



Testimony for the New York City Charter Revision Commission

Submitted by Enterprise Community Partners

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Thank you for the opportunity to submit the following testimony for the consideration of the Charter Revision Commission. This document will highlight a number of priorities that we urge the Commission to focus on as it absorbs public input and moves toward possible recommendations.

There is no more important public policy concern at this point in the city's history than solving our affordable housing and homelessness crises. We applaud this Commission's specific charge to study housing, land use and related issues in an effort to find solutions in possible amendments to the Charter.

Enterprise is a national nonprofit that exists to make a good home possible for the millions of families without one. We support community development organizations on the ground, aggregate and invest capital for impact, advance housing policy at every level of government, and build and manage communities ourselves. Since our New York office opened in 1987, we have committed more than \$4.6 billion in equity, loans and grants to create or preserve over 67,500 affordable homes across New York City.

Priority: Increasing the Supply of Affordable Housing by Expediting Development on City Land

Summary:

New York is in desperate need of more affordable housing. Despite the great need, processes like the Uniform Land Use Review Process (ULURP) add delay, cost, and most problematically, uncertainty. While community input is important, its merits must be balanced against the fact that we are in a housing crisis, with record homelessness and housing instability. Currently, the balance built into the city's development process is not adequately representative of the scale of our crisis.

We recognize the importance of a process that allows communities and elected representatives a chance to weigh in on large scale development projects. Recommendations to scrap ULURP altogether or to allow all affordable housing to bypass the process may represent an overreach that would have unintended consequences.

However, as the city seeks new opportunities to utilize city-owned land to meet housing goals, it should have the ability to fast-track those projects and deliver affordable units to New Yorkers in need more quickly.

Recommendation:

- To respond to the housing emergency, the Uniform Land Use Review Process (ULURP) should be exempted for developments which include affordable housing on city-owned land.

Priority: Advance Fair Housing Goals Through a Fast Track

Summary:

A history of racist zoning and planning practices, discrimination, and NIMBYism – which continues to this day – have contributed to high levels of segregation and inequality in New York City. While progress has been made in tackling fair housing issues through various legislative measures, it remains the case that many community districts throughout the city are de facto closed off to residential development and affordable housing. This is due to the zoning patterns in those areas and the City Council’s adherence to “member deference” on land use issues.

Projects need not advance to a City Council vote in order for the member deference tradition to be revealed; instead, developers are unlikely to even plan developments in certain districts based on a Councilmember’s perceived openness to housing.

Local elected officials, community boards and other important stakeholders should continue to have a role in shaping their communities. However, this must not be allowed to take the form of blanketly closing off development or refusing to grow. The Fair Housing Framework enacted by the City Council in 2023 presents a perfect opportunity to pair metrics-based fair housing goals with more allowance to projects that meet those goals.

Recommendation:

- For Community Districts that have not met housing targets based on the Fair Housing Framework, a “Builder’s Remedy” shall be permitted allowing projects that advance certain established fair housing goals, such as the delivery of affordable and supportive housing units. These projects would be permitted to advance following approval from the City Planning Commission rather than requiring City Council approval and thus de facto City Council veto power.

Priority: Break Down Barriers to Accessing Affordable Housing for Families in Need

Summary:

There is overwhelming need for affordable housing in the city of New York. Homelessness has

hit record highs in recent years, doubling from 2022 to 2024 according to HUD and the New York State Comptroller. It is not uncommon for affordable housing properties in the lottery process that may contain around 100 units of rent restricted housing to see upwards of 60,000 applications.

Despite this, timeframes for actually connecting people in need of housing with that housing have extended. In the most recent year of data from the Mayor's Management Report, the median timeframe to fill a lottery and homeless set-aside unit were 202 and 196 days respectively. This timeframe is totally unacceptable, keeping families in homeless shelters or inadequate living conditions far longer than needed.

These delays in getting people approved and placed in housing also impacts mission-driven affordable housing operators, who are feeling the effects of missing rent revenue and sacrificing developer fee due to tax credit rules about lease-up.

Recommendations:

- Throughout the lease-up process for HPD-supported projects, there are many steps of the process requiring agency staff approval. This is from the development of a marketing plan long before lease-up of tenants actually begins, through the lottery and selection process. Instead, the city should broadly move toward an audit approach, where development teams are subject to rules and regulations, but are permitted to fill affordable housing units with qualifying tenants without the burden of wait times while paperwork is approved. Audits and related penalties or consequences will ensure compliance and individuals will be moved into housing faster.
- Local Law 64 of 2018 required that affordable housing projects put re-rentals of units through a so-called "mini-lottery" system that is beset with delays and inefficiencies. This process set into motion by LL64 should be scrapped. Instead, owners should be permitted to re-rent vacant units to income qualified tenants, with units posted on a website so New Yorkers are aware of vacancies.

Priority: Supporting the Viability of New York's Nonprofit Sector

Summary:

Coming out of the Covid-19 pandemic, a number of factors have created a perfect storm that have been immensely challenging to nonprofits in the housing and homeless services space. Rising insurance rates, spikes in utilities, reduced rental income, and disruptions in labor markets are all creating stressors not only to individual projects, but to the very viability of many nonprofits and community organizations.

Given these dynamics, the ongoing issues with nonprofits in the human and homeless services spaces being paid on a reasonable timetable for services rendered simply must be corrected.



Despite focus on the problem from interagency work groups, leading to high-profile reports, technology upgrades, and repeated commitments to improve, the problem is far from resolved.

The lack of on-time payments and contract registration leads to financial strain for organizations, who are required to take out loans and pay interest longer than necessary just to bridge gaps between payments. More accountability needs to be applied via the Charter to resolve this challenge.

Recommendation:

- Amend the City Charter to require that the Procurement Policy Board set contracting timelines for each step of the procurement process and report on agency performance against those timeframes.