm

18   misspelling -- if I mispronounce that. And just so

19   you know, next step will be Annemarie Gray and

20   Michelle de la Uz.

21   MR. GATES: Hello. Hello.

22   UNIDENTIFIED SPEAKER 7: We can hear

23   you.

24   MR. GATES: Thanks so much. First,

25   even though she is not here, I feel compelled to tell

1 you all that I've had the rarest of New York

2 experiences, a Brooklyn sighting of Gale Brewer. It

3 was, I think, close to 20 years ago, and if I can

4 remember correctly, it was a tenants and neighbors

5 conference.

6   MS. BREWER: It happened.

7   MR. GATES: Thank you. My name is

8 Moses Gates. I am from Regional Plan Association, a

9 nonprofit --

10   MR. BUERY: Sorry to interrupt you for

11 one second. And we'll -- I'll honor the time.

12   Our American Sign Language translators

13 leave at 8 p.m. I just want to make sure that no one

14 who is still planning to testify or in the room needs

15 a ASL. If they do, I will -- we will ask them to

16 stay, but we will relieve them if no one needs them.

17   UNIDENTIFIED SPEAKER 8: Sign language.

18   MR. BUERY: I'm sorry. American Sign

19 Language. I apologize. Okay. I'm going to take that

20 as a "no," so please continue. And we'll start your

21 time over.

22   MR. GATES: Thank you. I'm glad to

23 know that Gale Brewer story didn't come into my time.

24 My name is Moses Gates. I'm vice president of housing

25 at Regional Plan Association. We do research planning

1   and advocacy in the greater New York, New Jersey,

2   Connecticut metropolitan region.

3   I wanted to testify today on more of

4   the overarching goals we believe that the commission

5   should consider with respect to land use and housing.

6   And we have more specifics that we'll submit, kind of,

7   in our written -- in more written testimony. It's

8   evident we have a problem meeting citywide needs.

9   Right now, that need is housing. That

10   need has not always been housing, and it won't be

11   housing in the future. And we need to think about

12   reforming the land use process in ways where we're

13   able to meet both our current, present, and future

14   needs.

15   And it should be noted, there is no one

16   land use process. We have ULURP. Some things are

17   subject to ULURP. Many things are not subject to

18   ULURP. And in much of the testimony from city

19   councilmembers and others, we, I feel like, have a

20   thematic consensus.

21   And the thematic consensus is different

22   levels of government should work together to produce

23   the things that New York City needs. And I think

24   everybody on the commission and everybody we've heard

25   testimony is aligned with that. There are different

1   ways to meet that.

2   The school construction authority is

3   not subject to ULURP. And nobody is saying that it

4   should be, and nobody says that the way we build

5   schools in New York City is a crisis of democracy. So

6   there are different ways going about this. We wanted

7   to highlight a few different ways that we think the

8   process should be balanced in terms of local and

9   citywide interests and voices.

10   So first of all, having -- when it

11   comes to individual land use applications, we, like

12   many others who have testified, believe the process is

13   imbalanced and too deferential to the individual

14   councilmember.

15   There are many ways to change this.

16   One of which is to have some kind of appeals process

17   using existing institutions like the Bureau of

18   Standards and Appeals, which is able to overrule land

19   use applications on the basis of the interests of the

20   individual developer but currently not able to

21   overrule that same land use application in terms of

22   the interests of the people of New York City.

23   So that is something that we think the

24   commission should examine as ways to better rebalance

25   that process and make sure that the process that all

1   the councilmembers described -- and I want to really

2   commend the three who testified for the projects they

3   did in their district, as well as the council as a

4   whole for doing City of Yes.

5   I thought these were all excellent

6   things that should not be generational undertakings as

7   they are right now and should be expanded to, as the

8   commission members have pointed out, those districts

9   that have less impetus to go forward. With that, I'll

10   stop.

11   MS. GREENBERGER: Thank you so much.

12   MS. TASSE-WINTER: Good evening. Thank

13   you for the opportunity to testify. My name is Dena

14   Tasse-Winter, and I'm speaking on behalf of Village

15   Preservation, a membership-based nonprofit that

16   documents, celebrates, and preserves the special

17   architectural and cultural heritage of Greenwich

18   Village, the East Village, and NoHo.

19   I'm here today specifically to speak

20   about housing because, while we firmly believe that we

21   should regularly review and reevaluate our government

22   systems and bureaucracies, as has become apparent,

23   destroying longstanding practices and standards merely

24   for the sake of change will likely do more harm than

25   good.

1   So would deregulating industries that

2   need careful oversight and dismantling systems for

3   ensuring balanced and appropriate review of changes

4   that will have a profound impact on our lives,

5   neighborhoods, and city.

6   Based on public statements made by

7   Mayor Adams who convened this body, we are concerned

8   that this is exactly what the commission has been

9   charged to do. We strongly oppose efforts to

10 deregulate developments in New York City or to remove

11 common sense oversight, which ensures that

12 environmental and other impacts of new development are

13 adequately considered.

14   We also strongly urge the commission

15 not to seek to strip away necessary checks and

16 balances on the development process in our city and to

17 ensure that neighborhood character and historic

18 resources continue to be considered as important parts

19 of the evaluation of appropriate new development in

20 our neighborhoods.

21   Our city is currently aiming to add

22 thousands of units of new housing each year, but by

23 far, most of these new developments are unaffordable

24 to the vast majority of New Yorkers. And in too many

25 cases, they replace older, more affordable, existing

 1   housing stock. Both make our city's affordability

 2   crisis worse, not better.

 3   Instead of encouraging or enabling more

 4   unfettered development with less oversight, we urge

 5   this administration and this body to look at ways to

 6   preserve and make permanent the affordable housing we

 7   do have and to ensure that new housing that we create

 8   is as affordable as possible. Deregulation and

 9   removal of critical elements of oversight, as the

10   mayor has discussed doing, would not accomplish that.

11   Thank you very much.

12   MS. GREENBERGER: Thank you so much.

13   Any commissioner questions for our speakers?

14   Thank you. Thank you for taking the

15   time. Thank you for being here.

16   I think Michelle and Annemarie, you're

17   up next.

18   And while they're coming up, I think

19   next will -- after them will be Karl-Henry Cesar and

20   Benjy Ross. Thank you so much. Feel free to begin.

21   MS. GRAY: Great. Hello. Good

22   evening. My name is Annemarie Gray. I'm the

23   executive director of Open New York. We are an

24   independent grassroots pro-housing nonprofit with

25   hundreds of volunteer members across the state. I

 1   also spent nearly a decade in government and city

 2   government before this.

 3   Many of them very deep in the ULURP

 4   process, especially focused on how to build housing in

 5   some of the most exclusive neighborhoods. Also, this

 6   is important enough that I'm back here to testify

 7   again for a second time on our top priority issue.

 8   So as has been talked about a lot,

 9   tonight -- right now, we have a land use

10   decision-making process that prefers the hyper-local,

11   preferences the hyper-local. And the effects of our

12   dire housing shortage are citywide.

13   And so, as been discussed, in every

14   attempt to build new homes in the last 20-ish years,

15   city council has deferred to the local councilmember

16   giving them near absolute power to block and delay new

17   homes. This drives up costs for all New Yorkers and

18   deepens patterns of segregation and exclusion.

19   Reminder that new housing is

20   concentrated in so few neighborhoods that in 2024,

21   only 10 community districts added as much new housing

22   as the other 49 combined. So back in February, Open

23   New York released a policy brief called -- titled "A

24   Charter for Housing Equity: Five Reforms for a Fair

25   or More Affordable New York City," which I encourage

 1 | everyone to read in full.
 2 | But today I'm just going to focus on
 3 | our top priority recommendation to address this
 4 | particular issue of member deference, which is create
 5 | a fast-
 6 | track for fair housing. So we need an
 7 | approval track for proposals that would advance fair
 8 | housing in our most transit-rich, climate-resilient,
 9 | and low-growth neighborhoods. They often are also the
10 | neighborhoods that are the whitest and the wealthiest.
11 | In line with the implementation of
12 | the -- of Speaker Adams's Fair Housing Framework to
13 | actually give it real accountability, teeth, and
14 | enforcement. In these well-resourced neighborhoods,
15 | we must fast-
16 | track approvals to remove the ability
17 | for local councilmembers to block new homes, which
18 | they continually do.
19 | For example, new proposals in these
20 | neighborhoods could finish the land use review process
21 | at the City Planning Commission. There could
22 | potentially be a vote -- be a representative from city
23 | council on this -- you know, on the CPC for this
24 | process.
25 | What is most crucial -- there are a lot

1   of different ways to design this -- what is most

2   crucial is that the councilmembers representing these

3   districts would no longer have the ability to block

4   new proposals. Something that's come up a bit tonight

5   is how to, you know, how you speed up the entire

6   process not just the actual ULURP clock.

7   And I do want to definitely note that a

8   huge amount of time is spent trying to game out the

9   hyper-local politics in advance because that's the

10 only path. So this would speed up the entire process

11 even before the official clock starts. So these -- a

12 lot of these reforms are really common in other

13 states. They often happen at the statewide level

14 called -- known as "builders remedies."

15   Albany has not acted, and so New York

16 is very far behind. But a charter commission is a --

17 an actual way you can really embrace this. And there

18 are a lot of ways to design this really smartly.

19 We're eager to continue to work with you all on these

20 ideas, and this is a really, really rare chance to

21 really tackle this. And the stakes are really high.

22 Thank you.

23   MS. DE LA UZ: Wow. Right on time.

24 Hi, everybody. Thank you for the opportunity to

25 testify and for your service. I'm Michelle de la Uz,

1   executive director of the Fifth Avenue Committee, a

2   47-year-old nonprofit comprehensive community

3   development corporation who's built over 1,500 units

4   of affordable housing.

5   And we have an affordable housing

6   pipeline of another 2,000 units. I've also had the

7   pleasure of sitting on the City Planning Commission

8   with a number of you, and Fifth Avenue Committee

9   helped organize the community coalition that led to

10   the Gowanus neighborhood re-zoning, one of the most

11   equitable re-zonings in our city's history.

12   I've also negotiated a number of

13   community benefits agreements with private developers

14   around private land use actions. And I -- Fifth

15   Avenue Committee has a project, which is set for vote

16   tomorrow, where one of two councilmembers is likely to

17   vote "no" on a hundred percent affordable housing

18   project.

19   So I have some insight into the things

20   that you're considering, and some of the

21   recommendations you've heard before. And I'm happy to

22   answer any questions, but I definitely think that our

23   public processes should facilitate an equitable,

24   inclusive, and sustainable city.

25   And I, you know, I am -- you know,

1 Fifth Avenue Committee is part of the Thriving

2 Communities Coalition at ANHD, and I certainly believe

3 that a comprehensive plan is something that the city

4 really should move towards.

5   I think the Fair Housing Framework has

6 been a step in that direction, and I believe that a

7 comprehensive plan would take and balance the local

8 concerns, the legitimate local concerns, that many

9 communities have with the citywide needs that a

10 comprehensive plan could address.

11   Absent a comprehensive plan, depending

12 on the political appetite you all have, I think that

13 in council districts that are not meeting the

14 production goals that are outlined in the Fair Housing

15 Framework, that ULURP should end at the City Planning

16 Commission.

17   I think that could help address a

18 number of the concerns. Shifting the focus

19 specifically to a hundred percent affordable housing,

20 I think that a hundred percent affordable housing on

21 city-owned land that conforms to underlying zoning

22 just -- it does not need to go through ULURP.

23   I think that the engagement with the

24 local councilmember and the community boards is

25 something that happens par course anyway and is

1   something that the agencies can mandate. It doesn't

2   need to happen on a clock. I also believe we should

3   be -- consider merging the city -- the community

4   board -- excuse me -- and the borough president

5   hearing and have that sit at the borough president's

6   office.

7   And I believe that you should seriously

8   consider for city-sponsored neighborhood re-zonings

9   that they're -- that we mandate as part of the city

10   charter a community-controlled oversight task force.

11   It's something that we have as part of the Gowanus

12   neighborhood re-zonings.

13   I've been involved in government and/or

14   civic life in New York City for 35 years. It is the

15   most productive relationship between government and

16   community that I've ever seen. And one of the things

17   that we really need to work on is building trust

18   between community and government. And part of that

19   happens after decisions are made when communities are

20   part of the implementation process. And happy to

21   answer any questions you have.

22   MR. DABARON: I got -- I just wanted to

23   know because I've never heard of it, but what is a

24   community oversight task force, and how would that

25   work?

1   MS. DE LA UZ: The experience that we

2   have in Gowanus -- so as part of the 2021 neighborhood

3   re-zoning of 82 blocks, that is bringing 8,500 units

4   of housing, 3,000 of which are deeply and permanently

5   affordable, it also included the commitments that were

6   negotiated. It also included $200 million, 200

7   repairs at NYCHA locally, and another, you know, 250

8   million in other things.

9   So we have a volunteer group of about

10 30 people that have gone through a process -- you

11 know, basically said -- raised their hands and said,

12 "We would like to be part of ensuring that the points

13 of agreement that the city committed to are adhered to

14 and are" -- the number one point of agreement that the

15 city of New York agreed to in 2021 was that the city

16 would report to the community-controlled task force

17 and have public meetings on a quarterly basis.

18   But in between then, there are

19 conversations that are going on between task force

20 members and, you know, staff at the agencies of the

21 city of New York and the mayor's office. It's a very

22 productive relationship.

23   MR. DABARON: And that's city -- that's

24 citywide?

25   MS. DE LA UZ: No. That's only

1   something that we secured as part of the Gowanus

2   re-zoning, and we had to raise our own money privately

3   for our third-party facilitator.

4   MS. BOZORG: I have a question. First,

5   thank you both for all of your work and housing and

6   all of your service.

7   Michelle, on the -- I'm curious. You

8   just have so much experience from a range of positions

9   on trying to get affordable housing built as -- in

10 costly neighborhoods and over time.

11   I'm curious if you could speak to how

12 you see our land use process adding to the costs and

13 challenges of building because you've also negotiated

14 a lot of CBA, community benefit agreements, outside of

15 ULURP. So it doesn't necessarily require ULURP always

16 for communities to get what they want.

17   But we also -- you -- as you know, the

18 city's housing budget has grown over time, which is

19 great, but what we've been able to do with that budget

20 has not grown as equally because of how costly

21 projects have become.

22   And folks have talked about the

23 pipeline and the backlog, which is partly because we

24 don't have the right number of resources to actually

25 build as much as we should. So we're able to do not

1   as much while -- even though our budget keeps growing,

2   right, because of how expensive projects have become.

3   So could you just speak a little bit to

4   what you see as the driving cost increases over the

5   past handful of years? How much is that due to the

6   land use process? How much of it is just due to

7   building costs? Like it -- because it really has

8   become an exponential growth.

9   MS. DE LA UZ: Yeah. I mean, I think,

10   I mean, I think a lot of it just has to do with

11   uncertainty, right, whether it's uncertainty of the

12   cost of materials, uncertainty, you know, over the --

13   especially since COVID, with supply chain issues.

14   You know, we -- you guys have certainly

15   mentioned a number of times the uncertainty of whether

16   or not an elected official at the end is going to

17   approve a project that -- where someone has, you know,

18   spent hundreds of thousands, if not millions, of

19   dollars during the planning process.

20   So I think a lot of it has increased

21   uncertainty, the whole uncertainty in, you know, in --

22   with interest rates. All of those things together

23   have added to the increased costs for sure.

24   MS. WHITE: Hi. Thank you both for

25   your testimony. Good to see -- I just saw you,

1   Annemarie.

2   MS. GRAY: Thank you.

3   MS. WHITE: Michelle -- and I'm going

4   to ask you a question that we've talked about a lot

5   so, you know -- probably know what's coming. Can you

6   just expand on the impact of rising cost on nonprofit

7   developers and how that is impacting the industry?

8   We've had some testimony on that in

9   prior hearings, specifically on, you know, city

10 contracts and the like. But in general, it's an

11 issue. So would love to, you know, hear your thoughts

12 on that.

13   MS. DE LA UZ: Rising costs

14 specifically of the -- of affordable housing or --

15   MS. WHITE: Yes. As it relates to

16 nonprofit developers.

17   MS. DE LA UZ: Well, I mean, Fifth

18 Avenue Committee, we build 100 percent affordable

19 housing, and we are often trying to build the most

20 deeply affordable housing, which means we're layering

21 multiple sources of subsidy or financing in order to

22 reach the most in need.

23   And so when the costs go up, it just

24 means we got to go out and seek more subsidy dollars

25 in order to reach those in need. And so it -- that

1   means the project takes longer as well. Going back to

2   Leila's question, I mean, it is a -- it's a difficult

3   cycle --

4   MS. WHITE: The impact on the industry

5   though, on a non-profit.

6   MS. DE LA UZ: Well, the difficult -- I

7   mean, the impact in the industry is that the pipelines

8   are getting longer, the needs are growing, and we're

9   trying to, you know, put our finger in a dike

10   basically. And, you know, whether it's homelessness

11   or, you know, housing cost burden.

12   And, you know, for organizations like

13   Fifth Avenue Committee, you know, we have the benefit

14   of having earned income from developer fees and

15   property management fees cross-subsidizing the other

16   charitable aspects of our mission. And so when you

17   can't rely on those earned income sources, that means

18   that you are not able to cross-subsidize the other

19   sources of your mission. And that's a huge problem.

20   MS. WYLDE: Michelle, how would you

21   respond to the -- were you here when the

22   councilmembers testified about how they're needed to

23   represent the interests of their community? As a

24   community-based organization, how would you respond to

25   them? How would you counter their concerns that

1   we're -- if we change the member deference capacity?

2   MS. DE LA UZ: I mean, I think that

3   comprehensive planning can do that as well, right, I

4   think that -- I think the biggest issue that most --

5   legitimate issue that most councilmembers are trying

6   to represent in the process is investment in

7   infrastructure in some way for their communities. And

8   that looks different in different communities --

9   MS. WYLDE: Those are the ones that are

10   for development.

11   MS. DE LA UZ: That's -- well, that's

12   right. Yeah. That's right. That's why I say

13   legitimate concerns, right. I'm not talking about

14   like --

15   MS. WYLDE: We're talking about the

16   other ones.

17   MS. DE LA UZ: Yeah. Well, I mean,

18   unfortunately, I think that we need to find a process

19   that balances borough and citywide concerns over the

20   more parochial concerns in that case.

21   MS. WYLDE: Do you think the term

22   limits -- extending the term limits by four years

23   would help that?

24   MS. DE LA UZ: I think it could. I

25   think that councilmembers -- or some councilmembers

1 who may not get a ULURP in their district for many,

2 many years, and it -- you know, the first one may not

3 be all that controversial. And I may not -- you know,

4 we spend -- I spend a fair amount of time helping

5 councilmembers understand the process and, like, the

6 power that they have and how to wield it early.

7   MS. BOZORG: I have one more question

8 if that's okay for Annemarie. I'm curious, we've

9 heard a lot about builder remedy and fast-

10   track ideas, and I think a lot of them

11 are really compelling.

12   The nexus with Fair Housing -- have you

13 all put thought into how -- there's a complexity there

14 of, kind of, where you set that threshold, as Howard

15 was talking about, and then how you track that

16 threshold over time and have it be dynamics because it

17 is going to shift.

18   And the percentages can change very

19 easily with even just one project in neighborhoods

20 where -- that have had very little housing. So have

21 you all put thought into just what the right threshold

22 should even be in a Fair Housing Framework that has a

23 fast-track?

24   MS. GRAY: Yeah. There are a lot of

25 ways to design this, and frankly, every state that has

1   implemented something like this, they've had to, you

2   know, go back and adjust it and figure out how it

3   works or doesn't work. And I do think we decided to

4   latch onto the Fair Housing Framework that just passed

5   in the city council, frankly, partly because it's

6   something that we all just passed.

7   We all just agreed to. And I think

8   that's a value set that, you know, help was very

9   present in City of Yes, and this is a big follow up.

10   So one, I think that you need something that's

11   legible. You need something that has enough, like,

12   popularity, and the value is there.

13   I think exactly -- you know, that

14   legislation hasn't fully gone into effect yet. So I

15   think there's a huge amount of work of how you set

16   that and what the threshold is. That, frankly, is

17   going to take some time to, like -- and going back and

18   figuring out how it works or not.

19   But that -- as something to anchor to

20   and a framework -- I think one lesson learned actually

21   from other states that have created a separate appeals

22   process, a whole separate board, is that level of

23   complexity, like, a whole new process to set targets

24   is very messy, and isn't necessarily working very

25   well.

1   The best we can do of using the tools

2   that we have, using the ULURP process that we have,

3   and the Fair Housing Framework that we have, and

4   trying to create something that is simple, and then

5   also that we can, sort of, correct for as we go, is,

6   sort of, just been the guiding principle with a lot of

7   details to figure out still.

8   MR. BUERY: Feel free to ignore this

9   question. But would that also apply to the

10   recommendations from Comptroller Lander, which would

11   also, I think, create some new processes. Would you

12   also, sort of, say similarly that by creating new

13   processes is that not what you would recommend?

14   UNIDENTIFIED SPEAKER 9: The assembly

15   idea.

16   MR. BUERY: I'm sorry?

17   UNIDENTIFIED SPEAKER 10: Meaning, the

18   assembly idea?

19   UNIDENTIFIED SPEAKER 11: Citizens --

20   MR. BUERY: Yeah.

21   UNIDENTIFIED SPEAKER 9: Citizens'

22   Assembly.

23   UNIDENTIFIED SPEAKER 11: Yeah.

24   Citizens' Assembly.

25   MS. GRAY: Yeah. I have talked to

1 their team about some of that. I do think that that

2 does feel very complicated and very challenging to me,

3 that particular layer. I actually think that

4 Citizens' Assembly idea and, sort of, this idea that

5 we should do engagement -- kind of approach it more --

6 the more the way we do jury duty, for example.

7   That's actually something that we

8 worked in to a different type of our recommendation of

9 how we should rethink about the process of community

10 boards and borough president input, in a way. But I

11 do think that there's something that feels -- that

12 doesn't quite connect for me for that part of their

13 recommendation.

14   But as they said and as I've talked to

15 them a lot, I think, like, this baseline idea that the

16 Fair Housing Framework is a backstop and is something

17 that, I think, you've seen a lot of people agree on is

18 the right place to start and try to not overcomplicate

19 something to start.

20   MR. BUERY: Of course, everybody would

21 love another form of jury duty. That would be

22 welcome. Any other questions?

23   Thank you both for the panel. I

24 appreciate it.

25   Our next will be Karl-Henry Cesar and

1   Benjy Ross.

2   MR. ROSS: All right. Good evening,

3   members of the Charter Revision Commission. My name

4   is Benjy Ross. I'm a research and advocacy intern

5   with the Permanent Citizens Advisory Committee to the

6   MTA PCAC. Created by the legislator in 1981, PCAC's

7   the official voice of MTA riders. PCAC exists to

8   fight for better service for every rider across the

9   system.

10   So why am I here today talking about

11 housing? Excellent transit is the key to plentiful

12 housing, and plentiful housing is the key to excellent

13 transit. People want to live where there is good

14 transit -- excuse me -- transit. Unfortunately, there

15 is -- they're too often priced out.

16   Car-centric requirements for new

17 housing dramatically increase costs, reduce the amount

18 of housing that can be built, and disincentivizes

19 residents to use our city's greatest asset, our robust

20 transit system.

21   New York City's housing crisis results

22 from an incredible deficit of homes, 473,000 according

23 to the Regional Plan Association. To realistically

24 build the homes that are needed to resolve this

25 crisis, we need to plan around transit. We have four

1   recommendations for the Charter Revision Commission.

2   One, expand zoning for accessibility to

3   apply to developments within a larger radius of all

4   subway and rail stations and extend it to include bus

5   stops. Allowing more developers than just those

6   within a close distance of stations to pitch in on

7   accessibility projects and other station improvements

8   is a great way to solve two problems at once.

9   Two, create a comprehensive citywide

10   plan incorporating transit. New York City is defined

11   by two things, our housing density and our transit

12   system. Creating a citywide plan that addresses our

13   dire need for more -- excuse me -- housing while

14   encouraging residents to utilize transit is critical

15   to solving our housing crisis and cementing a stable

16   future for mass transit.

17   For example, our analysis showed that

18   City of Yes will eventually bring ride -- increase

19   daily ridership by up to 97,000 day riders, bringing

20   in an additional $304 million annually in the next

21   15 years in subway and bus operating funds just from

22   the new housing.

23   Three, streamline projects that achieve

24   citywide goals. Streamlining developments that eases

25   our housing shortfall and addresses community needs

1   will save time and money. With 146,000 New York City

2   public school students experiencing homelessness --

3   last year, we do not have the time to wait.

4   Curtailing councilmember deference for forming the

5   ULURP process and rationalizing environmental review

6   will go a long way towards letting New York City meet

7   New Yorkers' needs.

8   Four, eliminate parking minimums

9   citywide. Car-centric cities like Minneapolis and

10   Austin have already eliminated parking minimums. In

11   the most transit-rich city in the western hemisphere

12   with an acute housing shortage, there should be no

13   reason for developers to be legally required to

14   replace housing with off-street parking. Continuing

15   to build car-centric infrastructure makes transit and

16   our housing costs crisis worse.

17   The housing crisis is the defining

18   crisis of New York City today, but we have the tools

19   to fight it. Even after City of Yes, our zoning to

20   text today looks more like Houston than it does like

21   "House-ton." This is the greatest city on earth, and

22   New York City needs to start planning like it's

23   New York City. Thank you.

24   MR. BUERY: Thank you. A best clothing

25   line of the night. Please -- thank you so much.

1   MR. CESAR: Sure. So folks, good

2   evening. My name is Karl-Henry Cesar, and I am the

3   chairperson of Brooklyn Community Board 14. And so I

4   am testifying here today to raise concerns with

5   proposals to merge the community board and borough

6   president review process in ULURP.

7   The three concerns are, Number 1, said

8   proposal diminishes the community voice and also

9   provides the sense that it could be devalued.

10   Number 2, said proposal provides an incentive to

11   politicize the appointment of community board members.

12   And then proposal Number 3, it -- concern Number 3 is

13   that this proposal is chasing the wrong outcome in

14   ULURP, which is speed at the cost of quality.

15   So regarding point Number 1, as you're

16   all aware, ULURP provides 60 days for community boards

17   and then 30 days for the borough president. The

18   concern is that by merging this you are giving people

19   who share their concerns with community boards the

20   opinion and the appearance that their voice only

21   matters at the borough level. It doesn't matter at

22   the individual level.

23   So that's not good because there's

24   already a lot of concerns at the city level that the

25   city is not listening to their voice.

1   Concern Number 2 is that, per the city

2   charter, borough presidents already appoint community

3   board members. And so with this proposal of combining

4   the community board and the borough president ULURP

5   review, you are raising the specter that borough

6   presidents could have an incentive to appoint people

7   to give them support for ULURP review as opposed to

8   appointing people because it's at the best benefit for

9   the respective community board.

10   And for Number 3, the concern is that

11   there's a narrative that the ULURP process takes too

12   long, and one of the culprits is because of the

13   community review process. So given that it can take

14   decades and at least a year and a half, there's a

15   danger that a process that can take at most 90 days

16   and makes up less than 17 percent of the review is

17   somehow the culprit.

18   And so these are the concerns that I

19   have with the proposal of merging the community board

20   and the borough president review process within ULURP

21   to just sit under the borough president.

22   And so I thank you very much for

23   listening and thank you for taking your time because I

24   know it's cold up there, and you guys are freezing,

25   and it's been three and a half hours. I'm good, but I

1   know you're freezing, so thank you.

2   MR. BUERY: Thank you for your

3   testimony. I appreciate it. And the best shirt of

4   the night.

5   UNIDENTIFIED SPEAKER 12: Yeah.

6   MR. CESAR: Thank you.

7   MR. BUERY: Any questions for the

8   panel?

9   DR. NIEVES: I do have a question for

10   you. I think you're the first community board member

11   that spoke tonight, so thank you. What would you

12   suggest to community boards that are not doing their

13   fair share in this housing crisis? Like, what would

14   be a solution you would put forward?

15   MR. CESAR: So I think the first thing

16   would be the painful conversation of going to them and

17   asking them what they think their fair share is.

18   Because, you know, there are 56 community boards,

19   right, and so there are some community boards that

20   felt insulted by Chair Garodnick saying that what they

21   did during City of Yes housing opportunity was

22   community engagement.

23   Where if you do the math, it averaged

24   out to two or three meetings per community board.

25   That doesn't feel like engagement. That feels more

 1   like we came to talk to you versus, like, we came to

 2   engage with you regularly.

 3   And so to your point about Fair Share,

 4   I think the first thing would be having to speak with

 5   each of those community boards, which does take a lot

 6   of time and investment, and I understand that. But it

 7   would be sitting down with each of the community

 8   boards and saying, "Hey, right now, from where certain

 9   folks are at a city level, they believe that the

10   district and the community board are not doing their

11   fair share for housing. What do you think?"

12   Right, and then having that

13   conversation, Number 1. And then Number 2, because

14   there's so many advocacy groups that have that housing

15   information, right, between DCP and these other

16   organizations that are here, continuing those

17   conversations and then saying, "Hey, this is what the

18   need is. This is what the city says is needed. This

19   is what you are saying you who live on the ground

20   need. What comes in that?"

21   DR. NIEVES: I totally got -- I'm just

22   going to jump in for a second because I hear more

23   processes as a solution. I'm a fellow Brooklynite.

24   That conversation's been going on for 30 years in

25   these communities that have not had additional housing

1   put there. I'm just saying that.

2   MR. CESAR: Yes. I understand.

3   DR. NIEVES: I don't -- so I'm just

4   trying to explain the dilemma that I'm digesting too

5   on this and that what we're all trying to digest. So

6   thanks for your feedback.

7   MR. CESAR: Yes, yes. And I thank you

8   for sharing that because yes, like the conflict and

9   the pain that you're describing, yes, right. Like,

10   that's one of the challenges of balancing the needs of

11   the people who've been there with the greater picture,

12   right. So thank you.

13   DR. NIEVES: Thank you.

14   MR. BUERY: Thank you so much for your

15   testimony. Greatly appreciate it.

16   MR. CESAR: Thank you, folks.

17   MR. BUERY: Next up is Gabriel Turzo

18   and Simeon Bankoff. They'll be followed by Roberta

19   Gratz and Kimberly Cruz. How are you? Please begin.

20   MR. TURZO: Okay. Good evening, and

21   thank you for the opportunity to testify before you

22   today. My name is Gabriel Turzo, and I am the second

23   vice chair of Manhattan Community Board 6, which

24   represents 155,000 New Yorkers in Manhattan Community

25   District 6.

1   Community Board 6 has a long history of

2   advocating for affordable housing within our East

3   Midtown district. Rather than opposing new housing

4   construction, we actively seek more affordable housing

5   options.

6   While advocating for affordable housing

7   by working closely with applicants, agency partners,

8   and our elected officials, ULURP formalizes this

9   collaboration and ensures that there's an opportunity

10   to address community concerns.

11   A recent example of this successful

12   partnership is the SPARC Kips Bay ULURP application,

13   which involves redeveloping city-owned property in our

14   district. Through collaboration between the

15   applicant, our city councilmember, and Manhattan

16   Community Board 6, the project was able to address

17   multiple needs within the district.

18   While the project did not ultimately

19   include housing, community input through ULURP led to

20   the preservation of several hundred units of

21   affordable student housing. And furthermore, thanks

22   to our consistent advocacy, the city committed to

23   developing a comprehensive housing plan for Manhattan

24   Community District 6.

25   And you know, in other words, we don't

1   want to be protected from development. We are seeking

2   development. But some may seek to dispense with or

3   significantly weaken ULURP for the sake of expediency.

4   But to community boards who are the first point of

5   contact with their city government that many New

6   Yorkers have, we see ULURP as a critical mechanism for

7   better decision making through public input.

8   Local residents possess valuable

9   insights into what works -- sorry, my voice -- what

10   works and what doesn't work in their communities, and

11   we can share with our elected officials. Public input

12   leads to better designs, more thoughtful zoning

13   changes, and development that compliments rather than

14   conflicts with our neighborhoods.

15   Well-meaning and competing voices must

16   be heard in land use decisions. The voice of New York

17   City's communities must always be among them.

18   Community boards offer a vital venue for the public's

19   voice to be heard and shared, ensuring that

20   New Yorkers have a seat at the table.

21   We look forward to working with our

22   councilmembers to maintain and enhance our residential

23   community. Members of this charter reform commission,

24   we ask that you preserve New Yorker's seat at the

25   table. Thank you.

1   MR. BANKOFF: Hello. Turning it on.

2   Okay. Hello. I'm Simeon Bankoff, a historic

3   preservation and community development consultant,

4   currently working with the Campaign For A Livable

5   City. Roberta Gratz will be coming up. We'll talk --

6   is the convener of this campaign, and we'll talk a

7   little more about the campaign.

8   Thank you to the commission for giving

9   us this opportunity to share our views. As we are all

10   aware and as -- we have discussed greatly, New York is

11   in an affordable housing crisis. The solution, we

12   believe, is not to remove all regulations on

13   development, but to encourage it to be done in a

14   thoughtful, mindful manner.

15   Development may be appropriate in

16   certain contexts, but we cannot forget the importance

17   of the city that exists. Preservation of our city

18   keeps New Yorkers in their homes. It keeps them

19   connected to the essential amenities that make

20   communities livable such as the network of parks,

21   grocery stores, and reliable transportation that make

22   a house a home.

23   And we must ensure that these networks

24   are kept in place. Our proposals are aimed in

25   ensuring that what we lose is fully replaced. All too

1   often -- and Roberta will talk about this -- we see

2   tenants being forced out of their homes only to have

3   the sites replaced with fewer units at a far higher

4   price.

5   Removing essential affordable housing

6   stock and replacing with fewer, more profitable units

7   is counter to the interest of the city. But currently

8   our policies do nothing to stop it. The Rent

9   Guidelines Board reports that, since 2010, an average

10   of 729 class A buildings and 1,500 units of class A

11   housing have applied for demolition permits annually.

12   Additionally, since 1994, there have

13   been estimated loss of over 150,000 rent-stabilized

14   units. That's an average loss of over 5,000

15   rent-stabilized units per year. Even if only 10

16   percent of those units -- of the 1,500 units

17   demolished, were in some kind of rent stabilization,

18   replacing them and only them would still add 750 units

19   a year or cut the annual losses to rent-stabilized

20   apartments by 15 percent.

21   We propose that the Department of

22   Buildings only approve construction permits if no

23   apartments are lost. To ensure that buildings are not

24   demolished without a replacement plan, there should be

25   a short look-back period so that if an owner tears a

1   building down, they can't get permits unless they

2   build something with the same number of units or more

3   that existed before the demolition.

4   Secondly, we propose the city apply a

5   demolition fee to projects where housing units will be

6   lost. Under our proposal, this fee would help to fray

7   the cost of replacing those units within the community

8   district where the building is located.

9   The fees would go into a capital

10   reserve fund established specifically for that

11   community district, and the fees would -- and the

12   funds would be used exclusively for affordable housing

13   development.

14   Finally, we -- the campaign also

15   supports the Community Land Act, land banking, and

16   related bills expanding the certificate of no

17   harassment programs to ensure that New Yorkers can

18   remain in their homes and enhancing the city's

19   commitment to a right to counsel for tenants facing

20   eviction through the permanent allocation of

21   sufficient funding so that all low-income tenants

22   facing eviction can have access to an attorney.

23   Thank you for your time. It's much

24   warmer up here than is in there.

25   MR. BUERY: Thank you so much. Any

1   questions for the panel?

2   -- much for your testimony.

3   Next up we have Roberta Gratz and

4   Kimberly Cruz. They'll be followed by Tara Duvivier,

5   and then you'll move to online testimony. Thank you

6   so much.

7   MS. GRATZ: I am Roberta Brandes Gratz,

8   and it's a pleasure to join you today. I've spent my

9   entire career as an urbanist; first, as a newspaper

10   reporter, author of six books, and a member of the

11   Landmarks Preservation Commission. Tonight, I'm here

12   on behalf of the Campaign for a Livable City.

13   We are a new initiative, advocating for

14   the balance approach to planning and development that

15   promotes responsible new development and ensures

16   neighborhood continuity. We are losing affordable

17   housing at an alarming rate. Existing affordable

18   units are being torn down and replaced by towers with

19   fewer units and few affordable.

20   The city is losing small apartment

21   buildings and renovated tenements to buildings for the

22   rich. It's happening all over the city. In

23   Yorkville, 43 affordable units and 4 commercial units

24   at 202 East 75th at Third were replaced with 38 units

25   and no ground floor commercial.

1   Similar projects all over Yorkville.

2   In Harlem, a landlord was sent to jail after he nearly

3   killed tenants in an attempt to force them out, so the

4   rent-stabilized units could be upgraded to luxury

5   housing. 15 West 96th Street, a 321-foot tower with

6   21 condos replaced three landmark quality five-story

7   townhouses with 30 rental units.

8   Height and density are not the same

9   thing. With all the new high-rise towers all over

10   Manhattan, for example, including the Supertalls, all

11   12 of Manhattan's community districts experienced a

12   net loss of 37,466 affordable units between 2007 and

13   2020. And that's with the new units at Hudson Yards

14   and the Upper West Side waterfront.

15   So I'm here today to say we cannot just

16   build our way out of this problem. If demolition is

17   necessary, then the replacement building should at

18   least be required on site to contain the same number

19   of lost units.

20   This commission has a unique

21   opportunity to prevent the diminution of existing

22   number of apartments. You can stand for

23   affordability, preservation, and livability. I thank

24   you for your attention.

25   MS. CRUZ: Hello. So my name -- ooh.

1 My name is Kimberly Cruz.

2 (Speaking in a foreign language.)

3 Queens. And I say this because, at this very moment,

4 it's historical that we can say "Ubuntu," which is

5 that sometimes translated as "I am because we are" and

6 also "I am because you are."

7 And life is complicated, and we can't

8 stick to these words called "affordability" because

9 sometimes affordability means fixing the things that

10 actually exist in front of you, and New Yorkers who

11 are dying from immunocompromised conditions where

12 these conditions and their housing units are leading

13 them to the hospital that we don't have infrastructure

14 for across all the cities.

15 So "Ubuntu" that "I am because we are."

16 So every time that we're thinking about our community

17 boards, they're not our local government. We're, kind

18 of, piecing together local government here and there

19 saying borough president, city council, and community

20 board. That's not a local government. That's not my

21 representation. They don't know my day to day.

22 They're not walking the same lines that I'm going to.

23 I've seen the community boards. They

24 choose them, the same appointees, but why don't we

25 have technocratic citizens assemblies with the

1 people's assemblies attached to it to remove the shite

2 of our city, right, city services that are not

3 working, but they keep growing, for some reason, when

4 the people are not asking for it.

5   Health, why don't we have a public

6 health official team that's funded, that's ready for

7 measles? Insurance, there's a lot of fraud in these

8 insurance claims and our elderly are getting hurt.

9 Transportation, there are a lot of disability claims

10 that people don't understand.

11   I'm wearing my sunglasses because the

12 blind are coming. My generation that has been staring

13 at these phones since they were eight years old,

14 they're coming, and our city services will then in ten

15 years say, "Oh, now, we have a blind population, or

16 maybe we have a deaf population because we've been

17 using our AirPods for the last 15 to 20 years with no

18 regulation," so we should have sign language all the

19 time, not when we can fund it, but all the time

20 because my generation -- I'm 26.

21   In front of us is not a person of my

22 age. In front of us I hope someone that's

23 menstruating is caring about my privacy because

24 federally we are not being seen. Our neuroprivacy,

25 the charter can add something just like Connecticut,

1   just like Colorado.

2   We, you and I, are the local government

3   that we're piecing together in this housing crisis,

4   transportation, shite, city services, health

5   insurance, technology, transportation, and education.

6   Because the federal government is defunding our

7   children's education.

8   I went to Yale. I went to Bronx

9   Science. I don't think people are going to look like

10   me, so I'm sitting here. "Ubuntu." Please create a

11   local government, and let us fund it. Us. I'm just

12   tired --

13   MR. BUERY: Thank you so much.

14   MS. CRUZ: Tired. This is too much.

15   We are sitting here.

16   MR. BUERY: -- much for your testimony.

17   A great way to --

18   MS. CRUZ: This is a circus and bread

19   situation.

20   MR. BUERY: Next is Tara Duvivier.

21   MS. DUVIVIER: Good evening. Thank

22   you, Commissioners, for the opportunity to submit

23   testimony to this revision -- Charter Revision

24   Commission. My name is Tara Duvivier. I'm senior

25   planner at Pratt Center for Community Development.

1   Pratt Center for Community Development

2   works for a more just, equitable, and sustainable

3   New York City. Our land use and housing justice work

4   ranges from facilitating community plans for

5   neighborhoods across the city, to policy reports on

6   strategies to ensure that value created by city

7   re-zonings is captured for public good.

8   We call on this commission to

9   prioritize democracy, participatory planning, and

10   racial and economic justice as it considers revisions

11   to our city's charter to improve government

12   transparency and the responsiveness to address our

13   city's housing crisis.

14   Specifically, we urge this commission

15   to consider revisions to the city charter that mandate

16   the city develop and maintain a comprehensive plan

17   that centers racial, economic, health, and climate

18   equity and ensures intentional, robust, and

19   representative community engagement.

20   Pratt Center is a member of the

21   Thriving Communities Coalition, a citywide movement of

22   more than 15 grassroots organizing, advocacy, policy,

23   and technical assistance groups advocating for more

24   equitable, participatory, and comprehensive approach

25   to city planning.

1   We echo the testimony of our TCC

2   partners, including ANHD and recommendations to

3   manage -- mandate an enforceable equity-based

4   comprehensive plan and enforce the city's Fair Housing

5   plan. New York City has never adopted a comprehensive

6   plan to guide land use and resource allocation

7   decisions for present and future needs.

8   The city, instead, takes -- excuse

9   me -- an ad hoc approach to planning through

10 neighborhood- and developer-initiated re-zoning,

11 subject to ULURP, which limits consideration of

12 broader community context and needs. Communities and

13 inducted officials must respond to these proposals

14 without any coherent guiding framework with inadequate

15 resources under a highly contentious process.

16   Our communities, including community

17 boards and grassroots groups, are under-resourced in

18 evaluating these proposals. They rely on each other

19 and, in some cases, outside consultants to assist in

20 understanding and evaluating these applications.

21   The role of the public and land use

22 processes, while advisory, does have an impact,

23 particularly with their city council reps who are

24 elected by and serve these communities. Community

25 input has helped deepen projects' affordability levels

1   and secures funding for schools, parks, public

2   housing, and tenant protections.

3   Communities should not have to rely on

4   piecemeal negotiations to secure public resources.

5   But absent comprehensive and equitable planning, ULURP

6   is a tool for communities to inform and advocate for

7   their future.

8   Several of the proposals before this

9   commission focus on streamlining ULURP to reduce the

10 role of community boards or city council or to fast-

11 track projects on city-owned land with -- or with

12 income-restricted housing. Given the lack of

13 resources and other community issues that community

14 board members must attend to, communities are already

15 working on a tight timeline with the public review

16 process.

17   For example, with City of Yes, for

18 economic opportunity and housing opportunity re-zoning

19 proposals, less than half of the community board

20 submitted recommendations before the City Planning

21 Commission hearings for these proposals.

22   I'll -- I've submitted a full testimony

23 already, but we just really would like to encourage

24 you all to consider our lengthy -- our outline

25 proposal for comprehensive planning, and again, to

1 carefully consider what you would do moving forward

2 with regard to housing affordability.

3   Especially, we know that affordable

4 housing isn't exactly affordable, so please -- this

5 idea of fast-

6   tracking, I -- we don't think is the

7 best idea. We do think that we really need to

8 encourage and support more community involvement and

9 engagement in these processes and not reducing their

10 role. Thank you.

11   MR. BUERY: Questions? -- so much.

12 Thank you. We're now going to move to online

13 testimony. Is Christie Peale online?

14   MS. PEALE: Yep. I'm here.

15   MR. BUERY: Thank you. Please begin.

16   MS. PEALE: Okay. Good evening,

17 everybody. Thank you, Commissioners and Chair, for

18 your service and your robust conversation and

19 engagement with the hearing tonight and for the

20 opportunity to testify.

21   I am CEO and executive director of the

22 Center for New York City Neighborhoods. We promote

23 and protect affordable home ownership, so that working

24 and middle class New York families can build strong

25 stable communities. You've heard a lot of great

1   suggestions tonight, but I wanted to highlight a

2   couple.

3   Taking off some of the recommendations

4   from the Thriving Communities Coalition around a

5   comprehensive citywide planning framework. I think

6   it's really important to be able to proactively invest

7   infrastructure in neighborhoods, especially the

8   neighborhoods that have been a home to historically

9   black and Latino home ownership with the

10   infrastructure investments that they need to be able

11   to receive more housing.

12   I think communities want more

13   affordable home ownership. They want more housing.

14   They want multi-family home ownership, and they want

15   the investment in their sewer system. They want to be

16   able to move away from a combined water and sewer

17   system to be able to support new housing.

18   They want the transportation

19   opportunities and a comprehensive citywide planning

20   process with real short, medium, and long-term

21   targets. And accountability, as Michelle mentioned,

22   would be a real way to put that commitment in action

23   and plan for the investments in communities alongside

24   the plan for new housing.

25   And again, in a way to address citywide

1   needs. We think this is the only way that we're going

2   to be able to develop more affordable home ownership,

3   by getting more communities on board with more

4   housing. We also think it is critical to be

5   proactively doing citywide community -- citywide

6   comprehensive planning to address the real risk of the

7   climate crisis.

8   A lot of the neighborhoods that were

9   hit by the foreclosure crisis where we'd -- we've done

10   a lot of our work are impacted by a climate -- climate

11   change with groundwater flooding, rainfall flooding,

12   and obviously sea level rise.

13   And again, we need to be able to plan

14   for the impacts of climate change on these

15   neighborhoods while also understanding that we need

16   new housing. We talked about the ways to streamline

17   ULURP for deeply affordable housing. I think that

18   makes a lot of sense.

19   I think the Fair Housing Framework

20   needs to be enforced and needs to have teeth. I think

21   that makes a lot of sense, and Commissioner White will

22   not be surprised to hear me talk about the need for

23   the timely execution of housing contracts. We know

24   that the nonprofit sector is essentially financing the

25   government to the tune of hundreds of millions of

1   dollars over the course of multiple years.

2   And, I think, charter reform and

3   revision would allow us to charge the city financing

4   fees and late fees for the amount that we need to

5   front the city to perform our services on behalf of

6   New Yorkers. So we'll submit a more comprehensive

7   testimony. Thank you for extending the time of the

8   hearing tonight and your service. And I look forward

9   to being in touch.

10   MR. BUERY: Thank you. Thank you so

11   much.

12   Are there any questions for Ms. Peale?

13   Next is Susan Nial. Apologies if I mispronounced your

14   name. Susan, N-I-A-L. No? Next up is Nick. Next up

15   is Mark Weller. No? Next up is Alex Maza. Albin

16   Henneberger. Lo van der Valk, Lo van der Valk,

17   V-A-L-K.

18   MR. VALK: Yes. Yes. My name is

19   Lo van der Valk. I'm representing Carnegie Hill

20   Neighbors. Yeah. In the Upper East Side.

21   We are very -- we are very concerned

22   about this -- the current -- I can't say proposals

23   being considered because they haven't been fully

24   outlined, but we know that there's a -- the direction

25   will be for a greater centralization of decision

1   making in terms of future housing, especially

2   affordable housing, and that this will tend to short

3   circuit or that the streamlining will come at the cost

4   of community inputs.

5   So we want to go on record of -- as

6   saying that we think community inputs are very

7   valuable and should not be compromised. And I will

8   issue a fuller statement, but I have greatly

9   appreciated the complexity of the issues involved and

10 discussed here and the balancing obviously of the

11 citywide concerns and the local concerns.

12   But we think, mechanisms need to be

13 articulated so that when they are -- when a proposal

14 is being proposed for the November elections, that

15 there can be a great deal of clarity as to what the

16 new proposals really will entail. And I thank you for

17 this opportunity to speak. Thank you.

18   MR. BUERY: Thank you so much. Any

19 questions for Mr. Valk? Next up is Ken A.

20   MR. A.: Can you hear me?

21   MR. BUERY: Yes, please continue.

22 Thank you --

23   MR. A.: Yeah. Great. So I would just

24 would like to express a lot of support for

25 streamlining the process to fast-track housing in

1 every neighborhood. Builder's remedy is probably a

2 great tool for balancing the member deference issue

3 where, potentially, we could implement a mechanism

4 where councilmembers who are using a member deference

5 as a blockage to housing to, kind of, give them to

6 stick that the builder's remedy could provide.

7   I would also recommend and support that

8 the -- you think about Landmarks Preservation

9 Committee to be advisory in nature as opposed to being

10 a veto when it comes to housing matters. If not, then

11 they must consider housing matters in the

12 consideration of their decision-making process.

13   I do recall South Seaport being an

14 example of where pretty petty aesthetic considerations

15 were being overrated. Too much emphasis on petty

16 aesthetics over the real need for housing in the city.

17 Yeah. And I would cede the rest of my time and -- but

18 just generally just fast-track housing. We really

19 need it. And yeah.

20   MR. BUERY: Thank you so much. Are

21 there any questions? Next Maria Danzilo.

22   MS. DANZILO: Hi. Good evening. Thank

23 you, Commissioner. Thank you, Chair and members of

24 the commission for your service, and thank you so much

25 for staying so late tonight.

1   I'm executive director of One City

2   Rising, a nonpartisan good government grassroots

3   group. We actually are grassroots. We do not accept

4   any money from special interest groups. We are fully

5   funded by our members. We have several thousand

6   members citywide.

7   I'm a lifelong New Yorker, an attorney

8   and a mother of three who raised my three children

9   here in New York City. And I'm deeply committed to a

10   positive future for our city so that it is a thriving

11   place for my children and future generations. One

12   City Rising members include people from both political

13   parties -- we're not a political club -- as well as

14   many independents.

15   We believe in listening to each other

16   respectfully, and we look for common ground on what is

17   needed to improve government in New York City. Our

18   members hold a wide range of political views, and we

19   view a successful meeting -- and we have many

20   meetings -- as where no one actually kicks a chair or

21   runs out of the room and threatens to quit our group.

22   We disagree on many things, but there

23   is one issue where our members are clear and that is

24   the need for electoral reform and, specifically, the

25   need to franchise every voter, including the one

1 million independent voters in New York City through

2 Open Primaries.

3   Twenty-three of the thirty largest

4 cities in the country have opened primaries. It is a

5 clear and undisputed fact that leaders are elected in

6 the primaries. Yet New York City primaries have,

7 perhaps, the lowest or among the lowest voter turnouts

8 anywhere in the whole country.

9   It is clear and glaring problem, and we

10 appreciate that this commission has been taking a

11 serious look at this issue and, hopefully, will make a

12 recommendation to finally open our primaries. We have

13 five million voters in New York City, and we're

14 looking at turnout under 10 percent, which means the

15 vast majority of New Yorkers are not the ones who are

16 electing our leaders.

17   This is not representative democracy,

18 and it is a crisis. Open primaries will fix this by,

19 first, franchising the million independent voters and,

20 second, allowing every voter to participate in crucial

21 primaries regardless of their party affiliation. In

22 cities that have open primaries, voter turnout has

23 significantly improved because people participate when

24 they feel they have a voice.

25   We can't continue to just ask people to

1 register in the party that has the power in a

2 particular district. It's just not fair to them.

3 There are positions that one or the other party might

4 take that might prevent someone in good conscience

5 from joining that party.

6   We don't ask people to switch their

7 religious affiliations. We shouldn't ask them to

8 switch their party affiliations. We believe that open

9 primaries will inspire and motivate people to vote in

10 general elections where turnout in New York City is

11 also abysmally low.

12   For example, in the 2024 general

13 election, which was a presidential year, New York City

14 was 49 out of 50 states in low voter turnout. New

15 York voters need to be given a reason to vote and we

16 can do that --

17   MR. BUERY: All right. Ms. Danzilo --

18 time.

19   MS. DANZILO: Yeah. Sure. May I

20 please have another 30 seconds?

21   MR. BUERY: Sure.

22   MS. DANZILO: Thank you. New Yorkers

23 need to be given a reason to vote, and we can do that

24 by doing what every other large city has done. Let me

25 also mention that voters vote with their feet. We

1   have a city and state that is losing our tax base and

2   the fast -- at the fastest rate in the country and a

3   city with the highest tax rate and highest inflation

4   in the country. Open primaries will make it possible

5   for every New Yorker to have a say in who is going to

6   lead us out of this.

7   One other issue I just want to mention

8   is that the primaries are held at the end of June,

9   which is a very hard time for many families in New

10   York City. And we would also, respectfully, ask the

11   commission to consider moving the primary date to

12   either before Memorial Day or after Labor Day. Thank

13   you for your time.

14   MR. BUERY: Thank you so much. Any

15   questions? Next is Frampton Tolbert.

16   MR. TOLBERT: Good evening,

17   Commissioners. I'm Frampton Tolbert, the executive

18   director of the Historic Districts Council. HDC is

19   the citywide advocate for New York's historic

20   neighborhoods, and we represent a constituency of more

21   than 500 community partner organizations to help them

22   preserve the places that matter to them.

23   Part of the Charter Commission's role

24   is to review existing land use processes and propose

25   changes. We strongly support new housing and believe

1   that preservation should be seen as a tool to make

2   that happen, especially through adaptive reuse

3   projects and contextual development. We cannot build

4   ourselves out of this problem.

5   As Dan Gronik [ph] has said, 90 percent

6   of buildings that will exist in 2025 already exist, so

7   we need to incentivize their reviews for housing,

8   especially affordable housing. We do understand that

9   the commission may make changes to the -- propose

10   changes to the ULURP process.

11   We oppose any plan that would diminish

12   or eliminate public participation efforts to shut out

13   the public out of the process that shapes their lives

14   and opportunities, follows a dangerous local and

15   national trend of dismantling civic structures and

16   perpetuating the idea that only the wealthy and

17   connected can or should make decisions for us.

18   HDC is a longtime proponent of public

19   processes. For more than 50 years, we have reviewed

20   all major applications to the Landmarks Commission

21   because we believe community input makes our city

22   stronger. We have seen time and time again how public

23   testimony has added vital information to the public

24   record and helped shape these projects into better

25   versions of themselves.

 1   We also say -- I'll just lastly say, we

 2   believe that there may need to be an improvement to

 3   ULURP process so that small time developers and

 4   property owners can create projects and more housing

 5   in a process that mostly benefits now large developers

 6   who have the time and resources to fund these projects

 7   and timelines. But the solution is not to stifle

 8   community participation. Thank you.

 9   MR. BUERY: Thank you so much for your

10   testimony.

11   Any questions? All right. Next is

12   Melanie Wesslock.

13   MS. WESSLOCK: Hi. Good evening. Can

14   you hear me?

15   MR. BUERY: Yes, we can. Thank you.

16   MS. WESSLOCK: Okay. Great. Thank you

17   for the opportunity to speak. My name is Melanie

18   Wesslock. I am a lifelong New Yorker, a parent, and a

19   small business owner. I'm also a proud member of One

20   City Rising, a grassroots organization of bipartisan

21   New Yorkers throughout New York City, and we're

22   working to support common sense policies.

23   I'm here to speak about my support of

24   getting open primaries on the ballot. Open primaries

25   are a system where -- it's a system where voters are

1   required to be affiliated with the political party to

2   participate in primary elections.

3   As Maria mentioned, I believe that they

4   are especially important in a diverse and politically

5   dynamic city like New York, and it would create a more

6   inclusive and democratic electoral process. Here in

7   New York City, many registered voters identify as

8   independents, and under the current closed primary

9   system, these voters are excluded from helping to

10   choose the candidates in a major party primary.

11   And these primaries often determine the

12   eventual winner in a heavily one-party district.

13   Currently, voter turnout in New York is really

14   shameful. It's like 10 percent. Allowing all voters

15   to participate in primaries can lead to higher voter

16   turnout and greater civic engagement.

17   Often primaries are encouraged. Open

18   primaries would encourage candidates to appeal to

19   broader range of constituents rather than just

20   catering to their own party's base.

21   Candidates would then have to consider

22   the perspectives and priorities of all voters. This

23   could result in a more moderate and consensus-driven

24   leader, and they would be better equipped to govern a

25   diverse and complexity like New York.

1   As a business owner, I have a personal

2   stake in the success of our city, which depends on

3   proper representation. Open primaries would foster an

4   environment where independent voters would finally

5   have a voice. Open primaries promote fairness and

6   transparency. They empower voters rather than

7   parties.

8   In a city like New York, embracing open

9   primaries would be a step toward a more equitable

10   democracy instead of a one-party rule. In conclusion,

11   open primaries would lead to a greater voter

12   participation, to more balanced representation, and a

13   more robust democratic process.

14   New York City is one of the few major

15   cities not to have open primaries. We pride ourselves

16   in being a leader and an example of a great city.

17   It's time our primaries live up to this expectation.

18   Thank you so much for the time tonight, and I know

19   it's a late evening, so thank you very much.

20   MR. BUERY: Thank you for your

21   testimony. I appreciate it.

22   Any questions? Finally, Michael Lewyn.

23   MR. LEWYN: Hi. I'd like to thank you

24   for your service tonight, first of all. I'm a law

25   professor at Touro Law School. I live in Midtown.

1   I'm a member of Open New York, but I don't really -- I

2   don't speak for them. And I don't get warrant that

3   they would necessarily agree with everything that I'm

4   about to say.

5   First of all, I would like to endorse

6   Annemarie's call -- Gray's call for fast-tracking

7   housing, especially affordable housing, especially in

8   areas that haven't been adding much housing. But

9   really the best thing about being able to testify late

10   in the meeting is that, instead of just reiterating

11   what other people have said, a person can respond to

12   things that other people have said, which I actually

13   think is more interesting.

14   So one argument that seems to be used

15   against streamlining is this concern that well,

16   builders are just going to tear down -- have to tear

17   down existing units to build new housing. And the --

18   I don't really find that argument that persuasive.

19   And the reason is, it seems to me that

20   when new housing is proportional on vacant lots, it

21   gets the same type and maybe even the same volume as

22   community resistant -- of community -- "community

23   resistance" that tearing down older housing does.

24   So for example, there is a development

25   at 250 Water Street that's been taken years to -- it

1   was on a vacant lot. It's taken -- but it's still

2   taken years to litigate because there's been this kind

3   of "community opposition."

4   Another argument as well, it's much

5   more important to have "more community input" than to

6   have new housing. But I'm a little skeptical of that

7   argument for two reasons. First of all, the people

8   who testify in these kind of meetings aren't

9   necessarily representative in the public.

10   There's actually been a lot of research

11   saying the people who testify in zoning relating

12   meetings tend to be very unrepresented. The public,

13   they're older. They're wider. They're more likely to

14   be homeowners. I think there's a book -- I forget who

15   wrote -- I think there's a book called Neighborhood

16   Defenders by Katherine Einstein that goes to a lot of

17   detail about this.

18   And second, sort of community input

19   creates a, sort of, individual rationality, collective

20   irrationality situation as to say, it may be rational

21   for each individual neighborhood to exclude housing

22   for a variety of reasons, but it's still not rational

23   for the city as a whole.

24   Someone else mentioned concerns about

25   infrastructure. I just say given New York's high

1   taxes, if new infrastructure create a new or -- let me

2   rephrase that. If new tax -- more taxes and more

3   government spending led to more housing, we would be

4   building housing at a faster pace than low tax states,

5   which, of course, is, sort of, the opposite of

6   reality. So on that note, thank you for your time.

7   MR. BUERY: Thank you so much for your

8   testimony.

9   With that, I believe we are included --

10   concluded. The next public hearing of the commission

11   will be in Brooklyn on May 19th. If I could have a

12   motion to adjourn.

13   UNIDENTIFIED SPEAKER 13: So move.

14   UNIDENTIFIED SPEAKER 14: So move.

15   MR. BUERY: Some of us have moved with

16   their feet. Is there a second?

17   UNIDENTIFIED SPEAKER 15: Second.

18   UNIDENTIFIED SPEAKER 16: Second.

19   MR. BUERY: All in favor?

20   MULTIPLE SPEAKERS: Aye.

21   MR. BUERY: So the next -- all right.

22   We are adjourned. The next meeting will be at Medgar

23   Evers College in Founders Auditorium at 1650 Bedford

24   Avenue in Brooklyn. And we almost made it to the end.

25   //

1   (Whereupon, at 9:07 p.m., the

2   proceeding was concluded.)

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1   CERTIFICATE

2   I, PAUL GRASSO, the officer before whom the

3   foregoing proceedings were taken, do hereby certify

4   that any witness(es) in the foregoing proceedings,

5   prior to testifying, were duly sworn; that the

6   proceedings were recorded by me and thereafter reduced

7   to typewriting by a qualified transcriptionist; that

8   said digital audio recording of said proceedings are a

9   true and accurate record to the best of my knowledge,

10   skills, and ability; that I am neither counsel for,

11   related to, nor employed by any of the parties to the

12   action in which this was taken; and, further, that I

13   am not a relative or employee of any counsel or

14   attorney employed by the parties hereto, nor

15   financially or otherwise interested in the outcome of

16   this action.

17

18   PAUL GRASSO

19   Notary Public in and for the

20   State of New York

21

22

23

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25

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7   ability; that I am neither counsel for, related to,

8   nor employed by any of the parties to the action in

9   which this was taken; and, further, that I am not a

10   relative or employee of any counsel or attorney

11   employed by the parties hereto, nor financially or

12   otherwise interested in the outcome of this action.

13

14   *Bethany Joy Davis*

15   BETHANY JOY DAVIS

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0	199:17	**2,300** 31:21	**2025** 1:5 193:6

0.9 107:21

1

1 9:2 165:7,15
  168:13
1,057 116:24
1,500 149:3
  173:10,16
10 57:13,14
  146:21 160:17
  173:15 190:14
  195:14
100 31:8 90:6
  155:18
10013 1:11
11 160:19,23
111 13:15
12 6:8 22:18,19
  85:11 167:5
  176:11
12,000 121:21
12,698 117:4
120,000 11:4
13 87:18
  199:13
13th 65:25
14 165:3
  199:14
146,000 164:1
15 27:9 104:8
  117:10 163:21
  173:20 176:5
  178:17 180:22

199:17
150,000 173:13
155,000 169:24
16 25:1 68:25
  69:1 134:14,15
  199:18
160 80:15
1650 199:23
17 166:16
175,000 87:18
179,355 127:18
18 9:22 12:5
  27:10 49:8
180,000 116:6
  124:9 127:20
185 1:10
195 12:5
1975 74:21
1981 162:6
1985 113:22
1989 75:6
  77:18
1994 173:12
19th 199:11

2

2 29:25 51:13
  116:6,18
  122:11 124:10
  126:19 165:10
  166:1 168:13
2,000 12:17
  31:21 149:6

2,300 31:21
20 13:20 39:16
  61:8 122:11
  124:8 135:17
  135:22 140:3
  146:14 178:17
20,000 22:2
  91:14 126:14
  132:8,16
200 126:14
  152:6,6
2000 116:5,18
  122:10
2007 176:12
2009 68:23
2010 51:25
  173:9
2012 117:6
  121:22
2014 134:21
2018 110:23
202 175:24
2020 102:13
  105:4 116:5,19
  122:10 176:13
2021 115:14
  116:7 152:2,15
2022 11:2
  13:15,16,25
2023 13:20
  113:18 134:22
2024 116:15,16
  116:23 117:5
  146:20 191:12

2025 1:5 193:6
21 104:11
  107:20 108:11
  176:6
23 1:5 27:10
25,000 126:23
250 51:15
  152:7 197:25
25488 201:17
26 178:20
29,000 11:4

3

3 60:25 165:12
  165:12 166:10
3,000 101:21
  152:4
30 53:9 57:12
  111:2 117:10
  121:9 123:4
  132:5 135:18
  152:10 165:17
  168:24 176:7
  191:20
304 163:20
31st 30:8
321 176:5
32993 202:14
32bj 87:16,16
  87:22
339 50:23
  60:20
35 151:14

350 50:18 60:21
37,466 176:12
38 175:24
39,490 127:17

4

4 57:4 67:22 127:7 175:23
40 135:22
400 133:9 136:5
400th 5:6
407 82:19
421 70:7
43 175:23
47 149:2
473,000 162:22
485 70:8
488 134:21
49 146:22 191:14
4th 8:24

5

5 47:19 100:2
5,000 21:22 23:12 173:14
5,500 23:12
50 32:2 33:17 42:21 68:19 191:14 193:19
500 12:6 22:1 192:21

50s 50:25
51 47:12,19
55 80:17
56 167:18
5:21 1:6

6

6 50:25 114:21 169:23,25 170:1,16,24
60 5:11 104:14 104:18 165:16
64 132:18,22 133:16

7

7 139:22
70 103:20 105:17
7215034 1:18
729 173:10
750 173:18
75th 175:24

8

8 8:10 140:13 140:17
8,000 126:25
8,500 152:3
80 121:8 127:25 135:11 135:12,13
80,000 80:17
82 152:3

83 110:24
890 116:25

9

9 104:8 160:14 160:21
90 90:25 91:2 91:11 166:15 193:5
90,000 97:12 126:20
90s 51:1
96th 176:5
97,000 163:19
9:07 200:1
9th 8:25

a

abdul 3:12 99:13 114:16 115:2
ability 15:18 18:23,24 25:20 54:2 66:18 69:4 78:7 86:2 97:3 147:16 148:3 201:10 202:7
able 17:7,9 21:18 31:22 33:5 34:6 36:21 37:4 41:12 46:25 49:22 88:3 101:24 112:11

121:13 123:19 126:1 141:13 142:18,20 153:19,25 156:18 170:16 184:6,10,16,17 185:2,13 197:9
abortion 93:7
above 138:13
absent 150:11 182:5
absolute 146:16
absolutely 36:9 48:7
abstentions 9:7
abuse 79:5
abysmally 191:11
accelerate 32:20
accept 137:3 189:3
acceptable 57:19
access 10:13 80:2,17,20 82:14 103:17 104:22 105:9 111:11,16,18 111:23 112:2,6 117:13,21 174:22

accessibility 81:21 163:2,7

accessible 79:23 82:13

accommodate 38:9

accomplish 145:10

accomplished 126:2

accordance 101:16

account 38:12 38:21 63:25 94:16

accountability 15:24 80:25 100:13 102:15 103:15,22 104:1,16,25 105:22 109:8 111:15 116:1 116:14,23 117:7,16 118:2 118:4 119:8 120:6,17,24 121:3,18 147:13 184:21

accountable 13:8 115:7 120:12

accurate 201:9 202:5

achieve 22:4 45:13 69:11 86:3 163:23

achieved 62:15 66:9

acknowledge... 82:22

acknowledging 24:25 95:25 96:6 134:14

acoustics 112:17

act 32:3 116:25 174:15

acted 148:15

acting 65:16 78:20

action 19:10 31:15 65:23 82:23 83:11 96:7 184:22 201:12,16 202:8,12

actions 66:7 75:9 80:15 85:10,15 90:22 91:2 149:14

actively 170:4

activities 27:21

actors 13:10 74:5

actual 69:15,19 148:6,17

actually 20:2,3 22:4 26:21 27:6 28:24 39:17 44:15 49:14 55:3,24 57:6 58:9 61:12 70:10 74:8 76:21 77:11 91:24 92:6 93:5,8,11 96:12,23,24 97:23 98:9,25 99:4 101:4,11 101:13,14 102:5 108:2,19 109:6,8,10 110:19 111:3 111:11 128:7,9 133:6 137:1,9 147:13 153:24 159:20 161:3,7 177:10 189:3 189:20 197:12 198:10

acute 164:12

ad 181:9

adams 52:2 144:7

adams's 147:12

adaptive 193:2

add 18:7 78:4 78:21 97:1 108:20 113:17 123:6 144:21

173:18 178:25

added 108:25 109:12 146:21 154:23 193:23

adding 86:8 92:4 108:8 153:12 197:8

addition 65:24

additional 12:9 35:14 38:9 65:1 66:12 91:14 108:21 108:22 163:20 168:25

additionally 91:11 173:12

address 12:7,12 32:6 38:8,10 44:5 66:13 71:15,22,23 90:4 92:16 93:3 147:3 150:10,17 170:10,16 180:12 184:25 185:6

addressed 96:17

addresses 163:12,25

addressing 82:21 96:23

adequately 144:13

adhere 70:13	**advocacy** 11:8	19:22 22:5	115:21 151:1
adhered 152:13	80:11 97:10	31:8,21 36:8	152:20
adjourn 199:12	129:13 133:22	57:9,16 66:14	**agency** 13:10
adjourned	141:1 162:4	66:16,19 67:15	19:25 35:4
199:22	168:14 170:22	67:19 68:7	41:2 49:6 54:3
adjust 159:2	180:22	76:5 83:6	54:9 111:7,13
adjustments	**advocate**	127:6,12,14,21	112:7 123:9
25:11	121:17 182:6	127:22 128:2,4	170:7
administered	192:19	129:1,12,17,23	**aggressive** 7:14
116:17 122:10	**advocating**	130:14,22,24	**ago** 5:11 22:18
124:10	82:18 123:8	131:2,4 132:19	22:19 38:17
administration	170:2,6 175:13	132:20 135:20	106:22 111:5
13:24 15:19	180:23	135:23,25	122:6,7 123:7
41:16,17 42:14	**aesthetic**	136:8 138:3	140:3
44:13 45:22	188:14	144:25 145:6,8	**agree** 5:17 23:1
49:10 52:2	**aesthetics**	146:25 149:4,5	32:13 48:6,7
81:17 122:14	188:16	149:17 150:19	52:13 76:6
138:8 145:5	**affect** 73:23,24	150:20 152:5	92:16 94:25
adopt 90:12	**affects** 81:18	153:9 155:14	98:22 161:17
93:22 126:1	**affiliated** 195:1	155:18,20	197:3
adopted 9:7	**affiliation**	170:2,4,6,21	**agreed** 152:15
91:9 126:4	190:21	172:11 173:5	159:7
181:5	**affiliations**	174:12 175:16	**agreeing** 111:2
advance 49:22	191:7,8	175:17,19,23	**agreement**
88:11 129:15	**affordability**	176:12 183:3,4	54:18 67:17
147:7 148:9	6:21 11:7 41:7	183:23 184:13	112:22,25
advancing	64:11 90:5	185:2,17 187:2	125:9 152:13
14:17 80:2	138:7 145:1	193:8 197:7	152:14
advice 13:25	176:23 177:8,9	**age** 178:22	**agreements**
54:18	181:25 183:2	**agencies** 20:20	149:13 153:14
advised 115:21	**affordable** 5:14	28:14 38:24	**agrees** 95:16
advisory	10:13 11:6	54:1,1,20	96:22
100:21 162:5	14:11 16:15	80:14 93:16	**ahead** 79:17
181:22 188:9	17:1 19:7,13	107:8,12	96:10

aimed 172:24
aiming 144:21
air 7:2
airbnb 132:13
airpods 178:17
airport 87:20
alarming
  175:17
albany 70:5
  148:15
albin 2:23
  186:15
alden 53:3
alex 2:22
  186:15
alexa 4:2 39:11
  68:13
aligned 89:21
  141:25
alike 10:22
alleged 121:24
alleging 117:5
alleviated
  31:23
allocation
  174:20 181:6
allocations
  14:22
allotment
  16:25
allotted 16:4
allow 10:3
  14:25 15:7
  67:8,23 74:15

89:15 104:25
  186:3
allowing 28:7
  32:16 42:20
  65:21 85:19
  103:9 131:1
  163:5 190:20
  195:14
allows 30:25
  96:13 106:11
  126:6
alluded 78:5
  106:2
alongside 11:21
  40:22 47:17
  90:1 184:23
alternative
  90:24
altogether
  90:21
alvin 53:3
amanda 4:11
  9:20 68:13
amazing 24:19
  24:20,21 26:1
  135:14
amend 118:9
amended 89:25
  91:6,10
amendment
  44:10
amendments
  88:16 95:8
  126:10

amenities
  11:23 172:19
american
  140:12,18
ami 132:3
amount 20:8
  22:5 39:1 46:4
  48:17,19 70:15
  148:8 158:4
  159:15 162:17
  186:4
amounts 17:6
analysis 101:20
  163:17
analyze 26:3
anchor 159:19
ancient 106:10
anger 40:15
angry 62:16
  63:21
anhd 89:22
  150:2 181:2
anita 2:4 6:11
annemarie 3:8
  139:19 145:16
  145:22 155:1
  158:8
annemarie's
  197:6
annie 4:5 79:15
  87:11 88:23
anniversary
  5:6 70:5

annual 173:19
annually
  163:20 173:11
answer 18:8
  46:13 47:4,14
  49:21 50:21
  52:16 55:12
  59:11 67:2
  107:25 108:6
  149:22 151:21
answerable
  47:4
answered 47:2
answering
  61:20 122:1,2
anthony 2:11
  6:12
anticipated
  18:18 111:7
anybody 51:8
  55:23 70:10
anyway 150:25
apartment
  175:20
apartments
  126:14,20,21
  127:2 135:11
  173:20,23
  176:22
apologies
  186:13
apologize
  139:17 140:19

apparent 143:22

appeal 69:23 124:20,23,24 125:4 195:18

appeals 66:17 85:7 125:2 130:25 142:16 142:18 159:21

appear 13:7 62:16

appearance 165:20

appetite 150:12

applaud 91:22

applause 63:22

applicable 77:22

applicant 170:15

applicants 170:7

application 17:16 26:24 30:20 51:21 52:20 86:9 142:21 170:12

applications 11:3,5 12:23 142:11,19 181:20 193:20

applied 104:19 115:11 173:11

apply 113:24 160:9 163:3 174:4

appoint 56:16 110:10,17 166:2,6

appointed 106:14

appointees 110:5 177:24

appointing 166:8

appointment 65:25 104:12 108:14,20 110:9,13,18 165:11

appointments 104:9,16 108:16

appreciate 16:3 18:12 21:8 26:13 29:18 37:8 39:8 43:13 50:8 60:14 67:5 79:12 86:16 99:10 125:14 139:15 161:24 167:3 169:15 190:10 196:21

appreciated 61:24 187:9

approach 6:17 38:20 39:5 72:14 77:10 81:3 130:17 161:5 175:14 180:24 181:9

appropriate 45:21,25,25 144:3,19 172:15

appropriately 45:14 70:19

appropriation 54:10,12

approval 13:18 14:2 22:11 32:4 91:4 130:13,21 147:7

approvals 147:16

approve 8:24 68:19 154:17 173:22

approved 11:3 13:1 22:20 24:7 31:19 34:1 35:22

april 1:5 8:25

aptly 75:1

arbiter 114:8

arbitration 125:9

architects 27:6

architectural 143:17

archived 8:22

area 11:16 12:16,16 35:16 56:19 57:2,13 57:20 59:6 81:6 92:19 127:15,16,17

areas 12:14 24:9,10,11 66:19 93:6 98:8,10 197:8

arena 73:19

arenas 74:2

argue 13:5

argument 197:14,18 198:4,7

arguments 113:14

arias 3:7

army 62:8

arrived 73:13

articulate 74:8

articulated 187:13

arts 83:16

aside 40:13

asked 27:1 36:2 138:10

asking 62:15 63:9 77:25

104:19 111:6
119:16 136:21
167:17 178:4
asl 140:15
aspect 52:14
aspects 156:16
assemblies
177:25 178:1
assembly 90:4
90:7,11,18,23
91:3 92:1 93:4
94:24 160:14
160:18,22,24
161:4
asserting 80:6
assessment
98:3
assessments
86:6
asset 162:19
assets 24:5 86:3
assist 181:19
assistance
80:11 180:23
assisted 80:3
associating
72:24
association
140:8,25
162:23
assume 47:11
assumes 71:1
assuming 47:7
95:15

attached 26:23
81:13 91:17
178:1
attempt 146:14
176:3
attend 7:2
182:14
attendees 2:2
attending 6:9
7:12
attention 35:17
176:24
attorney
174:22 189:7
201:14 202:10
attraction 46:7
audio 201:8
202:3
auditorium
199:23
auditoriums
61:18
austin 164:10
author 175:10
authored 126:6
126:16
authority 10:7
43:1 66:21
74:3 85:13,20
103:15 105:21
112:23 117:14
118:10 119:19
120:16 142:2

availability
81:20
available 68:8
115:4
avenue 149:1,8
149:15 150:1
155:18 156:13
199:24
avenues 32:7
average 122:16
122:17 173:9
173:14
averaged
167:23
aviles 4:2 39:11
39:12,15,21,23
44:9,21 45:3
48:10,14,25
50:6,9 68:14
77:15
avoiding 15:21
award 52:2
aware 97:4
133:18 165:16
172:10
awesome
127:11
aye 9:5 199:20

b

b 11:9 27:7
60:7
baby 42:18

back 64:22
100:1 126:15
126:15,21
132:9,17
136:17 137:16
138:14 146:6
146:22 156:1
159:2,17
173:25
backed 89:13
background
115:10
backlog 36:11
153:23
backstop
161:16
backup 110:15
bad 113:14
bag 35:3
balance 10:21
26:10 58:14
88:17 96:5
123:11 150:7
175:14
balanced 15:20
78:18 142:8
144:3 196:12
balances
144:16 157:19
balancing
24:12 169:10
187:10 188:2
ballot 91:13
104:3 194:24

bank 53:10	**bedrooms** 28:2	**benefits** 11:11	**bill** 82:19
banking 174:15	28:3 128:6,6	43:6 88:4	**billions** 11:9
bankoff 3:15	136:2	119:7 149:13	**bills** 23:8
169:18 172:1,2	**beds** 138:9,12	194:5	174:16
bargain 113:2	138:13	**benjamin** 3:24	**binary** 25:9,13
113:3,10 114:6	**beg** 76:23 77:2	125:15	**binding** 56:3
bargainable	**beginning** 29:4	**benjy** 3:2	105:21 125:9
113:6	115:17	145:20 162:1,4	**bipartisan**
bargaining	**begins** 52:20	**best** 5:22 8:8	194:20
112:22,24	**behalf** 46:15	10:20 20:21	**bit** 20:9 87:3
113:7,9 125:8	87:16 88:24	25:21 89:18	92:18 107:24
barnett 60:7	143:14 175:12	95:4 99:22	109:19 116:2,3
barriers 117:6	186:5	100:5 160:1	134:4 148:4
base 62:9 97:12	**beholden**	164:24 166:8	154:3
192:1 195:20	101:11	167:3 183:7	**black** 10:8
based 66:22	**believe** 37:18	197:9 201:9	31:14 40:12
68:16 69:6	49:7 54:18	202:6	184:9
129:14 136:13	55:1 58:8	**bethany** 202:2	**blasio** 51:10
136:15 143:15	61:10 108:17	202:15	138:8
144:6 156:24	108:21 141:4	**better** 17:20	**blind** 178:12,15
181:3	142:12 143:20	20:17 25:14	**block** 25:15
baseline 161:15	150:2,6 151:2	32:9 41:10	30:22 36:21
basic 38:7	151:7 168:9	69:22 131:18	40:6 77:1
basically 27:22	172:12 189:15	142:24 145:2	127:14 132:4
75:7 96:13	191:8 192:25	162:8 171:7,12	138:11 146:16
152:11 156:10	193:21 194:2	193:24 195:24	147:17 148:3
basis 142:19	195:3 199:9	**beyond** 11:8	**blockage** 188:5
152:17	**believes** 87:22	31:19	**blocking** 76:25
bath 42:19	**ben** 114:17	**bias** 118:19,19	**blocks** 30:24
battery 53:21	**benefit** 26:22	**big** 60:8 92:23	152:3
bay 170:12	49:23 50:2	97:2 126:1	**blunt** 49:23
beautiful 56:23	153:14 156:13	159:9	**board** 29:3,6
bedford 199:23	166:8	**biggest** 157:4	54:5 55:18
			56:2,5,15 57:4

57:7 58:22
59:2,24 63:21
66:17 75:1
85:9 103:4
104:9,11,18
106:18,19,21
106:22 109:24
110:2 113:19
120:16 130:24
131:15 137:12
137:16 138:17
138:18,19
151:4 159:22
165:3,5,11
166:3,4,9,19
167:10,24
168:10 169:23
170:1,16 173:9
177:20 182:14
182:19 185:3
board's 104:10
105:18
boards 18:4
29:5 52:19,21
55:14,22 61:16
85:2 90:19
94:1,10,14
150:24 161:10
165:16,19
167:12,18,19
168:5,8 171:4
171:18 177:17
177:23 181:17
182:10

bodies 44:15
98:16,17
body 6:19 15:2
17:23 21:15
41:18 65:13
72:13 74:14
75:8,8 93:9
94:6 97:5
100:21 105:6
111:18 124:12
124:13 144:7
145:5
bog 98:24
bold 10:1 80:22
82:24 126:1
bonding 20:7
20:25 76:11
bonea 53:3
bonilla 2:8 6:11
book 61:22
198:14,15
books 175:10
boost 89:11
borough 5:24
13:9 39:25
44:14 51:22,22
56:16 58:11,15
58:23 59:1,10
59:12,14,19,22
61:19 85:3,6,9
90:19 108:15
108:16 131:14
131:16,20,21
138:18 151:4,5

157:19 161:10
165:5,17,21
166:2,4,5,20,21
177:19
boroughs 47:19
56:20 97:13
119:2
boroughwide
54:12 74:7,20
77:10 130:17
bottleneck
12:22 34:6
bottlenecks
32:6 35:2 76:9
bottom 28:22
bought 135:17
bound 6:4
box 60:9
bozorg 2:10
6:11 24:17
35:25 95:10,13
95:20,22
133:20 136:19
137:18 138:20
139:10 153:4
158:7
brad 88:24
89:3,18
brad's 89:14
branches 15:22
brand 11:21
127:25
brandes 175:7

bread 179:18
break 22:3,22
breathe 7:3
brendan 3:18
114:18 125:16
129:9 133:21
brewer 4:9
47:14 50:11,17
50:22,24 55:8
55:20 56:8,12
57:1,22,25
58:3,6,8,12,19
60:15,18 68:14
140:2,6,23
brewer's
138:18
brief 52:19
146:23
briefing 53:1
briefly 14:19
bring 11:18,22
12:3 49:23
56:24 75:13
91:1 92:15
134:6 163:18
bringing 42:16
152:3 163:19
britny 3:14
79:12
broad 129:14
broader 65:20
69:23 72:14
74:8 75:3 86:3
104:13 108:17

117:23 181:12
195:19
broadest 5:21
broadway 1:10
broken 121:2
broker 30:25
31:22
bronx 9:23
10:13 11:15,18
129:20 179:8
brooklyn 39:18
39:25 100:3
140:2 165:3
199:11,24
brooklynite
39:17 168:23
brooks 4:10
29:24 30:2,6,8
33:15 34:24
37:8 39:9
brought 26:15
brown 10:8
40:12
brownfields
70:18
brownstones
127:24
bsa 66:21 67:8
budget 15:14
34:21 35:11
53:25 153:18
153:19 154:1
budgetary
14:21

budgets 54:8
buery 1:4 2:3
5:2,5 9:3,6,17
12:10 16:6
18:11 21:6
29:17,21 30:4
32:23 39:6,10
39:14,19,22
43:10 50:7,10
50:13,15 55:6
55:9 60:13,17
60:20 61:1
64:16 67:4
71:9,11 75:17
77:12 79:11
82:6 83:12
86:14,16 87:7
87:10 88:25
91:21 95:21
97:15,20 98:13
99:9,23 102:18
105:24 109:15
111:16,24
112:14 114:13
114:16 121:5
123:13 124:6
124:16 125:3
125:12 128:14
139:11,15
140:10,18
160:8,16,20
161:20 164:24
167:2,7 169:14
169:17 174:25

179:13,16,20
183:11,15
186:10 187:18
187:21 188:20
191:17,21
192:14 194:9
194:15 196:20
199:7,15,19,21
bug 75:10
build 18:6
24:10,15 27:6
41:10 48:3,4
49:15 62:3,8
63:1 64:9,21
70:17 88:18
89:12 92:12
93:18,21 95:19
97:9 119:5
128:9 134:10
138:9 142:4
146:4,14
153:25 155:18
155:19 162:24
164:15 174:2
176:16 183:24
193:3 197:17
builder 158:9
builder's 188:1
188:6
builders 148:14
197:16
building 5:13
13:17 14:1
16:25 17:5,19

22:25,25 27:14
38:22 45:13
46:5 48:12
57:10,12,15
59:6 62:5
67:25 70:19
71:4 87:21
99:5 128:1,11
131:7 135:18
135:18 137:23
151:17 153:13
154:7 174:1,8
176:17 199:4
buildings 27:14
28:20 53:12
57:14 68:24
127:23 132:25
133:8 135:7,9
173:10,22,23
175:21,21
193:6
builds 32:19
built 13:16
24:22 46:7
57:9 60:5
61:11 96:14
134:1,21 135:2
135:7 136:22
149:3 153:9
162:18
bumper 62:25
bunch 23:13
124:2

burden 23:17 23:21 83:5 156:11	**called** 53:17 61:22 132:15 146:23 148:14 177:8 198:15	**careful** 144:2	**categories** 85:11,17
bureau 142:17		**carefully** 183:1	**category** 67:15
bureaucracies 143:22	**calling** 119:18	**caring** 178:23	**catering** 195:20
buried 98:19	**calls** 81:2	**carl** 2:5 6:13 52:17	**cause** 102:23
bus 163:4,21	**cam** 105:6 111:18 124:12 124:13	**carnegie** 186:19	**cba** 153:14
business 46:8 132:5 194:19 196:1		**carrots** 45:18	**ccrb** 100:15,20 101:2,14,24 103:5,7,12,21 103:23 104:8 104:21 105:2,5 105:14,21 107:10 109:17 110:8,20,21,25 111:17 112:8 112:11 113:12 115:5,6,9 116:15,16,20 116:23 117:4 117:15,20 118:3,9 119:18 119:19 120:13 120:22 121:8 122:6 123:6 124:21
	campaign 99:17 102:21 115:4 172:4,6 172:7 174:14 175:12	**carry** 103:12	
businesses 10:22		**carrying** 122:22	
butler 3:21 79:13 83:14,15 86:15 87:9	**candidate** 88:25	**carve** 75:25 76:7,12	
	candidates 195:10,18,21	**case** 36:10 38:5 64:6 71:3 105:1 113:6,18 113:24 114:7 122:16 123:3 157:20	
buy 29:14 92:6 92:11,20 127:2	**capable** 118:3 122:1		
buying 127:8	**capacity** 17:13 20:7,24 28:15 34:19 65:16 76:11 157:1	**cases** 103:20 105:7 116:18 116:24 118:10 119:20,25 122:5,11 124:10 144:25 181:19	
bypassed 85:12			**ccrb's** 105:12 118:19
bypassing 110:11			**cecs** 18:4
c	**capital** 12:19 14:22 18:25 97:24 174:9		**cede** 188:17
c 2:1 3:1 4:1 5:1 27:7 60:7		**cassandra** 3:11 87:12 99:12 102:20	**celebrates** 5:6 143:16
cabinets 53:21	**captured** 180:7		**celeste** 2:21
cafes 53:20	**car** 162:16 164:9,15	**cassie** 108:5 114:4	**cementing** 163:15
cafeterias 61:19	**care** 40:19	**catastrophic** 22:1	
call 7:16 39:10 122:15 180:8 197:6,6	**career** 114:25 119:4 175:9		

census 127:14
132:4
center 27:24
28:21 61:18
76:25 79:20
86:20 179:25
180:1,20
183:22
centers 11:12
15:13 180:17
central 10:15
51:1 52:4
centralization
186:25
centralize 13:7
centralized
109:11
centric 162:16
164:9,15
ceo 183:21
ceqr 13:21
certain 18:17
38:7 45:13
47:22,22 49:15
63:4 67:8
70:13 75:25
76:2,4 78:9
96:2 124:7
168:8 172:16
certainly 40:1
41:20 42:5,10
46:18 48:21
69:8,9 70:17
150:2 154:14

certificate
174:16 201:1
202:1
certification
12:23 13:22
18:22 22:11
29:13 32:3
69:3,13 85:1
86:9
certify 201:3
202:2
cesar 3:5
145:19 161:25
165:1,2 167:6
167:15 169:2,7
169:16
cetera 33:14
chain 154:13
chair 2:3,12 5:5
6:10 51:1
64:16 88:25
100:3 104:20
110:10,17,19
128:25 167:20
169:23 183:17
188:23 189:20
chair's 117:21
chairperson
165:3
chairs 104:15
challenge 6:19
36:3,13
challenges 7:5
10:20 15:4

35:6 37:20
38:8 62:2
66:13 68:14
94:21 153:13
169:10
challenging
60:8 80:4
161:2
championed
89:19
chance 16:24
148:20
change 15:1
25:21 49:13
61:10 63:12
67:1,2 70:21
72:11 85:4,18
101:13 109:25
120:9 121:10
122:2 123:16
124:3 127:9
142:15 143:24
157:1 158:18
185:11,14
changed 24:6
64:15
changes 5:16
5:18,18 10:2
14:1,2 22:10
25:18 39:18,24
41:8 59:1,2,3
82:25 104:4
110:1 116:8,15
123:17,17,23

126:1 130:6
131:23 144:3
171:13 192:25
193:9,10
changing 41:9
130:4
character
66:23 144:17
charge 120:18
186:3
charged 144:9
charitable
156:16
charter 1:1 5:4
5:7,12,16,19
6:16 7:7 8:3,14
10:2,6 14:3,13
15:1 21:14,14
22:14 51:12,20
53:11 64:24
70:21 71:15
75:6 77:18
80:22 81:10,16
82:2,9 88:16
89:4,24 90:24
91:5,10 100:17
100:18 103:3
108:3 113:3,4
114:1,11,12
118:1,9 125:20
125:24,25
126:3,10
127:10 134:7
146:24 148:16

151:10 162:3
163:1 166:2
171:23 178:25
179:23 180:11
180:15 186:2
192:23

charter's 6:17

charters 52:23

chartertestim...
8:17,18

chasing 46:14
46:18,19
165:13

chat 8:6

check 15:19
65:18,18
125:10

checks 144:15

cheers 28:16

cheney 3:18
114:18 125:16
129:8,9 139:7

chicago 107:6
111:21,24
112:1

chicago's 112:3

chief 10:4
100:19 101:12
102:3,5 106:12
106:19 110:4
113:5 114:8

childcare 11:12

children 189:8
189:11

children's
179:7

choice 45:8
50:24

choose 102:14
106:23 107:2
177:24 195:10

chr 81:22

christie 2:20
183:13

christine 51:25

chronically
61:17

church 138:11
138:13

circle 48:1

circuit 75:6
187:3

circumstances
66:4

circus 179:18

cite 91:25

cities 83:2
86:10 92:11
102:1,1 164:9
177:14 190:4
190:22 196:15

citing 117:1

citizens 55:2
64:19 90:4,7
90:18,23 91:3
92:1 93:4
94:23 160:19
160:21,24

161:4 162:5
177:25

city 5:9,11,14
6:4,20 9:22,25
10:5 11:17
12:6 14:16,25
15:1,3 16:14
16:23 17:3
18:7 19:17
20:7 21:1,16
21:24 24:1,5
24:20,21 25:16
30:7,12,18
31:13 33:11,12
35:8 37:23
38:18 41:1,11
42:3,17 44:25
45:8,10,11,14
45:21 46:7,15
46:24 47:12,17
47:17 48:22
49:2 50:18,23
50:24 52:7,18
53:2,10,17
54:16 59:3,9
59:15,20 60:11
61:24 65:7,10
65:21 66:1
68:1 70:6,12
70:12 73:20,23
73:24 75:7
76:22 77:9
79:25 80:20
81:15,16 82:2

82:9,18,20
83:1 84:13
85:5,8,12,14,24
86:12,13 87:6
88:1,2,24
89:15,19 90:20
90:22 91:13
93:16 94:17,17
94:21 97:14,23
98:2,17 99:21
100:10,16
101:17 102:20
103:3,22
104:17 107:11
108:15,16,20
109:1 112:9
113:2,10,17,21
113:23,25
114:1,3,7,11
115:14,16
118:9,13,23
125:21 126:25
128:5,24
129:15,24,25
130:5,10 131:2
131:5,11 132:2
132:19 133:23
134:5,17 135:4
135:6,14,23
136:16 137:2
137:13 141:18
141:23 142:5
142:22 143:4
144:5,10,16,21

146:1,15,25	196:2,8,14,16	**civic** 14:22	**clock** 91:1
147:21,22	198:23	151:14 193:15	148:6,11 151:2
149:7,24 150:3	**city's** 5:7 15:25	195:16	**close** 47:24
150:15,21	40:13 80:24	**civil** 79:21	132:5 140:3
151:3,8,9,14	86:1 87:22	**civilian** 103:4,8	163:6
152:13,15,15	88:9 89:5,9,11	107:3,5 120:14	**closed** 195:8
152:21,23	89:23 90:14	**civilians** 106:25	**closely** 11:23
155:9 159:5,9	96:21 97:24,25	107:3	42:11 119:10
163:10,18	118:16 131:7	**claims** 12:21	170:7
164:1,6,11,18	145:1 149:11	178:8,9	**closer** 47:1
164:19,21,22	153:18 162:19	**clarify** 73:11	**closest** 10:17
164:23 165:24	162:21 171:17	**clarity** 187:15	30:17 48:6
165:25 166:1	174:18 180:11	**class** 13:14	**closing** 20:25
167:21 168:9	180:13 181:4	30:14 40:12,25	34:4 35:24
168:18 170:13	**citycharter.n...**	173:10,10	69:5 120:24
170:15,22	8:17,18	183:24	**closings** 20:8
171:5 172:5,17	**citywide** 16:10	**classes** 9:13	20:10
172:17 173:7	18:15 19:16	79:6,10	**clothing** 164:24
174:4 175:12	25:23 26:11	**clear** 30:11	**club** 189:13
175:20,22	31:1 37:16	92:9 98:22	**coalition** 81:1,5
177:19 178:2,2	65:13,15 71:24	100:18 103:25	81:11,12 83:19
178:14 179:4	72:14 74:7,19	114:8 115:5	89:23 129:14
180:3,5,6,15,16	75:1,7 77:10	119:16,24	149:9 150:2
180:25 181:5,8	92:12,17,21	120:16 189:23	180:21 184:4
181:23 182:10	118:24 130:17	190:5,9	**coalition's**
182:11,17,20	137:21 141:8	**clearer** 93:20	83:17
183:22 186:3,5	142:9 146:12	**clearly** 68:2,5	**coastal** 38:1
188:16 189:1,9	150:9 152:24	92:20 112:4	**codes** 81:16
189:10,12,17	157:19 163:9	**click** 8:3	**coherent**
190:1,6,13	163:12,24	**climate** 15:4	181:14
191:10,13,24	164:9 180:21	86:4 147:8	**cohesion** 40:5
192:1,3,10	184:5,19,25	180:17 185:7	**cold** 166:24
193:21 194:20	185:5,5 187:11	185:10,10,14	**collaboration**
194:21 195:5,7	189:6 192:19		170:9,14

colleague 30:19
  116:25 117:22
colleagues
  19:20 21:18
  31:6 33:16
  37:4 41:13
  42:7 52:14
  116:1 135:4
collective
  198:19
college 199:23
color 30:14
  36:20 83:4
colorado 179:1
comb 42:20
combination
  64:4
combined
  146:22 184:16
combining
  136:4 166:3
come 9:12
  23:19 28:19,20
  28:20,21,21
  29:2,16 34:7
  37:11 38:3
  47:21 54:17
  64:2 69:5
  96:16 137:16
  140:23 148:4
  187:3
comes 16:18
  17:16 19:19
  23:18 30:21

45:5 113:13
  142:11 168:20
  188:10
comfortable
  124:19
coming 20:3
  26:20,22 34:8
  47:7 79:13
  134:24 145:18
  155:5 172:5
  178:12,14
commend
  120:4 143:2
comment 90:25
  94:12
comments 42:2
commercial
  28:22 87:19
  175:23,25
commiserating
  40:1
commission 1:1
  5:4 6:3,16 7:20
  8:15 21:8
  22:14 32:18
  35:15 51:7,10
  51:11 54:6,19
  61:7 64:8,22
  65:3,22 66:1,9
  66:10 70:21
  80:22 88:16
  89:1 90:22
  91:12 106:11
  118:1,9 123:22

125:11,20,24
  131:11 141:4
  141:24 142:24
  143:8 144:8,14
  147:21 148:16
  149:7 150:16
  162:3 163:1
  171:23 172:8
  175:11 176:20
  179:24 180:8
  180:14 182:9
  182:21 188:24
  190:10 192:11
  193:9,20
  199:10
commission's
  82:17 88:17
  89:7 192:23
commissioner
  103:18 105:16
  109:16 110:24
  111:1 120:4
  121:7,11,14
  122:3,7,9,13,21
  123:25 145:13
  185:21 188:23
commissioner's
  112:23 116:13
  122:21,25
commissioners
  5:20 6:9 7:20
  8:23 9:20
  60:23 64:17
  79:18 89:1

100:25 109:21
  114:19 117:12
  120:9 123:5
  126:9 137:25
  179:22 183:17
  192:17
commissions
  54:25 58:3
  106:14
commitment
  43:7 119:13
  120:1 174:19
  184:22
commitments
  152:5
committed 5:20
  49:11 79:21
  102:22 152:13
  170:22 189:9
committee 51:2
  51:19 149:1,8
  149:15 150:1
  155:18 156:13
  162:5 188:9
committees
  29:4
common
  144:11 148:12
  189:16 194:22
communicate
  18:1
communicating
  20:13

communities	25:20,22 26:10	156:24 161:9	**competing**
10:3,9,12 11:1	26:21 27:2,12	163:25 165:3,5	48:22 171:15
11:15 13:14	27:15,20,24	165:8,11,16,19	**complaint**
14:14,20 18:2	28:21 29:2,3,5	166:2,4,9,13,19	103:4 123:18
18:10 23:11,21	29:6,16 31:6	167:10,12,18	**complaints**
24:13 29:14	31:23 32:17,21	167:19,22,24	80:5 81:23
30:14,20,24	33:13,21 36:5	168:5,7,10	103:10,10
32:8 33:12	36:7 37:2,19	169:23,24	106:6 107:15
36:19,19,20	38:1,13,14,19	170:1,10,16,19	116:6 117:5
38:6 40:7,16	39:2 42:22	170:24 171:4	121:20,22
40:17 42:21	43:5,8 46:2,6	171:18,23	124:9
43:3,14,15,16	47:20 48:7,17	172:3 174:7,11	**complete**
44:1 49:23	48:18 49:16	174:15 176:11	105:11
79:23 81:1,5	52:19,21 55:14	177:16,19,23	**completed**
81:11,12 83:4	55:18,22 56:2	179:25 180:1,4	44:23
83:17 87:2,5	56:5,15 57:4,6	180:19 181:12	**completely**
89:22 93:18	58:22,22 59:2	181:16,24	40:17 42:1
97:13 128:16	59:23 61:15,21	182:10,13,13	**completion**
137:6 150:2,9	62:5 63:21	182:19 183:8	15:9
151:19 153:16	74:21,24 83:24	185:5 187:4,6	**complex** 15:3
157:7,8 168:25	84:1,16 85:2,9	192:21 193:21	98:18
171:10,17	86:6 87:24	194:8 197:22	**complexity**
172:20 180:21	90:19 93:25	197:22,22	98:14,15
181:12,16,24	94:10,14 98:25	198:3,5,18	158:13 159:23
182:3,6,14	99:6 127:3	**community's**	187:9 195:25
183:25 184:4	131:14 136:10	21:2,4 25:5	**compliance**
184:12,23	136:13,14,15	**compared** 54:8	80:16 122:14
185:3	136:25 137:7,7	123:4	**complicated**
community	137:9,12,16,19	**compel** 134:12	84:3,5 107:6
5:25 11:11,20	146:21 149:2,9	**compelled**	161:2 177:7
11:24 12:2,18	149:13 150:24	139:25	**compliments**
14:5 15:9	151:3,10,16,18	**compelling**	171:13
17:18 18:4	151:24 152:16	18:16 158:11	**comply** 90:23
19:5,21 25:14	153:14 156:23		91:3

complying
  116:13,13
component
  21:2 29:12
components
  26:23
composition
  66:10
comprehensive
  33:18 45:9
  47:8,10 48:2
  81:3,11,12
  83:18 89:18
  91:6,9 92:10
  92:22,24 95:3
  96:18 97:16,16
  97:17 115:22
  149:2 150:3,7
  150:10,11
  157:3 163:9
  170:23 180:16
  180:24 181:4,5
  182:5,25 184:5
  184:19 185:6
  186:6
comprehensi...
  45:11 46:16
compromise
  57:19 65:20
  86:1
compromised
  187:7
compromises
  10:25 31:23

comptroller
  88:24 108:20
  109:1,4,9,13
  160:10
comptroller's
  109:3,7
concentrate
  13:12
concentrated
  10:9 146:20
concept 16:18
  17:24 92:21
conception
  138:1
concepts 12:18
concern 123:10
  165:12,18
  166:1,10
  197:15
concerned
  139:1,4 144:7
  186:21
concerns 31:23
  41:14 51:13
  61:21 65:16
  74:22 76:22
  111:17 150:8,8
  150:18 156:25
  157:13,19,20
  165:4,7,19,24
  166:18 170:10
  187:11,11
  198:24

concession
  51:18 52:8
concessions
  131:25
conclude 82:21
concluded
  199:10 200:2
conclusion
  196:10
concrete
  101:13
concur 86:24
concurrent
  15:21 85:3
concurrently
  85:6
conditions 40:9
  177:11,12
condominiums
  12:20
condos 176:6
conduct 85:3
coney 68:22,23
conference
  129:11,12
  140:5
conference's
  133:22
conferences
  134:20 138:21
confidence
  69:19
conflict 16:10
  16:13 169:8

conflicts
  171:14
conforms
  150:21
confronting
  88:10
confusing
  83:24
congress 21:17
connect 75:22
  161:12
connected
  172:19 193:17
connecticut
  141:2 178:25
connection
  30:18
conscience
  191:4
consensus 76:3
  89:12 92:12
  93:22 95:19
  96:14 99:5
  141:20,21
  195:23
consent 53:23
  54:19
consents
  131:25
consequence
  120:15
consequences
  119:25

consider 10:2 78:14 141:5 151:3,8 180:15 182:24 183:1 188:11 192:11 195:21	**constituency** 15:11 69:23 192:20	**continue** 15:15 17:4 40:10 42:20 63:16 140:20 144:18 148:19 187:21 190:25	**controversy** 63:17
consideration 5:17 60:5 181:11 188:12	**constituents** 10:20 63:25 195:19	**continues** 117:23	**convene** 90:4
considerations 46:1 188:14	**constraints** 76:13	**continuing** 164:14 168:16	**convened** 94:6 94:9 144:7
considered 52:1,11 74:10 78:18 144:13 144:18 186:23	**construction** 34:11 82:5,11 142:2 170:4 173:22	**continuity** 14:21 15:6 175:16	**convener** 172:6
considering 6:16 42:14 52:9 65:4 149:20	**construe** 78:6	**contract** 52:3 125:8	**convenience** 104:6
considers 88:16 180:10	**consultant** 172:3	**contracts** 24:4 101:19 113:1 155:10 185:23	**convening** 89:1
consistency 15:10	**consultants** 181:19	**contrary** 12:21	**converge** 46:20
consistent 120:11 121:1 170:22	**cont'd** 3:1 4:1	**contribute** 79:19 117:16	**conversation** 10:16 17:15 23:5,18 34:25 112:20 115:24 128:19 167:16 168:13 183:18
consistently 17:15,17,21 20:13	**contact** 171:5	**control** 12:25 54:24,25 86:2 105:1 113:22 113:23 114:5	**conversation's** 168:24
consolidating 86:11	**contain** 117:7 176:18	**controlled** 135:13 151:10 152:16	**conversations** 12:1 17:8 33:19 98:25 152:19 168:17
constantly 56:17	**contentious** 181:15	**controls** 104:8 104:23	**cooperative** 17:1 66:2
	context 94:11 95:6 181:12	**controversial** 58:20,21,25 59:5,17 158:3	**coordinated** 66:2 82:23 119:3
	contexts 172:16		**copa** 112:3
	contextual 193:3		**copies** 108:4
	contextualize 27:9		**cornerstone** 32:15
	contextualized 28:24		**corporation** 149:3
	continually 147:18		

correct 10:7	53:18 54:16	44:12 48:6	**count** 35:20
25:12,18,23	59:1,3,16,20	50:11,25 55:7	128:3
26:8 55:20	64:19 65:8,12	55:19 56:6,8	**counter** 156:25
128:25 160:5	65:23,25 68:1	58:10,13,15	173:7
correction 54:5	73:20 75:7,12	59:10,21 77:15	**counterbalance**
correctly 140:4	75:14 82:18,20	92:17 127:10	67:20
corruption	85:5,9 86:13	128:24 134:3	**counties** 79:25
119:7	90:20,21 91:4	142:14 146:15	**countless** 30:13
cost 34:9 154:4	92:15,16 94:13	150:24 164:4	**country** 87:17
154:12 155:6	95:11,14	170:15	93:7 99:19
156:11 165:14	108:15,17	**councilmemb...**	100:10 101:20
174:7 187:3	125:23 132:2	134:13	101:21 102:2
costly 153:10	138:5 143:3	**councilmemb...**	113:1 190:4,8
153:20	146:15 147:23	10:16 13:11	192:2,4
costs 6:23	150:13 159:5	15:8 21:25	**couple** 20:5
40:10 126:25	177:19 181:23	30:17 43:5,14	21:10 61:19
146:17 153:12	182:10 192:18	43:19 44:6	106:21 184:2
154:7,23	**council's** 10:5	45:23 47:23	**coupled** 21:4
155:13,23	14:17 15:18	49:21 55:25	**course** 7:6 8:20
162:17 164:16	21:3 27:1	63:23 64:1	40:15 73:25
council 9:22	30:12 32:2,9	68:19 93:19	150:25 161:20
10:6 11:3,8,9	33:4 42:4	134:16 141:19	186:1 199:5
11:17,23 12:3	46:25 65:10,13	143:1 147:17	**cover** 59:4,10
12:25 13:5,6	66:6 74:2	148:2 149:16	126:17
13:18 14:25	95:15 104:17	156:22 157:5	**covid** 124:1
15:12 18:10,18	**councilman**	157:25,25	154:13
19:11 21:17,22	125:17	158:5 171:22	**cpc** 85:19,20
23:7 24:22	**councilmember**	188:4	147:23
30:7,8 33:8,13	14:24 16:9,16	**councils** 18:4	**cradle** 5:9
35:10 37:14,17	16:17 19:20	**councilwoman**	**create** 11:24
38:23 41:1,11	29:23 32:24,25	21:10 47:7	14:7 27:15
43:1 47:12,17	35:23,25 37:18	**counsel** 174:19	37:15 39:3
47:19 51:1,5	39:7,11,14	201:10,13	47:17 65:18
51:10 52:7	43:12 44:2,3,7	202:7,10	70:7 74:4 79:8

93:3 95:5
96:19 111:13
130:13,14
134:18 137:5
145:7 147:4
160:4,11 163:9
179:10 194:4
195:5 199:1
created 21:22
47:11 64:7
92:7 120:13
159:21 162:6
180:6
creates 99:5
198:19
creating 22:5
27:19 33:8
39:1 88:6
95:17 96:13
98:17 104:9
160:12 163:12
creation 21:25
crest 31:3
crime 119:1
crimes 118:24
criminal
115:14
crippling 115:9
crisis 6:21,25
10:1 18:8
21:23 38:11,25
39:4 42:17
64:11 71:16,24
72:16 88:9,10

89:10 90:5,5
92:16 93:17
96:23 129:22
137:21 142:5
145:2 162:21
162:25 163:15
164:16,17,18
167:13 172:11
179:3 180:13
185:7,9 190:18
critical 9:24
10:14 12:6,11
76:6 89:13
94:11 96:23
103:2 117:13
117:22 145:9
163:14 171:6
185:4
critique 92:23
critiques 93:3
cross 156:15,18
crowd 62:16
crucial 147:25
148:2 190:20
crumbling
37:25
cruz 4:6 169:19
175:4 176:25
177:1 179:14
179:18
culprit 166:17
culprits 166:12
cultural 11:12
143:17

cumbersome
13:22 28:14
curious 26:7
36:23 95:10,23
107:23 134:3
134:17,24
137:24 153:7
153:11 158:8
current 15:2
24:23 63:14
64:7 103:24
109:20 141:13
186:22 195:8
currently 78:22
82:19 98:5
104:17,22
108:14 115:5,6
142:20 144:21
172:4 173:7
195:13
curriculum
119:1
curtailing
164:4
cut 173:19
cutting 63:22
68:25
cycle 44:16
95:4 156:3
cycles 55:3

d

d 5:1

d.c. 111:22
112:2
da 107:8,8,9
dabaron 2:9
6:11 33:1
34:17 71:12
72:18 73:7
93:24 94:3
151:22 152:23
daily 163:19
damages 80:18
dan 193:5
danger 166:15
dangerous
193:14
danzilo 3:23
188:21,22
191:17,19,22
data 81:23
100:25 102:23
106:25 110:22
111:19 115:3,4
115:8 116:4,15
116:17 117:23
122:9,12
123:18 124:5,8
124:11,12
129:21,22,25
130:1 138:24
139:2,3,5,7
database
105:10 109:12
112:25

databases 104:22

date 192:11

davis 202:2,15

day 30:21 32:2 33:17 34:10 42:21 43:25 44:24 90:25 91:11 104:14 120:2 163:19 177:21,21 192:12,12

daycare 76:24

days 56:11 68:19 90:6 91:2 94:7 104:18 165:16 165:17 166:15

dcp 27:1 44:13 168:15

dcp's 27:18

de 4:4 13:6 51:9 138:8 139:20 148:23 148:25 152:1 152:25 154:9 155:13,17 156:6 157:2,11 157:17,24

deaf 178:16

deal 12:6 16:16 19:21 53:20 54:3 187:15

dealing 26:11 79:3

deals 23:20

decade 31:10 61:14 111:5 118:12 146:1

decades 69:18 80:1 88:2 89:19 122:12 166:14

decent 129:17

decided 159:3

decision 21:3,5 28:8,10 52:10 53:16 74:9 75:2 78:16,17 78:24 85:19 86:11 113:20 114:2 116:13 122:23,25 125:2 146:10 171:7 186:25 188:12

decisions 10:8 22:8 30:15 48:8 73:13,15 103:16 105:13 130:16 151:19 171:16 181:7 193:17

declaration 90:6

declare 89:25

declaring 94:7

declined 116:25

decrease 106:6

dedication 119:12

deep 20:16 146:3

deepen 181:25

deepened 10:9

deepens 146:18

deeply 10:11 21:1 41:13 50:8 119:11 125:13 152:4 155:20 185:17 189:9

defend 88:4

defenders 198:16

defer 44:6

deference 16:16,18 17:24 21:12,13 26:12 36:15 65:19 69:15 72:23 74:2,13 75:5 77:9 128:19,20 129:6 147:4 157:1 164:4 188:2,4

deferential 142:13

deferred 146:15

deficiencies 117:8

deficit 162:22

define 47:9

defined 163:10

defining 164:17

definitely 18:12 33:7 35:13 148:7 149:22

defunding 179:6

delaine 4:3

delay 146:16

delayed 53:22 105:3 117:13

delays 12:22 32:1,1 33:9 42:7 103:17 105:9

deliberations 52:12

deliberative 74:14

deliver 19:7 91:14 92:21 94:9 127:11

delivering 118:4

delivery 127:11

demand 88:10

demands 10:1

democracy
32:15 63:4
88:19 95:24
96:12 142:5
180:9 190:17
196:10
democratic
87:23 95:24
96:6 97:2,7
195:6 196:13
demolished
173:17,24
demolition
173:11 174:3,5
176:16
dena 2:16
139:16 143:13
denied 111:8
111:13
density 31:5
38:1,9 89:16
90:12 163:11
176:8
department
50:23 52:18
54:4,11 103:11
115:22 118:16
120:5 173:21
departments
102:2
depend 44:18
120:18
depending
150:11

depends 44:11
125:7 196:2
deputy 118:21
118:22
der 2:24 186:16
186:16,19
deray 3:10
87:12 99:11,16
103:5
deregulate
144:10
deregulating
144:1
deregulation
145:8
dereliction
103:21
derided 75:1
describe 65:1
97:15
described 8:14
19:16 83:1
143:1
describing
169:9
deserve 5:14
103:25 118:4
120:25,25
design 82:5,11
148:1,18
158:25
designated
53:15

designed 63:14
70:25 93:2
designs 171:12
desirable 78:11
desires 44:7
desperately
16:14 62:19
despite 12:21
24:10 80:18
116:5,14
destabilizing
15:21
destroying
143:23
detail 78:14
91:20 123:22
125:10 198:17
detailed 90:15
126:8 132:21
135:5
details 91:17
108:6 160:7
detective 54:12
determinations
81:24
determine
44:15 45:4
63:9 104:24
195:11
determined
85:21 122:6
determines
90:23

detriment 43:2
devalued 165:9
develop 19:5
45:7 90:12
92:11 95:14
180:16 185:2
developer
19:21 34:15
44:12,19,24,24
45:20 53:13
142:20 156:14
181:10
developer's
45:18
developers
10:21 18:16,20
18:21 34:7
43:18 45:6
46:14 83:23
84:17 87:25
149:13 155:7
155:16 163:5
164:13 194:3,5
developing
53:7 99:4
170:23
development
10:25 14:21
17:1,10,14
19:15 25:16
27:5,7,25
30:20 31:8
34:10 36:18
37:6,21 38:4

45:1,19,21
46:3,10,23
47:25 49:19
55:23 63:13
64:5 66:14
70:4 85:25
90:2 91:6
128:11 129:16
130:15 131:7
133:24 139:8
144:12,16,19
145:4 149:3
157:10 171:1,2
171:13 172:3
172:13,15
174:13 175:14
175:15 179:25
180:1 193:3
197:24
developments
66:19 82:12
135:19 144:10
144:23 163:3
163:24
devoted 114:25
dhs 24:3
dialogue 17:11
17:22,24 26:25
diane 2:15 6:13
26:15
dictate 121:18
dictates 114:1
die 63:11

died 63:18
difference 27:9
116:18
differences
124:8
different 17:8
19:10 20:6
23:19 26:3
35:11 46:1
50:4 52:1
73:24,25 84:18
85:8 94:1
97:13 109:7
113:21 122:5
122:14 123:14
141:21,25
142:6,7 148:1
157:8,8 161:8
difficult 40:8
98:18 156:2,6
digest 169:5
digesting 169:4
digital 201:8
202:3
dike 156:9
dilemma 169:4
diligence
112:12
diminish
193:11
diminishes
165:8
diminishing
42:25 86:7

diminution
176:21
dire 146:12
163:13
direct 104:21
105:9 111:11
111:18,23
117:21
direction 17:5
150:6 186:24
directly 100:6
director 64:18
99:17 102:21
115:3 118:14
118:22,23
129:9 145:23
149:1 183:21
189:1 192:18
disabilities
82:13
disability 178:9
disabled 79:4
disagree 55:15
189:22
disagreement
107:7
disciplinary
103:19 105:13
105:21 113:20
114:2 116:9,10
116:11,21
117:14 119:14
120:16 121:8
123:2,8 124:18

discipline
100:15,20
101:14,17,19
101:21,25
102:3 105:15
113:2,3,5,10,12
114:6,9 116:7
116:17 119:20
120:22 122:20
124:9
disciplined
107:2
disciplining
118:10
disclosure
78:23 82:19
112:3
discretion
122:20
discrimination
79:22 80:19
81:23,25 87:1
discriminatory
80:5,13 86:22
discuss 91:20
115:8 126:9
discussed
145:10 146:13
172:10 187:10
discussion 9:3
22:18 53:19
65:6 79:20
disempowering
14:14

disenfranchise 10:8

disenfranchis... 30:13

disincentivizes 162:18

disinvestment 83:7

dismantling 32:7 144:2 193:15

dismissed 101:1 120:15

dispense 171:2

dispersed 40:4

disposal 41:20

disposition 85:23

disproportion... 48:17,19

disregarded 40:18 42:1

distance 9:13 9:14 163:6

distinguished 125:19

distributed 129:24

distribution 15:20 45:15 130:5,9 133:24 134:1

district 9:22 12:5 16:12,13 16:25 18:14 19:6 21:22,25 22:21 28:17 30:9,22 31:20 35:21 37:22,24 38:20 39:3 44:8 45:2 48:13 50:25 54:7 74:15,17 93:19,20 127:24 128:23 133:8 134:20 135:8 136:3,11 137:1 143:3 158:1 168:10 169:25 170:3 170:14,17,24 174:8,11 191:2 195:12

district's 138:15

districts 17:8 18:17 19:11,13 26:4 38:3,7,19 44:4 47:12,19 47:22 49:20 129:7 131:9 134:10 135:1 136:8,24 138:22 143:8 146:21 148:3 150:13 176:11 192:18

disturbing 116:15

dive 7:8 132:15

diverged 112:7

divergent 10:24

diverse 48:22 90:8 93:9 195:4,25

diversity 94:17

division 23:7 27:1 54:13,13

doctoral 115:25

document 108:5

documents 81:15 143:16

doi 55:1

doing 16:25 22:2 23:3 39:13 45:22,23 45:24 71:1,2,6 84:15 98:5 134:5 136:9 143:4 145:10 167:12 168:10 185:5 191:24

dollar 46:18

dollars 11:10 12:14 126:6 135:19,24 154:19 155:24 186:1

domain 73:3

doors 126:22

double 125:10

dr 2:6 6:12 91:24 92:3 94:2 107:19 108:9,24 109:14 124:11 124:15 167:9 168:21 169:3 169:13

draft 23:7 83:17

drafting 139:3

dramatic 121:10 122:2

dramatically 93:6 162:17

drill 35:1

drive 19:5,10 133:5

driven 15:9 41:18 138:24 195:23

driver 17:22

drives 86:22 146:17

driving 16:23 17:25 154:4

drop 8:5

due 15:15 31:5 85:12,12 112:11 121:10 154:5,6

duly 201:5

duty 93:10
   161:6,21

duvivier 4:7
   175:4 179:20
   179:21,24

dying 177:11

dynamic 70:22
   94:16,22 195:5

dynamics
   90:10 158:16

e

e 2:1,1 3:1,1 4:1
   4:1 5:1,1

eager 148:19

earlier 30:19

early 37:12
   158:6

earned 156:14
   156:17

earth 164:21

eases 163:24

easier 130:13
   130:21

easily 119:8
   158:19

east 11:18
   39:17,22 99:21
   99:24 127:4,5
   127:16 136:12
   138:2 143:18
   170:2 175:24
   186:20

easy 46:12
   58:20 78:10

echo 181:1

economic 15:5
   180:10,17
   182:18

editorials
   128:20

edits 108:3

educate 88:5

educated 28:5

education 14:5
   18:3 29:12
   76:24 80:11
   179:5,7

effect 5:19
   15:21 65:9
   67:9 159:14

effective 5:13
   15:19 62:13
   75:5 104:2
   119:8

effectively
   45:16 73:20
   75:8

effects 146:11

efficiency
   84:22 119:6

effort 62:18
   81:18

efforts 20:22
   23:3 27:11
   81:20 87:4
   115:23 118:25

120:5 144:9
   193:12

eight 52:22,23
   55:16,18 122:6
   126:4 135:22
   178:13

eighteen
   126:10

eighty 31:11

einstein 198:16

either 20:7
   77:20 102:3
   106:6,9 107:13
   138:12 192:12

elderly 178:8

elected 5:25
   22:7 35:4
   40:21 55:25
   63:15 74:15
   154:16 170:8
   171:11 181:24
   190:5

electing 190:16

election 5:18
   55:2 191:13

elections
   187:14 191:10
   195:2

electoral
   189:24 195:6

element 35:3
   65:17

elements 38:13
   65:4 145:9

elephant 73:18

elevate 14:11
   63:4

elevating 76:2

eliminate 33:13
   164:8 193:12

eliminated
   164:10

eliminating
   79:22

else's 51:8

email 8:16

embed 80:23

embody 71:8

embrace
   148:17

embracing
   196:8

emergency
   72:6 90:1,7
   91:5,8 94:7
   95:1,13,25
   96:7,17

emerging 119:3

eminent 73:3

emotional
   113:13

empathy 62:4

emphasis 66:24
   89:7 188:15

emphasize 65:6

employed
   201:11,14
   202:8,11

employee
201:13 202:10
empower 89:25
126:1 128:16
196:6
empowering
14:14 27:12
28:9
enabled 12:4
enabling 145:3
enacted 116:8
encourage 21:7
91:12 146:25
172:13 182:23
183:8 195:18
encouraged
92:6 195:17
encouraging
27:12 145:3
163:14
ended 26:16
104:15
endorse 197:5
ends 29:10
endure 120:10
enforce 82:3,10
103:15 119:20
181:4
enforceable
89:24 181:3
enforced 119:9
185:20
enforcement
49:5,12 79:24

81:8,20 82:1
106:3 115:21
123:12 147:14
enforcing 26:5
engage 29:4,5
77:3 87:25
98:16 168:2
engaged 28:10
28:13,23 29:11
37:12
engagement
11:25 12:2
14:16,23 27:20
150:23 161:5
167:22,25
180:19 183:9
183:19 195:16
engaging 45:6
enhance 171:22
enhanced
54:10
enhancing
174:18
enormous 46:2
46:3
ensure 5:8 15:6
25:7 37:5
82:11,16 89:13
103:14 104:13
116:8,8 118:2
144:17 145:7
172:23 173:23
174:17 180:6

ensures 144:11
170:9 175:15
180:18
ensuring 11:1
15:24 144:3
152:12 171:19
172:25
entail 187:16
enter 34:2
69:18
entered 15:12
entering 34:1
entire 5:16 6:16
7:19,21,22
26:18 148:5,10
175:9
entrenched
90:9
environment
117:23 196:4
environmental
12:24 32:4
70:14 144:12
164:5
environments
85:17
envisioned
77:18
equal 18:6
equally 129:24
153:20
equipped
195:24

equitable
149:11,23
180:2,24 182:5
196:9
equity 14:15
31:15 32:21
76:22 77:7,11
80:2 83:8
127:8 146:24
180:18 181:3
erode 98:25
erodes 120:3
es 201:4
especially 6:24
15:2 31:14
33:4 39:23
83:22 146:4
154:13 183:3
184:7 187:1
193:2,8 195:4
197:7,7
essential 6:23
14:17 104:4
105:6 120:17
172:19 173:5
essentially
67:15 185:24
establish 53:10
85:14 90:24
118:19
established
174:10
establishing
84:24,25 85:7

estate 88:5
estimate 75:2
estimated
173:13
estimates 54:16
et 33:13
evaluate 81:16
evaluated
137:22
evaluating
85:10 181:18
181:20
evaluation
85:15 144:19
evaporate
119:9
evaporates
105:20
evening 8:11
9:19 21:9 30:6
64:16,21 87:14
88:21,23 89:8
91:17 102:19
114:19 118:6
129:8,9 143:12
145:22 162:2
165:2 169:20
179:21 183:16
188:22 192:16
194:13 196:19
event 8:10
65:19,19 66:8
73:17

eventual
195:12
eventually
163:18
evers 199:23
everybody
29:20 141:24
141:24 148:24
161:20 183:17
everyday 32:16
eviction 174:20
174:22
evidence 106:5
117:13
evident 141:8
exacerbate
76:13
exacerbated
77:8
exacerbates
76:21
exact 111:1
exactly 47:8
92:23 144:8
159:13 183:4
examine
142:24
example 11:14
13:15 19:19
20:10 31:2
37:24 52:7
54:3 81:22
91:25 92:5
93:5,13 112:4

122:5 147:19
161:6 163:17
170:11 176:10
182:17 188:14
191:12 196:16
197:24
examples
111:21
excellent 11:14
143:5 162:11
162:12
exception
117:17
exchange 76:25
excited 28:18
28:19
exclude 21:14
198:21
excluded 195:9
exclusion
146:18
exclusive 146:5
exclusively
89:9 174:12
excuse 58:1
77:14 81:18
86:12 151:4
162:14 163:13
181:8
execution
185:23
executive 64:18
99:17 118:22
118:22 145:23

149:1 183:21
189:1 192:17
exempt 131:4
exempted
133:15
exist 94:5,13
106:10,16
107:9,13
177:10 193:6,6
existed 174:3
existing 12:19
44:6 71:22
142:17 144:25
175:17 176:21
192:24 197:17
exists 35:2
69:12 81:25
100:15 107:11
162:7 172:17
expand 20:7,7
32:19 69:4
82:14 93:7
126:16 155:6
163:2
expanded 41:4
119:1 143:7
expanding
104:11 107:20
108:10 117:20
132:22 174:16
expansion
89:13
expectation
196:17

expectations 77:19 104:5

expediency 171:3

expedite 85:24 89:16

expensive 83:22 127:4 131:22 138:15 154:2

experience 68:16 69:7 75:21 152:1 153:8

experienced 176:11

experiences 115:10 140:2

experiencing 62:3 98:10 164:2

expertise 81:6

experts 5:25 57:7 72:13 93:16

expiring 52:3

explain 169:4

explore 5:11

exponential 154:8

expose 117:15

express 187:24

extell 60:7

extend 163:4

extended 16:4 27:16 84:16

extending 14:24 157:22 186:7

extent 77:21 86:21 88:15 129:21

extraordinary 70:15

f

fabric 17:18

face 10:20 40:24

faced 62:2

faces 15:3 21:24

facet 48:15

facets 20:14 46:17

facilitate 88:12 149:23

facilitating 180:4

facilitator 153:3

facilities 48:16 49:9 78:9

facility 49:8 78:11

facing 9:25 66:13 174:19

174:22

fact 25:12 43:25 44:18 46:2 47:21 51:4 61:21 77:8 98:19 123:10 136:1 190:5

factors 121:11 122:4 123:15

failed 89:19 128:8

failing 72:11 103:12

fails 105:5

failure 105:18

failures 117:18

fair 16:23 25:25 26:1,3 45:14 49:3,4,7 64:12 67:25 72:25 77:16,17 77:21 78:6,21 79:20,24 80:7 80:9,23 81:3,7 81:8,10,14,19 86:19 89:5,23 90:14 92:19 93:15 96:21 121:1 124:6 131:7,9 146:24 147:6,7,12 150:5,14 158:4 158:12,22

159:4 160:3 161:16 167:13 167:17 168:3 168:11 181:4 185:19 191:2

fairness 36:24 82:16 196:5

faith 19:12 105:20

fall 68:2,6

familiar 30:22 56:21

families 7:3 27:16,16 31:11 40:4 127:3,8 128:6 183:24 192:9

family 127:1 128:9 133:12 133:13 184:14

fan 61:13

far 15:12 31:3 144:23 148:16 173:3

farias 4:11 9:11 9:15,19,20 12:11 16:17 19:18 23:4 26:13 29:19 68:13

fast 86:4 90:2 96:7 130:23 147:5,15 158:9 158:23 182:10

183:5 187:25
188:18 192:2
197:6
faster 130:15
199:4
fastest 192:2
fatigue 99:2
favor 9:4 36:25
51:20 62:22
102:9 199:19
favorite 93:5
fcrc 51:19,24
fears 62:11
feature 75:11
february 64:22
146:22
federal 80:7
129:15 179:6
federally
178:24
fee 174:5,6
feedback 169:6
feel 27:13 28:13
28:14 29:7,15
33:17 43:14
52:10 54:21
59:14 139:25
141:19 145:20
160:8 161:2
167:25 190:24
feels 49:23
161:11 167:25
fees 156:14,15
174:9,11 186:4

186:4
feet 191:25
199:16
felix 3:19
fellow 5:20
7:20 8:23 40:2
168:23
fellows 53:4
felt 62:21 69:22
136:16 167:20
fewer 116:6,17
122:11 124:10
173:3,6 175:19
fhjc 79:20 80:1
80:12 81:1
fiction 61:21
field 69:7 109:5
fifth 149:1,8,14
150:1 155:17
156:13
fight 25:14
40:22 64:12
111:13 119:6
162:8 164:19
fighting 57:18
138:2
figure 60:7
159:2 160:7
figuring 159:18
file 103:9
filed 121:23
files 112:5
filing 80:5

filled 104:18
final 85:19
105:13 112:15
112:23 113:20
114:1 116:22
117:14 118:10
120:16 124:22
134:13
finally 22:20
66:6 70:5
131:12,23
174:14 190:12
196:4,22
finance 69:4
financially
201:15 202:11
financing 13:2
32:5 34:8
155:21 185:24
186:3
find 5:22 8:1,14
14:11 22:4
33:5,10 34:15
73:2 76:17
157:18 197:18
finding 23:11
64:8
findings 66:22
119:24
fine 42:20
106:3 110:6
finely 42:19
finger 156:9

finish 95:23
147:20
finished 7:22
105:15
fire 102:5
106:11
firmly 143:20
first 19:18
24:18 26:19
31:5,8 34:1
35:4 36:16
40:21 43:18
44:10 47:6
55:11 56:9
63:1 64:7
68:11 71:6
74:22 75:9,19
77:5 79:16
92:9 98:3,7
99:15,19
102:25 104:7
118:21,25
126:12 130:20
130:22 133:21
139:24 142:10
153:4 158:2
167:10,15
168:4 171:4
175:9 190:19
196:24 197:5
198:7
firsthand 10:19
119:7,12

fiscal 89:6
fit 129:19
fits 22:24
five 22:25
  26:19 56:20
  95:9 119:2
  135:9 146:24
  176:6 190:13
fix 190:18
fixing 13:4
  177:9
fleshed 107:25
flexibility 86:2
flood 12:14
flooding 185:11
  185:11
floor 175:25
flow 104:23
focus 7:6 13:4
  14:4 32:18
  35:17 83:20
  89:8 130:17
  131:16 147:2
  150:18 182:9
focused 36:12
  59:21 115:25
  130:11 146:4
folks 17:25
  23:9,15 27:3
  133:25 153:22
  165:1 168:9
  169:16
follow 18:11
  47:6 109:15

120:23 123:21
125:11 159:9
followed 79:14
  87:12 114:17
  169:18 175:4
following 99:13
  109:16 126:3
follows 49:4
  193:14
foot 70:22
  176:5
footage 105:6
  111:18
force 13:18
  80:19 115:18
  151:10,24
  152:16,19
  176:3
forced 92:17
  173:2
forces 105:2
forcing 27:22
foreclosure
  185:9
foregoing
  201:3,4 202:4
foreign 177:2
foremost 98:3,7
forensic 54:13
forever 98:23
  99:8 110:11
forge 10:25
forget 172:16
  198:14

forgo 93:23
form 7:25 8:5
  103:24 161:21
formal 69:18
formalized
  85:1
formalizes
  170:8
former 61:6
  128:24 132:2
  134:3
formerly 62:14
forming 164:4
forms 96:12
formulas 78:19
forward 19:1
  22:12 43:22
  56:7 69:12
  136:14 137:9
  143:9 167:14
  171:21 183:1
  186:8
foster 196:3
found 8:2
  86:23 105:4
  132:16
founders
  199:23
four 11:18
  17:20 31:19
  34:2 35:21
  127:24 128:6,9
  133:13 135:8
  136:2 157:22

162:25 164:8
fourth 34:2
fraction 128:1
framework
  25:25 26:1
  68:1 89:6,24
  90:3,14 92:19
  93:15 96:22,23
  131:8,10
  147:12 150:5
  150:15 158:22
  159:4,20 160:3
  161:16 181:14
  184:5 185:19
frampton 3:4
  192:15,17
franchise 51:18
  189:25
franchising
  190:19
frankly 41:16
  158:25 159:5
  159:16
fraud 178:7
fray 174:6
fred 127:1
free 145:20
  160:8
freezing 166:24
  167:1
frequently
  105:3
fresh 5:7

front 17:16
20:14 28:6
29:7 177:10
178:21,22
186:5
fruition 45:5
64:3
fulfill 90:13
103:23
full 12:16 80:8
112:3 120:22
126:5 129:18
147:1 182:22
fuller 187:8
fully 15:16
28:12,13 47:2
47:3 82:12
116:21 159:14
172:25 186:23
189:4
functioning
20:21 110:21
functions 76:21
100:21
fund 53:2
136:25 137:5
174:10 178:19
179:11 194:6
fundamental
45:10 63:6
109:22
fundamentally
64:14

funded 15:16
136:12 178:6
189:5
funding 34:15
34:22 35:9
76:10,24,24
129:16 174:21
182:1
funds 163:21
174:12
funnest 83:21
further 13:13
18:1 114:13
126:9 201:12
202:9
furthermore
170:21
future 41:10
63:25 86:4
95:7 141:11,13
163:16 181:7
182:7 187:1
189:10,11
futures 10:4

g

g 5:1
gabriel 3:9
169:17,22
gail 47:14
gale 4:9 50:11
50:24 56:11
60:16 68:14
138:18 140:2

140:23
game 62:22
148:8
gander 128:17
gap 34:14
gaps 15:14
19:24
garodnick
167:20
gary 60:7
gates 3:6
139:16,21,24
140:7,8,22,24
general 73:23
118:15 155:10
191:10,12
generally 110:1
188:18
generation
178:12,20
generational
31:16 143:6
generations
189:11
geographies
66:15 67:18
68:2,5
geography
74:25
getting 23:23
24:9,11 27:20
43:15 68:24
127:21 128:4
134:1 135:1

156:8 178:8
185:3 194:24
giant 50:1
give 37:24
39:19 51:12
74:21 92:5
99:1 101:14,24
105:21 118:9
147:13 166:7
188:5
given 44:5
75:20 81:6
86:19 89:7
109:17 110:15
120:1 123:9
166:13 182:12
191:15,23
198:25
gives 36:25
giving 65:25
70:5 111:3,17
137:15 146:16
165:18 172:8
glad 140:22
glaring 190:9
glasses 9:10,14
9:14
globally 39:1
go 5:19 17:19
28:1 29:22,22
29:23 34:4,15
35:8 43:22
51:9 56:4,20
56:23 57:15,18

61:15 63:20
68:20 76:20
79:17 84:20
93:21 94:10,12
95:15 96:10
98:23 99:8,14
102:6 111:12
131:3,5,21,24
132:9 134:15
138:16 139:5
143:9 150:22
155:23,24
159:2 160:5
164:6 174:9
187:5
goal 5:8 39:1
78:16
goals 14:18
22:4 45:13
86:4 131:10
141:4 150:14
163:24
god's 57:18
goes 29:3,7
34:11 58:22
107:8 110:18
122:24 198:16
going 9:9,10
18:3 23:5 24:7
26:21 27:15
29:15,21,22,23
35:9 39:10
45:1 47:5 51:3
51:13 53:5

56:24 60:21
67:16 70:10
71:14 72:17
76:17,17 78:18
78:19 83:20
84:6,15,20
93:21 96:25
112:10 129:18
130:2,7 131:20
136:24 140:19
142:6 147:2
152:19 154:16
155:3 156:1
158:17 159:17
159:17 167:16
168:22,24
177:22 179:9
183:12 185:1
192:5 197:16
good 9:16,19
15:23 19:12
21:9 27:14
30:6 37:12
46:8,20 50:12
58:19 59:20
60:1 64:16
68:12 84:15
87:14 88:6,21
97:9,10 98:4
98:23 102:19
111:20 113:9
114:19 118:6
119:13 129:8,8
132:2 143:12

143:25 145:21
154:25 162:2
162:13 165:1
165:23 166:25
169:20 179:21
180:7 183:16
188:22 189:2
191:4 192:16
194:13
goodness 54:10
136:9,14
gotten 25:1
36:5 136:22
govern 195:24
governance
15:7,23 80:24
104:17 117:14
governing 5:7
97:5
government
10:17 15:22
30:18 61:6,9
70:23 83:6
99:1 115:12,13
118:13 119:6
141:22 143:21
146:1,2 151:13
151:15,18
171:5 177:17
177:18,20
179:2,6,11
180:11 185:25
189:2,17 199:3

governments
70:3
governs 132:18
gowanus
149:10 151:11
152:2 153:1
grace 2:8 6:11
62:19
grade 99:20,22
100:4,5
gradually
74:24
granted 123:7
128:13
granting
116:20 120:15
grants 115:22
grasso 1:17
201:2,18
grassroots
145:24 180:22
181:17 189:2,3
194:20
grateful 27:3
64:8
gratz 3:16
169:19 172:5
175:3,7,7
gray 3:8 139:19
145:21,22
155:2 158:24
160:25
gray's 197:6

great 5:3 9:19 25:3 26:15 38:1 39:14,15 98:5 107:25 125:21 133:22 134:6 135:14 139:10 145:21 153:19 163:8 179:17 183:25 187:15,23 188:2 194:16 196:16

greater 37:16 92:6 116:9 141:1 169:11 186:25 195:16 196:11

greatest 162:19 164:21

greatly 169:15 172:10 187:8

greenberger 2:12 6:10 143:11 145:12

greenwich 143:17

grocery 172:21

gronik 193:5

gross 103:21 105:18

ground 36:22 38:13 168:19 175:25 189:16

groundwater 185:11

groundwork 89:17 95:3

group 54:14 90:7 107:8 136:13,13,25 152:9 189:3,21

groups 87:24 168:14 180:23 181:17 189:4

growing 40:3 154:1 156:8 178:3

grown 153:18 153:20

growth 89:12 90:10,13 93:21 98:11 147:9 154:8

grunwald 102:13

guarantee 105:23

guardrails 42:13 45:19,25 46:17

guards 87:20

guess 19:3 54:4 84:10 121:24 123:12

guide 181:6

guidelines 173:9

guiding 31:18 160:6 181:14

guts 56:9,10,13

gutting 13:5

guys 87:15 88:20 129:22 133:23 154:14 166:24

h

half 11:5 166:14,25 182:19

hamstring 110:21

hamstrung 111:14

handful 154:5

hands 63:9 72:8 104:3 134:13 152:11

happen 12:22 13:14 17:12 19:6 26:16 32:1,3 57:23 85:6 94:25 95:7 148:13 151:2 193:2

happened 11:8 26:25 31:17 36:17 75:2 140:6

happening 19:16,16 25:8

36:19 37:5 51:11 87:1,6 129:7 175:22

happens 28:23 38:14 102:11 110:22 150:25 151:19

happy 23:6,8 91:19 123:21 139:5 149:21 151:20

harassment 174:17

hard 60:10 88:4 192:9

hardest 93:18

harlem 127:16 136:12 176:2

harm 143:24

harsher 119:18 120:23

hassan 3:13 99:13 114:17 118:7 121:16

hate 118:24,25 119:1

hdc 192:18 193:18

hdfc 67:17

head 35:21

heads 13:10 72:10

health 79:4 178:5,6 179:4

180:17
hear 5:2,24
  7:17 8:8 26:7
  30:2 36:23
  50:10 61:11
  76:11 86:23
  91:25 107:23
  112:19 134:4
  139:22 155:11
  168:22 185:22
  187:20 194:14
heard 7:18
  14:23 18:15,20
  21:11 42:6
  43:17 68:13
  72:21 75:23
  76:8 77:15
  84:6,8 113:18
  129:23 130:22
  137:25 141:24
  149:21 151:23
  158:9 171:16
  171:19 183:25
hearing 1:1 5:3
  5:21 7:6,9,10
  8:4,4,21 36:12
  61:20 74:23
  89:2 151:5
  183:19 186:8
  199:10
hearings 5:24
  8:15,19,20
  21:10 155:9
  182:21

heated 61:25
heavily 59:22
  195:12
heed 13:24
heeded 100:23
heeled 76:23
heels 61:20
height 176:8
held 192:8
hell 54:15 59:8
  59:15
hello 39:12,12
  99:16 139:21
  139:21 145:21
  172:1,2 176:25
helm 120:13
  121:17,18
help 9:10 10:24
  18:1 23:3 27:2
  27:8 28:7
  35:17 46:25
  53:4 62:8
  71:15 93:21
  95:19 108:22
  136:7 150:17
  157:23 159:8
  174:6 192:21
helped 28:4
  118:19 149:9
  181:25 193:24
helpful 53:7
  133:25
helping 158:4
  195:9

helps 58:24
hemisphere
  164:11
henneberger
  2:23 186:16
henry 3:5
  145:19 161:25
  165:2
hereto 201:14
  202:11
heritage 143:17
hesitate 58:1
hey 168:8,17
hi 30:2,6 35:25
  61:3 83:14
  87:14 148:24
  154:24 188:22
  194:13 196:23
high 121:20
  148:21 176:9
  198:25
higher 63:5
  74:25 95:18
  173:3 195:15
highest 117:6
  121:22 192:3,3
highlight 64:22
  66:11 81:7
  117:18 142:7
  184:1
highlighted
  73:17
highlighting
  36:4 65:4

highly 181:15
hill 186:19
hiring 32:11
historic 144:17
  172:2 192:18
  192:19
historical 177:4
historically
  184:8
histories 41:10
history 10:7
  40:1 51:12
  149:11 170:1
hit 71:25 185:9
hitting 46:23
  93:18
hoc 181:9
hold 7:21,21
  60:23 63:16
  95:22 101:8
  115:7 189:18
holding 114:20
holistically
  33:23
home 31:8,13
  31:13 32:10
  40:24 57:16
  82:14 138:11
  172:22 183:23
  184:8,9,13,14
  185:2
homeless 61:17
  62:14,19 63:10
  64:12 72:2,5

126:24 127:3
129:4 138:3,9
138:11,12

homelessness
62:3 71:19
90:5 156:10
164:2

homeowners
10:22 198:14

homes 11:4
40:19 41:9
146:14,17
147:17 162:22
162:24 172:18
173:2 174:18

honest 59:25
60:11 136:9,13
138:7

honestly 21:12
137:24

honor 5:5
61:15 99:20
140:11

hook 40:11

hope 73:10
178:22

hopeful 88:15

hopefully 7:14
59:4 190:11

hopes 62:4

hoping 94:24

horizon 15:17

hospital 177:13

host 24:1
102:16

hotels 46:6

hour 29:10

hours 29:10
166:25

house 126:24
133:13 164:21
172:22

housed 62:23
96:1

household
127:15

houser 61:5

houses 127:8

housing 6:18
6:23,25 9:24
9:25 10:13
11:9,22 12:17
13:3 14:7,12
15:4 16:15,24
17:1,2,2 18:7,8
19:7,13,15,22
20:2 21:23,23
22:1,5 23:13
23:14,14,15,19
23:22,23 24:2
24:6,9,15,19,20
24:21,22 26:1
26:23 28:1
31:20 32:1,20
33:11 35:7,18
36:9 37:15
38:11,22,25

39:1,3,4 41:5
42:16 43:15,20
44:3 47:18
48:12,21 49:3
49:20 53:8
57:9 59:7 61:8
61:11,16 62:10
62:23 63:2,2,8
63:13,24 64:1
64:1,6,9,19,24
66:14,17,19,21
67:15,19,25
68:7 70:18,19
71:2,4,15
72:16 76:16
77:24 79:2,20
79:22,24 80:2
80:7,9,13,20,23
81:8,8,10,14,19
81:21 82:16
83:6 86:3,20
86:22,25 87:2
87:3 88:9,18
89:10,11,14,24
90:1,4,14 91:8
92:19,22 93:15
95:1,25 96:21
100:6 126:13
126:17,24
127:6,12,14,21
127:22 128:2,4
128:11,23
129:1,3,7,10,12
129:13,17,21

129:23,25
130:7,8,8,14,15
130:16,22,24
131:2,4,6,8,9
131:10 132:19
132:20,23
133:10,22,23
134:6,9,11,15
134:18,19
135:1,6,20,23
135:25 136:3,6
136:8,21,22
137:20,23
138:3,12,21,23
139:8 140:24
141:5,9,10,11
143:20 144:22
145:1,6,7,24
146:4,12,19,21
146:24 147:6,8
147:12 149:4,5
149:17 150:5
150:14,19,20
152:4 153:5,9
153:18 155:14
155:19,20
156:11 158:12
158:20,22
159:4 160:3
161:16 162:11
162:12,12,17
162:18,21
163:11,13,15
163:22,25

164:12,14,16
164:17 167:13
167:21 168:11
168:14,25
170:2,3,4,6,19
170:21,23
172:11 173:5
173:11 174:5
174:12 175:17
176:5 177:12
179:3 180:3,13
181:4 182:2,12
182:18 183:2,4
184:11,13,17
184:24 185:4
185:16,17,19
185:23 187:1,2
187:25 188:5
188:10,11,16
188:18 192:25
193:7,8 194:4
197:7,7,8,17,20
197:23 198:6
198:21 199:3,4
housing's 134:1
housings 88:13
houston 164:20
how's 114:20
howard 3:17
60:22 64:18
71:12 72:18,20
130:23 158:14
hpd 13:1 20:10
20:13 32:5

33:24 34:19,23
34:25 35:12
36:8 37:6 69:3
hubs 23:22
hudson 176:13
huge 17:22
61:13 63:12
148:8 156:19
159:15
human 62:23
63:2,3,8 72:7
hundred 94:7
126:23 135:23
149:17 150:19
150:20 170:20
hundreds
88:12 145:25
154:18 185:25
hurricane
71:25
hurt 178:8
hyper 71:21,22
146:10,11
148:9

i

ibo 54:3
idea 34:7 48:12
63:20 67:13
68:2 74:18,21
75:2 76:2,3,12
93:14 95:12
98:23 160:15
160:18 161:4,4

161:15 183:5,7
193:16
ideas 5:22,24
6:5 27:21
134:6,25
137:18 148:20
158:10
identified 48:3
identify 109:10
195:7
idiosyncrasies
41:14
ignore 103:18
160:8
ignored 100:22
105:3
ilan 3:3
illegal 113:15
image 116:16
imbalance
25:19,23 26:8
imbalanced
142:13
immediate
71:24 96:20
immediately
89:16
immigrant
40:25
immigrated
5:10
immunocom...
177:11

impact 37:17
63:13 71:1,1,4
85:21 86:6
144:4 155:6
156:4,7 181:22
impacted 39:4
185:10
impacting
155:7
impacts 112:22
144:12 185:14
impartial 103:8
imperfect
41:21
impetus 143:9
implement
82:15 89:20
119:5 188:3
implementati...
20:4 63:21
115:18 147:11
151:20
implemented
15:15 54:23
93:1 96:24
159:1
importance
14:20 84:12
88:6,19 95:24
172:16
important 15:6
17:8 29:14
35:10 41:22,25
42:23 63:4

69:11 75:13
78:13,15 79:19
83:25 104:20
114:24 144:18
146:6 184:6
195:4 198:5

importantly
6:2 30:23
105:12

impose 118:10
119:18

improve 14:1
41:21 68:17
77:11 115:23
116:14 119:6
180:11 189:17

improved
77:21 190:23

improvement
194:2

improvements
13:21 69:10
163:7

improving
31:24 84:22

inaccessible
31:14

inadequate
86:5 181:14

incarceration
99:19

incentive
165:10 166:6

incentivize
45:21 193:7

incentivizing
46:8 85:23

inclined 93:8

include 21:13
65:24 82:17
97:17 163:4
170:19 189:12

included 38:19
65:2 109:4
152:5,6 199:9

includes 12:18

including 11:4
11:19 13:20
33:17 77:24
80:9 81:15
84:1 87:19,24
106:12 115:15
118:18 127:3
129:1 176:10
181:2,16
189:25

inclusion 32:19

inclusive 5:13
14:7 79:23
149:24 195:6

inclusivity
82:16

income 6:22,24
36:19 83:5
127:13,15,15
127:17,23
156:14,17

174:21 182:12

incomplete
86:6

inconsistency
123:11

inconsistent
119:15

incorporate
65:9

incorporating
85:17 163:10

increase 14:5
126:12,22
133:10 162:17
163:18

increased
80:16 89:16
90:12 154:20
154:23

increases 34:9
154:4

increasing
84:22 108:15

increasingly
15:3 31:14

incredible
39:24 162:22

independence
53:25 104:10

independent
6:3 70:20
93:16 101:7
103:8 104:1,8
105:11 117:9

119:22 123:15
145:24 190:1
190:19 196:4

independently
109:24

independents
189:14 195:8

individual 44:7
92:12 125:21
142:11,13,20
165:22 198:19
198:21

individually
53:15 72:16

individuals
41:19 80:4

inducted
181:13

industries
144:1

industry 61:9
88:4,5 155:7
156:4,7

inequality 77:9

inflation 192:3

influence
104:12 117:15

inform 56:5
182:6

information
93:15 104:24
105:1,8 111:16
115:10 129:21
130:2 168:15

193:23
informed
102:23
infrastructure
10:14 12:7,12
15:14 37:25
38:7 81:17
89:14 90:16
97:25 98:4,11
157:7 164:15
177:13 184:7
184:10 198:25
199:1
inherent 74:13
inhibit 117:8
inhibits 64:6
initial 23:10
initiated
181:10
initiative 81:2
175:13
initiatives 15:9
innovative 20:9
input 25:20
26:10 32:21
33:13,13 37:1
86:6 94:11
96:14 161:10
170:19 171:7
171:11 181:25
193:21 198:5
198:18
inputs 187:4,6

inside 61:9
insight 149:19
insights 171:9
inspector
118:15
inspire 191:9
instance 52:3
instances 106:6
institute 115:20
institution 16:2
118:3
institutionali...
119:9
institutions
142:17
instrument
41:24
insufficient
66:16,20 67:18
68:7
insulted 167:20
insurance
178:7,8 179:5
integrated 75:4
integrates
97:23
integrating
65:15
integrity
119:12 120:2
121:2
intelligent 60:3
intended 73:11
103:7 107:4

119:20
intense 56:15
intent 103:23
intentional
180:18
intentions
37:12
interest 46:9,15
46:19,23 65:20
74:8 154:22
173:7 189:4
interested
42:16 45:6
86:23 106:4
129:5 139:6
201:15 202:12
interesting
16:18 197:13
interests 10:24
16:1,10,10,13
40:16 41:18
43:3,8 48:23
90:9 142:9,19
142:22 156:23
interim 83:15
104:15,15
110:9,11
117:21
intern 162:4
internal 120:6
interrupt 44:18
99:24 140:10
intervention
42:11 46:25

49:1
interventions
49:1
intimate 41:15
42:4
intimately
30:21 40:24
introduce
74:18
invest 43:24
184:6
investigate
116:21
investigated
103:11
investigating
116:6
investigation
51:2 54:4,6,13
103:17 105:4
118:17 120:22
investigations
80:10 101:4
105:8 107:16
118:17 119:24
investigative
80:12 87:4
119:22
investigator
118:15
investigators
111:18
investigatory
112:5

investment
81:17 157:6
168:6 184:15
investments
11:10 12:6,12
14:22 89:14
98:8 184:10,23
invite 60:21
87:10
inviting 61:4
involved
151:13 187:9
involvement
26:19 32:9
88:2 183:8
involves 170:13
ippaso 3:11
87:13 99:12
102:19,20
108:13 111:20
112:1 113:16
114:10,15
ireland 93:6
irrationality
198:20
irrespective
44:25
ish 146:14
island 56:22
57:2 68:23,23
129:2
issue 16:16
21:11 44:5
53:20 56:13

57:3 66:13
71:21 72:23
74:4 79:4,5
93:11 100:8,13
100:14 114:23
121:15 122:18
135:5,25 146:7
147:4 155:11
157:4,5 187:8
188:2 189:23
190:11 192:7
issues 12:7,13
20:24,25,25
34:19 41:5
51:12 65:3
71:23 74:16
77:7,11 78:17
82:22 92:13
100:8 115:9
117:1 130:12
154:13 182:13
187:9
it'd 101:16
107:25
item 66:12
items 23:5

j

jail 176:2
james 51:4
jams 22:22
jerrod 4:3
jersey 141:1

jessica 3:20
60:22 61:1,5
68:11 71:13
120:4
job 1:18 11:12
61:14 62:8
72:3 84:15
97:9,10 98:5
99:20 112:11
jobs 11:22 88:6
join 175:8
joining 6:8
191:5
joy 202:2,15
judgment 6:5
78:20
julie 2:7 6:13
jump 168:22
june 192:8
jurisdictions
92:15
jury 93:10
161:6,21
justice 79:20
86:20 105:9
115:14,22
180:3,10

k

k 186:17
kallos 3:24
114:17 125:15
125:19 128:15
132:14 133:15

133:19 135:3
136:23 137:24
139:1,14
karl 3:5 145:19
161:25 165:2
katherine
198:16
kathryn 2:14
6:14 16:8
katz 3:20 60:22
61:3,5 69:8
70:24 71:18
75:20 76:15
78:21
keep 7:12 23:4
178:3
keeping 7:15
keeps 154:1
172:18,18
ken 2:25
187:19
kept 172:24
keri 3:21 79:13
83:14
key 64:24 65:17
100:13 162:11
162:12
kicks 189:20
kids 27:16
killed 176:3
kimberly 4:6
169:19 175:4
177:1

kind 25:12,20
25:23 26:6,8
26:11 31:16
36:15,25 44:16
45:4 52:9
54:18 59:15
71:19 72:11,16
73:1 75:22
77:2,4 78:24
79:2,9,10
97:25 108:21
133:5 141:6
142:16 158:14
161:5 173:17
177:17 188:5
198:2,8
kinds 67:8
77:22,23
111:19
king 106:18
kips 170:12
knew 50:20
55:11 62:9
know 5:19 8:11
9:15 14:23
16:23 17:7
20:12 21:12,17
21:20,24 22:6
23:12 24:6,7
25:3 26:2 27:3
29:8 30:23
33:2 34:10,20
35:2,5 36:8
40:23 45:15

46:12 47:13,23
48:3,5 49:15
51:19 53:9,13
54:15,20 55:11
55:12,24 56:19
56:20,21,22
57:1,11,12,13
57:14,22 58:4
60:2,4,8,10,18
65:6 69:4,17
70:6,9,9 71:25
74:14,21 76:1
78:2,7 84:11
93:18 94:6
95:4,6 96:2,15
97:9 99:6,12
100:15 106:3,5
106:15 109:1
111:1,5 112:8
114:1 123:22
123:24 124:1
125:7,8 128:12
128:18 130:10
133:13 134:14
138:21,23,24
139:19 140:23
147:23 148:5
149:25,25
151:23 152:7
152:11,20
153:17 154:12
154:14,17,21
155:5,5,9,11
156:9,10,11,12

156:13 158:2,3
159:2,8,13
166:24 167:1
167:18 170:25
177:21 183:3
185:23 186:24
196:18
knowing 25:19
40:6
knowledge
84:2 201:9
202:6
known 148:14
knows 6:20
47:14 51:6
krueger's
138:17

l

l 186:14,17
l.a. 102:4
106:17
la 4:4 139:20
148:23,25
152:1,25 154:9
155:13,17
156:6 157:2,11
157:17,24
labor 87:24
192:12
lack 10:13
20:21,22 38:7
56:14 77:3
84:2 117:4,14

123:11 182:12
lacking 45:9
60:4
lacks 103:15
laid 68:1
land 9:24 10:6
10:16 11:3,24
13:17 14:1,6
14:17 18:5
21:4 27:1 29:4
30:12 35:14
41:2 51:17
52:24 53:10
55:17 56:14
57:6 58:16,23
59:20 60:11
64:7,24 65:8
65:10,23 66:7
71:22 73:15,19
84:3 88:3 89:7
90:16 93:18
98:1,9 131:2,5
137:8 141:5,12
141:16 142:11
142:18,21
146:9 147:20
149:14 150:21
153:12 154:6
171:16 174:15
174:15 180:3
181:6,21
182:11 192:24
lander 88:24
89:4 160:10

landlord 176:2
landlords
  133:2
landmark
  53:12 118:18
  176:6
landmarked
  53:14,17
landmarks
  53:15 175:11
  188:8 193:20
language 113:7
  140:12,17,19
  177:2 178:18
lap 26:17
laremont 2:4
  6:12 94:15
large 43:4
  108:18 191:24
  194:5
largely 37:25
  102:10 135:7
larger 23:22
  43:2 97:11
  133:2 163:3
largest 87:16
  190:3
lasting 120:8
lastly 14:19
  42:3 194:1
lasts 110:11
latch 159:4
late 186:4
  188:25 196:19

197:9
latest 130:2
latino 184:9
launch 118:25
law 1:9 47:9
  51:5 54:22
  106:10 112:15
  112:21 113:11
  113:24 114:2
  115:21 126:16
  132:15,18,22
  133:16,18
  196:24,25
laws 73:22
  79:24 80:7
  81:16
lawyers 106:25
lay 95:2
layer 92:4
  161:3
layering 155:20
laying 89:17
lead 86:5 101:4
  123:16 192:6
  195:15 196:11
leader 9:9,11
  9:21 16:6
  24:18,19,20
  36:2 68:13
  110:18,20
  195:24 196:16
leaders 5:25
  19:11 20:23
  24:21 190:5,16

leadership
  10:15 15:6
  18:19 19:4
  31:17 92:18
  120:7,8
leading 80:2
  177:12
leads 122:22
  171:12
lean 59:22,23
  65:13
learn 52:24
  55:17,17,19
  93:11 129:5
learned 111:4
  111:10 159:20
leave 102:14
  133:4,4 140:13
leaves 103:22
leaving 102:15
  102:16
led 118:24
  123:16 137:7
  149:9 170:19
  199:3
left 11:1 30:15
  83:5 109:5
legal 80:6,15
  111:12
legally 63:3
  164:13
legible 159:11
legislate 21:13

legislation
  159:14
legislative 15:2
  15:17 21:15
  22:12 23:2,5,7
  93:5
legislatively
  53:11
legislator 162:6
legislators 88:6
legislature
  21:17
legitimacy
  120:3
legitimate
  150:8 157:5,13
leila 2:10 6:11
leila's 156:2
lengthy 182:24
lens 37:19
  38:24,25 71:20
  79:1 109:7
lesson 159:20
letting 99:8
  164:6
level 10:17 11:7
  23:2 45:13
  55:18 56:15
  60:9 74:7,18
  74:20 75:1,3
  76:5 92:13
  148:13 159:22
  165:21,22,24
  168:9 185:12

levels 74:25 141:22 181:25

leverage 11:14 25:7 86:3

leveraging 25:3 25:4

levers 4:5 79:15 87:11 88:21,23 92:2,8 94:4,23 95:12,17 96:9 96:11 97:19,21 98:21

lewyn 4:8 196:22,23

life 44:16 51:16 99:20 151:14 177:7

lifelong 61:5 114:24 189:7 194:18

light 74:10 76:12

likely 64:2 107:1 143:24 149:16 198:13

limit 104:12,14 110:17

limitations 117:2

limited 18:24 83:6 103:16

limiting 30:11 117:20

limits 6:25 7:1 14:25 15:25 63:13,23 64:4 64:14 86:9 157:22,22 181:11

line 32:5 147:11 164:25

lines 177:22

link 8:5

lisette 2:6 6:12

list 2:2 34:3 51:4,13,14 52:8 54:1

listen 30:19 53:8 136:17

listening 16:3 72:20 165:25 166:23 189:15

listing 8:16

lists 57:8

litigate 198:2

litigation 80:10

little 20:9 41:5 51:12 56:9 62:18 63:24 73:3 84:7 87:2 92:18 107:24 109:19 116:2,3 128:2 134:4,11 135:1 136:22 154:3 158:20 172:7 198:6

livability 176:23

livable 84:4 172:4,20 175:12

live 7:1 8:19 10:19 47:24 62:20 63:10 135:13 162:13 168:19 196:17 196:25

lived 39:16 47:23 77:18

lives 6:24 41:9 62:18 63:10 64:13 129:2 144:4 193:13

living 72:4

lo 2:24 186:16 186:16,19

local 10:15 11:15 12:15 13:12 15:14 16:10 18:18 19:4 22:6 23:23 25:2 31:17 32:11 36:7 48:5 54:22 63:15 65:15,16 70:3 70:23 71:21,22 73:21,22 74:24 75:8,9,13,15 80:6 87:16

127:18 132:18 132:22 133:16 134:13,16 142:8 146:10 146:11,15 147:17 148:9 150:7,8,24 171:8 177:17 177:18,20 179:2,11 187:11 193:14

localities 70:13

locally 152:7

located 174:8

location 81:20

log 22:22

long 10:7 15:8 15:25 32:3,4 41:6 44:2 63:16,17 64:5 68:15 69:6,24 70:10 86:1 89:17 92:25 103:17 108:5 119:17 123:7 164:6 166:12 170:1 184:20

longer 15:17 96:18 148:3 156:1,8

longstanding 12:7,12 143:23

longtime 31:12 193:18

look 5:7 17:18
17:18 20:16
21:1 27:8,22
29:1 34:17
37:9 38:10,18
43:19 74:16
78:15,19 98:6
100:24 110:22
110:22 123:21
124:4 138:25
145:5 171:21
173:25 179:9
186:8 189:16
190:11
looking 6:17
17:5 20:6,11
23:20 24:3,13
25:9 27:18
28:11,12 29:12
33:23 42:11,19
72:7,14 121:20
139:2 190:14
looks 23:20
57:15 157:8
164:20
loop 120:24
looped 29:15
lopsided 104:9
lose 172:25
losing 40:5
135:10 175:16
175:20 192:1
loss 136:3
173:13,14

176:12
losses 173:19
lost 15:24
68:25 91:15
173:23 174:6
176:19
lot 19:24 24:8
25:6 35:18
36:10,12 38:19
40:7 41:25
43:15,17,24
48:22 52:13,20
56:13 57:5,9
60:1,10 61:12
62:13 71:23
73:25 78:12
83:25 84:10,19
87:2 94:11
100:9,22
107:12 111:4
113:13 114:22
128:15,18
131:21 136:20
146:8 147:25
148:12,18
153:14 154:10
154:20 155:4
158:9,10,24
160:6 161:15
161:17 165:24
168:5 178:7,9
183:25 185:8
185:10,18,21
187:24 198:1

198:10,16
lots 96:16
197:20
loud 112:18
loudest 14:9
love 23:4 106:9
107:9 108:3
128:3 155:11
161:21
loved 54:21
lovely 62:24
low 6:22,24
36:19 57:16
83:5 85:21
147:9 174:21
191:11,14
199:4
lowest 190:7,7
luxury 127:25
135:18 176:4

m

made 10:10
20:23 31:13
32:9 53:16
73:16 75:23
108:4 144:6
151:19 199:24
main 126:11
130:12
maintain
171:22 180:16
major 11:11
52:8 86:12

102:1,2 193:20
195:10 196:14
majority 9:11
9:16,21 24:17
30:7 36:2
65:21 68:13
73:8 108:7
109:25 144:24
190:15
make 5:12,12
10:25 13:25
20:1,19 22:8
25:5,12,14
30:24 36:6
38:14 39:2
44:10 45:12,13
48:8 53:8
57:23 58:25
61:16 62:24
66:6 70:18
81:24 82:24
89:23 91:10
96:20 98:7
100:3,21 101:7
104:7 107:15
107:16,21
110:7,12,19
116:21 120:14
127:23 130:6
130:16,21
140:13 142:25
145:1,6 172:19
172:21 190:11
192:4 193:1,9

193:17
makers 28:8
88:11
makes 10:22
21:19 34:12
53:24 59:1,2,2
69:15 97:22
98:10 99:3
110:6,8 115:4
164:15 166:16
185:18,21
193:21
makeup 109:20
109:23
making 6:3
16:24 21:3,5
22:10 28:10
78:16,17,24
85:19 86:11
92:9 97:9 99:6
99:6 109:18,20
116:11 122:23
122:25 127:20
133:2 146:10
171:7 187:1
188:12
manage 18:14
181:3
managed 18:15
115:15
management
12:13 156:15
manages 109:3

managing
115:3
mandate 16:20
52:18 80:23
103:13 151:1,9
180:15 181:3
mandated
52:16
mandates
90:14
mandatory
66:7
manhattan 8:4
56:19 57:4,15
169:23,24
170:15,23
176:10
manhattan's
176:11
manner 172:14
march 8:24
marginalizing
13:13
maria 3:23
188:21 195:3
mark 2:19
136:11 186:15
market 126:16
126:21,24
127:2 128:8
132:9,18 133:5
markets 82:16
133:4

mas 83:16 84:3
84:21
mass 15:21
99:19 163:16
match 98:9
matched 98:11
matching 126:4
126:5
materials 111:3
154:12
math 99:21
167:23
matrix 101:17
116:11,11,14
matter 60:1
73:12 120:12
123:7,10
165:21 192:22
matters 165:21
188:10,11
mayor 13:9,19
82:18 86:12,13
89:25 90:3
94:7 101:12
104:8 106:14
107:21 110:1,3
110:10,16
138:10 144:7
145:10
mayor's 13:16
51:20 54:17,21
110:7 115:14
118:23 152:21

mayoral 15:19
41:17 42:14
54:24,25 88:25
maza 2:22
186:15
mckenzie 3:14
79:12,17 82:7
83:13 86:25
mckesson 3:10
87:12 99:11,16
99:17,25 100:4
106:8 108:2,25
109:22 112:24
114:4,12
mean 17:21
19:18 23:25
26:15 27:5,21
27:25 28:1,2
48:14 59:1
68:22 69:8
71:18 75:12
76:15 93:4
96:4 97:21
112:3,9 121:13
123:20 124:18
124:22 125:6
132:10 133:6
154:9,10
155:17 156:2,7
157:2,17
meaning
104:23 160:17
171:15

meaningful 11:25 14:1,16 117:7 120:13	141:13 142:1 164:6	**members** 7:10 16:21 17:25 23:24 25:7	184:21 195:3 198:24
meaningfully 10:4	**meeting** 8:1,1,9 8:24,25 29:9 36:7 63:21	36:13,14 37:10 37:11 38:2,8 42:15,20 43:8	**mentioning** 132:3
meaningless 116:16	131:9 141:8 150:13 189:19	49:19 74:15 83:24 84:2	**mere** 98:14 **merely** 105:19 143:23
means 18:6 52:24 63:8,23	197:10 199:22 **meetings** 8:3	85:8 87:18,24 99:6 104:11	**merge** 165:5 **merging**
75:14 78:6 114:4 155:20	62:1 152:17 167:24 189:20	109:25 125:19 137:7 143:8	131:14 151:3 165:18 166:19
155:24 156:1 156:17 177:9	198:8,12 **meets** 25:5	145:25 152:20 162:3 165:11	**message** 120:17 **messy** 159:24
190:14	131:3	166:3 171:23 182:14 188:23	**metro** 11:16 22:17 26:16
meant 40:6	**melanie** 3:25 194:12,17	189:5,6,12,18 189:23	28:17
measles 178:7	**melissa** 136:11	**membership**	**metropolitan** 141:2
measure 62:15 70:25 71:5	**member** 6:1 17:23 21:11,13	97:3,12 143:15 **memo** 138:7	**michael** 4:8 196:22
measures 104:4	25:2 26:12 36:15 65:19	**memorial** 192:12	**michelle** 4:4 139:20 145:16
mechanism 25:22 26:4	69:14 72:23 74:1,13,15	**menstruating** 178:23	148:25 153:7 155:3 156:20
36:25 41:22 96:20 171:6	75:5 77:8 80:25 83:18	**mental** 79:4 **mention** 42:7	184:21
188:3	104:18 108:7 128:19,20	52:6 72:21 191:25 192:7	**middle** 100:5 183:24
mechanisms 45:15 49:13,16	129:6 147:4 157:1 167:10	**mentioned** 22:9 22:17 41:13	**midst** 6:20 35:5 **midtown** 170:3
90:1 187:12	175:10 180:20 188:2,4 194:19	95:23 103:5 116:25 117:22	196:25 **might've** 71:13
medgar 199:22 **median** 127:13	197:1	121:16 154:15	**mildly** 77:19
127:15,15,17 **mediate** 10:24	**member's** 25:20		**million** 12:5,6 80:17 135:19
medium 184:20 **meet** 47:20			
62:10 91:19			

135:24 152:6,8 163:20 190:1 190:13,19

millions 6:22 6:24 12:14 154:18 185:25

mind 19:19 23:10 120:20 122:25

mindful 172:14

mine 132:4

minimums 164:8,10

minneapolis 164:9

minor 131:19

minority 9:9

minute 126:7

minutes 7:13 7:15 8:24 9:7

misconduct 104:22,23 105:10,14 106:7 109:4,11 109:12 116:24 117:4,5 118:11 119:21,24 120:21 121:24

misgivings 62:12

mispronounce 139:18

mispronounced 186:13

mission 103:14 103:23 129:14 156:16,19

misspelling 139:18

mistaking 83:9

mixed 35:2 127:23

model 46:8 106:13 107:5,7 107:11

models 27:6 106:2,5,9

moderate 195:23

moderated 1:4

modernize 120:5

modernizing 89:6

modest 37:7

modification 65:22

modified 58:17

modify 67:9

moment 28:5 177:3

moments 61:25 62:21

moms 27:17

money 43:24 44:20 46:11 127:2 137:1 138:15 153:2

164:1 189:4

month 126:25 135:12,13

months 66:11 91:2 94:8

morale 120:3

moses 3:6 139:16 140:8 140:24

mother 189:8

motion 8:23 9:4 199:12

motivate 191:9

move 9:8 14:3 17:4 19:1 22:12 33:24 34:6 35:18 40:5 46:25 56:7 121:2 150:4 175:5 183:12 184:16 199:13,14

moved 135:16 199:15

movement 180:21

moving 46:10 183:1 192:11

mta 98:16 162:6,7

multi 184:14

multifamily 126:17 132:10 132:11,23

multiple 9:5 11:24 118:17 132:24 155:21 170:17 186:1 199:20

multitude 20:14

municipal 83:15

mute 30:1

n

n 2:1 3:1 4:1 5:1 186:14

name 5:4 9:20 61:22 83:14 87:15 88:22 102:19 115:2 117:25 118:6 129:9 140:7,24 143:13 145:22 162:3 165:2 169:22 176:25 177:1 179:24 186:14,18 194:17

name's 61:5

narcisse 19:20

narcotics 54:13

narrative 166:11

narrow 71:20

nasa 38:16

nasser 3:12
  115:2
national 193:15
nature 73:21
  73:23 74:14
  75:16 94:17,22
  122:5 123:18
  124:2 188:9
naveed 3:13
  99:13 114:17
  118:6,7 121:19
  122:19
near 146:16
nearly 11:4
  12:5,5 33:18
  66:10 146:1
  176:2
necessarily
  23:13 33:12
  37:10,23 55:14
  72:15 77:25
  98:17 113:14
  153:15 159:24
  197:3 198:9
necessary 15:1
  64:10 80:22
  96:5 119:17
  144:15 176:17
necessity 66:23
neck 70:22
need 13:3 14:11
  18:9 19:12
  22:5,24 24:12
  34:5,9,22

36:10 37:15,16
38:8 41:7
46:16,24 47:20
49:2,10,12,13
52:25 53:1,22
54:9 63:1,25
72:24 76:23
77:2 88:18
92:21 94:19,24
96:2 98:7,8,12
98:16,22 104:2
112:12,19
119:19 120:11
123:20,24
124:3 128:7,10
141:9,10,11
144:2 147:6
150:22 151:2
151:17 155:22
155:25 157:18
159:10,11
162:25 163:13
168:18,20
183:7 184:10
185:13,15,22
186:4 187:12
188:16,19
189:24,25
191:15,23
193:7 194:2
needed 15:10
  60:3 62:20
  117:19 156:22
  162:24 168:18

189:17
needing 35:3
needs 10:21
  16:14 17:9,12
  17:12 19:8
  25:5 31:1
  35:17 36:7
  37:19 47:1
  48:22 56:9
  70:6 74:9 96:7
  97:18 140:14
  140:16 141:8
  141:14,23
  150:9 156:8
  163:25 164:7
  164:22 169:10
  170:17 181:7
  181:12 185:1
  185:20,20
negotiate 36:5
  69:17 114:6
negotiated
  19:21 149:12
  152:6 153:13
negotiating
  12:4 43:5
negotiation
  77:4
negotiations
  19:12 32:14
  35:11 76:20
  91:15 182:4
neighborhood
  11:11,16 31:1

42:15 61:24
66:23 76:23
78:7 81:2
84:14 92:13,22
115:16 127:16
136:20 137:22
144:17 149:10
151:8,12 152:2
175:16 181:10
188:1 198:15
198:21
neighborhoods
  10:11,19 17:13
  30:16 40:3,11
  40:19,23 41:15
  47:13 50:18
  53:6 60:19
  77:2,23 84:5
  90:17 109:11
  134:18,25
  136:21 137:19
  137:25 138:4
  144:5,20 146:5
  146:20 147:9
  147:10,14,20
  153:10 158:19
  171:14 180:5
  183:22 184:7,8
  185:8,15
  192:20
neighbors 12:1
  31:5 40:2,12
  40:22 49:9
  62:6 63:10

64:12 140:4	63:24 64:6,8	146:25 147:17	**nexus** 158:12
186:20	70:6,7,11,12	147:19 148:4	**nial** 2:17
neither 201:10	79:25 80:20	148:15 151:14	186:13
202:7	82:12 83:1	152:15,21	**nice** 26:5
nest 11:19	85:17 87:21	159:23 160:11	**nick** 2:18
net 176:12	88:1,9,13,24	160:12 162:16	186:14
network	89:11,23 90:2	162:21 163:10	**nieves** 2:6 6:12
172:20	90:8,15,20	163:22 164:1,6	91:24 92:3
networks	91:13 95:5	164:7,18,22,23	94:2 107:19
172:23	96:13 99:21,24	169:24 170:3	108:9,24
neuroprivacy	100:16 102:20	171:5,16,20,24	109:14 124:11
178:24	103:3,22,25	172:10,18	124:15 167:9
never 43:6	104:13 107:11	174:17 175:13	168:21 169:3
52:24 56:1,20	108:18 109:1	175:15 176:9	169:13
69:18 72:8	113:2,17,21,23	176:13 177:10	**nieves's** 109:16
92:25 113:23	113:24,25	180:3 181:5	**night** 164:25
151:23 181:5	114:3,7,10,24	183:22,24	167:4
nevertheless	115:13,16	184:17,24	**nimby** 38:4
46:22	118:4,13,23	185:16 186:6	**nine** 31:11
new 1:9,11 5:6	119:5 120:24	187:16 189:7,9	**noho** 143:18
5:8,10,14,21	125:9 127:12	189:17 190:1,6	**non** 56:3 156:5
6:22,24,25	127:23,25	190:13,15	**nonpartisan**
9:21,25 11:18	128:10 129:3	191:10,13,14	189:2
11:21 12:17	129:10,12,17	191:22 192:5,9	**nonprofit**
14:24 21:16,23	129:25 133:22	192:19,25	79:21 83:23
24:2,14 30:7	135:6 137:20	194:18,21,21	115:12,19
30:18 31:15	140:1 141:1,1	195:5,7,13,25	129:12 140:9
37:23 38:17	141:23 142:5	196:8,14 197:1	143:15 145:24
39:17,22 40:10	142:22 144:10	197:17,20	149:2 155:6,16
40:25 47:13,16	144:12,19,22	198:6,25 199:1	185:24
47:18 50:17,18	144:23,24	199:1,2 201:20	**north** 11:16
53:2,10 60:11	145:7,23	**newspaper**	22:17 26:16
60:19 61:17	146:14,16,17	175:9	28:17
62:3,5,14,19,23	146:19,21,23		

notably 116:10
notary 201:19
note 84:13
128:22 148:7
199:6
noted 141:15
nothing's 130:4
notify 79:14
notion 24:8
notoriously
13:22 83:22
november
187:14
nuance 42:1
nuanced 38:5
39:5
nuances 42:15
46:1
number 47:18
49:8 50:3
51:13 67:19
72:2 109:2
126:19 127:7
127:19 128:3
135:25 136:5
149:8,12
150:18 152:14
153:24 154:15
165:7,10,12,12
165:15 166:1
166:10 168:13
168:13 174:2
176:18,22

nurture 40:20
ny 1:11
nyc.gov 8:3,14
nycha 152:7
nypd 103:9,17
104:22,23
105:5,9 112:9
113:2 115:7
116:7,8,17,24
118:11,16,18
119:11 120:1,4
122:10

o

o 5:1
o'neill 110:24
121:8 122:7,13
o'neill's 123:25
objective 33:10
78:6,11
obstacles 32:14
obstructed
103:16
obstructs 105:8
obviously
94:10 185:12
187:10
occurs 66:4
ocean 31:2
offenses 124:3
offer 24:2
171:18
offering 15:20

office 11:23
54:17,21 63:16
64:2 109:3,7,9
110:7 115:14
115:16 118:15
118:23 151:6
152:21
officer 100:16
100:20 102:4,6
106:12 125:1,4
201:2
officers 101:15
102:14 103:10
107:1 118:11
119:11 120:2
120:25 121:23
offices 54:12
official 61:6
148:11 154:16
162:7 178:6
officials 6:1
22:7 55:25
63:15 74:6,6
170:8 171:11
181:13
offs 27:23
oftentimes
55:22
oh 30:1 50:12
50:16 54:10
71:12 178:15
okay 9:15
39:12 73:9
85:21 95:13,16

95:20 96:11
97:20 99:14
114:22 133:17
138:20 139:12
139:12 140:19
158:8 169:20
172:2 183:16
194:16
old 70:7 135:9
149:2 178:13
older 144:25
197:23 198:13
omb 54:4
once 7:18 32:21
94:25 99:23
163:8
onerous 18:23
ones 43:20 52:9
56:21 58:21
77:4 107:9
157:9,16
190:15
online 7:25 8:6
8:21,22 175:5
183:12,13
ooh 176:25
op 82:19
opaque 83:24
open 7:18
12:18 19:12
28:21 32:11
35:15 80:16
89:23 104:15
113:8 145:23

146:22 190:2
190:12,18,22
191:8 192:4
194:24,24
195:17 196:3,5
196:8,11,15
197:1
opened 62:5
190:4
operate 109:24
operates 80:8
operating
163:21
operation 52:3
operational
26:14
operations
54:14 129:10
opinion 63:7
72:9 165:20
opinions 84:11
opponents 62:8
62:9
opportunities
14:7 23:23
24:3,9 28:6
32:10 66:2
82:15 95:8
96:14 184:19
193:14
opportunity
5:9 9:23 17:2
30:10 31:12
32:22 62:1

64:17,20 74:7
79:18 80:20
87:25 88:22
91:16 99:7
101:22 103:1
114:23 118:2,8
119:5 125:4
126:8 129:11
143:13 148:24
167:21 169:21
170:9 172:9
176:21 179:22
182:18,18
183:20 187:17
194:17
oppose 86:4,11
144:9 193:11
opposed 9:6
47:25 48:13
55:22 57:3
85:23 166:7
188:9
opposing 170:3
opposite 111:1
199:5
opposition
18:18 31:4
56:1 198:3
option 106:24
optional 66:7
options 28:7
83:6 170:5
order 29:22
33:22 44:22

66:1,13 67:19
69:11 85:4
133:5 135:6
155:21,25
organization
52:5 53:17
79:21 80:8
99:18 102:22
129:13 156:24
194:20
organizations
80:4 137:6
156:12 168:16
192:21
organize 149:9
organizers
101:6
organizing
180:22
oriented 90:13
original 74:20
91:13
outcome 66:9
69:20 165:13
201:15 202:12
outcomes 51:19
117:3
outdated 85:16
outdoor 53:20
outfit 52:5
outlier 101:25
outline 182:24
outlined 65:11
150:14 186:24

outlines 97:24
outreach 27:19
29:12
outright 92:4
95:18
outs 75:25
76:12
outset 43:13
outside 42:8
60:9 61:9 94:2
94:3,5,13
103:11 112:19
153:14 181:19
outsized 110:8
outward 18:1
overall 42:6
overarching
141:4
overcame
62:17
overcomplicate
161:18
overdue 119:17
overhauling
126:22
overlooked
40:23
overrated
188:15
override 65:22
109:21
overrule
105:16 142:18
142:21

oversight 13:5
51:2 53:25
82:4,10 101:3
103:6,9 104:5
105:10,20
107:8,12 111:7
113:19 117:9
117:24,25
118:14 120:14
120:17 121:3
144:2,11 145:4
145:9 151:10
151:24
overturn
103:19
own 11:19
13:24 16:25
24:5 27:13,13
31:13 102:6
136:18 137:2
153:2 195:20
owned 67:17
85:24 131:2,5
132:24 150:21
170:13 182:11
owner 173:25
194:19 196:1
owners 194:4
ownership 31:9
31:13 32:10
57:16 82:15
183:23 184:9
184:13,14
185:2

owns 24:5
oxford 115:25

p

p 2:1,1 3:1,1
4:1,1 5:1
p.m. 1:6 8:10
140:13 200:1
pace 199:4
page 8:1
pain 169:9
painful 167:16
pair 137:8
paltry 107:13
panama 5:10
pandemic 35:5
124:1
panel 7:17,18
7:19,22 16:7
60:21 67:6
79:12,14 85:7
86:17 91:23
107:2,3 161:23
167:8 175:1
panels 72:13
paper 29:7
par 150:25
parameters
97:10
parent 194:18
parents 5:10
park 39:16
40:11 51:1
52:4 139:8

parkchester
11:19 12:19
parking 164:8
164:10,14
parks 76:24
172:20 182:1
parochial
157:20
part 13:22
17:11 27:19
28:9,23 33:23
36:3,11 37:23
52:12 65:6
73:6 75:9 97:2
97:5 98:24
107:22 112:9
118:17 128:10
133:2 150:1
151:9,11,18,20
152:2,12 153:1
161:12 192:23
participants
65:14
participate
14:8 190:20,23
195:2,15
participation
42:4 43:7
193:12 194:8
196:12
participatory
180:9,24
particular 6:17
42:12 63:18

70:25 71:19
123:3 147:4
161:3 191:2
particularly
10:12 18:25
30:13 66:15
70:14 79:1
105:7 108:10
119:25 181:23
parties 189:13
196:7 201:11
201:14 202:8
202:11
partly 134:11
153:23 159:5
partner 192:21
partners 31:6
170:7 181:2
partnership
125:22 170:12
parts 13:4
33:20 73:24
144:18
party 153:3
190:21 191:1,3
191:5,8 195:1
195:10,12
196:10
party's 195:20
pass 82:18
137:12
passed 11:16
28:17 51:5,6
54:22 159:4,6

passing 92:19
past 51:24
  68:17 111:4
  118:12 130:4
  154:5
path 148:10
patterns
  146:18
paul 1:17 201:2
  201:18
paved 126:5
pay 135:23
paying 135:13
  135:15
pc 124:24
pcac 162:6,7
pcac's 162:6
pdf 29:8
peale 2:20
  183:13,14,16
  186:12
penalties 80:18
  120:23
pending 82:19
penenberg 3:22
  79:15 87:11,14
  87:15 96:8,10
  97:1
people 7:16
  10:17 18:5
  20:2 21:11
  22:7 25:13
  26:20 27:7,8
  27:21 28:4,9

28:18,19 29:8
30:23 48:11
55:3 56:16
57:2 59:7,8
60:10 72:1,5
78:20 79:3,9
82:13 84:8
93:10 96:1
99:7 100:9
101:6,8,8,9
102:9,10
106:13 107:4
107:14 108:8
111:5 112:17
125:21 127:20
128:4 135:15
136:4,7 142:22
152:10 161:17
162:13 165:18
166:6,8 169:11
178:4,10 179:9
189:12 190:23
190:25 191:6,9
197:11,12
198:7,11
people's 41:9
  72:10 178:1
percent 31:8
  103:20 105:17
  110:24 111:2
  116:7,18 121:8
  121:9 122:11
  123:4 124:10
  135:22 149:17

150:19,20
155:18 166:16
173:16,20
190:14 193:5
195:14
percentages
  158:18
perfect 31:2
perform 186:5
performative
  83:9
perfunctory
  69:16
period 33:17
  42:21 69:13
  84:16 90:25
  114:5 173:25
permanent
  91:10 138:12
  145:6 162:5
  174:20
permanently
  127:5 152:4
permit 53:23
permits 131:24
  173:11,22
  174:1
perpetuating
  193:16
persistent
  80:19 117:17
person 7:24
  27:20 48:6
  100:19 102:3

113:5 132:2,24
178:21 197:11
personal 84:10
  112:7 196:1
personally
  24:19
perspective
  6:18 72:8
  134:4
perspectives
  75:3,13 195:22
persuasive
  197:18
petty 188:14,15
ph 53:3 193:5
phase 12:23
  29:13 85:1
phones 178:13
phrase 62:24
picture 169:11
piece 18:3 29:7
piecemeal
  182:4
piecing 177:18
  179:3
pipeline 13:4
  33:25 69:12
  70:7 149:6
  153:23
pipelines 156:7
pitch 51:24
  61:16 163:6
place 23:19
  27:17 36:16

46:17 47:1
62:20 71:6
77:6 91:10
161:18 172:24
189:11
places 68:9
70:3 102:4
113:1 192:22
plan 11:16 27:7
27:7,7 45:9,12
46:16 47:8,10
47:11,16 48:3
81:10,11,12
84:14 89:14,18
90:18,21 91:3
91:7,9 92:10
92:15,22 93:19
93:22 94:12,18
94:24 95:5,11
95:14,16,19
96:18,25 97:16
98:9,15,20
99:4 134:9
136:18,19
140:8,25 150:3
150:7,10,11
162:23,25
163:10,12
170:23 173:24
180:16 181:4,5
181:6 184:23
184:24 185:13
193:11

plane 63:5
planner 179:25
planners 137:8
137:15
planning 6:18
11:24 47:18
50:23 52:19
64:19 65:22
66:1 72:25
80:24,24 81:3
81:14 83:3,9
83:18 85:8,15
90:22 92:24
95:3 97:25
98:23 99:1
128:25 131:11
135:4 136:10
136:14,16
137:2,13,19
139:9 140:14
140:25 147:21
149:7 150:15
154:19 157:3
164:22 175:14
180:9,25 181:9
182:5,20,25
184:5,19 185:6
planning's
85:13
plannings
84:13
plans 81:2
90:12,15,23
94:9,9 98:1

137:10,17
180:4
play 121:12
122:4
played 80:1
players 63:19
playgrounds
12:15
plaza 12:18
please 9:12,17
99:14 128:17
138:10 139:7
139:17 140:20
164:25 169:19
179:10 183:4
183:15 187:21
191:20
pleased 59:18
pleasure 149:7
175:8
plentiful
162:11,12
plenty 72:12
point 18:9
22:20 26:15
35:9,16 82:8
82:14 92:9
108:7 123:19
138:20 152:14
165:15 168:3
171:4
pointed 57:1
143:8

points 75:23
152:12
poised 52:2
police 54:11
99:18 100:12
100:16,19
101:12,19,22
102:2,2,4,5,5
102:10,11,14
102:22 103:11
103:18 104:1
105:15 106:11
106:12,19,22
107:1,2 109:3
109:7,11 110:4
110:5 112:2,6
112:22,25
113:4 114:8
115:1,17 116:1
117:5 118:14
118:19 119:21
122:20,21
policies 73:24
83:4 120:9
129:15 173:8
194:22
policing 118:20
policy 19:25
49:3,4,7 80:11
88:11 102:21
102:23 103:6
116:2 119:5
123:17 129:10
129:13 146:23

180:5,22
political 13:10
40:13 41:18
42:13 44:15
59:18 82:24
89:12 90:9
92:12 104:5,12
108:7 110:18
110:20 117:15
150:12 189:12
189:13,18
195:1
politically
195:4
politicize 13:6
165:11
politics 13:7
41:19 148:9
poll 72:9
polluting 48:16
poor 59:7
86:10
popularity
159:12
population
178:15,16
portfolios
115:15
portion 19:17
position 10:21
56:1 104:20
positions 153:8
191:3

positive 189:10
possess 171:8
possible 10:25
84:23 88:14
102:9 120:7
145:8 192:4
post 124:13
potential 22:10
potentially
44:23 147:22
188:3
poverty 10:9
power 13:7
15:20 19:6
25:15 36:6
37:1 49:21
100:15,19
101:14,24
107:17 109:21
109:23 110:18
111:6 113:12
113:20 114:2
116:20 117:24
146:16 158:6
191:1
powerful 48:23
powerless
59:15 103:21
powers 4:10
13:13 29:24
30:2,6,8 33:15
34:24 37:8
39:9 123:8

practical
119:17
practice 36:15
89:18
practices 80:5
80:13 86:23
95:4 118:18
143:23
pratt 179:25
180:1,20
pre 12:23 13:22
14:6 18:22
29:13 53:1
69:3,13 84:25
85:1 86:9
124:12
precedent
111:14
precinct 18:4
precisely
132:11
precludes
113:3,11
predatory
127:8
predict 95:7
preferences
146:11
prefers 146:10
pregnant 61:19
preliminarily
20:16
preliminary
81:24

prepared 44:19
87:11 126:7
202:3
preparing 34:2
present 141:13
159:9 181:7
presented
34:14 64:21
preservation
129:16 139:8
143:15 170:20
172:3,17
175:11 176:23
188:8 193:1
preserve 14:18
25:19 145:6
171:24 192:22
preserved 83:3
preserves
143:16
preserving
88:19
president 44:14
51:22 56:16
58:11,15,23
59:2,11,12,14
59:19,22 83:15
85:6,9 131:14
131:16,21
138:18 140:24
151:4 161:10
165:6,17 166:4
166:20,21
177:19

president's
151:5
presidential
191:13
presidents 13:9
85:3 90:19
166:2,6
pressing 88:18
pretty 47:24
188:14
prevalent 87:1
prevent 117:7
118:25 176:21
191:4
prevention
118:24
previous 52:22
72:22 109:9
123:4
previously
93:13 126:14
price 34:11
173:4
priced 162:15
prices 133:6
pride 196:15
primaries
190:2,4,6,6,12
190:18,21,22
191:9 192:4,8
194:24,24
195:11,15,17
195:18 196:3,5
196:9,11,15,17

primarily
78:22 79:3
primary
192:11 195:2,8
195:10
prime 23:8
principle 160:6
principles
70:14
prior 8:21
29:12 72:6
155:9 201:5
priorities 31:2
195:22
prioritize 35:7
98:8 180:9
prioritized
35:10
priority 72:2
146:7 147:3
privacy 111:17
178:23
private 11:5,10
52:5 84:17
149:13,14
privately 153:2
privilege 61:15
83:2
pro 64:1
145:24
proactive 80:9
proactively
184:6 185:5

probably 23:1
34:19 49:13
60:2 78:25
130:1 155:5
188:1
problem 37:3
42:9 45:11
46:13 48:1,20
48:21 49:2,10
50:1,1 64:5
76:13,18
106:13,20
109:19,21,23
141:8 156:19
176:16 190:9
193:4
problems 42:6
163:8
procedural
65:18 69:10
73:12
procedures
78:16
proceed 43:21
74:25
proceeding
200:2 202:4
proceedings
201:3,4,6,8
202:6
proceeds 82:1
process 10:5,23
12:3,24 13:11
13:21,23 14:2

14:6 18:21,22
18:22 20:3
21:3 22:11,11
22:13,23 25:4
26:6,18 27:19
28:5,9,10,13,24
29:6,11,15
30:12 31:18,25
32:14,15,20
33:6,9,19,22
36:4 37:5
40:14 41:3,8
41:12 42:6
43:1,2 44:11
44:14 49:14
52:17,20 53:4
56:5 58:16
59:18 61:12
63:14 64:13
65:8,10,14
66:4,11 67:2
67:11,11,14
68:8,15,17
69:3,3,15,25
70:25 71:7,22
73:14,16 74:5
74:6,20,22,23
75:10,14,15
78:16,20,23,23
83:22 84:3,11
84:13,25 85:14
87:23,23 88:3
88:20 91:5,11
93:25 96:6,13

96:17 97:2,4,7
98:19,23 102:7
104:12 108:8
110:13 111:12
111:15 116:9
119:22 121:2
122:23 123:1
124:17 128:17
130:14,15,21
131:8,10,18
134:8,12
138:17 141:12
141:16 142:8
142:12,16,25
142:25 144:16
146:4,10
147:20,24
148:6,10
151:20 152:10
153:12 154:6
154:19 157:6
157:18 158:5
159:22,23
160:2 161:9
164:5 165:6
166:11,13,15
166:20 181:15
182:16 184:20
187:25 188:12
193:10,13
194:3,5 195:6
196:13
processes 14:10
84:18 86:9

95:24 110:12
124:19 149:23
160:11,13
168:23 181:22
183:9 192:24
193:19
produce 11:4
26:4 141:22
produced
136:20
producing
138:22
production
32:1 68:7
88:12 150:14
productive
151:15 152:22
products 85:21
professionals
137:9
professor
196:25
profit 46:14
156:5
profitable
173:6
profound 6:21
144:4
program 80:9
81:17 84:5
programmatic
66:22
programs
119:2 174:17

progress 10:10
15:24 83:9
project 11:17
11:22 19:22
22:17,18 25:1
25:5,21,22
27:13 28:13,24
29:2 31:9,19
44:23 45:5
58:25 62:7
63:18,19,20
64:2 66:18,25
67:10 68:20
72:15 86:7
130:25 134:15
149:15,18
154:17 156:1
158:19 170:16
170:18
projects 13:1
15:8,13 18:17
18:24 19:1
25:8,14 31:20
31:22 32:5,9
33:24,25 34:3
34:6 35:18,21
36:6,11,16,21
37:1,6,13 42:8
43:23 44:16
49:22 58:20,22
61:17 67:9,15
67:16 68:20
70:7 85:21
88:1 95:15

96:2,3 131:19
131:21 143:2
153:21 154:2
163:7,23 174:5
176:1 181:25
182:11 193:3
193:24 194:4,6
promise 105:15
promote
183:22 196:5
promotes
175:15
promoting
79:22
prone 12:14
proper 49:11
196:3
properties 24:4
property 85:24
87:17,19 88:7
156:15 170:13
194:4
proponent
193:18
proportional
197:20
proposal 31:4
65:2,5,11
66:12,25 67:8
91:13 93:2
97:22 108:13
165:8,10,12,13
166:3,19 174:6
182:25 187:13

proposals
31:24 64:23
65:5,17,24
67:3 76:5
84:19 88:17
89:5,9,22
131:13 147:7
147:19 148:4
165:5 172:24
181:13,18
182:8,19,21
186:22 187:16
propose 6:6
18:17 43:23
86:8 104:10
105:9 110:14
173:21 174:4
192:24 193:9
proposed 31:5
37:22 89:4,15
127:1 187:14
proposing
111:23 126:10
137:5
propublica
105:4
protect 10:2
42:13 53:12
183:23
protected
40:17 41:2
43:16 44:1,2
79:6,10 171:1

protecting 22:6
32:11 43:8
protection
41:22
protectionist
16:13
protections
182:2
protects 48:23
protest 28:16
102:15
proud 102:20
194:19
proudly 9:21
30:8
proves 116:16
provide 35:14
66:1,18 81:7
90:15 103:7
105:5 115:9
120:13 188:6
provided 67:19
providers
80:14
provides 11:15
165:9,10,16
providing
15:10 66:17
73:12 103:1
117:21
provisions
66:22
proximity
30:25

public 1:1 5:3
5:23 6:1 7:11
8:20 10:13
11:10 14:8
15:5 40:22
45:15 46:15,19
63:7 65:20
72:9 80:14
90:25 98:25
100:7,7 103:5
103:9 104:5
112:3,10 115:1
115:11,20
116:11 118:13
119:1,13 120:8
126:4,5 144:6
149:23 152:17
164:2 171:7,11
178:5 180:7
181:21 182:1,4
182:15 193:12
193:13,18,22
193:23 198:9
198:12 199:10
201:19
public's 105:20
171:18
publication
132:14
publicly 62:16
115:4
published
64:23

punishments
119:18
purposes 47:10
pursuant 81:10
pursue 6:5
18:24 97:23
pursuing 5:22
push 17:20
18:1,9 69:12
137:15 138:6
pushed 40:12
135:16
put 20:1,19
34:3,22 38:16
44:19 63:5
77:19 91:12
96:21 103:23
132:17 134:9
134:13 135:6
136:14 137:9
138:11 156:9
158:13,21
167:14 169:1
184:22
putting 20:2
42:12 133:3

q

qualified 201:7
quality 7:2
86:7 165:14
176:6
quarterly
152:17

queens 30:9
56:22 177:3
question 7:22
18:12,13 25:8
25:11,17 26:9
26:14 33:1,16
34:21 36:2
37:9 44:10
47:2,15 50:2
52:16 55:10
58:2,10,19
59:11 65:7
68:10,11 71:11
75:17,20 78:14
101:2 107:19
109:17 111:10
111:21 112:15
122:1,2 124:16
132:7 139:11
153:4 155:4
156:2 158:7
160:9 167:9
question's 19:3
questionable
106:15
questioning
133:12
questions 7:19
16:7 24:24
32:24 43:10
55:9,12 60:23
61:20 67:3,6
86:17 91:23
105:25 109:16

114:13 121:5
129:5 139:12
145:13 149:22
151:21 161:22
167:7 175:1
183:11 186:12
187:19 188:21
192:15 194:11
196:22
quick 96:7
quicker 33:11
quickly 53:9
84:21 85:22
quinn 51:25
quit 102:11
189:21
quite 20:15,20
46:23 161:12

r

r 2:1 3:1 4:1 5:1
rabinovitch 3:3
racial 10:9
180:10,17
rad 3:12 99:13
114:16,19,22
115:2 121:13
122:8 123:20
124:7,14 125:1
125:6
radical 72:11
radius 163:3
rail 163:4

rainfall 185:11
raise 153:2
165:4
raised 39:17
137:1 152:11
189:8
raising 40:10
166:5
randomly 90:8
93:10
range 81:4
153:8 189:18
195:19
ranges 180:4
ranging 89:5
rapid 119:3
rare 148:20
rarest 140:1
rate 17:6
126:24 127:2
175:17 192:2,3
rates 154:22
rather 32:6
41:23 42:25
66:3,7 78:18
78:23 105:19
117:17 170:3
171:13 195:19
196:6
rational 198:20
198:22
rationality
198:19

rationalizing
164:5
reach 155:22
155:25
read 57:8
128:19 147:1
reading 9:13
ready 178:6
real 12:22 14:4
17:14 24:2
27:2 30:25
85:22 88:5
95:3 101:22
103:22 107:16
107:16 110:12
110:17 116:18
116:22 117:24
121:3 136:9
147:13 184:20
184:22 185:6
188:16
realign 104:4
realistically
162:23
reality 26:11
36:24 70:11
199:6
realize 27:8
really 16:11,19
17:25 18:8,9
24:12 26:10
27:1,12,18
29:9,13,14,17
33:10,19 35:16

37:3 40:6 41:7
41:13 42:19,23
45:1,10 51:14
52:24 54:8
59:5 60:3,4,5
60:10 61:15
62:24 69:14
79:7 84:15
87:6 93:12
97:8 99:10
101:2 122:22
129:4 130:9
133:25,25
134:11,12
137:14 143:1
148:12,17,18
148:20,20,21
148:21 150:4
151:17 154:7
158:11 182:23
183:7 184:6
187:16 188:18
195:13 197:1,9
197:18
reason 28:15
52:6 63:24
78:13 133:12
164:13 178:3
191:15,23
197:19
reasons 41:1
102:16 198:7
198:22

rebalance
142:24
rebalancing
73:13
recall 188:13
receive 91:18
184:11
received 12:3
81:23 117:4
receiving 35:15
recent 19:19
40:1 170:11
receptive 43:20
recognize 14:9
77:17 88:10
recognizing
123:9
recommend
19:10 59:13
104:14 106:19
108:15,19
130:11 131:7
160:13 188:7
recommendat...
104:7 105:22
109:20 120:14
124:22,23
147:3 161:8,13
190:12
recommendat...
6:4 13:16,20
13:25 21:8
23:6 35:15
55:13 81:5,7

82:17 89:21
100:22 101:1,3
103:19 107:16
108:12 109:18
116:2,22 121:9
123:3 130:18
130:20 149:21
160:10 163:1
181:2 182:20
184:3
recommended
56:2
recommends
105:14
record 20:19
62:2 109:2
121:20 187:5
193:24 201:9
202:5
recorded 201:6
recording
201:8 202:4
records 103:17
104:23 105:6
112:2,6,10
recovery 15:5
red 40:11
redeveloping
20:12 170:13
redistribute
17:7
redone 94:19
reduce 13:11
85:1 162:17

182:9
reduced 201:6
reducing 84:23
183:9
reengage 27:2
reevaluate
143:21
referenced 44:1
132:8
reflect 14:15
31:1 68:22
117:8 139:2
reflecting
124:17
reflection
69:14
reform 14:13
56:5 119:6
120:7 121:1
171:23 186:2
189:24
reforming
104:11 141:12
reforms 32:19
52:1 64:24
82:15 89:8
103:3 104:3
116:16 117:18
146:24 148:12
regard 109:3
183:2
regarding
94:16 165:15

regardless 6:6
6:6 81:25
190:21
regime 125:5
region 80:3
141:2
regional 140:8
140:25 162:23
register 132:20
191:1
registered
195:7
registration
133:3
regular 85:14
regularly
127:24 143:21
168:2
regulated
126:20,21
127:22,25
135:10,11
136:3
regulation
132:16 178:18
regulations
172:12
regulatory
67:16
reinforce
117:23
reintroduced
74:19

reinvention
115:1,17
reiterating
197:10
reject 90:21
92:4 95:18
related 7:7
69:22 81:7
174:16 201:11
202:7
relates 51:21
82:3,9 155:15
relating 198:11
relation 132:7
relationship
22:6 59:19
151:15 152:22
relationships
16:20 97:8
relative 81:19
201:13 202:10
relatively 7:14
release 81:23
released 146:23
relevant 112:6
114:2 115:24
reliable 172:21
relief 66:19,25
96:20
relieve 140:16
religious 191:7
relinquish
114:5

relinquished
113:22,23
rely 105:2
156:17 181:18
182:3
relying 112:5
remain 7:5
10:11,15 78:25
174:18
remains 5:9
80:19
remedies
148:14
remedy 158:9
188:1,6
remember
140:4
reminder
146:19
removal 145:9
remove 65:12
85:16 144:10
147:16 172:12
178:1
removes 113:6
removing
13:10 21:2
30:11 43:1
49:21 173:5
renders 103:21
105:18 116:15
renovate
126:19

renovated
175:21
renovations
12:14 82:12
rent 126:20,21
127:22,25
135:10,11,13
173:8,13,15,17
173:19 176:4
rental 31:7
126:15 176:7
rentals 132:17
rents 135:11
reorient 128:5
repair 98:4
126:19
repairs 98:7
152:7
repeated 106:6
repetitive 19:3
rephrase 199:2
replace 127:22
144:25 164:14
replaced
127:25 172:25
173:3 175:18
175:24 176:6
replacement
70:8 173:24
176:17
replacing 173:6
173:18 174:7
report 13:17
26:5 38:17

57:7 64:24
65:2,12 69:11
73:18 118:18
133:23 134:20
138:21,25
152:16
reported 1:17
reporter
175:10
reporting
78:23
reports 112:5
173:9 180:5
represent 9:22
10:18 42:21
156:23 157:6
192:20
representation
48:5 88:19
104:13 108:11
108:18,23
177:21 196:3
196:12
representative
14:10 22:21
51:7 147:22
180:19 190:17
198:9
representatives
42:22 85:8
represented
127:17 136:12
representing
30:8 87:18

97:11 148:2
186:19
represents
169:24
reps 181:23
request 117:10
require 45:7
70:12 72:17
81:14 85:10
91:6 128:10
153:15
required 81:15
81:22 90:11
164:13 176:18
195:1
requirements
70:2 82:4,10
162:16
requires 33:19
45:16 47:9
82:22,23 98:2
120:8 132:19
134:8
requiring
90:20
research 115:3
115:15,25
140:25 162:4
198:10
researcher
115:11,20
reserve 174:10
resident 102:20

residential
81:18 82:3,9
87:21 171:22
residents 14:8
31:12 32:16
47:1 83:5
137:11 162:19
163:14 171:8
resides 122:20
resiliency 15:4
resilient 147:8
resistance
197:23
resistant
197:22
resisting 44:3
resolution
137:13
resolve 55:24
162:24
resource 36:10
181:6
resourced
40:16 147:14
181:17
resources 25:4
69:9 77:3,5
84:2 144:18
153:24 181:15
182:4,13 194:6
respect 21:18
58:16 70:3
141:5

respectfully
189:16 192:10
respective
166:9
respects 119:11
respond 77:25
122:8 156:21
156:24 181:13
197:11
response 49:24
54:14
responses
119:3
responsibility
5:15 18:6
24:14 39:2
responsible
45:19 65:15
175:15
responsibly
45:7
responsive 65:3
responsiveness
180:12
rest 188:17
rested 100:16
restore 103:5
121:2
restricted 87:5
182:12
restrictive 83:3
result 13:17
31:16 34:16
54:19 116:7

117:3 195:23
resulted 80:16
results 11:2
86:10 162:21
rethink 161:9
returns 75:9
reuse 193:2
revenue 54:16
review 1:1 5:15
12:24 14:8
32:2,4 33:17
51:18 65:9,10
66:2,3,6 70:14
83:10 88:3,16
88:20 90:25
91:4 93:23
100:21 103:4
105:1 118:1
131:15,15,18
143:21 144:3
147:20 164:5
165:6 166:5,7
166:13,16,20
182:15 192:24
reviewed
101:19 193:19
reviews 85:3,5
193:7
revise 5:12
revision 5:4
22:14 70:21
89:4 125:24,25
126:3 134:8
162:3 163:1

179:23,23
186:3
revisions 75:6
89:15 180:10
180:15
revocable
53:23 131:24
ribbon 63:22
68:25
rich 147:8
164:11 175:22
richard 1:4 2:3
5:4
richardson
2:11 6:12
75:18 86:18
106:1
rid 53:23
ride 163:18
rider 162:8
riders 162:7
163:19
ridership
163:19
rigged 62:22
right 5:3 9:7
16:9,23,24
20:15 22:16,25
23:14 35:20
38:20 45:16
46:10,17 57:24
58:17,24 60:6
60:25 62:23
63:2,3,8 67:13

76:21,22 87:7
92:16 93:12
95:1 97:5
100:20 101:10
103:12 111:9
114:14 117:11
125:12 130:12
133:11 137:11
141:9 143:7
146:9 148:23
153:24 154:2
154:11 157:3
157:12,12,13
158:21 161:18
162:2 167:19
168:8,12,15
169:9,12
174:19 178:2
191:17 194:11
199:21
rights 63:4,5
72:7 76:2
79:21 80:6
93:7 106:18,20
106:21,22
rink 52:4
rise 57:16
176:9 185:12
rising 40:15
155:6,13 189:2
189:12 194:20
risk 13:13 66:3
98:17 185:6

risky 83:22
84:9
rival 66:3
road 61:11
64:15
roadside 53:21
roberta 3:16
169:18 172:5
173:1 175:3,7
robust 82:4,10
89:4 101:17
107:11,15
109:18 162:19
180:18 183:18
196:13
rochester
113:18,22
114:5
rockaway 31:3
rockaways
31:9
rodney 106:18
role 10:5,23
14:17 30:12
32:16 65:8,13
80:2 104:17
110:8 181:21
182:10 183:10
192:23
roles 32:12
58:15 101:8
roof 72:10
room 73:18
93:17 99:5

112:17,17
140:14 189:21
roosevelt 129:2
rooted 41:13
ross 3:2 145:20
162:1,2,4
rough 59:5
roughly 91:2
round 63:22
routinely 105:5
royo 2:21
rub 107:18
rude 7:15
rule 117:17
196:10
ruled 113:19
rulemaking
85:13
rules 61:10
62:22 64:7,15
89:6
run 45:16 48:8
48:15,15,17
126:6
running 110:8
runs 45:14
189:21

s

s 2:1 3:1 4:1 5:1
sacrifice 32:21
safe 70:19
safer 12:17

safety 15:5
100:7,7,9,11,14
115:1,11,16,20
115:23 119:2
sake 57:18
143:24 171:3
samuels 2:7
6:13
sandy 71:25
sanitation
97:17
sara 3:22 79:15
87:10,15
save 164:1
savino 2:15
6:13 21:9
24:16 26:15
47:5 48:11,24
50:5,12,14,16
50:20 55:10,21
56:10,24 57:21
57:24 60:16
68:10 70:1
71:10
saw 93:12
154:25
saying 43:18
73:7 107:20
113:4 123:2
125:1 137:20
137:21 142:3
167:20 168:8
168:17,19
169:1 177:19

187:6 198:11
says 49:6 76:9
79:8 102:14
142:4 168:18
scale 85:20
scales 24:13
scarcity 76:10
86:22
schedule 8:9
scheduled 8:9
school 1:9
27:25 28:20
54:7 61:18
100:5 142:2
164:2 196:25
schools 7:1
12:15 15:13
97:17 119:1
142:5 182:1
science 179:9
scif 132:15
scope 42:8
85:10
script 84:7
sea 185:12
seaport 188:13
seat 32:8
171:20,24
seats 63:17
seattle 111:21
111:24 112:1
second 9:1,2
39:20 67:7
104:21 127:11

140:11 146:7
168:22 169:22
190:20 198:18
199:16,17,18
secondly 81:14
131:1 174:4
seconds 99:25
102:17 117:11
120:19 191:20
secretary 2:10
6:10
sector 88:7
115:19 185:24
sectors 115:12
secure 12:4
14:8 182:4
secured 11:9
80:17 153:1
secures 182:1
securing 32:10
security 87:20
see 10:19 15:8
23:7 34:13
37:16 38:4,16
40:15,23 43:4
43:19 44:23
46:22 54:1
62:11 63:20
64:2 68:12
73:11 77:23,24
81:13 87:3
108:4,12
109:10,22,23
119:7 123:14

124:14 127:24
131:13 132:3
153:12 154:4
154:25 171:6
173:1
seeing 130:3
seek 144:15
155:24 170:4
171:2
seeking 171:1
seems 197:14
197:19
seen 13:14
19:14 39:18,24
50:2 97:10
100:25 119:12
121:21 151:16
161:17 177:23
178:24 193:1
193:22
sees 97:3
segregation
10:10 81:19
146:18
seiu 87:16
select 8:4,4
selected 90:8
93:10
selection 85:20
selvena 4:10
29:24 30:7
senator 6:13
138:17

send 107:23
108:5 110:16
120:16
senior 15:13
61:18 179:24
sense 38:12
53:24 78:11
93:20 97:22
99:3 110:6,9
144:11 165:9
185:18,21
194:22
sent 22:7 35:23
48:8 90:19
176:2
sentiment
18:13
separate
124:12 159:21
159:22
seqr 70:24 71:7
sequential 66:3
serious 83:8
190:11
seriously 37:15
37:17 151:7
servant 40:22
serve 9:21
15:18 115:3
119:11 120:2
181:24
served 118:21
125:23 135:4

service 61:7
79:3 80:9 81:6
87:17,20 88:7
118:13 119:13
125:21,23
148:25 153:6
162:8 183:18
186:8 188:24
196:24
services 79:2
129:4 178:2,14
179:4 186:5
serving 5:5
sessions 11:25
set 62:1 68:4
70:13 89:4
127:13 149:15
158:14 159:8
159:15,23
settlements
109:2
seven 26:19
79:25 91:2
several 13:25
35:22 89:3
115:15 130:18
135:23 138:9
170:20 182:8
189:5
severe 105:7
sewer 184:15
184:16
shack 127:1

shalt 74:13
shameful
195:14
shams 2:9 6:11
shape 10:4
30:15 37:1
88:1 193:24
shapes 193:13
shaping 32:16
80:19
share 25:25
49:3,4,7 51:22
72:25 77:16,17
77:21 78:6,22
89:6 165:19
167:13,17
168:3,11
171:11 172:9
shared 14:15
30:19 84:19
104:24 129:20
129:22 171:19
sharing 105:8
169:8
sharon 2:12
6:10
sheets 20:11
shelf 92:25
96:25
shelter 19:23
24:11 46:8
49:4,8,9 127:1
138:12

sheltered 72:1
shelters 23:16
  23:22 46:4
  48:18 129:3
  138:3
shift 158:17
shifting 85:5
  150:18
shirt 167:3
shite 178:1
  179:4
short 32:2 42:5
  56:10 64:4
  75:6 85:24
  126:15 131:12
  132:8,12,16,17
  173:25 184:20
  187:2
shortage
  146:12 164:12
shortening
  131:8,13
shorter 131:15
  131:17
shortfall
  163:25
shoulder 83:5
shout 39:22
  99:24
shouted 61:23
show 27:6 63:9
  72:8 95:4
  124:9 130:3,7

showed 116:17
  122:10 163:17
showing 120:6
  129:23
shown 86:10
  97:8
shows 107:1
  129:25
shut 193:12
side 26:14 36:9
  50:25 127:4,5
  138:2 176:14
  186:20
sided 110:24
sidelined 32:13
sidestep 104:16
sighting 140:2
sign 8:5 140:12
  140:17,18
  178:18
signature
  201:17 202:14
signed 7:11
significance
  76:5
significant 14:2
  34:22 42:5
  43:5 71:5
  98:10
significantly
  171:3 190:23
silence 13:12
simeon 3:15
  169:18 172:2

similar 36:1
  38:3 93:25
  176:1
similarly
  108:19 128:8
  160:12
simple 78:5
  160:4
simply 31:16
  103:23 121:10
  122:3
single 17:15
  28:12,16 51:22
  57:5,8,9 72:15
  76:17 132:9,10
sinking 38:18
sir 55:8
sit 12:23 32:5
  96:25 151:5
  166:21
site 176:18
sites 138:9
  173:3
siting 46:4 49:4
  49:11,14
sits 92:25
sitting 149:7
  168:7 179:10
  179:15
situation 16:11
  16:12 33:7
  36:18 60:8
  123:2 179:19
  198:20

six 17:19 26:19
  94:8 108:4
  126:11 135:9
  175:10
sixth 99:20,21
  100:4
sixty 22:25
size 22:24 37:7
  37:13 117:20
skeptical 63:24
  198:6
skills 201:10
  202:6
slated 11:17
slatkin 3:17
  60:22 64:16,18
  67:13,24 73:5
  73:9 78:3
sledgehammer
  41:24
slice 124:4
slightly 29:22
  123:14
small 24:10
  51:14 62:7
  126:6 131:19
  131:21 175:20
  194:3,19
smaller 18:21
  19:1 83:23
  85:20 131:23
smart 10:1
smartly 148:18

stacked 64:13
staff 35:3 58:24
  59:20 60:1
  87:21 89:1
  91:19 107:14
  126:9 152:20
staffing 35:6
  69:9
stake 74:9
  196:2
stakes 148:21
stall 90:10
stalled 15:13
stand 176:22
standard 88:4
standards
  66:17 82:11
  130:24 142:18
  143:23
standpoint
  33:4
staring 178:12
starkly 19:15
starrett 99:21
start 9:9,10
  36:22 79:16
  82:8 91:7 92:8
  98:6 140:20
  161:18,19
  164:22
started 22:18
  36:16 69:25
  122:9

starting 18:9
  36:21 135:19
starts 128:23
  136:6 148:11
state 21:17
  40:5 47:9 70:2
  70:12,22 80:6
  98:3 112:15,21
  113:11 114:2
  129:15 145:25
  158:25 192:1
  201:20
state's 26:18
stated 22:4
  121:15
statement
  72:21 86:24
  187:8
statements
  144:6
staten 56:22
  57:2
states 51:21
  87:18 112:4
  148:13 159:21
  191:14 199:4
statewide
  148:13
station 11:19
  11:21 22:17
  163:7
stations 11:18
  163:4,6

statutes 117:1
stay 7:3 140:16
staying 188:25
steep 132:15
step 74:22
  112:19 114:16
  139:19 150:6
  196:9
steps 23:1 29:1
  80:22
stetsenko 3:19
stick 177:8
  188:6
sticker 62:25
sticks 45:19
stiff 31:4
stifle 194:7
stock 18:7
  23:13,14 145:1
  173:6
stood 61:18
stop 43:9 49:19
  83:9 102:17
  127:7 143:10
  173:8
stoppages 20:1
stopping
  131:20
stops 163:5
stores 172:21
stories 27:10,10
  27:10 48:4
  53:9 62:17

story 17:19,20
  22:25,25 57:12
  57:13,14 135:9
  135:17,18
  140:23 176:6
straight 62:2
strategic 42:11
  54:14
strategies
  180:6
strategy 62:13
  97:24
streamed 8:19
streamline 14:6
  90:1 163:23
  185:16
streamlined
  68:8 90:24
  91:11
streamlining
  13:18 163:24
  182:9 187:3,25
  197:15
street 63:11
  164:14 176:5
  197:25
streets 12:17
  109:10
strengthen
  10:3 96:12
  103:4 118:2
  120:6
strengthened
  32:12

strengthening
42:24 79:23
81:9 89:5
116:10
strengthens
15:18
strict 7:12
stricter 82:4,10
strictly 65:16
67:14 72:7
73:21
strip 144:15
strong 120:7
183:24
stronger 80:23
193:22
strongly 52:10
54:21 61:10
85:23 86:11
91:12 137:15
144:9,14
192:25
struck 43:12
121:6
structural 64:5
82:22 117:8
structurally
107:10
structure
101:10 104:9
132:10,11
structured
115:6,6

structures
80:25 101:7
117:15 121:16
193:15
struggle 6:23
struggles 40:24
struggling 60:6
student 170:21
students 101:6
164:2
studios 128:5
study 12:16
102:13
stuff 13:16
57:18 69:10
94:1
stupid 52:21
style 93:10
subject 63:6
67:16 85:15
91:4 110:3
113:7 141:17
141:17 142:3
181:11
subjects 104:25
submit 8:12,13
8:16 21:7
79:19 80:21
106:4 124:11
141:6 179:22
186:6
submitted 33:3
108:1 182:20
182:22

subpoena
111:6,7,13
subpoenas
105:2 111:8
subsequently
106:4
subsidize
156:18
subsidized
132:19 135:24
subsidizing
156:15
subsidy 155:21
155:24
substance 79:5
substantiated
116:24 118:11
119:21 120:21
substantiates
105:14
substantive
105:19
substitute
78:19
suburban
56:22,22
subway 163:4
163:21
success 14:21
81:19 196:2
successful
170:11 189:19
sudden 111:8

sufficient
174:21
suggest 5:16
16:15 132:22
136:9 167:12
suggested
72:12
suggestion
75:24
suggestions
33:5 77:20
184:1
summarize
129:19 130:19
summary 126:7
summer 11:17
sunglasses
178:11
sunset 39:16
40:11
super 27:3
28:23 65:21
73:8
superb 57:6
supertalls
176:10
supplant 91:4
supply 56:11
66:16,20 89:12
126:13 133:10
154:13
support 20:6
21:19 23:3
25:2,18 35:12

53:2 62:9 78:7
80:10 81:4
83:16 84:21
98:12 103:2
129:16 131:14
131:20 137:5
166:7 183:8
184:17 187:24
188:7 192:25
194:22,23
supported
27:11
supporting
17:23 32:11
supportive
61:16 62:10
79:2
supports 6:7
81:1 84:21
174:15
supposed 29:9
54:15
sure 16:24 20:1
20:19 25:5
36:6 39:2
44:21 45:12,14
47:2,8,14
48:10 61:3
67:24 70:18,24
79:17 92:8
96:20 97:9
98:10 99:6
107:21 110:7
110:12,19

121:25 129:6
133:2 134:23
135:3 138:4
140:13 142:25
154:23 165:1
191:19,21
surface 98:15
surgical 41:25
surprised
185:22
surrounding
12:16 79:25
survived 40:8
susan 2:17
186:13,14
sustainable
41:6 149:24
180:2
sustained 82:23
swapped 29:8
swapping
53:21
switch 191:6,8
sworn 201:5
symbolic
105:19 121:3
system 14:3
19:25 20:17
24:23 52:1
76:10 79:8
103:18 104:1
104:25 117:16
119:14 120:25
121:17 126:5

162:9,20
163:12 184:15
184:17 194:25
194:25 195:9
systemic 80:10
117:6
systems 101:20
101:21 103:6
119:5 120:11
143:22 144:2

t

tab 8:3
table 12:4 32:8
171:20,25
tabulation
127:16
tackle 49:25
50:3 148:21
tackling 89:9
tagged 54:2
tail 69:24
take 5:7 17:9
17:13 21:1
22:19 23:6,11
24:13 38:21
40:19 50:23
56:1 63:24
66:10 70:10,15
75:7 80:22
92:17 93:14
110:1 128:17
138:24 140:19
150:7 159:17

166:13,15
168:5 191:4
taken 23:2
71:20 92:18
197:25 198:1,2
201:3,12 202:9
takes 24:21
29:2 37:15,17
70:22 92:24
156:1 166:11
181:8
tale 83:2
talk 21:11
24:12 41:8
51:15,18 100:6
100:6,11,14
116:3 130:23
168:1 172:5,6
173:1 185:22
talked 55:1
76:1 146:8
153:22 155:4
160:25 161:14
185:16
talking 16:11
16:12 26:21
33:20 38:17
41:9 72:22
86:21 100:12
100:13 122:17
132:12 133:14
136:1 137:25
157:13,15
158:15 162:10

tall 53:9 59:6	**technical** 80:11	**tenure** 123:25	169:21 183:20
taller 28:1,19	180:23	**term** 14:25,25	197:9 198:8,11
tania 3:7	**technocratic**	15:7,8,25,25	**testifying** 88:23
tara 4:7 175:4	177:25	20:11 34:1,2	91:22 165:4
179:20,24	**technology**	41:6 63:13,23	201:5
target 133:1	179:5	64:4,14 69:7	**testimony** 7:6
targeted 67:17	**teeth** 26:2	85:24 86:2	7:21,23 8:11
117:18	147:13 185:20	89:17 96:18	8:12,16 9:8
targets 90:13	**tell** 62:16	117:21 126:15	16:4 18:16
96:21 159:23	100:24 101:6	132:8,12,16,17	19:14 20:19
184:21	139:25	157:21,22	22:10 29:18
task 6:8 13:18	**telling** 26:20	184:20	33:2 36:1 39:7
115:18 151:10	**temporary**	**terminate**	43:17 50:8
151:24 152:16	89:25 94:5	106:12	52:9 64:21
152:19	**ten** 17:20 95:3	**termination**	68:12 72:22
tasse 2:16	95:5,7,8 97:24	106:19	75:19 76:8
139:17 143:12	102:17 111:5	**terms** 20:3	77:13 79:19
143:14	120:19 122:6	51:17 52:13	80:21 81:13
tax 126:13,17	132:23,24	53:2 72:14	86:19,21 87:8
133:3 192:1,3	178:14	76:19 94:18	89:8 91:18
199:2,4	**tenant** 182:2	136:7 142:8,21	99:10 106:2
taxes 199:1,2	**tenants** 10:21	187:1	121:7 125:13
taylor's 113:24	62:10 135:12	**testified** 60:24	126:8 128:18
tcc 181:1	140:4 173:2	126:3 129:20	129:18 132:2
teach 100:5	174:19,21	142:12 143:2	132:21 133:21
teacher 99:21	176:3	156:22	135:5 136:9
team 35:14	**tend** 187:2	**testify** 6:2 7:25	139:4,13 141:7
161:1 178:6	198:12	9:12,23 30:10	141:18,25
teams 27:5	**tenements**	32:22 61:4	154:25 155:8
tear 135:7	175:21	88:22 91:17	167:3 169:15
197:16,16	**tens** 72:1,4	118:8 123:6	175:2,5 179:16
tearing 197:23	87:19	129:11 140:14	179:23 181:1
tears 173:25	**tension** 92:7	141:3 143:13	182:22 183:13
		146:6 148:25	186:7 193:23

194:10 196:21	106:1 108:24	192:14 194:8,9	102:11 121:15
199:8	109:14 114:14	194:15,16	124:2,3 127:9
testing 80:10	114:15,23	196:18,19,20	131:25 141:16
text 83:17,17	117:11 118:5,7	196:23 199:6,7	141:17,23
164:20	121:3 124:15	**thankfully** 50:1	143:6 149:19
texture 74:1	125:13,14,16	**thanks** 35:25	151:16 152:8
78:12	125:17,20	133:20,21	154:22 163:11
thank 9:12,17	128:14 129:11	139:24 169:6	177:9 189:22
9:23 12:11	132:1,3,6,14	170:21	197:12
16:4,6 21:6	133:18 139:13	**thematic**	**think** 16:17,22
24:16,17 29:17	139:14 140:7	141:20,21	17:4,11,14,22
29:19,21 30:4	140:22 143:11	**theme** 126:12	19:24 20:5,8
30:9 32:22,23	143:12 145:11	127:11 128:11	20:25 21:10
33:15 34:24	145:12,14,14	**themes** 126:11	23:2,17,25
39:6,7,9,15	145:15,20	**theory** 116:12	24:3,12,24,25
43:11,11 44:9	148:22,24	117:24	25:8,17 26:1
47:6 50:5,7,9	153:5 154:24	**thing** 8:7 19:19	26:14 27:18
50:13,15 55:4	155:2 161:23	46:21 51:11	28:8,11 29:1,3
55:6,11,11	164:23,24,25	52:22 71:1	29:13,22,25
57:21 60:13,13	166:22,23	74:1 78:8	33:10 34:18,19
60:15,16,17	167:1,2,6,11	93:12 101:23	34:20 36:1,3
61:3,4,6 64:15	169:7,12,13,14	113:10,14,15	36:11 37:11,14
64:17 67:4,21	169:16,21	113:16 115:5	38:10,23 41:24
68:10 71:9,10	171:25 172:8	130:3,7 132:4	42:24 45:3,8,9
72:19,19 75:18	174:23,25	167:15 168:4	45:10,17,20
77:12 79:11,18	175:5 176:23	176:9 197:9	46:12 48:25
83:12,13 86:14	179:13,21	**things** 19:7	49:1,2,16,18,20
86:15,18 87:7	183:10,12,15	21:19 22:9	49:25 50:2,3
87:8,9 88:20	183:17 186:7	24:1 28:4	51:5,7 52:7,16
88:22,25 91:16	186:10,10	43:18 61:25	53:15 58:14,17
91:20,21 99:9	187:16,17,18	67:25 69:21	59:9,18 60:9
99:10,14	187:22 188:20	70:15 73:17,20	65:2,7 69:13
102:18,25	188:22,23,24	75:25 76:4	69:21 70:1,4
105:23,24	191:22 192:12	84:11,20 96:16	70:24 71:13,16

71:18 73:10
75:23 76:14,15
76:16,19,20
77:7,10,16,16
78:1,10,12,13
78:13,15,25
83:25 84:12,15
85:13 86:20
92:23 94:25
95:19 96:5,11
96:15,22 97:2
97:7,22 98:21
98:24 99:3
100:7,9,12
101:5,18 102:8
106:3 107:4
108:4 109:6
110:8 111:5
113:9 123:15
124:18,18
127:18,20
130:21 131:17
131:23 133:24
134:17,20,21
136:15,23
137:4 138:1,8
138:24 140:3
141:11,23
142:7,23
145:16,18
149:22 150:5
150:12,17,20
150:23 154:9
154:10,20

157:2,4,4,18,21
157:24,25
158:10 159:3,7
159:10,13,15
159:20 160:11
161:1,3,11,15
161:17 167:10
167:15,17
168:4,11 179:9
183:6,7 184:5
184:12 185:1,4
185:17,19,20
186:2 187:6,12
188:8 197:13
198:14,15
thinking 60:3
121:14 124:19
133:12 177:16
third 14:25
15:7 82:2
105:12 128:11
153:3 175:24
thirds 90:20
thirty 190:3
thorough
119:22,23
thou 74:12
thought 23:10
26:6 94:19
130:10 143:5
158:13,21
thoughtful 60:4
171:12 172:14

thoughts 26:7
36:23 69:6
75:21 155:11
thousand
126:23 129:1
134:23 135:15
135:24 189:5
thousands 72:1
72:5 80:3
87:19 88:13
144:22 154:18
threatens
189:21
threats 119:3
three 7:13,15
7:16,17 28:2
29:10 110:5
126:7 128:6,9
130:12 136:2
143:2 163:23
165:7 166:25
167:24 176:6
189:8,8 190:3
threshold
49:15 67:24
68:3,3,6 95:18
158:14,16,21
159:16
thriving 81:1,5
81:11,12 83:16
89:22 150:1
180:21 184:4
189:10

throwing 42:18
tied 54:9 117:1
tight 182:15
time 7:13,17
8:17 12:9 16:3
16:4 17:16
18:25 21:1
35:8 43:25
44:2 51:3,9
55:16,17,19
59:3 61:10
63:16 70:16
76:8 82:5
83:10,10,10,13
84:8,16 86:8
88:8 100:25
104:14 105:17
110:17 121:4
121:19 122:4
123:4 128:12
128:21 129:19
136:16 140:11
140:21,23
145:15 146:7
148:8,23
153:10,18
158:4,16
159:17 164:1,3
166:23 168:6
174:23 177:16
178:19,19
186:7 188:17
191:18 192:9
192:13 193:22

193:22 194:3,6
196:17,18
199:6
timeframe
112:12
timeframes
98:22
timeline 84:23
99:4 131:17
182:15
timelines 64:5
194:7
timely 15:1
105:10 185:23
times 29:6
46:20 50:18
55:4 61:19
62:18 154:15
timing 117:1
tiny 54:8
tired 179:12,14
tisch 120:5
tish 51:4
titled 146:23
today 9:24
30:10 32:22
53:19 61:4
63:22 66:5
70:4,4 80:21
83:20 84:1
103:2 104:8
110:25 118:1
141:3 143:19
147:2 162:10

164:18,20
165:4 169:22
175:8 176:15
together 7:4
22:14 24:15
141:22 154:22
177:18 179:3
tolbert 3:4
192:15,16,17
told 101:5
tomorrow
149:16
ton 46:3 164:21
tonight 47:7
74:12 89:7
118:8 146:9
148:4 167:11
175:11 183:19
184:1 186:8
188:25 196:18
196:24
tonight's 65:6
tool 5:13 78:24
133:25 182:6
188:2 193:1
tools 10:3
41:20 42:25
70:6,11 120:6
160:1 164:18
tooth 42:20
top 10:7 35:21
82:8 146:7
147:3

topic 7:7 9:24
83:21 113:6,13
topics 84:1
tore 53:14
torn 53:16
127:22 175:18
total 31:20
80:16
totally 108:9
168:21
touch 186:9
touched 84:1
touches 100:8
tourist 46:6
touro 196:25
toward 67:17
196:9
towards 46:10
72:23 150:4
164:6
tower 176:5
towers 175:18
176:9
townhouses
176:7
toxic 131:18
track 69:1 90:2
130:23 147:6,7
147:16 158:10
158:15,23
182:11 187:25
188:18
tracker 129:25
130:8,9

tracker's 130:7
tracking 86:4
183:6 197:6
tracks 76:16
trade 27:22
train 11:18,21
22:17
trained 53:4
training 11:12
trainings 56:17
transcriber
202:1
transcript
202:3,5
transcriptionist
201:7
transformed
31:7
transforming
33:20
transit 10:14
90:13 147:8
162:11,13,14
162:14,20,25
163:10,11,14
163:16 164:11
164:15
transitional
23:14,22
transitioned
24:6
translated
177:5

translators
140:12
transparency
13:12 14:16
84:22 116:9,12
116:23 180:12
196:6
transparent
85:14 103:8
104:2 120:12
transportation
97:18 172:21
178:9 179:4,5
184:18
traumatic
62:17
treated 72:5
treating 72:15
72:16
trend 193:15
trigger 67:23
true 99:5 201:9
202:5
truly 25:15
43:2 61:24
72:5
trump 52:4
trust 32:19
99:1 103:5
120:3,8,25
151:17
try 7:13 16:15
25:18 35:12
74:4 84:4

112:19 122:8
129:18 133:4
161:18
trying 17:17
19:9 20:22
35:1 37:10
41:10 42:9
49:25 60:6,9
108:6 109:8
110:6 121:17
123:14 133:1
133:10 138:6
148:8 153:9
155:19 156:9
157:5 160:4
169:4,5
tune 185:25
turn 21:20
53:14 75:8
turned 19:22
turning 52:21
172:1
turnout 190:14
190:22 191:10
191:14 195:13
195:16
turnouts 190:7
turnover 15:22
turzo 3:9
169:17,20,22
tweaks 75:24
twelve 22:19
26:15

twenty 190:3
two 7:16 46:19
49:8 58:5,6,7
66:11 69:21
75:22 80:1
83:2 90:20
91:7 93:3
108:16 111:21
122:12 128:6,9
130:20 136:2
138:16 149:16
163:8,9,11
167:24 198:7
type 17:14
37:21 132:9,10
132:11 161:8
197:21
types 73:15
78:9 84:18
96:2,3
typewriting
201:7
typical 31:7
typically 36:20
63:15

u

u.s. 115:21
ubuntu 177:4
177:15 179:10
ultimately
170:18
ulurp 10:5,23
11:15 12:3,21

13:1,6 14:6
17:16 18:22
20:3 22:23,24
25:2,4,10,13
26:9 31:18,25
32:14,15 33:19
36:4 38:20
41:8 51:14
52:13,19 53:7
58:16 61:13
63:14 64:13
65:12 67:10,11
67:14 68:18
69:15,16,19,24
73:14 74:5,20
75:24 76:20,25
77:1 83:20
84:9 85:10,15
86:11 87:22
88:17 90:25
91:1,11 131:3
131:5,6,8,10,13
131:22,24
138:16 141:16
141:17,18
142:3 146:3
148:6 150:15
150:22 153:15
153:15 158:1
160:2 164:5
165:6,14,16
166:4,7,11,20
170:8,12,19
171:3,6 181:11

182:5,9 185:17
193:10 194:3

ulurps 23:18
51:15

un 123:12

unable 16:19

unaffordable
40:4 144:23

unattainable
34:13

uncertainty
85:2 154:11,11
154:12,15,21
154:21

uncomfortable
82:24

uncovered
80:12

under 80:6
90:3 98:19
109:9 121:7
125:4 131:16
166:21 174:6
181:15,17
190:14 195:8

underlining
67:1

underlying
131:3 150:21

undermined
119:14

undermines
104:10

underscoring
115:8

understand
19:5,9 28:12
34:5 35:1
56:12 95:10
124:5 133:25
158:5 168:6
169:2 178:10
193:8

understanding
18:5 19:4 38:6
56:14 62:4
181:20 185:15

understands
6:20 88:8

undertakings
143:6

undisputed
190:5

unencumbered
90:9

unenforced
119:15

unequal 10:11
130:4,9

uneven 25:16

unfair 36:17

unfettered
112:2 145:4

unfold 7:9

unfortunate
120:1

unfortunately
157:18 162:14

unfounded
62:11

unidentified
9:2 29:25
60:25 67:22
100:2 114:21
139:22 140:17
160:14,17,19
160:21,23
167:5 199:13
199:14,17,18

union 55:2
87:16 88:3,8
97:3 101:19
113:1

unions 87:24

unique 37:19
38:24 48:20,21
176:20

unit 54:11
118:20 126:17
126:23,23
133:14 135:19
135:24

units 12:17
21:22 22:1,2
27:15 31:21
47:18 48:12
54:10 67:19
80:17 82:3,9
87:6 88:13
91:14 126:18

127:25 128:1,4
128:9 129:1
132:8,12,20,23
132:24 133:5,9
134:21 135:22
135:22 136:4,7
144:22 149:3,6
152:3 170:20
173:3,6,10,14
173:15,16,16
173:18 174:2,5
174:7 175:18
175:19,23,23
175:24 176:4,7
176:12,13,19
177:12 197:17

university
115:25

unknown 84:9

unlocking
126:22

unmistakably
115:5

unprepared
44:25

unrepresented
198:12

update 13:19
82:2,8

updating 130:1

upfront 44:20

upgraded
176:4

upgrades 12:8 12:13,15,19
upheld 121:9 121:10
upper 50:25 127:4,5 138:2 176:14 186:20
urban 53:4 137:8,15
urbanist 175:9
urge 14:18 32:18 80:21 118:8 144:14 145:4 180:14
urgency 72:17 88:9
urgent 6:19
urgently 117:18
usage 124:12 124:13
use 9:24 10:6 10:16 11:3,24 13:18 14:2,6 14:17 18:5 19:6 21:4 25:13,15 27:1 29:4 30:12 35:14 37:4 41:3 51:17 52:24 55:17 56:14 57:6 58:16,23 59:20 60:2,11 64:7

64:20,25 65:8 65:10,23 66:7 71:22 73:15,19 84:3 88:3 89:7 90:16 93:19 98:1,9 113:8 126:23 127:2 127:18 137:9 141:5,12,16 142:11,19,21 146:9 147:20 149:14 153:12 154:6 162:19 171:16 180:3 181:6,21 192:24
used 25:7 36:4 36:6,14 92:10 93:4,5,6,13 106:15 126:14 174:12 197:14
uses 77:22,23 86:5
using 142:17 160:1,2 178:17 188:4
usually 44:19
utilize 70:11 163:14
uz 4:4 139:20 148:23,25 152:1,25 154:9 155:13,17 156:6 157:2,11

157:17,24

v

v 186:17
vacancies 104:18
vacancy 126:13 133:3
vacant 126:18 133:9,14 197:20 198:1
vacuum 38:11
valerie 2:13 6:14
valk 2:24 186:16,16,18 186:19 187:19
valuable 10:23 171:8 187:7
value 19:4 159:8,12 180:6
values 6:5 14:15
van 2:24 11:19 186:16,16,19
variety 41:17 198:22
vast 97:13 144:24 190:15
vehemently 47:24 48:13
venue 171:18
venues 13:6

vera 115:20
versions 193:25
versus 92:6 96:6 122:6 132:3 168:1
veto 188:10
vice 2:12 6:10 140:24 169:23
victories 80:18
view 32:13 92:3 189:19
viewed 79:1
views 121:11 122:3 172:9 189:18
village 143:14 143:18,18
violence 99:18 102:22,23 116:1 118:25
virtually 6:9 7:12,25
vision 125:20
visions 90:16
vital 87:23 171:18 193:23
viverito's 136:11
vocal 62:8
voice 21:2,4 74:21 97:4,11 108:21 162:7 165:8,20,25 171:9,16,19

190:24 196:5
voices 13:12
14:9 30:13
45:4 142:9
171:15
volume 117:6
197:21
volunteer
145:25 152:9
vote 29:3 51:23
55:4 56:3
59:12,16 65:21
65:23 75:15
90:21 93:11
94:13 95:11
134:13,16
147:22 149:15
149:17 191:9
191:15,23,25
voted 95:16
138:3
voter 189:25
190:7,20,22
191:14 195:13
195:15 196:11
voter's 5:16
voters 5:17 6:4
48:8 104:3
126:1,4 134:7
190:1,13,19
191:15,25
194:25 195:7,9
195:14,22
196:4,6

votes 73:20
95:14
voting 96:1
vulnerable
38:6,15

w

wages 88:4
wait 13:1 22:13
164:3
waive 66:21
waiving 130:25
walking 177:22
want 13:3 14:3
21:6 24:18
25:19 27:24,25
34:20 36:1
38:4 40:19
44:17 45:20
49:18 51:15,17
52:14 53:9,12
53:19 57:10,12
58:4 59:7 65:5
70:17,18 75:21
75:22 76:11
77:23,24 81:6
84:14 91:21
92:4 95:22
96:9 99:25
100:3 102:25
107:21 115:9
118:7 125:17
137:6,19,20
138:16,21

140:13 143:1
148:7 153:16
162:13 171:1
184:12,13,14
184:14,15,18
187:5 192:7
wanted 33:2
73:1 141:3
142:6 151:22
184:1
wants 53:13
99:14
warmer 174:24
warrant 197:2
washington
111:22 112:2
waste 43:25
watch 8:21
40:10
watching 40:4
46:9
water 12:13
42:19 184:16
197:25
waterfront
176:14
way 16:20
17:24 21:15
22:4 27:2 37:2
40:18 41:19
45:24 52:15
57:8,10 58:18
58:20 59:25
69:14,16 70:20

73:13 74:12
76:20 78:6
79:1,9 92:10
96:15 100:11
110:9 115:6
123:14 126:2,5
127:23 134:12
139:3 142:4
148:17 157:7
161:6,10 163:8
164:6 176:16
179:17 184:22
184:25 185:1
ways 8:11
13:13 14:11
18:13 19:9
20:6 25:21
32:20 33:3,9
33:11 41:4,15
41:21 50:4
53:22 64:8
71:21,23 72:12
73:25 101:13
141:12 142:1,6
142:7,15,24
145:5 148:1,18
158:25 185:16
we've 7:18
16:22 18:15,15
18:20 19:14
21:11 25:1
26:11 36:12
46:5 50:2
65:11 72:4

76:8 101:18,18
101:20 109:8
110:15 111:4
111:10 121:21
125:25 130:3
134:15 141:24
153:19 155:4,8
158:8 178:16
185:9
weaken 86:2
104:16 171:3
wealth 31:16
wealthier 36:20
wealthiest
147:10
wealthy 40:16
193:16
wearing 178:11
website 8:2,2
8:13
wednesday 1:5
week 130:2
weigh 99:7
weight 98:19
weighted 51:20
weisbrod 2:5
6:13 43:11
44:17,22 47:3
51:6 58:1,5,7,9
58:13 67:7,21
77:14 121:6,25
welcome 5:3
7:7 55:8 62:5
126:8 129:3

161:22
weller 2:19
186:15
went 57:5
179:8,8
wesslock 3:25
194:12,13,16
194:18
west 1:10 50:25
176:5,14
western 164:11
whatsoever
37:6 124:25
whims 45:18
63:7 110:3
whip 30:7
whisper 112:18
white 2:13 6:14
132:1 133:11
133:17 154:24
155:3,15 156:4
185:21
whiter 36:20
whitest 147:10
who've 169:11
wholeheartedly
37:18
wholesale
101:1
wide 189:18
wider 28:2
198:13
widespread
80:13

wield 158:6
willing 36:14
willingness
44:6
win 62:18
window 32:3
winds 42:13
winner 195:12
winter 2:16
139:17 143:12
143:14
wisconsin
106:10,11
wish 7:24
wishes 6:2
witness 201:4
wollman 52:4
won 88:4
wonderfully
53:3
wonky 83:21
word 9:10
words 7:8
170:25 177:8
work 7:2 15:25
22:14 23:8
35:12,13 37:22
45:6 67:12
76:16 80:12
84:4 86:19
101:7,11,18
103:16 105:19
108:22 109:9
119:14 137:6

141:22 148:19
151:17,25
153:5 159:3,15
171:10 180:3
185:10
worked 11:23
27:4 115:13
118:12 119:10
161:8
workers 87:17
87:20,20
working 13:13
20:15 24:1
30:14 31:6
34:21 40:12,25
63:15 69:7
88:11 114:25
159:24 170:7
171:21 172:4
178:3 182:15
183:23 194:22
works 21:15
37:2 69:15
92:14 99:18
110:10 159:3
159:18 171:9
171:10 180:2
world 21:20
36:9
worn 105:6
worse 64:11
145:2 164:16
worst 62:17

wow 148:23
wrap 128:13
write 101:3
written 8:16
20:20 78:22
81:13 91:18
141:7,7
wrong 165:13
wrote 132:15
132:18 198:15
wylde 2:14
6:14 16:9
156:20 157:9
157:15,21

x

x 39:1 47:18
70:8

y

yale 179:8
yards 176:13
yeah 12:10
19:18 26:13
34:17 48:14,14
50:6 58:12
69:8 71:18
73:8,9 78:3,21
82:7 92:2
94:23 96:8
106:8 108:13
111:20 113:16
122:19 123:20
125:3 128:14
132:13 133:20

154:9 157:12
157:17 158:24
160:20,23,25
167:5 186:20
187:23 188:17
188:19 191:19
year 20:8 38:17
52:22 55:4
70:5,5 95:3
97:24 121:21
122:16 123:23
123:23,25
124:4 144:22
149:2 164:3
166:14 173:15
173:19 191:13
year's 130:7,8
130:8
years 5:11
12:24 13:1
22:18,19,19
25:1 26:16,19
34:2 35:22
39:16 42:7,7
52:23 55:16,18
57:18 61:8
68:21,25 69:1
69:17 89:3
91:7 95:5,7,8,9
106:22 111:5
122:6,7 124:8
132:5 134:15
140:3 146:14
151:14 154:5

157:22 158:2
163:21 168:24
178:13,15,17
186:1 193:19
197:25 198:2
yep 183:14
york 1:9,11 5:6
5:8,10 9:21,25
14:24 21:16,24
24:14 30:7
37:23 38:17
39:17,22 47:13
47:16 50:17,18
53:2,10 60:11
60:19 70:6,12
79:25 80:20
83:1 87:21
88:1,9,24
89:11,23 90:20
99:21,24
100:16 102:20
103:3,22
107:11 109:1
113:2,17,21,23
113:24,25
114:3,7,10
115:13,16
118:13,23
125:9 129:10
129:12,25
133:22 140:1
141:1,23 142:5
142:22 144:10
145:23 146:23

146:25 148:15
151:14 152:15
152:21 162:21
163:10 164:1,6
164:18,22,23
171:16 172:10
180:3 181:5
183:22,24
189:9,17 190:1
190:6,13
191:10,13,15
192:10 194:21
195:5,7,13,25
196:8,14 197:1
201:20
york's 192:19
198:25
yorker 62:19
114:24 189:7
192:5 194:18
yorker's
171:24
yorkers 5:14,21
6:22,25,25
24:2 30:18
31:15 40:25
61:17 62:3,14
62:23 90:8,15
91:14 103:25
104:13 108:18
118:4 120:24
127:12 129:17
144:24 146:17
164:7 169:24

171:6,20
172:18 174:17
177:10 186:6
190:15 191:22
194:21
yorkville
175:23 176:1

z

zero 49:9 99:17
102:21 115:4
zone 84:14
138:9,10
zoned 68:23
zoning 31:3
41:8 47:9,10
66:18,22 67:1
67:1,9 73:19
81:16 83:3
90:22 91:2
128:17 130:16
130:25 131:3
136:15,15
137:2,7,12
149:10 150:21
152:3 153:2
163:2 164:19
171:12 181:10
182:18 198:11
zonings 11:11
89:16 149:11
151:8,12 180:7
zoom 29:23