

# NYC FOR RACIAL JUSTICE

FINAL REPORT OF THE NYC RACIAL JUSTICE COMMISSION

DECEMBER 28, 2021\*



\*This report reflects non-substantive technical changes made subsequent to the Commission's December 27, 2021 meeting in accordance with the resolution adopted at that meeting. It also includes a copy of that resolution as Appendix B, and the Commission members' endorsement of the vote as Appendix C.

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# FROM THE RJC CHAIR

Dear New Yorkers,

With humility and honor, the NYC Racial Justice Commission puts forth this final report for your consideration. Fueled by the great works of New Yorkers, past and present, who've fought tirelessly to bring an end to racism in our city and country, Commission members and staff have faithfully performed the responsibilities with which they were charged and have proposed three structural changes in New York City government that would lay the foundation necessary for achieving racial equity.

Recognizing that structural racism pervades all pillars of our society and is deeply embedded in our nation's laws, beginning with the United States Constitution which in essence declared Black Americans to be three-fifths of persons, Commission members acknowledged at the outset that our efforts alone would not undo 400+ years of persisting harms. Notwithstanding, we determined that charter revisions that are aspirational and actionable, and which hold City government accountable have the greatest potential for catalyzing the sustainable, systems' change our city needs.

This final report presents in detail these three structural changes in the form of ballot proposals to appear on the November 8, 2022 ballot, along with a roadmap for further action the City should take to dismantle structural racism at all levels of government. At their core the proposals envision a city where all New Yorkers have the power, access and opportunities they need to not only survive but thrive.

Also captured in this report are the voices of New Yorkers whose testimony informed and shaped the Commission's research and deliberations, and ultimately the proposed charter revisions. Their lived experiences guided us at every turn. The ballot proposals are dedicated to them, and to all whose voices echo from the past, especially those whose voices were unjustly cut short.

As Commission members heard and learned from New Yorkers, we also engaged scholars and experts from New York City and around the country who gave generously of their time and talent in helping us hone our ideas. Inestimable gratitude is due to them.

Serving as Chair of the NYC Racial Justice Commission, alongside Vice Chair Henry Garrido, our esteemed fellow commissioners, and Executive Director Anusha Venkataraman and the dedicated Commission staff has been and will remain one of the most rewarding experiences of my life and career. In each of them lives an unfaltering commitment to undoing the strongholds of racism that have held captive BIPOC persons and communities. Our city is fortunate to have them all on the battlefield. I express my deepest gratitude to them and the countless other New Yorkers who fight for racial justice and equity day in and day out.

On November 8, 2022 all eyes will be on New York City, watching to see if voters put equity at the heart of our government. In the days, weeks and months leading up to that day, let us all do our part in learning about and sharing with our neighbors these proposals that we believe will make our city more equitable and in turn a greater place to live for us all. And then, let's vote!

Onward,

A handwritten signature in black ink, appearing to read "Jennifer Jones Austin". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jennifer Jones Austin  
*Chair, NYC Racial Justice Commission*  
*CEO and Executive Director, FPWA*

# FROM THE RJC VICE CHAIR

Dear New Yorkers,

In my experience as Vice Chair of the NYC Racial Justice Commission, the phrase “we are stronger together” was proven true. The first half of our mandate to root out structural racism was a 9-month endeavor made up of more than 40 engagements, hundreds of testimonies, and dedication to finding meaningful solutions to racial injustice in our City’s laws. From Staten Island to the Bronx, New Yorkers came forward to speak out about racial justice. Some shared harrowing stories of systemic failures, while others offered specific line changes to the NYC Charter. Altogether, we were met with strong support for our vision of racial equity.

The NYC Racial Justice Commission had the opportunity to take a close look at City government’s core of power, the NYC Charter. Having spent the better half of the last year examining the Charter closely, it is no wonder patterns of inequity affect generations of communities of color. Inequity is literally ingrained into our City’s bylaws. It was clear we had our work cut out for us.

We set out to honor the people suffering from structural racism and not settle for programmatic or focused policies but go broad and fundamentally change the NYC Charter. I believe these proposed charter revisions have a tight grip on the roots of structural racism. We offer these final proposals to the New York City electorate knowing it will take their votes to uproot hundreds of years of built-up inequity. There is more work to do educating and engaging New Yorkers to exercise their civic power. Our city is brimming with hard working people who want a government that serves them and their fellow New Yorkers justly.

In support,



Henry Garrido  
*Vice Chair, NYC Racial Justice Commission*  
*Executive Director, District Council 37 and*  
*American Federation of State, County & Municipal Employees*

# FROM THE EXECUTIVE DIRECTOR

My Fellow New Yorkers,

It has been the honor of a lifetime to serve as the Executive Director of the Racial Justice Commission, a momentous initiative premised on the foundation that it is possible to re-envision our city's foundations and re-write our future as a city.

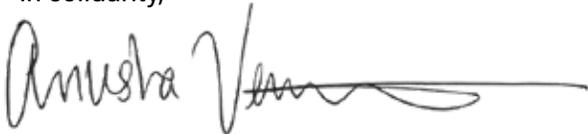
While the Racial Justice Commission was empowered as a charter revision commission, the Commission took seriously its mandate to uproot structural racism at its core—which involved an examination of not only the New York City Charter but also the broader patterns of inequity in our city that have brought us to where we are today. Despite the challenges 2021 brought us, there has been no time more urgent or more necessary to find ways to advance racial justice in the long-term.

Our city is a beacon of diverse faces, religions, ethnicities, cultures. And though generations of New Yorkers, and new-New Yorkers, have built lives here, there has long been a stark contrast in opportunity, access, and power afforded to People of Color. Over the last nine months, we hosted nearly 50 public events, inviting New Yorkers to share solutions or ideas for structural change. What we often heard were solutions drawn from lived experiences: survival stories. Over and over, People of Color spoke about their lives—their work, health, education, community, homes, neighborhoods—and the consistent institutional, systemic, and structural ways they have been harmed by systemic racism.

Every testimony, every story, has shaped the proposals we offer New York City voters. These proposals acknowledge truths: the city that surrounds us is built upon practices, systems, and institutions that were never intended to serve ALL New Yorkers. The proposals also offer a path forward as well as hope and transformative change.

I offer my deepest gratitude to the Commissioners for their leadership and vision, the dedicated staff of the Commission who have worked tirelessly for nine months to bring this vision to life, and of course the New Yorkers who told their stories, shared their pain, and brought forth transformative ideas for re-imagining government—and ultimately our city—in the mold of equity and justice.

In solidarity,

A handwritten signature in black ink, appearing to read 'Anusha Venkataraman', with a long horizontal flourish extending to the right.

Anusha Venkataraman

*Executive Director, NYC Racial Justice Commission*

# EXECUTIVE SUMMARY

In March 2021, Mayor de Blasio announced the formation of the Racial Justice Commission and appointed 11 Commissioners, including Chair Jennifer Jones Austin and Vice Chair Henry Garrido, to focus on racial justice and reconciliation, with a mandate to identify and root out structural racism.

The Racial Justice Commission (RJC) has the formal powers of a charter revision commission, including the ability to propose changes to the NYC Charter. The NYC Charter is the foundation of how our City functions and governs, and it has a direct impact on the way we live and work. The Commission set out to examine the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern and all People of Color (BIPOC\*) in New York City and put forward ballot proposals aimed at removing those barriers and advancing racial equity. New Yorkers will vote on these proposed changes in November 2022. The Commission operates independently from the Mayor's Office and other agencies.

As a charter revision commission, the Racial Justice Commission was tasked with reviewing the entire City Charter and proposing amendments, or changes, to be considered by voters and voted upon in a general election. A charter revision commission can choose to make proposals that change the entire charter, or a specific section.

Given this authority, and the unique opportunity posed by the transformative potential of this moment in history, the Racial Justice Commission decided to focus on identifying and proposing structural changes in the NYC Charter that will advance racial justice and equity and begin to

dismantle structural racism for all New Yorkers. The Commission began by defining a vision for racial equity, one where the worth, talents, and contributions of all people in society are valued and recognized, and where race is not a determinant of economic, political, social, or psychological outcomes, as it neither confers privilege nor denies opportunities.

## PUBLIC ENGAGEMENT

Charter revision commissions can perform research, speak with experts and community leaders, conduct public meetings and public input sessions as they collect information and ideas, and make decisions about what proposed charter changes to recommend.

Engaging New Yorkers in the process undertaken by the Racial Justice Commission was critical. While most charter revision commissions seek input and specific proposals from the public, the Racial Justice Commission knew it would be important to also recognize the deep pain of racial trauma and the history of injustices suffered. So, the Commission heard from New Yorkers not only on their ideas, but also on their experiences—the challenges faced, systemic barriers in place, and the personal and community impact these injustices have had.

The Commission employed a wide range of engagement tools in order to reach the

broadest range of New Yorkers as possible, with an emphasis on reaching Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern New Yorkers and all People of Color (BIPOC\*) who are not as effectively reached through traditional government engagement vehicles. The Commission held public input sessions in every borough and online; received input online from over 1,250 New Yorkers; heard from thought leaders and experts from a range of fields, backgrounds, and expertise; spread the word to over 1,000 New Yorkers through presentations to community boards and civic groups; and conducted targeted interviews and focus groups with critical stakeholders working in racial equity and racial justice.

## **SUMMARY OF PROPOSALS**

The Racial Justice Commission is submitting three proposals for revision to the NYC Charter to the New York City voters.

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### **Proposal 1: Add a Statement of Values to Guide Government**

This proposal creates a preamble to the New York City Charter. A preamble is a statement at the beginning of a legal document that explains its purpose or goals. The New York City Charter does not currently have a preamble. Adding a preamble would allow New Yorkers to adopt a vision and statement of foundational values intended to guide City government in fulfilling its duties.

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### **Proposal 2: Establish a Racial Equity Office, Plan, and Commission**

This proposal would amend the City Charter to require citywide and agency-specific Racial Equity Plans every two years, establish an

Office of Racial Equity and appoint a Chief Equity Officer to advance racial equity, and create a Commission on Racial Equity to bring community voices to the racial equity planning process.

The Office of Racial Equity would be led by a Chief Equity Officer appointed by the Mayor. The Office would be available to work with every city agency to train and provide technical assistance on racial equity, and assist them in creating their agency Racial Equity Plans. The Office would establish standards for agencies regarding the collection and reporting of data to measure gaps and differences in wellbeing at the level of racial, ethnic, or other groups and communities for such racial equity reporting processes. The Office of Racial Equity would also identify “priority neighborhoods” to be highlighted in Racial Equity Plans based on identified disparities in wellbeing or the neighborhood’s potential to be disproportionately impacted by future events.

The citywide Racial Equity Plan and the agency Racial Equity Plans, required every two years, would identify and communicate publicly the goals and strategies, both short and long term, for improving racial equity and justice. The Plans would also have data indicators, including neighborhood-level metrics, to measure progress on racial equity work and show the effect the work is having on wellbeing and disparities. That progress would be included in a biennial progress report. The racial equity planning schedule is structured to inform the budget planning process.

Lastly, the Commission on Racial Equity would be composed of 15 residents of New York City, intended to bring the perspectives of New York City’s often overlooked, under-represented, and under-resourced communities into the decision-making process. The Commission would identify and propose community priorities

to inform the racial equity planning process, including what data should be collected, review agency and citywide Racial Equity Plans, and publicly track agency compliance with the racial equity planning process. It could also receive complaints about agency conduct that may be exacerbating racial disparities.

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### **Proposal 3: Measure the True Cost of Living**

This proposal would amend the City Charter to require the City to create a True Cost of Living measure to track the actual cost in New York City of meeting essential needs without considering public, private, or informal assistance, in order to inform programmatic and policy decisions.

This True Cost of Living measure would be reported annually. The proposed measurement is intended to focus on dignity rather than poverty, by considering the cost of meeting essential needs including, but not limited to, housing, childcare, child and dependent expenses, food, transportation, healthcare, clothing, general hygiene products, cleaning products, household items, telephone service, and internet service. The True Cost of Living would be reported in addition to existing standards that are used to measure poverty or set eligibility for public benefits.

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### **Conclusion**

Commissioners intend the three proposals to form a seed whose roots will grow over time and knit together a new soil for an equitable society. Rather than many new policies or mandates, the Commission instead sought to build the foundation of a new government structure that will spur the creation of new policies and implementation of new ideas over time.

The proposals are actions and steps toward justice. For the first time, the City will be required to create a comprehensive strategy to improve justice, equity, and fairness. The proposals include the establishment of an office that will push all agencies toward solutions that reverse the ways communities become oppressed, marginalized, and disempowered.

The proposals lay a route towards racial equity for elected leaders in future administrations. They invite New Yorkers to have voice in their government, one which will prioritize decisions that matter across New York communities, especially those who have the least access, rather than decisions that accommodate people who already have power and wealth.

On November 8, 2022, New Yorkers will have the opportunity to decide what the foundation of our city should look like.

## **PROPOSED BALLOT QUESTIONS**

### **PROPOSAL 1**

Add a Statement  
of Values to Guide  
Government

### **PROPOSAL 2**

Establish a Racial  
Equity Office, Plan, and  
Commission

### **PROPOSAL 3**

Measure the True Cost  
of Living

## **ROADMAP FOR RACIAL JUSTICE**

Uprooting structural racism is not a one-time event. The Commission heard many recommendations that for various reasons were not included in the final proposals. The Commission knows much more work still needs to be done. Therefore, the Commission has included a Roadmap for Racial Justice in this report, outlining the Commission's top recommendations to continue making our city more just and racially equitable. The Roadmap has a list of recommendations for further exploration that would build upon the work the Commission's proposals set in motion. The Roadmap consists of recommendations that were considered but could not be taken up at this time, and suggestions for other changes to be studied and undertaken by other government bodies in the future.

*\*We will name Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color whenever possible. We understand that each group is diverse and has varied historical and current experiences with racial inequality.*

# INTRODUCTION



# ABOUT THE COMMISSION

## MISSION AND MANDATE

During his State of the City address on January 28, 2021, Mayor Bill de Blasio announced the intention to form a charter revision commission to focus on racial justice and reconciliation, with a two-year mandate to identify and root out structural racism. In March 2021, Mayor de Blasio announced the formation of the Racial Justice Commission and appointed 11 Commissioners, including Chair Jennifer Jones Austin and Vice Chair Henry Garrido.

The Racial Justice Commission (RJC) has the formal powers of a charter revision commission, including the ability to propose changes to the NYC Charter. The NYC Charter is the foundation of how our City functions and governs, and it has a direct impact on the way we live and work. The Commission set out to examine the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern and all People of Color (BIPOC\*) in New York City and put forward ballot proposals aimed at removing those barriers and advancing racial equity. New Yorkers will vote on these proposed changes in November 2022. The Commission operates independently from the Mayor's Office and other agencies.

## MISSION

The Racial Justice Commission, empowered with the legal authority of a Charter Revision Commission, will seize the transformative potential of this moment in history to identify and propose structural changes and significant policy reforms that will advance racial justice and equity and begin to dismantle structural racism for all New Yorkers.

This work is necessary because systemic racism has shaped and continues to shape our reality.

## VISION FOR RACIAL EQUITY

The worth, talents, and contributions of all people in society are valued and recognized. Race is not a determinant of economic, political, social, or psychological outcomes, as it neither confers privilege nor denies opportunities.

*\*We will name Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color whenever possible. We understand that each group is diverse and has varied historical and current experiences with racial inequality.*

## **FRAMEWORK FOR CHARTER REVISION AND PROPOSED CHARTER AMENDMENT PROCESS**

In pursuit of racial equity, the Commission examined the entire NYC Charter to identify structural and institutional laws, regulations, policies, and practices that by design, implementation, or impact, enable and perpetuate inequitable power, access and opportunity. The Commission has put forward ballot proposals that begin to redress these injustices and create accountability mechanisms to ensure City adherence.

To identify the symptoms of structural racism, the Commissioners relied not only on their own extensive experiences living among and working on behalf of BIPOC communities, but also listened to New Yorkers speak about inequities they, their families, and their communities face. After identifying major patterns of inequities among these issues, Commissioners sought to identify their root causes.

Commissioners undertook “root cause analysis” to investigate the source of these inequities and examine the structural underpinnings that perpetuate them. The Commission was then able to identify proposals to change the City Charter which could directly address the root causes and realign the NYC Charter with the city’s foundational values.

The Commission sought to prioritize changes which were structural: shifting the foundations of law and society rather than solving specific issues that result from a poor foundation. It also had to ensure that those changes could have a lasting impact and outlast administrations. The changes would need to create power, access, and opportunity for BIPOC New Yorkers and all others who are marginalized. Lastly, they would have to fit within the scope of Charter change

and not require state or federal law changes.

The Commission advanced Charter changes meeting those criteria. The proposals contained in this final report, for voters to approve or disapprove on November 8, 2022, aim to shift the direction of government to better represent the values of New Yorkers. While the Commission’s proposals plant the seeds for transformational change, there is still much work to be done. Other policies and structural changes, of which the Commission received hundreds, are also documented in this report. The Commission understands that the path to racial justice is long and that it is made of many dynamic parts. The Commission has put together a Racial Justice Roadmap containing top recommendations for further exploration and pursuit as well as a longer list of community ideas worthy of consideration. This is a roadmap for the City, lawmakers, and advocates to continue this work.

The Commission has known it would be unable to completely dismantle structural racism within our scope and timeframe, but hopes that New Yorkers can see how these three proposed ballot measures set the foundation for our city’s continuing reinvention and reimagination.

# RACIAL JUSTICE COMMISSION

**Jennifer Jones Austin, Chair**

CEO and Executive Director, FPWA

**Henry Garrido, Vice Chair**

Executive Director, DC 37 AFSCME

**K. Bain**

Founder and Executive Director,  
Community Capacity Development

**Ana M. Bermúdez**

Commissioner, Department of Probation

**Rev. Fred Davie**

Executive Vice President,  
Union Theological Seminary and Chair, Civilian  
Complaint Review Board (CCRB)

**Lurie Daniel Favors**

Executive Director,  
Center for Law and Social Justice at  
Medgar Evers College

**Darrick Hamilton**

Founding Director, Institute on Race, Power and  
Political Economy at The New School and Henry  
Cohen Professor of Economics and Urban Policy

**Christopher Kui**

Former Executive Director,  
Asian Americans for Equality

**Yesenia Mata**

Executive Director, La Colmena

**J. Phillip Thompson**

Deputy Mayor for Strategic Policy Initiatives

**Jo-Ann Yoo**

Executive Director,  
Asian American Federation

## RJC STAFF

Present and past staff of the Racial Justice Commission

**Anusha Venkataraman**

Executive Director

**Harold Miller**

Deputy Executive Director for External Affairs

**Melanie Ash**

General Counsel

**Erin Berry**

Deputy General Counsel

**Bianca Isaias**

Associate General Counsel

**Rachel Cato**

Chief of Operations

**Tashawn Morgan**

Deputy Chief of Staff

**Jimmy Pan**

Policy Director and Special Counsel

**Sam Stanton**

Senior Policy Advisor and Legal Counsel

**Eden Mulate**

Policy Advisor

**Jacqueline Kennedy**

Public Engagement Director

**Chi Nguyễn**

Senior Advisor

**Steph Halpin**

Communications Director

**Davina Lee**

Intern

**Kapil Longani**

Senior Advisor to the Racial Justice Commission

## ABOUT THE COMMISSIONERS

### **Jennifer Jones Austin, Chair**

*(she/her/hers)*

*CEO and Executive Director, FPWA*

Jennifer Jones Austin, Esq. has devoted her career to fighting for equal opportunity for all, with a keen focus on dismantling systemic barriers for persons of color, women, and children. A fourth-generation leader of faith and social justice, she is the CEO and Executive Director of FPWA, an anti-poverty policy and advocacy nonprofit with more than 200 member organizations and faith-based partners; its work is centered on economic opportunity and upward mobility. Ms. Jones Austin served as Senior Vice President of the United Way of New York City; the City of New York's first Family Services Coordinator; Deputy Commissioner for the NYC Administration for Children's Services; NYS Office of Attorney General Civil Rights Deputy Bureau Chief; and Vice President for LearnNow/ Edison Schools, Inc. Throughout her career, she has led and secured monumental changes in social policy to strengthen and empower the disenfranchised and marginalized. Jones Austin is a radio host, an author and a public speaker, and sits on the board of several organizations including the National Action Network, for which she is Vice Chair; the Fordham University Feerick Center for Social Justice; and the Harvard Center for Law, Brain and Behavior.

Jennifer Jones Austin was born and raised, and continues to reside in Brooklyn, New York.

### **Henry Garrido, Vice-Chair**

*(he/him/his)*

*Executive Director, District Council 37 and American Federation of State, County & Municipal Employees*

Henry A. Garrido is the executive director of District Council 37, NYC's largest municipal employees' union with 150,000 members and

nearly 50,000 retirees. He was elected to a second three-year term in January 2019.

He is an international vice president of AFSCME, a board member on the city's Workforce Investment Board, and serves as a Trustee on the board of the New York City Employees Retirement System (NYCERS). He also serves as a Co-Chair of the Municipal Labor Committee which negotiates healthcare related issues for all city workers and their families and Vice Chair of the NYC Racial Justice Commission.

A native of the Dominican Republic, he is the first Latino to head DC 37 since it was formed in 1944.

### **K. Bain**

*(he/him/his)*

*Founder and Executive Director, Community Capacity Development*

K. Bain, a native of Brooklyn, New York, is an American serial and social entrepreneur. He is the Founder and current Executive Director of Community Capacity Development (CCD), former New York City Director of Legislation and Budgetary Affairs for District 45 of the City Council and in April 2021, he was sworn in as a Commissioner to New York City's Mayoral Racial Justice Committee. His operational duties included creating proposals for the allocation of New York City's 90-billion-dollar annual budget, as well as maintaining direct oversight of the multi-million-dollar financial account. Bain has also taken legislative and municipal initiative, drafting groundbreaking statutes and policies that have changed community policing citywide. Most significantly, he drafted the Community Safety Act which successfully increased police accountability, created better community police relations and established safer streets in New York City. He additionally co-drafted the intro 1079 and intro 1080 which formulated the role

of Inspector General position in the New York Police Department, and later outlined the Stop, Question and Frisk bill, which legally recognizes and directs accountability for police bias.

## **Ana M. Bermúdez**

*(she/her/ella)*

*Commissioner, NYC Department of Probation*

Ana M. Bermúdez is the NYC Department of Probation's (DOP's) first openly gay person, first Latina and second woman to be appointed Commissioner. A graduate of Brown University and Yale Law School, Commissioner Bermúdez began her professional career representing children in family court cases at the Legal Aid Society. For over twenty years, she has been a tireless advocate for children and teenagers involved in the justice system through the development and implementation of strengths-based interventions, the application of restorative and youth development practices and the designing of programs that ensure successful re-integration for adjudicated juveniles. During her tenure as DOP's Deputy Commissioner of Juvenile Operations from 2010 through 2014, she successfully led city-wide initiatives that focused on improving outcomes for court-involved youth through interdisciplinary collaborations. With her appointment to Commissioner in March 2014, she continues to lead the Department in its mission to enhance public safety through appropriate and individualized and community-based interventions in the lives of people on probation to enable them to permanently exit the justice system.

Prior to joining the DOP in 2010, she was the Director of Juvenile Justice Programs at the Children's Aid Society. She has also worked at CASES (The Center for Alternative Sentencing and Employment Services) holding progressively responsible positions: Director of Training and Technical Assistance; Co-Director of Community Prep High School: a transitional

school for court-involved students; and Deputy Director for Court Services and Case Management at CASES' Court Employment Project, an alternative to incarceration program for adolescent felony offenders.

## **Rev. Frederick Davie**

*(he/him/his)*

*Senior Strategic Advisor, Union Theological Seminary and Chair, Civilian Complaint Review Board (CCRB)*

Rev. Frederick Davie is the Senior Strategic Advisor to the President of Union Theological Seminary, where he was Executive Vice President for 10 years. He is also Senior Advisor for Racial Equity at IFYC. Rev. Davie's public sector experience is extensive. In addition to being a Commissioner on the Racial Justice Commission, he is Chair of the NYC Civilian Complaint Review Board; a Commissioner on the US Commission for International Religious Freedom; and a member of NYC Mayor-elect Eric Adams' transition committee on Public Safety and Justice. He has served as Deputy Borough President of Manhattan, chief of staff to a deputy mayor and chief of staff to the President of the NYC Board of Education. He was appointed by President Obama to the White House Council for Faith-based and Neighborhood Partnerships. Mr. Davie has also held distinguished leadership roles in the non-profit and philanthropic sectors, including the Ford Foundation and NYC Mission Society. An ordained Presbyterian minister, Rev. Davie is a graduate of Greensboro College and Yale University Divinity School.

## **Lurie Daniel Favors**

*(she/her/hers)*

*Executive Director, Center for Law and Social Justice at Medgar Evers College*

Lurie Daniel Favors, Esq. serves as Executive Director at the Center for Law and Social Justice at Medgar Evers College. She is an activist and

attorney with a long-standing commitment to racial and social justice. Before completing law school, Ms. Daniel Favors co-founded Sankofa Community Empowerment, Inc., a non-profit organization designed to educate and empower communities of African descent. She later co-founded Breaking the Cycle Consulting Services LLC, which specializes in creating comprehensive professional development for educators, youth education programs and family engagement workshops designed to address the crisis in urban education through the use of culturally responsive teaching. Ms. Daniel Favors hosts the Lurie Daniel Favors Show on Sirius XM's Urban View Network and she co-hosts the Sunday Civics show which appears on the same network.

Ms. Daniel Favors started her legal career as an attorney in the New York offices of Proskauer Rose LLP and Manatt Phelps and Phillips, LLP. She also served as a federal court law clerk in the chambers of the Honorable Sterling Johnson, Jr., in the U.S. District Court for the Eastern District of New York. She later founded Daniel Favors Law PLLC, a law firm that focused on economic and racial justice. Ms. Daniel Favors earned her J.D. from New York University, where she was a Root-Tilden-Kern public interest scholar and she graduated from Pennsylvania State University with a BA in African and African American Studies, with a Minor in Spanish Language.

Ms. Daniel Favors is a contributing author to *The Birth of a Nation: Nat Turner and the Making of a Movement*. She has also penned *Afro State of Mind: Memories of a Nappy Headed Black Girl*. Ms. Daniel Favors adheres to the West African principle of sankofa and believes one must use the past in order to understand the present and build for a brighter future.

## **Darrick Hamilton**

*(he/him/his)*

*Founding Director, Institute on Race, Power and Political Economy at The New School and Henry Cohen Professor of Economics and Urban Policy*

Darrick Hamilton is a university professor, Henry Cohen Professor of Economics and Urban Policy, and founding director of the Institute on Race, Power and Political Economy at The New School. Darrick examines social stratification and political economy in order to move policy and practice in fundamentally new directions that promote economic inclusion, social equity, and civic engagement.

Considered one of the nation's foremost public intellectuals, Darrick has been profiled in the *New York Times*, *Mother Jones*, and the *Wall Street Journal*. In 2017, he was featured in *Politico's 50 Ideas Shaping American Politics and the People Behind Them* issue. In 2020, Darrick was named a Freedom Scholar by the Marguerite Casey Foundation and the Group Health Foundation.

Darrick has been involved in crafting policy proposals that have garnered media attention and inspired legislative proposals at the federal, state, and local levels, including baby bonds, guaranteed income, and a federal job guarantee. In 2020, Darrick served as a member of the economic committee of the Biden-Sanders Unity Task Force. He has testified before several Senate and House committees, including the Joint Economic Committee and the Senate Banking Committee.

Darrick was born and raised in the Bedford-Stuyvesant section of Brooklyn, New York. He is a graduate of Oberlin College and received a PhD in Economics from the University of North Carolina.

## **Christopher Kui**

*(he/him/his)*

*President, RISE NOW Inc. and Former Executive Director, Asian Americans for Equality*

Christopher Kui is a pioneer of the community development movement and a long-time champion of community services and civil rights, advocating for the minority and immigrant communities of New York City. Mr. Kui is President of RISE NOW Inc. and currently serves as a Commissioner on the NYC Racial Justice Commission that simultaneously serves as a charter revision commission. In 2018, Mr. Kui retired after 30 years from his role as Executive Director of Asian Americans for Equality (AAFE). Mr. Kui is also the founder and former Chair of the Board of Directors of the Renaissance Economic Development Corporation (REDC), a U.S. Department of Treasury certified Community Development Financial Institution (CDFI).

In addition to serving as Commissioner on the New York City Planning Commission from 2003–2007, Mr. Kui has also served on the transition teams of NYC Mayor Bill de Blasio, former Mayors Michael Bloomberg, Rudolph Giuliani and David Dinkins.

Mr. Kui, an Asian American who immigrated to New York from Hong Kong in 1970, holds a bachelor's degree in Economics from New York University and a fellowship in government from the Kennedy School of Government, Harvard University. He was awarded a James A. Johnson Fellowship, a program of the Fannie Mae Foundation, and a Kellogg National Fellowship in connection with the Kellogg Foundation.

## **Yesenia Mata**

*(she/her/ella)*

*Executive Director, La Colmena*

Yesenia Mata is an immigration and veteran activist. As the daughter of formerly undocumented immigrants, Yesenia has been advocating for immigration reform.

She has written on The Hill, Huffington Post, and Univision. She was the former National Latino Outreach Strategist for Bernie Sander's Presidential Campaign, where she organized the Latino communities in Chicago, Arizona, New York, Pennsylvania, California, and Florida. She also was the Political Director for the Dream Action Coalition, a national organization that advocates for immigration reform. She has been recognized by City & State as top 100 in Labor and by New York State Hispanic Coalition as a "40 under 40 Rising Star" and received a prestigious Proclamation from the City of New York for her work in the Latinx community. She is a commissioner for the NYC Racial Justice Commission, Executive Director of La Colmena an Immigration/Day Labor Rights Organization and serves in the U.S. Army as a Military Police Specialist.

## **J. Phillip Thompson**

*(he/him/his)*

*Deputy Mayor for Strategic Policy Initiatives*

As Deputy Mayor for Strategic Policy Initiatives, Deputy Mayor Thompson is responsible for spearheading a diverse collection of priority initiatives. This expansive portfolio includes Democracy NYC, the Minority and Women-owned Business Enterprises Program, the Mayor's Office of Workforce Development, and the Young Men's Initiative. Additionally, his agency portfolio includes the Department of Youth and Community Development; the Department of Small Business Services; the Commission on Human Rights; the Department of Veterans' Services; the Mayor's Office of Immigrant Affairs; the Mayor's Office for People with Disabilities; the Civic Engagement Commission; and the NYC Public Engagement Unit. Deputy Mayor Thompson also serves as Co-Chair on the City's Task Force on Racial Inclusion and Equity, and as a Commissioner on the City's Racial Justice Commission.

Prior to joining the de Blasio administration, Thompson was an Associate Professor of Urban Planning at the Massachusetts Institute of Technology. He is the author of *Double Trouble: Black Mayors, Black Communities and the Struggle for Deep Democracy* published in 2006 by Oxford University Press. He has also written and worked extensively on community health planning, race and community development, and the politics of black economic advancement.

Thompson also has an extensive background in New York City Government. He previously served in the Dinkins Administration as the Deputy General Manager for Operations and Development, and before that served in the Manhattan Borough President's Office.

He received a B.A. in Sociology from Harvard University in 1977, a Masters in Urban Planning from Hunter College in 1986, and a PhD from the City University of New York Graduate Center in 1990.

## **Jo-Ann Yoo**

*(she/her/hers)*

*Executive Director, Asian American Federation*

Jo-Ann Yoo is the executive director of the Asian American Federation (AAF), a membership organization that works with the nearly seventy nonprofits that represent and support the pan-Asian community. Established in 1989 under the mission to raise the influence and well-being of the pan-Asian American community through research, policy advocacy, public awareness and organizational development, AAF is a pan-Asian non-profit organization representing a network of 70 community service agencies in the Northeast. These agencies work in the fields of health & human services, education, economic development, civic participation, and social justice.

Jo-Ann's professional experiences include program management and operations, fundraising, and advocacy in the fields of

community development and immigrant rights. Jo-Ann currently serves on the NYC's Racial Justice Commission for New York City's Charter revision, and on New York State's Racial Equity Task Force for Vaccine Distribution, as well as on the boards of Nonprofit New York and the Advocacy Institute. Ms. Yoo was named to City and State NY's 2021 Power 100, acknowledging the impact of NY's nonprofits & their leaders on our City. Jo-Ann is particularly proud of her immigrant heritage and loves to hear others' immigration stories.

## ABOUT THE STAFF

Present and past staff of the Racial Justice Commission.

### **Anusha Venkataraman**

*(she/her/hers)*

*Executive Director*

Anusha Venkataraman serves as the NYC Racial Justice Commission's Executive Director. Previous to her role with the Commission, she was the Chief Service Officer for the City of New York, building partnerships to advance civic engagement through volunteer and service programs. Trained as an urban planner, Anusha was also a Senior Advisor in the NYC Office of the Deputy Mayor for Housing and Economic Development and worked at the NYC Department of Housing Preservation & Development in various roles including as Senior Director of Neighborhood Planning & Preservation. She first worked in the nonprofit and community organizing sector for ten years, beginning her career as an AmeriCorps VISTA member at the Steel Yard, an arts organization in Providence, RI, and serving as Director of the Green Light District sustainability initiative with the community organization El Puente in Brooklyn. Anusha is a graduate of Pratt Institute with a master's in City and Regional Planning and has a bachelor's from Brown University in International Relations.

### **Harold Miller**

*(he/him/his)*

*Deputy Executive Director for External Affairs*

Harold C. Miller Jr. serves as Deputy Executive Director for the Racial Justice Commission. Previously, Harold was the Campaign Director for the Test and Trace Corps, where he led a staff of 400 to educate New Yorkers on the importance of getting tested for COVID-19 and the health guidance to prevent contracting the virus. From

2014–2020, Harold was Deputy Commissioner in the Mayor's Community Affairs Unit. He helped to advocate for Universal Pre-K to the State Legislature, built coalitions to fight against gun violence, and worked with faith-based developers to develop affordable housing. Prior to working in government, Harold began his career working for NY ACORN as a Community Organizer, building power for low-income people to fight for their rights on issues such as affordable housing, education, living wage, and predatory lending. After the close of ACORN, Harold along with other former ACORN staff and members established NY Communities for Change (NYCC), where it continued the mission of ACORN. While at NYCC, Harold led the first time in more than a generation wage strikes for fast food workers in the U.S. In just a few years after those strikes, workers achieved the minimum wage of \$15 per hour.

### **Melanie C.T. Ash**

*(she/her/hers)*

*General Counsel*

Melanie C.T. Ash serves as the Commission's General Counsel. She comes to the Commission from the New York City Law Department, where she is a Senior Counsel in the Impact Litigation Unit. In 2020-2021 she held an Affirmative Leaders Fellowship with the Public Rights Project, and she is a 2018 recipient of the Law Department's Edith J. Spivack Special Recognition Award for dedicated legal service and superior achievement. Melanie holds an LL.M. from Columbia Law School where the focus of her studies was comparative constitutional equality rights and critical race theory, an LL.B. from the University of British Columbia, and a B.A. (Hons) from Carleton University. After clerking at the Supreme Court of Canada, she taught Legal Research & Writing at Columbia Law School, and worked in the

litigation department of Paul, Weiss, Rifkind, Wharton & Garrison, LLP. Melanie is admitted to the bar in British Columbia and New York.

## **Erin Berry**

*(she/her/hers)*

### *Deputy General Counsel*

Erin Berry serves as the Commission's Deputy General Counsel. She comes to the Commission from the New York City Law Department, where is a Senior Counsel and currently serves as a trial attorney in the Brooklyn Tort Unit. Prior to this role, was a litigator in the Law Department's Special Litigation Unit. She began her legal career in private practice in New England and New York City before transitioning to civil service. Her work involves representing city agencies and employees against state, federal, and constitutional claims. She serves on the Health Committee for the New York City Bar. Throughout her legal career she has engaged in pro bono legal services from assisting asylum seekers to providing services at free legal clinics. Prior to becoming an attorney, she taught first grade in Los Angeles. She holds a B.A. and J.D. from George Washington University in Washington, D.C.

## **Bianca Isaias**

*(she/her/hers)*

### *Associate General Counsel*

Bianca C. Isaias serves as the Commission's Associate General Counsel. She comes to the Commission from the New York City Law Department, where she is a Senior Counsel in the Affirmative Litigation Division where she represents the City of New York as plaintiff. Her cases include administrative code enforcement, tenant protection, inter-municipal disputes, and actions to obtain insurance coverage for the City. She currently serves as Deputy President of the National Hispanic Bar Association, New York Region. Prior to joining the Law Department, she was a staff attorney at Legal Services NYC, where

she provided representation to low-income New Yorkers facing eviction in Brooklyn as part of the City's Right to Counsel program. She has also served as a Director/Deputy Director of Voter Protection programs in Michigan, Florida, and Ohio for three election cycles. She was a 2014 Ella Baker Fellow at the Center for Constitutional Rights. She holds a B.A. from Barnard College, and a J.D. from NYU School of Law, where she has coached a law student moot court team for seven years.

## **Rachel Cato**

*(she/her/hers)*

### *Chief of Operations*

Rachel Cato serves as the Chief of Operations for the NYC Racial Justice Commission. She comes to the Commission from the Mayor's Office of Contract Services, where she served as the Associate Director of Learning Management. She has spent her last several years in public service, including years as a Special Education educator in the Boston Public School system. Rachel has a bachelor's in Communication from Arizona State University.

## **Tashawn Morgan**

*(he/him/his)*

### *Deputy Chief of Staff*

Tashawn Morgan serves as the Deputy Chief of Staff for the NYC Racial Justice Commission. He comes to the Commission from NYC Service, Office of the Mayor and currently oversees three AmeriCorps Programs placing over 200 members at city agencies and nonprofits. He has spent that last six years within city government supporting community engagement and social services. Tashawn is also AmeriCorps Alumni, having served over 1700 hours at the Department of Social Services. He holds a bachelor's degree in Legal Studies from New York City College of Technology.

## **Jimmy Pan**

*(he/him/his)*

*Policy Director and Special Counsel*

Jimmy Pan serves as Policy Director for the NYC Racial Justice Commission, the latest in a set of roles confronting structural change in city governance. Previously, he was Special Counsel to the Mayor's Office of ThriveNYC, the City's unprecedented effort to create a comprehensive mental health system, and before that served City Hall as Senior Associate Counsel in the Office of the Counsel to the Mayor. Preceding city service, he worked at the intersection of health and human rights across different layers, for example by tackling the structural role of governments in patent equity and access to HIV medicine as the inaugural staff attorney for the Initiative for Medicines, Access, and Knowledge, or by conducting research, such as investigating the genetic pathology of the HIV virus itself. He holds a B.S. in Biotechnology and a Masters in Public Health from the University of California, Davis, and a J.D. from New York University School of Law.

## **Sam Stanton**

*(they/them)*

*Senior Policy Advisor and Legal Counsel*

Sam comes to the Commission from their position as a Policy Advisor at the Mayor's Office of Immigrant Affairs (MOIA). At MOIA, Sam leads advocacy and agency coordination related to federal immigration law, with a focus on LGBTQ+ immigrants, immigrant children, and the intersection of racial and immigration justice. Previously, Sam was a Senior Licensing Specialist at the New York City Business Integrity Commission. They hold a B.A. in Latino Studies from Columbia University and a J.D. from Cardozo School of Law.

## **Eden Mulate**

*(she/her/hers)*

*Policy Advisor*

Eden Mulate is a public servant dedicated to the idea of social, economic and political equality for all people. Eden currently works for the Mayor's Office of Management and Budget (OMB) as a Senior Analyst overlooking business tax revenue and business tax forecast. Prior to her current role, Eden worked on the Data Analysis unit at OMB specializing in housing policy and property tax programs in NYC. Eden plays a leadership role at OMB's Data Science Huddle, a group dedicated to elevating data science skills at OMB. Eden was a Policy Advisor at the Racial Justice Commission as part of the Policy Team conducting research on various policy areas to advance racial equality and justice. Eden holds a master's degree in Public Administration from the City College of New York and a Bachelor of Arts in Sociology from Barnard College. Eden immigrated from Ethiopia to NYC at age 13. Eden is mother to 6-year-old Axum Mulate Dessaint.

## **Jacqueline Kennedy**

*(she/her/hers)*

*Public Engagement Director*

Jacqueline Kennedy is a public service professional with over a decade of experience in the field of community development and community engagement. Jacqueline's interest in community development began in her own neighborhood in Southeast San Diego, CA, where she interned for a non-profit serving her community. In 2009 Jacqueline relocated to NYC for graduate school and served at a Brownsville Brooklyn based non-profit coordinating community outreach and engagement strategies and projects. Jacqueline stepped into the role of Interim Director of the Brownsville Partnership initiative in 2015 before leaving in 2016 to join

the New York City Department of Health and Mental Hygiene as the Director of Community Partnerships at the newly formed Center for Health Equity. After 5 years and more than a year and a half supporting NYC's response to COVID-19, Jacqueline joined the NYC Racial Justice Commission in June of 2020 as the Public Engagement Director before leaving city government to work as an independent consultant. Jacqueline is committed to equity for communities of color, advancing racial equity globally, Black liberation, Black women's health and joy. She holds a BA in Sociology from the University of California, San Diego and an MPA in Nonprofit Management and Policy from NYU Wagner School of Public Service.

## **Chi Nguyễn**

*(she/her/hers)*

*Senior Advisor*

Chi Nguyễn is the Managing Director of Strategic Communications at The Bronx Defenders. Previously, Chi was a Senior Advisor at the NYC Racial Justice Commission and the Assistant Deputy Director for Marketing and Communications at the NYC Mayor's Office of Climate and Sustainability. During her tenure, Chi worked on key Mayoral policies and programs, civic engagement to combat environmental racism, digital accessibility for people with disabilities, and language access for immigrant New Yorkers. She co-founded the first annual NYC Digital Inclusion Conference to provide hands-on workshops and networking opportunities for digital workers in public and private sectors on internet human rights, digital accessibility, and inclusion by design. Chi has worked extensively with brands, non-profit organizations, and the NYC government to shift mindset on tough issues, galvanize national and international audiences to take action, and advocate for equity and justice in and outside of the workplace.

## **Steph Halpin**

*(she/her/hers)*

*Communications Director*

Steph Halpin joined the Commission as Communications Director in May, previously serving at NYC Service, a division of the Mayor's Office and advising on local political campaigns. Her career in marketing and communications started out in the New York City arts nonprofit sector, then expanded to managing creative strategy and branding for independent and startup businesses. Steph was born and raised in The Bronx and continues to invest energy in personal and professional projects that build a just society for future generations of New York City residents.

## **Davina Lee**

*(she/her/hers)*

*Intern*

Davina is a student at New York University, working towards a bachelor's degree in Politics and is expected to graduate in May 2023. She joined the Commission as a part-time intern in the summer of 2021 supporting operations.

## **Kapil Longani**

*(he/him/his)*

*Senior Advisor to the Racial Justice Commission*

Kapil Longani has had a distinguished career in public service, which he attributes to his immigrant parents who instilled in him a strong belief in the power of government to improve lives. His deep commitment to justice, fairness, and equity has taken him around the globe, from implementing South Africa's post-Apartheid Constitution to serving 8.6 million New Yorkers as Chief Counsel to the Mayor of New York City. As Mayor de Blasio's solutions czar and top lawyer, Kapil advises the Mayor and City Hall on high profile and sensitive legal matters affecting the City, including public health/hospitals,

schools, law enforcement, criminal justice, union negotiations, economic development, immigration, affordable housing, ethics, and EEO/personnel matters. Kapil also played a central role in the Administration's legal response to the historic issues confronting New York City during the COVID-19 crisis, including shutting down and reopening the City, reopening schools safely, establishing the Outdoor Dining program, launching the vaccine command center and the largest testing and tracing operation in the country, and serving as the primary legal conduit with New York State.

Before joining the de Blasio administration, Kapil served as Senior Counsel to Ranking Member Elijah E. Cummings for the Committee on Oversight and Government Reform in the U.S. House of Representatives. Kapil was the Democratic staff's lead investigator for the Committee's most high profile and significant investigations, including the Flint water crisis, and the Trump Administration's response to Hurricane Maria in Puerto Rico and the U.S. Virgin Islands. Prior to his work in Congress, Kapil served as an Assistant U.S. Attorney for the District of Columbia, where he prosecuted cases involving sexual assault, homicide, robbery, narcotics, and illegal firearms. He previously worked as a litigator at Skadden, Arps, Slate, Meagher & Flom LLP, and served as a law clerk to the Honorable Judge Roger L. Gregory of the U.S. Court of Appeals for the Fourth Circuit and the Honorable Judge Richard Smoak of the U.S. District Court for the Northern District of Florida. Kapil holds an undergraduate degree from Cornell University and legal degrees from the University of Florida, Yale, and Oxford University.

# ABOUT THE CHARTER REVISION PROCESS

## THE NEW YORK CITY CHARTER

The NYC Charter is like the City's constitution. The Charter defines the organization, powers, functions, and essential procedures of the City government. It lays out the fundamental structures (e.g., elected officials, mayor's offices, agencies, boards, and commissions), establishes how decisions are made (such as land use and siting), guides many aspects of government services, and details the budgeting process for City services and capital projects in all areas, from housing and education to human rights and emergency services.

## MAKING CHANGES TO THE CHARTER

Pursuant to state law, the Charter can be changed by state or city legislation; initiative and referendum (a proposed law supported by signatures that is voted on by the public during an election); or by the creation of a charter revision commission.<sup>1</sup>

The Charter and the New York State Municipal Home Rule Law set out subject areas that can be changed through referendum (a vote by the public) and other areas that can be changed by council legislation.<sup>2</sup>

## CHARTER REVISION COMMISSIONS

A charter revision commission is a temporary appointed government body that is tasked with

reviewing the entire City Charter and proposing amendments (changes) that are voted upon by the public in a general election.<sup>3</sup> The commission can make proposals that change the entire charter or a specific section.<sup>4</sup>

Charter revision commissions can be created by the mayor, city council, voter initiative, or by the state legislature. Commissions can be made up of 9 to 15 people and are supported by a staff.

Charter revision commissions can perform research, speak with experts and community leaders, and conduct public meetings and public input sessions as they collect information and ideas, and make decisions about what proposed charter changes to recommend. After conducting outreach and research, the commissioners vote on the proposals and issue a report. The report includes ballot measures and often

1 Municipal Home Rule Law ("MHRL") § 36(2-4).

2 MHRL § 36 (5)(b); New York City Charter § 40

3 MHRL § 36 (5)(a)

4 MHRL § 36 (5)(b)

describes other ideas that were considered but not recommended by the commission and suggestions for other changes to be studied and undertaken by other government bodies in the future.

In 2019, a City Council-created charter revision commission proposed revisions that were presented to voters that included a range of ballot proposals that covered issues ranging from ranked choice voting and land use to police accountability.<sup>5</sup> In 2018, a mayor-created charter revision commission recommended ballot proposals that revised procedures related to campaign finance and also made other proposals related to civic engagement and community boards, campaign finance, and other local election procedures.<sup>6</sup>

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5 The website from the 2019 Charter Revision Commission can be found here: <https://www.charter2019.nyc/>

6 2018 Charter Revision Commission report: <https://www1.nyc.gov/assets/charter/downloads/pdf/final-report-20180904.pdf>

# RACIAL JUSTICE COMMISSION TIMELINE, PROCESSES AND KEY ENGAGEMENT STATS

MARCH 23, 2021

## NYC RACIAL JUSTICE COMMISSION FORMED

- Chair, Vice Chair and Commissioners announced

APRIL 15, 2021

## COMMISSION BEGINS MEETING

MAY 3, 2021

## ADOPTION OF RJC FRAMEWORK

JULY—EARLY SEPTEMBER 2021

## FIRST PUBLIC ENGAGEMENT PERIOD

- Public input sessions and online public input forms
- "Transforming Foundations" issue area panel series with thought leaders
- Engagement with City employees and agency leadership

EARLY OCTOBER 2021

## RELEASE OF *NYC FOR RACIAL JUSTICE* INTERIM REPORT

OCTOBER—NOVEMBER 2021

## SECOND PUBLIC ENGAGEMENT PERIOD

- Public input sessions and online public input forms
- Targeted community and stakeholder meetings

DECEMBER 2021

## FINAL REPORT, PROPOSED BALLOT MEASURES AND RACIAL JUSTICE ROADMAP

OCTOBER 7, 2022

## LAST DAY TO REGISTER TO VOTE IN NOVEMBER 2022 GENERAL ELECTION

OCTOBER—NOVEMBER 8, 2022

## EARLY VOTING BEGINS AND ELECTION DAY!

# 15

## PUBLIC RACIAL JUSTICE COMMISSION MEETINGS

(IN-PERSON AND VIRTUAL)

# 12

## PUBLIC INPUT SESSIONS

(IN-PERSON AND VIRTUAL)

# 364

ATTENDEES

# 134

INDIVIDUALS TESTIFIED

# 9

## TRANSFORMING FOUNDATIONS ISSUE AREA PANELS

# 71

THOUGHT LEADERS AND  
PRACTITIONERS TESTIFIED  
BEFORE THE COMMISSION

# 1,950

MINUTES OF TESTIMONY AND Q&A

# 70

ONE-ON-ONE INTERVIEWS  
WITH COMMUNITY-BASED  
ORGANIZATIONS

# 1,250+

ONLINE SUBMISSIONS OF  
PUBLIC INPUT

# 42

PRESENTATIONS TO COMMUNITY  
BOARDS, CIVIC GROUPS,  
AND NEW YORKERS

# 1,200+

PARTICIPANTS

# PUBLIC ENGAGEMENT

## PUBLIC ENGAGEMENT STRATEGY

New Yorkers were called to share solutions for Charter revisions that reflect racial justice, equity, and fairness in the City's laws at in-person input sessions, online, or through community-based engagement opportunities. The Commission prioritized New Yorkers' lived experiences to help shape the Commission's approach to dismantling structural racism in the NYC Charter. Over the course of 6 months, the Commission completed a citywide public engagement campaign reaching New Yorkers directly in neighborhoods, in virtual spaces, and through trusted partners.

The strategy was intentionally split into two phases to engage individuals and groups to hear about historical and current experiences with racial inequality. The goal of the first phase was to reach as many New Yorkers as possible, then to identify gaps in input and be sure those communities or groups were included. First, the Commission embarked on a citywide public input session campaign, then analyzed and synthesized the input received, and in a second phase of engagement the Commission completed another call for public input to validate the Commission's approach.

## FIRST PHASE OF PUBLIC ENGAGEMENT

Aiming to seek knowledge, guidance, and support from as many New Yorkers as possible, the first phase of public engagement from July through September included in-person and virtual public input sessions, online surveys, and panel series with thought leaders. This phase of public engagement was summarized in

*NYC for Racial Justice: An Interim Report of the Racial Justice Commission Staff* (Appendix A), released on October 7, 2021.

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## Public Input Sessions

The Commission invited all New Yorkers to take part in the input process regardless of age, race, or immigration status and propose ideas for major, structural change in the City's laws. By attending an in-person or virtual public input session, New Yorkers had the opportunity to speak directly to members of the Commission on critical issues that impact their life or the lives of those most harmed by racial inequity. During the public input sessions, the Commission adapted restorative justice practices to establish an open and safe space for New Yorkers—especially BIPOC New Yorkers—to be empowered to deliver testimony about dismantling structural racism. The session's format and setup was intentionally designed to balance power dynamics within the space incorporating group agreements, circular

## PHASE ONE PUBLIC INPUT SESSIONS

DATE	VENUE	BOROUGH
July 29, 2021	JCC—Gerard Carter Community Center	Staten Island
August 4, 2021	Bethany Baptist Church	Brooklyn
August 5, 2021	Queens Borough Hall	Queens
August 11, 2021	The Schomburg Center for Research in Black Culture	Manhattan
August 19, 2021	Bronx Museum of the Arts	Bronx
August 23, 2021	Virtual Session - Zoom	Citywide
August 26, 2021	Virtual Session - Zoom	Citywide
September 9, 2021	Hamilton-Madison Houses	Manhattan
September 10, 2021	Youth-Specific Virtual Session	Citywide

seating, and acknowledgement of harms to communities and individuals who have been disproportionately harmed by structural racism.

This provided a space for Commissioners and speakers to engage in conversation and for Commissioners to dig deeper into the testimony shared and identify connections to Charter Revision and structural change. New Yorkers also had the opportunity to anonymously share written input at each in-person event rather than be recorded on public record.

The Commission was intentional about holding public input sessions in locations accessible to BIPOC communities and providing culturally responsive resources, such as options for multi-language interpretation, ASL interpretation, and on-site mental health professionals to provide support for anyone who needed it. Borough-based public input sessions kicked off in Staten Island at the JCC—Gerard Carter Center in Stapleton Houses to set the tone of the outreach efforts: prioritizing those voices often left out. Input sessions continued in Brooklyn, Queens, Manhattan, and the Bronx. Locations

were selected based on historical connection to racial justice movements, proximity to diverse constituencies, or commitment to racial equity, such as NYCHA community centers, and arts and culture centers like the Schomburg Center for Research in Black culture.

Every public input session was open to all New York City residents with outreach efforts geared towards residents within that borough. Community partners, elected officials, and local leaders supported outreach by sharing information on social media channels and posting printed materials in public spaces. By engaging local and ethnic media, and through paid media advertising, the Commission spread awareness about the local opportunities to engage to millions of New Yorkers.

Public engagement in the era of COVID-19 meant many New Yorkers opted not to gather in indoor spaces. The Commissioners were committed to meeting New Yorkers in safe spaces and offered online opportunities to share input directly with Commissioners. Virtual public input sessions were well attended with more than 100

registrants per session. Two general public input sessions were hosted online, and an additional youth-focused virtual input session was added to the engagement strategy by public demand.

All public input sessions were livestreamed via the Commission's YouTube channel and part of the public record.

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### Online Public Input

To maximize public participation, the Commission created an online input form consisting of a few open response questions and the option to upload other documents or testimony. Responses to the survey allowed for respondents to provide direct feedback even if they could not attend in-person. Following through on language access standards the online form was translated into 10 languages: English, Spanish, Traditional Chinese, Simplified Chinese, Arabic, Bengali, French, Haitian Creole, Korean, and Urdu.

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### Transforming Foundations Panel Series

The Transforming Foundations panel series brought together practitioners, scholars, and thought leaders from various disciplines to share the historical inequities within their area of expertise and ideas on what the Commission could do to dismantle those inequities. The thought leaders shared oral testimony and participated in question-and-answer sessions with Commissioners, and many also shared written submissions with the Commission. See page 31 for the full list of panels held.

## NYC FOR RACIAL JUSTICE: AN INTERIM REPORT OF THE RACIAL JUSTICE COMMISSION STAFF

On October 7, 2021, the Racial Justice Commission staff released a report reflecting input the Commission received during the first phase of public engagement and outlines persistent patterns of inequity New Yorkers experience. Providing insight into what the Commission heard in its first phase of engagement, the report showed the ways in which structural racism operates in New York City and illustrates its harmful impact on BIPOC New Yorkers.

The report identified six patterns of inequity from public input that present systemic barriers to power, access, and opportunity for New Yorkers, particularly those who are Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color.

### Six Patterns of Inequity

- Inequity in Quality Services that Promote Social and Emotional Wellbeing
- Inequity Within and Across Neighborhoods that Inhibits Thriving Individuals, Families, and Communities
- Inequities in Work, Advancement, and Wealth Building
- Marginalization and Over-Criminalization of BIPOC Persons and Communities
- Inequity in Representation and Decision-making
- Enforcement and Accountability of Government and Entities

The full report can be found in Appendix A.

## **TRANSFORMING FOUNDATIONS PANEL SERIES**

### **Overcoming Racial Disparities in Health and Mental Health**

*Featured:* LaRay Brown, Guillermo Chacon, Claire Green-Forde, Wayne Ho, Nathaniel Fields, and Joo Han.

### **Eradicating Education Inequity for BIPOC**

*Featured:* Chancellor Meisha Porter, David Banks, James Kimball, Stewart Kwoh, Jackson Collins, James O'Neal, David Kirkland, Claude Steele, Kim Sweet, and Vanessa Leung.

### **Achieving Racial Equity in Housing and Land Justice**

*Featured:* Barika Williams, Regina Cannon, Juanita Lewis, Michael Partis, Tarry Hum, Diane Wong, Monica Bell, Edward Josephson, and Emily Mock.

### **Planning for a Racially Equitable Future**

*Featured:* Sheila Foster, Raya Salter, Summer Sadoval, Melissa Lachan, Dustin Duncan, Nicholas Bloom, Michelle de la Uz, Rebecca Bratspies, Justin Garrett Moore, and Iyeshima Harris.

### **Ensuring a Fair and Just Legal System for All Persons Regardless of Race and Intersectional Identities**

*Featured:* Deborah Archer, Tshaka Barrows, Michael German, Erica Bond, Clinton Lacey, Michael Rempel, Allison Hollihan, Damon Rowe, Tracie Keese, and Seema Gajwani.

### **Achieving Economic Equity and Closing the Racial Wealth Gap**

*Featured:* James Parrott, Michael Garner, Deyanira Del Rio, Demond Drummer, Denise Scott, Gregg Bishop, Rebecca Dixon, Lorelei Salas, Arva Rice, and Gonzalo Mercado.

### **Racial Equity and Early Foundations**

*Featured:* Sharon Content, Tara Gardner, and Sherry Cleary.

### **Ensuring Civic and Political Engagement and Empowerment for all Persons**

*Featured:* L. Joy Williams, Susan Lerner, Ekow Yankah, Jaclyn Reyes, Lourdes Rosado, Murad Awawdeh, Amy Andrieux, and Joe Baker.

### **Intersectionality: Equity Across Identities**

*Featured:* Elisa Crespo, Britney Wilson, Ashley Sawyer, Pabitra Benjamin, Maimouna Dieye, and Beverly Tillery.

## SECOND PHASE OF PUBLIC ENGAGEMENT

The interim staff report served as the foundation for the second public engagement period to give New Yorkers the opportunity to provide additional feedback and help inform the Commission in identifying the broadest, boldest, long-term structural changes to advance racial equity in the NYC Charter.

The second phase of public engagement focused on gaining input about whether the interim report accurately captured the experiences of New Yorkers, and additional feedback about the Commission's approach to address the underlying causes of racial inequity. New Yorkers had the opportunity to read about the patterns of inequity identified and respond directly to prompts online. The Commission also hosted in-person and virtual input sessions, presented to 35 community and civic groups, and hosted one-on-one focus groups with key stakeholders, including those less represented during the first phase of engagement.

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### Public Input Sessions

Phase two public input sessions shifted to include a brief overview of the patterns of inequity. Speakers were given the same 3-minute allotment and Commissioners engaged in dialogue after each testimony.

The two in-person locations were selected to reach neighborhoods different from those located in the first phase of engagement.

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### Houses of Worship for Racial Justice Weekend

After the Commission Staff conducted informational sessions for religious leaders to inform them about the Commission's work and the various avenues for public input, faith leaders around the city participated in "House of Worship for Racial Justice," a weekend dedicated to sharing information with congregations about the NYC Racial Justice Commission and ways for them to voice the need for change in the City's foundational laws. During the informational sessions, more than 50 houses of worship and faith leaders were educated on and provided information about opportunities to engage and to share out with their congregations.

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### Focus Groups

As part of the second phase of public engagement, the Commission conducted focus group sessions led by Hester Street, an urban planning design and community development nonprofit that assists communities to shape their own neighborhoods. Hester Street brought together some of the leading community-based organizations in the city to facilitate discussions with their members on the patterns of inequities

## PHASE TWO PUBLIC INPUT SESSIONS

DATE	VENUE	BOROUGH
November 8, 2021	Brooklyn Museum	Brooklyn
November 10, 2021	Sonia Sotomayor Community Center	Bronx
November 18, 2021	Virtual Session - Zoom	Citywide

## FOCUS GROUPS

DATE	VENUE	FACILITATOR
October 26, 2021	Economic Development	Urbane
October 29, 2021	Economic Development	Urbane
November 4, 2021	Economic Development	Urbane
November 4, 2021	Public Health	Real Time Response
November 9, 2021	Youth	Youth Power Coalition
November 16, 2021	Justice	Real Time Response
November 16, 2021	Environment	Waterfront Alliance
November 29, 2021	Housing	GOLES
November 29, 2021	Youth & Adult	Brooklyn Public Library
December 3, 2021	Arts & Culture	Hester Street

identified by the Commission. Facilitators hosted conversations based on their organization's areas of expertise. The questions that guided the discussion included: How does this pattern of inequity resonate with you and your community? What needs to change to correct this pattern of inequity? Who needs to be involved to make these changes happen?

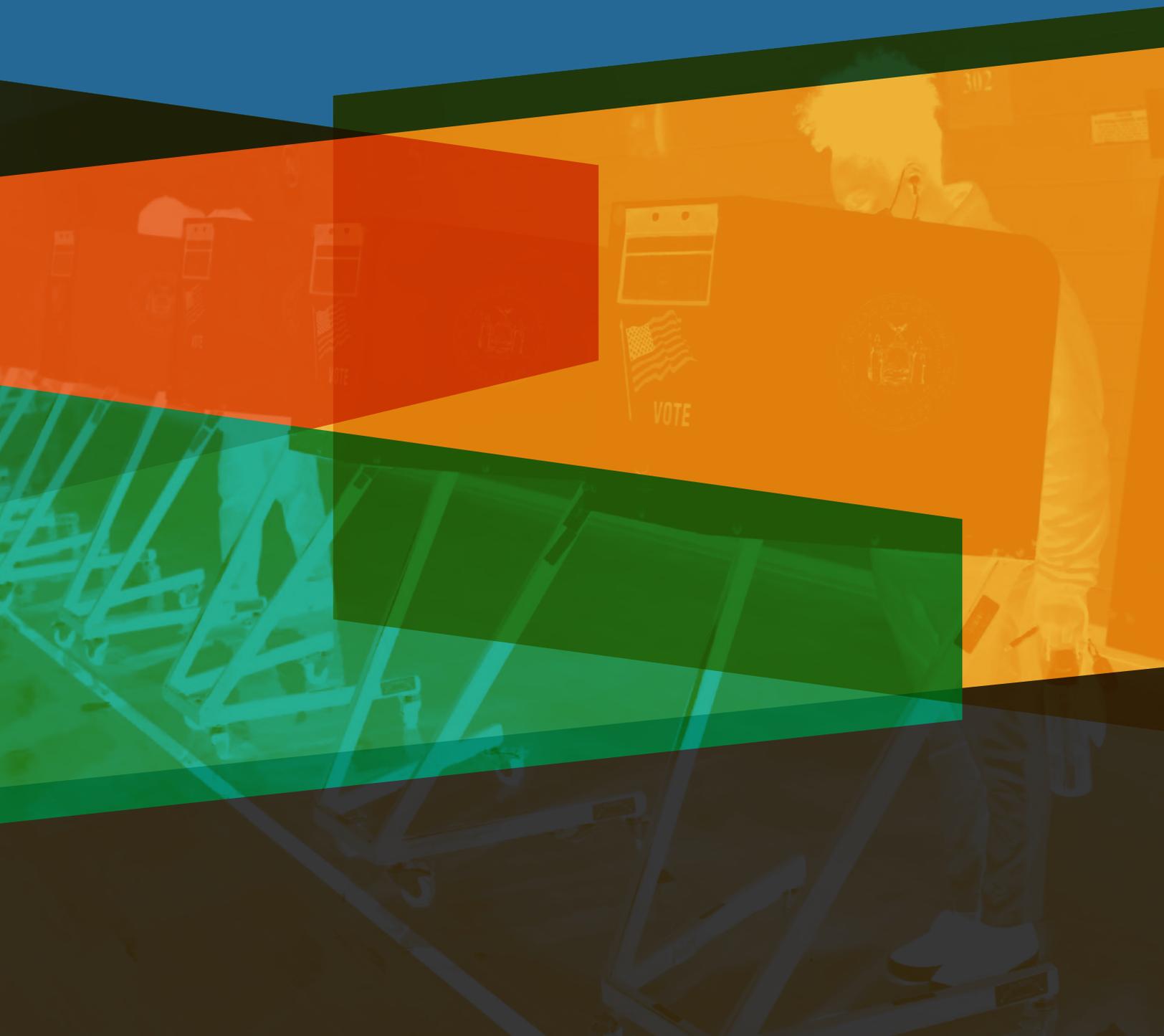
or share input. Many organizations initiated the presentation requests and other meetings were intentionally organized to gain input from groups with little or no representation in the first round of engagement.

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### Community Briefings

Spreading awareness and reaching New Yorkers was fundamental to gaining additional input and ensuring as many New Yorkers as possible knew about the Commission's work. Throughout October and November, Commission staff presented to 35 Community Boards, local labor unions, faith institutions, and other groups to educate their respective memberships. Staff also hosted weekly community briefings open to all New Yorkers. These presentations offered groups a short overview of the Commission's mission and work, and a space to ask questions

# PROPOSED AMENDMENTS TO THE CHARTER



# INTRODUCTION

The Racial Justice Commission is pleased to submit three proposals to the New York City voters.

In the face of centuries-long structural racism, the Commission set out to propose changes to the New York City Charter that would set the City on a new direction, one where our City government's very foundations support the wellbeing of all communities and neighborhoods, correcting longtime unjust decisions that deprive and marginalize groups without power. On this new path, the City's focus on justice would remedy those patterns of inequity New Yorkers presented to the Commission as being ever-present in their lives.

Commissioners intend that the three proposals form a seed whose roots will grow over time, knitting together a new soil for an equitable society. Rather than many new policies or mandates, the reader will instead find a new government structure that will spur the creation of new policies and instigate implementation of new ideas over time.

For the first time, there will be a statement of foundational values, placing New Yorkers at the heart of the government's purposes and goals.

The proposals are actions and steps toward justice. For the first time, the City will be required to create a comprehensive strategy to improve justice, equity, and fairness. The proposals include the creation of an agency that will be authorized and charged with pushing all agencies toward solutions that interrupt and reverse the ways communities become oppressed, marginalized, and disempowered.

The proposals are accountability. The City will be required to provide data so the public can see whether the City's promised strategies and

spending actually shrink the gap in wellbeing caused by structural racism. The proposals include the creation of a commission to bring in community members' voices and report to the public on the City's performance in this reconstruction process.

Together, the proposals bring new power, access, and opportunity to BIPOC New Yorkers. They create lasting capacity and accountability to maintain momentum over the decades.

The proposals lay a route towards racial equity for elected leaders in the administrations to come. They invite New Yorkers to have voice in their government, one which will prioritize the decisions that matter across New York communities, especially for those who have the least access, rather than decisions that accommodate people who already have power and wealth.

On November 8, 2022, New Yorkers like you will be able to decide what your city's foundation should look like.

## PROPOSAL 1: ADD A STATEMENT OF VALUES TO GUIDE GOVERNMENT

### SUMMARY OF PROPOSED CHARTER AMENDMENT

The Commission's first proposal is to add a preamble to the NYC Charter. The New York City Charter does not currently have a preamble. Adding a preamble would allow New Yorkers to adopt a vision and statement of foundational values intended to guide City government in fulfilling its duties.

#### WHAT IS A PREAMBLE?

A preamble is an introductory statement that explains the purpose or goals of a legal document, such as a constitution or statute.<sup>7</sup> In the United States today, preambles are commonly used to introduce foundational documents, like a city charter, as well as ordinary legislation at all levels of government. Though preambles differ in style and length, they are a common feature of founding documents at the local, state, and federal levels, and they generally contain similar types of content. For example, a survey of fifty democratic countries, thirty-seven of which had a formal preamble, identified certain major categories of preamble content.<sup>8</sup>

Among those categories are, first, the identification of the source of sovereignty—that is, the source of the government's power and legitimacy as reflected through the democratic process. The source of a government's legitimacy

is commonly understood to be the people themselves. In the New York State Constitution, for instance, the source of sovereignty is specified in the preamble is "We the People of the State of New York."<sup>9</sup>

Next, preambles often contain historical narratives of a state, nation, or people which shape a common identity. These narratives often reference past events which influenced the establishment of a nation or state, or led up to the enactment of the charter, constitution, or law, such as a struggle for independence.<sup>10</sup>

Finally, preambles may outline a society's identity, fundamental values, or goals, which are often abstract ideas such as happiness or well-being.<sup>11</sup> For example, the preamble to the charter of Saratoga Springs, New York refers to citizens' efforts to preserve "wellbeing" and ensure that Saratoga Springs is a "special place."<sup>12</sup> Other preambles, in elaborating on the

7 *Black's Law Dictionary* (11th ed. 2019) (Westlaw); see also *Jacobson v. Massachusetts*, 197 U.S. 11, 22 (1905) (explaining that the Preamble to the United States Constitution sets out the "general purposes for which the people ordained and established the Constitution.").

8 See generally, Liav Orgad, *The Preamble in Constitutional Interpretation*, 8 *Int'l J. of Const. L.* 714 (2010).

9 N.Y. Const., pmbl.; Orgad, *supra*, at 716-17.

10 Orgad, *supra*, at 717.

11 *Id.*

12 Saratoga Springs Charter, pmbl.

constitutional philosophy of a country, nation, or people, may identify future values-based aspirations, such as those stated in the preamble to the United States Constitution, which stated that the document was enacted “in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.”<sup>13</sup>

## **ELEMENTS OF THE PROPOSED PREAMBLE TO THE NEW YORK CITY CHARTER**

The proposed preamble to the NYC Charter was drafted to include many of the same foundational elements found in constitutional preambles worldwide.

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### **Recognizing New Yorkers as the Source of Power and Legitimacy**

The proposed preamble recognizes the people of New York City as the source of the City's legitimacy and power. The people of New York City give the city its vibrant and diverse character, and thus it is the people of New York City whose values, worth, and needs are at the heart of the proposed preamble, and through it, will be reflected in the operation of our City government.

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### **Acknowledging the Historical Inequities that Shaped New York City**

The first step towards accountability and healing is telling the truth. The proposed preamble speaks to the history of our city, drawing on and acknowledging important historical injustices that were at the heart of its founding and development,

and alluding to the ongoing struggles against both historical and continuing harms.

An acknowledgment of the past is critical because the Commission's research and public engagement revealed important links between the country and New York City's past and current inequities: the six persistent inequities the Commission identified during its public input process have deep historical roots and have been and continue to be part of New York City since its founding. The six patterns of inequities the Commission identified, inequities across neighborhoods, in work and wealth, in access to services, marginalization and over-criminalization, in representation, and in accountability, have been exemplified or exacerbated throughout our history. We traced these inequities down to their roots and have provided some examples below.

A common theme in New York City's history that is still replicated in present-day inequities is displacement. New York City was founded through the removal of the original Lenape people from this land that now comprises our city, including by European encroachment on land agreed to be shared by both peoples. Displacement of the Lenape people to benefit European economic development was solidified by the colonial government through means of barricades constructed using the labor of enslaved people, through destruction of the ecosystem that the Lenape relied on to grow food, through forcible expulsion, and through disease.<sup>14</sup> The Dutch built a wall along modern-day Wall Street to block British invaders and indigenous resistance; Wall Street then was also a marketplace in the slave trade. After its founding, the city served as a major hub of the slave trade, and enslaved Africans were brought

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<sup>13</sup> U.S. Const., pmb.

<sup>14</sup> New York City Commission on Human Rights, Anti-Black Racism Report, Jun. 8, 2020, p. 1, available at [AntiBlackRacism\\_Report.pdf \(nyc.gov\)](#).

to the city, exploited for their free labor, or sold to other parts of the country.<sup>15</sup> Over time, some of these enslaved persons were able to buy their freedom, acquire land, and establish their own communities in the territories that now comprise New York City. One such community was Seneca Village, located on land that now forms part of Central Park.<sup>16</sup> Years after the founding of Seneca Village, when the City was identifying land on which to create Central Park, it chose to displace Seneca Village, portraying it as a slum and its residents as squatters.<sup>17</sup> By destroying the community that was located there, and underpaying Black property owners for the land, the City left property owners without sufficient proceeds to buy property elsewhere.<sup>18</sup>

This was not the last example of inequitable development in New York City. From the 1930s through the 1960s, Robert Moses held various positions in both City and State government that allowed him an oversized level of power to designate predominantly Black and Latinx, but also white immigrant neighborhoods as “slums,”

thereby facilitating the razing of thriving areas to build projects—such as the Cross-Bronx Expressway and Lincoln Center—that would predominantly benefit middle-class, white New Yorkers.<sup>19</sup> Most of the displaced residents moved to other neighborhoods with predominantly BIPOC residents, further entrenching segregation and stretching the few resources those BIPOC communities had.<sup>20</sup> Moses and the City also contributed to the exacerbation of inequities between BIPOC communities and the white middle-class by entering into a partnership with MetLife to displace thousands of tenants in order to build Stuyvesant Town, a massive, whites-only affordable housing complex.<sup>21</sup> Although these policies were challenged, both informally and formally, the housing project prevailed, further marginalizing BIPOC communities.<sup>22</sup> This latest displacement occurred simultaneously with the proliferation of redlining policies, a strategy utilized by the federal government and in cities all over the country, that made it impossible for BIPOC New Yorkers to obtain affordable housing or purchase homes, and thus build inter-

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15 *Id.* At pp. 1-2.

16 New York City Commission on Human Rights, Anti-Black Racism Report, Jun. 8, 2020, p. 1, available at [AntiBlackRacism\\_Report.pdf \(nyc.gov\)](#); Central Park Conservancy, Before Central Park: The Story of Seneca Village, Jan. 18, 2018, available at [Before Central Park: The Story of Seneca... | Central Park Conservancy \(centralparknyc.org\)](#).

17 National Parks Service, Seneca Village New York City, available at <https://www.nps.gov/articles/seneca-village-new-york-city.htm#>; Columbia University, Mapping the African American Past (MAAP), Seneca Village, available at <https://maap.columbia.edu/place/32.html>; Central Park Conservancy, Before Central Park: The Story of Seneca Village, Jan. 18, 2018, available at [Before Central Park: The Story of Seneca... | Central Park Conservancy \(centralparknyc.org\)](#); New York Daily Times, The Present Look of Our Great Central Park, Jul. 9, 1856, available at <https://timesmachine.nytimes.com/timesmachine/1856/07/09/77053157.html?auth=login-email&pageNumber=3>.

18 *Id.*; New York Daily Tribune, City Items, May 28, 2856, at 7, Library of Congress available at <https://www.loc.gov/resource/sn83030213/1856-05-28/ed-1/?st=gallery>.

19 Robert Caro, The Power Broker (1974); City of New York Committee on Slum Clearance, Lincoln Square Project Preliminary Report, Jul. 20, 1956, pp. 1, 3-4, 14-16, available at [https://archive.org/details/preliminaryrepor00newy\\_0](https://archive.org/details/preliminaryrepor00newy_0); City of New York Committee on Slum Clearance, Slum Clearance Progress: Title I NYC, Jul. 15, 1957, available at <https://archive.org/details/slumclearancepro00newy/mode/2up>; New York Times, “How Lincoln Center Was Built (It Wasn’t Pretty)”, Dec. 21, 2017, available at <https://www.nytimes.com/2017/12/21/nyregion/how-lincoln-center-was-built-it-wasnt-pretty.html>; New York Times, “Stuyvesant Town Approved By Board”, Jun. 4, 1943, available at <https://timesmachine.nytimes.com/timesmachine/1943/06/04/85105849.html?pageNumber=23>.

20 New York Times, “How Lincoln Center Was Built (It Wasn’t Pretty)”, Dec. 21, 2017, available at <https://www.nytimes.com/2017/12/21/nyregion/how-lincoln-center-was-built-it-wasnt-pretty.html>.

21 Gotham Gazette, “Stuyvesant Town, Queens West and the Debate over Jane Jacobs and Robert Moses”, available at <https://www.gothamgazette.com/index.php/about/3403-stuyvesant-town-queens-west-and-the-debate-over-jane-jacobs-and-robert-moses>; Robert Caro, The Power Broker, p. 968 (1974); New York Times, “Race Housing Plea Quashed By Court”, Jul. 29, 1947, available at <https://timesmachine.nytimes.com/timesmachine/1947/07/29/87794052.html?pageNumber=22>.

22 New York Times, “Race Housing Plea Quashed By Court”, Jul. 29, 1947, available at <https://timesmachine.nytimes.com/timesmachine/1947/07/29/87794052.html?pageNumber=22>.

generational wealth. We continue to see this pattern today, as many of those same redlined New York City neighborhoods continue to suffer through disinvestment and lack of resources and services only to be displaced by gentrification and the unaffordability that accompanies it.

Racial terror and violence have also been a defining feature of systemic racism, enabled and abetted by structural racism which normalizes the dehumanization and marginalization of BIPOC. An early example of this in New York City was the Draft Riots of 1863, where white mobs angry about being drafted to fight in the Civil War attacked and killed Black New Yorkers, fearing that the abolition of slavery would threaten white working-class jobs.<sup>23</sup> The City was unable to stop the mobs from killing over a thousand Black New Yorkers and burning down over fifty buildings during the riot.<sup>24</sup> Similar attacks all over the country by violent mobs at their root sought to prevent Black communities from thriving, building wealth, and voting. Other events in this nation's deep history of racial violence include the burning of Black Wall Street in Tulsa, Oklahoma in 1921, the Wilmington Massacre in Wilmington, NC in 1898, and the Rosewood Massacre in Rosewood, FL in 1923.<sup>25</sup>

BIPOC and other vulnerable communities have historically been marginalized and

over-criminalized by federal, state, and local governments. In New York City, as around the country, as long as there has been marginalization and over-criminalization, there have been calls for reform, redress, and reconciliation. For example, the Stonewall Riots of June-July 1969 stemmed from frequent NYPD raids on LGBTQ+ bars which were categorically barred from obtaining liquor licenses,<sup>26</sup> and invasive searches and arrests of individuals for not having identification or for violating laws that criminalized wearing clothing of the "opposite sex,"<sup>27</sup> leading to the Stonewall uprising that helped ignite gay and trans liberation movements. More recently, the country and city have continued to be traumatized by tragic events in which Black Americans have been killed in or brutalized by encounters with members of law enforcement. These shameful incidents have focused our society's attention on police violence and the marginalization and over-criminalization of BIPOC communities. The traumatic suffering of victims including Abner Louima, Amadou Diallo, Eric Garner, George Floyd, Breonna Taylor, and so many others has sparked a national dialogue on systemic racism and has galvanized our city and the nation, sparking activism and protests demanding justice and accountability in the interaction of government, particularly police agencies, with BIPOC communities. This violent history and constant threat has inhibited thriving individuals,

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23 Albon P. Man, Jr. Labor Competition and the New York Draft Riots of 1863," *The Journal of Negro History*, vol. 36, no. 4, Oct. 1951, pp. 375-405 available at [Labor Competition and the New York Draft Riots of 1863 on JSTOR](#); Shannon Luders-Manuel, "Race and Labor in the 1863 New York City Draft Riots", May 4, 2017, available at [Race and Labor in the 1863 New York City Draft Riots—JSTOR Daily](#).

24 Gothamist, "A Massacre Happened In New York City in the Summer of 1863, But Nobody Seems to Know About It", Sept. 4, 2021, available at [A Massacre Happened In New York City In The Summer Of 1863, But Nobody Seems To Know About It—Gothamist](#); Records of the Association for the Benefit of Colored Orphans. Series I: Minutes of Board Meetings, 1863-1936, vol. 3, Minutes of the July 25, 1863 Board Meeting, available at [New York Heritage Digital Collections—New York Heritage Digital Collections \(oclc.org\)](#);

25 "Tulsa isn't the only race massacre you were never taught in school. Here are others," by Gillian Brockell, Washington Post, June 1, 2021, available at <https://www.washingtonpost.com/history/2021/06/01/tulsa-race-massacres-silence-schools/>

26 Library of Congress, 1969: The Stonewall Uprising Resource Guide, available at [1969: The Stonewall Uprising—LGBTQIA+ Studies: A Resource Guide—Research Guides at Library of Congress \(loc.gov\)](#); Public Broadcasting System (PBS), "Stonewall Uprising: Why Did the Mafia Own the Bar?", available at [Why Did the Mafia Own the Bar? | American Experience | Official Site | PBS](#); New York Times, "4 Policemen Hurt in 'Village' Raid", Jul. 29, 1969, available at [TimesMachine: June 29, 1969—NYTimes.com](#)

27 Genny Beemyn, "Transgender History In the United States", in *Trans Bodies, Trans Selves*, Laura Erickson-Schroth, ed., Oxford Univ. Press (2014), available at [https://www.umass.edu/stonewall/sites/default/files/Infoforandabout/transpeople/genny\\_beemyn\\_transgender\\_history\\_in\\_the\\_united\\_states.pdf](https://www.umass.edu/stonewall/sites/default/files/Infoforandabout/transpeople/genny_beemyn_transgender_history_in_the_united_states.pdf)

families and communities and has created inequality in advancement and wealth building in the city and throughout the country—a form of structural violence.

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## **A Recognition of our Legacy of Resistance and Struggle for Justice**

Despite the systemic marginalization and inequities, New Yorkers have long been at the forefront in the movement for racial and social justice. The preamble would acknowledge that countless New Yorkers of all backgrounds have dedicated their lives to moving the City towards our collective vision of racial justice. It would also state that, but for the sacrifices and courageous imaginations of so many New Yorkers who came before us, we would not be in this moment of transformational change.

For hundreds of years, New York City has been a geographical center in the struggle for freedom. Abolitionists, such as Frederick Douglass, ran safe homes along the Underground Railroad in New York City. The NAACP was founded in New York City in 1910 at the Henry Street Settlement, a still vibrant space that graciously hosted the Commission’s penultimate public meeting. Since the 1970s, Asian Americans in Chinatown have organized and fought back against displacement and worker exploitation. The Young Lords directly confronted the City when it failed to provide for Latinx and Black communities in East Harlem. The revolutionary works of Malcolm X, James Baldwin, Audre Lorde, Sylvia Rivera, and so many others continue to inspire us to this day. New York City has been the home to countless thinkers, leaders, artists, and everyday people who challenged us to live up to our values.

And our Commission and this report would not exist but for the current Movement for Black Lives, which carries on our city’s proud legacy of protest and dissent in the face of injustice.

The Commission believes that we owe it to each other, to those that came before us, and to those that will come after us to hold ourselves accountable to our foundational values.

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## **An Intention and Vision to Create a More Equitable Future**

Finally, while the Commission’s proposed preamble acknowledges and speaks to historical wrongs as foundational to the injustices of our city’s past, and to current inequities, it is also prospective and hopeful, expressing an intention to remedy past harms, and to reconstruct, revise and reimagine our city’s foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers. It would also acknowledge that the contributions and sacrifices of those who came before us paved the way for this vision to be codified into the Charter. In this way, it serves as a call to action, and as a powerful statement of an intention to chart a different, more equitable path forward. Beyond its rhetorical and symbolic effect, the preamble will also have an actual effect on the ways in which City government fulfills its planning, review and auditing functions in furtherance of the vision set out in the preamble.

The New York City envisioned by the proposed preamble is one in which all New Yorkers have the environment, means, infrastructure, safe spaces, opportunities, and supports to thrive.

## **IDENTIFYING FOUNDATIONAL VALUES UNITING NEW YORKERS**

In creating the preamble, the Commission sought to identify the values, concerns, and needs of New Yorkers, and to envision a future for New York City that reflects their interests and priorities. As part of those efforts, the Commission engaged in an extensive consultation process over the summer and fall. The Commission held conversations

with local and national community leaders, academics, activists, young people, and faith leaders; heard from community members from all five boroughs at public input sessions and community events; engaged with thought leaders at *Transforming Foundations* panels and community-led focus groups; and solicited extensive online input from all New Yorkers, including City employees, community leaders, and elected officials. The Commission also hosted a virtual public input session dedicated to Foundational Values. (Further details on this public engagement process can be found in the Introduction to this report).

Through these robust efforts, the Commission identified values—like equity, fairness, compassion, accountability, and justice—that matter most to New Yorkers. Commissioners heard that our city cannot move forward without acknowledging the past. They learned what New Yorkers expect from their government, and what it will take for all New Yorkers to have the opportunity to thrive. Armed with that information, Commissioners engaged in spirited discussions and debates over the course of several public meetings, reaching a consensus about the elements of an equitable city that should be included in the preamble. That list forms the basis for Commissioners' vision of the elements of an equitable city that are spelled out in the Preamble that will now be put before New York City voters.

## **PREAMBLE EXAMPLES FROM OTHER JURISDICTIONS**

In addition to public engagement to identify our foundational values, the Commission also conducted extensive research on preambles,

including understanding the history of New York City's Charter tracing back to the 1600s and exploring potential models from other countries and jurisdictions.

Truth-telling is a critical part of the Commission's work to begin dismantling structural racism. As mentioned above, as a first step towards truth, reconciliation, and repair, the preamble proposed by this Commission would acknowledge historical wrongs and the ugly truth of racism and discrimination in our city. In seeking to formulate a preamble with an historical acknowledgement, the Commission drew inspiration from the Constitutions of South Africa and Ireland. The South African Constitution, formed in the wake of the end of apartheid, recognizes the "injustices of our past," honors "those who suffered for justice and freedom," and seeks to "heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights."<sup>28</sup> The Irish Constitution acknowledges "centuries of trial" and "[g]ratefully" remembers their ancestors' "heroic and unremitting struggle to regain the rightful independence of" Ireland.<sup>29</sup>

The Commission also examined charter preambles and statements of values from other American cities as potential models for our own. Seattle's charter includes a purpose to "allow fair and equitable participation of all persons in the affairs of the City."<sup>30</sup> Minneapolis' vision for its strategic and racial equity action plan states that Minneapolis is "an intentionally compassionate city where each of us can reach our full potential while caring for one another, eliminating racial disparities, improving our environment and promoting social well-being."<sup>31</sup>

28 South Afr. Const., 1996, pmb1., available at <https://www.gov.za/documents/constitution-republic-south-africa-1996-preamble>

29 IR. Const., 1937, pmb1., available at: [https://www.constituteproject.org/constitution/Ireland\\_2012.pdf](https://www.constituteproject.org/constitution/Ireland_2012.pdf)

30 Seattle, WA charter, pmb1., available at [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodemd=THCHSE\\_PR](https://library.municode.com/wa/seattle/codes/municipal_code?nodemd=THCHSE_PR)

31 Minneapolis, MN charter, pmb1., available at <https://www.minneapolismn.gov/government/city-goals/>

## THE PROPOSED PREAMBLE

In drafting our proposed preamble, we used models from other jurisdictions to weave together the values identified by New Yorkers, a recognition of past injustices and resistance in New York City, and an aspirational vision for a racially equitable and just city. Relying on the extensive community consultation and

discussion described above, and using the examples of local, national and international preambles to provide a framework and inspiration, the Commission has drafted the following proposed preamble to the New York City Charter:

We, the people of New York city, declare that our city is a multiracial democracy, and that our diversity is our strength. We honor and respect the cultures, languages, and histories of all who call and have called this land home, and we celebrate their revolutionary imagination, courage, and resiliency.

We strive to be a city where the value, talents, and contributions of every New Yorker are recognized and embraced, and where equity and inclusiveness, community empowerment, accessibility, and opportunity for every New Yorker are the unwavering standards to which we are held accountable in all aspects of governance, business, and service delivery.

We endeavor to ensure that every person who resides in New York city has the opportunity to thrive with:

- (i) A safe, healthy, and sustainable living environment;
- (ii) A resilient neighborhood served by quality and accessible infrastructure and services as well as a robust local economy;
- (iii) Vibrant and welcoming public spaces throughout New York city, where everyone belongs and can move freely;
- (iv) Resources necessary to prosper economically and build wealth;
- (v) Safe, secure, and affordable housing;
- (vi) Quality and culturally-relevant child and youth supports, including early childhood and pre-kindergarten through twelfth grade education;
- (vii) Compassionate and culturally-responsive health, trauma, and mental health care;
- (viii) Access and opportunity to participate meaningfully in government decision-making; and
- (ix) Humane, empathetic, and respectful treatment.

We recognize that New York city sits on the traditional territories of the original inhabitants, the Lenape, and we endeavor to honor their stewardship of the land by protecting our environment and all living things.

We acknowledge the grave injustices and atrocities that form part of our country's history,

*continued...*

including the forced labor of enslaved Africans, the colonialism that displaced Indigenous people from their lands, the devaluing and underpaying of immigrant workers, and the discrimination, racial segregation, mass incarceration, and other forms of violence and systemic inequity that continue to be experienced by marginalized groups, including, but not limited to, Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and other People of Color, women, religious minorities, immigrants, people who are LGBTQ+, and people with disabilities. We also recognize that these systemic injustices are at the foundation of so many of society's structures and institutions, and have caused profound physical, emotional, social, and psychological harm and trauma to individuals, families, and communities. They have also resulted in widespread loss of economic opportunity and intergenerational wealth. The effects of these harms are deeply engrained, systemic, and continuing. We are ever mindful that vigilance is required to prevent the recurrence of past or worsening of continuing harms. We must act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers.

The collective values set out in this preamble will guide the operation of our city government and inform and shape how the city carries out the duties, obligations, and authorities, and upholds and protects the rights set out in the charter.

We, the people of New York city, united in our resolve to build a just and equitable city for all, recognize the efforts of those New Yorkers, past and present, who fought for racial equity and social justice, honor the contributions of those New Yorkers who have suffered in the name of freedom, and acknowledge all who fought, struggled, and dreamed for a better life and a better city. Together, we stand on their shoulders as we move boldly toward a brighter tomorrow for ourselves, our children, and future generations.

## LEGAL EFFECT OF THE PROPOSED PREAMBLE

As discussed above, preambles are a common feature in foundational documents in the United States and around the world. The use of preambles in the United States originates from English common law, on which much of the American legal system is based. At the time the United States was founded, if the meaning of a law were unclear, a judge could look to the law's

preamble for insight into the goals and intentions of the legislators who wrote it.<sup>32</sup>

Modern preambles are still sometimes used as an aid for interpreting the substantive provisions of the laws they precede, although they can also serve other functions and usually do not have any legal effect on their own. Because the New York City Charter was originally enacted in 1897 and has been revised many times over the last

<sup>32</sup> See John W. Welch & James A. Heilpern, *Recovering Our Forgotten Preamble*, 91 S. Cal. L. Rev. 1021, 1049 (2018) (noting that for English courts "preambles provided a window to the legislature's intent, in turn allowing the courts to interpret the law in a manner that addressed the evils the law sought to remedy"); see also William Blackstone, *Commentaries on the Laws of England* 59-60 (1765) (observing that when statutory text was ambiguous, the preamble was "often called in to help"); 1 Joseph Story, *Commentaries on the Constitution of the United States* § 459 (1833).

125 years, it is not possible for the proposed preamble to provide courts with insight into the intentions of the document's original drafters.

Nonetheless, a later-added preamble such as the one proposed here may still help shape a society and guide its governmental function. For example, in 2007, the City of Seattle added a preamble to its charter, the most recent version of which had been enacted in 1946. The Seattle City Council passed Resolution 30992 to add the preamble as a ballot question, and the resolution expressed that the purpose of adding a preamble was to "establish a general set of principles for the purposes, organization, and affairs of the City of Seattle."<sup>33</sup> The resolution observed that the United States Constitution and Washington State Constitution both had preambles, and "the City of Seattle, like any other municipality or organization, can benefit from recognizing a common set of principles and values."<sup>34</sup>

Likewise, here, proposed Charter section 1151-a, which would be enacted alongside the proposed preamble, carefully delineates the preamble's intended effect. While it would not create a right of action, direct or indirect, to enforce the preamble or related laws, the proposed preamble articulates fundamental values and a vision for a more equitable New York City to guide City officials as they carry out their duties. The Charter and other City laws give significant power to City agencies and officials to engage in planning, reviews, and audits of City government. Some examples of these functions include the

audits performed by the City Comptroller,<sup>35</sup> the oversight provided by the Public Advocate,<sup>36</sup> and the planning operations of the City's Community Boards.<sup>37</sup> Section 1151-a would require that City agencies and officials undertaking this work consider the values established by the preamble and examine how well these values are reflected in the City's programs and policies.

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33 Seattle, WA., Resolution 30992 (July 30, 2007).

34 *Id.*

35 New York City Charter § 93(e) ("The comptroller shall audit the operations and programs of city agencies to determine whether funds are being expended or utilized efficiently and economically and whether the desired goals, results or benefits of agency programs are being achieved").

36 New York City Charter §24(f) ("In addition to other duties and responsibilities, the public advocate shall serve as the public advocate and shall . . . review complaints of a recurring and multiborough or city-wide nature relating to services and programs, and make proposals to improve the city's response to such complaints . . .").

37 New York City Charter §2008(d) ("Each community board shall . . . [p]repare comprehensive and special purpose plans for the growth, improvement and development of the community district" and "[a]ssist in the planning of individual capital projects funded in the capital budget to be located in the community district . . .").

## PROPOSED CHARTER AMENDMENT TEXT

Section 1. The New York city charter is amended by adding a new unnumbered chapter before the Introductory chapter, to read as follows:

### Preamble

We, the people of New York city, declare that our city is a multiracial democracy, and that our diversity is our strength. We honor and respect the cultures, languages, and histories of all who call and have called this land home, and we celebrate their revolutionary imagination, courage, and resiliency.

We strive to be a city where the value, talents, and contributions of every New Yorker are recognized and embraced, and where equity and inclusiveness, community empowerment, accessibility, and opportunity for every New Yorker are the unwavering standards to which we are held accountable in all aspects of governance, business, and service delivery.

We endeavor to ensure that every person who resides in New York city has the opportunity to thrive with:

- (i) A safe, healthy, and sustainable living environment;
- (ii) A resilient neighborhood served by quality and accessible infrastructure and services as well as a robust local economy;
- (iii) Vibrant and welcoming public spaces throughout New York city, where everyone belongs and can move freely;
- (iv) Resources necessary to prosper economically and build wealth;
- (v) Safe, secure, and affordable housing;
- (vi) Quality and culturally-relevant child and youth supports, including early childhood and pre-kindergarten through twelfth grade education;
- (vii) Compassionate and culturally-responsive health, trauma, and mental health care;
- (viii) Access and opportunity to participate meaningfully in government decision-making; and
- (ix) Humane, empathetic, and respectful treatment.

We recognize that New York city sits on the traditional territories of the original inhabitants, the Lenape, and we endeavor to honor their stewardship of the land by protecting our environment and all living things.

We acknowledge the grave injustices and atrocities that form part of our country's history, including the forced labor of enslaved Africans, the colonialism that displaced Indigenous people from their lands, the devaluing and underpaying of immigrant workers, and the discrimination, racial segregation, mass incarceration, and other forms of violence and systemic inequity that continue to be experienced by marginalized groups, including, but not limited to, Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and other People of Color, women, religious minorities, immigrants, people who are LGBTQ+, and people with disabilities. We also recognize that these systemic injustices are at the

foundation of so many of society's structures and institutions, and have caused profound physical, emotional, social, and psychological harm and trauma to individuals, families, and communities. They have also resulted in widespread loss of economic opportunity and intergenerational wealth. The effects of these harms are deeply engrained, systemic, and continuing. We are ever mindful that vigilance is required to prevent the recurrence of past or worsening of continuing harms. We must act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers.

The collective values set out in this preamble will guide the operation of our city government and inform and shape how the city carries out the duties, obligations, and authorities, and upholds and protects the rights set out in the charter.

We, the people of New York city, united in our resolve to build a just and equitable city for all, recognize the efforts of those New Yorkers, past and present, who fought for racial equity and social justice, honor the contributions of those New Yorkers who have suffered in the name of freedom, and acknowledge all who fought, struggled, and dreamed for a better life and a better city. Together, we stand on their shoulders as we move boldly toward a brighter tomorrow for ourselves, our children, and future generations.

§ 2. Chapter 52 of the New York city charter is amended by adding a new section 1151-a to read as follows:

§ 1151-a. Effect of preamble. The purpose of the preamble is to serve as a unifying statement of values and a vision for an equitable city. It is intended to set forth values to inform and guide the actions of city agencies and officers in carrying out the mandates created and delegated to them by the charter.

City agencies and officers empowered by this charter or other applicable law to perform planning, programmatic reviews, and audits are (1) authorized and required to consider and be guided by the values set out in the preamble within the scope and subject matter of such planning; and (2) authorized and required to examine the extent to which such values have been fulfilled through the policies and programs of city agencies and officers subject to such programmatic reviews and audits. The preamble, together with this section, is not intended to create a direct or indirect right of action to enforce its terms or the terms of any other provision of law.

§ 3. Section 1152 of the New York city charter is amended by adding a new subdivision n, paragraph (1) to read as follows:

n. (1) The amendments to the charter adding the preamble and adding section 1151-a to this chapter, approved by the electors on November 8, 2022, shall take effect immediately upon certification that the electors have approved such amendments to the charter, and thereafter shall apply as provided by section 1151-a.

## PROPOSED BALLOT TEXT

### **Ballot Question #1: Add a Statement of Values to Guide Government**

This proposal would amend the New York City Charter to:

Add a preamble, which would be an introductory statement of values and vision aspiring toward “a just and equitable city for all” New Yorkers; and

Include in the preamble a statement that the City must strive to remedy “past and continuing harms and to reconstruct, revise, and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers.”

The preamble is intended to guide City government in fulfilling its duties.

Shall this proposal be adopted?

## BALLOT ABSTRACT TEXT

This proposal creates a preamble to the New York City Charter.

A preamble is a statement at the beginning of a legal document that explains its purpose or goals. The New York City Charter does not currently have a preamble. Adding a preamble

would allow New Yorkers to adopt a vision and statement of foundational values intended to guide City government in fulfilling its duties.

The preamble to the New York City Charter would read:

### Preamble

We, the people of New York city, declare that our city is a multiracial democracy, and that our diversity is our strength. We honor and respect the cultures, languages, and histories of all who call and have called this land home, and we celebrate their revolutionary imagination, courage, and resiliency.

We strive to be a city where the value, talents, and contributions of every New Yorker are recognized and embraced, and where equity and inclusiveness, community empowerment, accessibility, and opportunity for every New Yorker are the unwavering standards to which we are held accountable in all aspects of governance, business, and service delivery.

We endeavor to ensure that every person who resides in New York city has the opportunity to thrive with:

- (i) A safe, healthy, and sustainable living environment;
- (ii) A resilient neighborhood served by quality and accessible infrastructure and services as well as a robust local economy;

- (iii) Vibrant and welcoming public spaces throughout New York city, where everyone belongs and can move freely;
- (iv) Resources necessary to prosper economically and build wealth;
- (v) Safe, secure, and affordable housing;
- (vi) Quality and culturally-relevant child and youth supports, including early childhood and pre-kindergarten through twelfth grade education;
- (vii) Compassionate and culturally-responsive health, trauma, and mental health care;
- (viii) Access and opportunity to participate meaningfully in government decision-making; and
- (ix) Humane, empathetic, and respectful treatment.

We recognize that New York city sits on the traditional territories of the original inhabitants, the Lenape, and we endeavor to honor their stewardship of the land by protecting our environment and all living things.

We acknowledge the grave injustices and atrocities that form part of our country's history, including the forced labor of enslaved Africans, the colonialism that displaced Indigenous people from their lands, the devaluing and underpaying of immigrant workers, and the discrimination, racial segregation, mass incarceration, and other forms of violence and systemic inequity that continue to be experienced by marginalized groups, including, but not limited to, Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and other People of Color, women, religious minorities, immigrants, people who are LGBTQ+, and people with disabilities. We also recognize that these systemic injustices are at the foundation of so many of society's structures and institutions, and have caused profound physical, emotional, social, and psychological harm and trauma to individuals, families, and communities. They have also resulted in widespread loss of economic opportunity and intergenerational wealth. The effects of these harms are deeply engrained, systemic, and continuing. We are ever mindful that vigilance is required to prevent the recurrence of past or worsening of continuing harms. We must act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers.

The collective values set out in this preamble will guide the operation of our city government and inform and shape how the city carries out the duties, obligations, and authorities, and upholds and protects the rights set out in the charter.

We, the people of New York city, united in our resolve to build a just and equitable city for all, recognize the efforts of those New Yorkers, past and present, who fought for racial equity and social justice, honor the contributions of those New Yorkers who have suffered in the name of freedom, and acknowledge all who fought, struggled, and dreamed for a better life and a better city. Together, we stand on their shoulders as we move boldly toward a brighter tomorrow for ourselves, our children, and future generations.

The proposed preamble would be used to guide City agencies and officials in carrying out their duties related to planning, program reviews and audits. It would not create a direct or indirect right of action to enforce its terms or the terms of any other provision of law. It would take effect upon certification that the electors have approved such amendments to the Charter.

## PROPOSAL 2:

# ESTABLISH A RACIAL EQUITY OFFICE, PLAN AND COMMISSION

## SUMMARY OF PROPOSED CHARTER AMENDMENT

The Commission's second proposal is to create an Office of Racial Equity, require Racial Equity Plans, and form a Commission on Racial Equity.

### ISSUE

The Commission heard from New Yorkers as well as national thought leaders about a lack of emphasis on racial equity in City policies and decision-making. We heard that seemingly "race neutral" decisions and policies can have the unintended consequence of making racial disparities worse. And we heard that without a clear focus on racial equity, we cannot get to our goal of a city where race is no longer determinative of economic, political, social, or psychological outcomes.

Many speakers specifically recommended establishing a dedicated entity or City official to monitor and support New York City in pursuing racial equity. We heard from dozens of speakers about the need for a centralized body within City government tasked with ensuring that the City intentionally works towards undoing the legacy of structural racism, furthers racial equity and social justice, and makes sure the City government stays true to the values of the city, as outlined in the proposed Preamble.

The Charter does not guide the City as a whole towards prioritizing racial justice. Nor does the Charter require that New York City generate citywide plans that include indicators of success towards racial equity, and there is little formal accountability for government when it doesn't follow through on promises. City agencies

in general are not required by the Charter to prioritize racial equity in their work. The City is not required to measure fair or equitable outcomes for each agency, let alone outcomes of racial justice.

While the City has made great strides towards advancing racial equity, the City still lacks a central guiding force orienting all City agencies to racial equity and our foundational values.

### HOW THE PROPOSAL ADDRESSES THE ISSUE

As the Commission has established in identifying six patterns of inequity in our city, structural racism impacts virtually every aspect of city life. Racial inequities in our city are deep-seated and have developed over hundreds of years.

This Commission was formed because the status quo of racial injustice is untenable. As discussed in the *NYC for Racial Justice* interim staff report, the Commission aims to create the broadest, boldest, long-term impact through structural changes that target the underlying causes of racial inequity and begin to dismantle structural racism. As such, the Commission's theory of change is not to address every particular policy change, but instead to get straight to the root.

The proposed Office of Racial Equity is meant to do just that. This proposal strikes at the foundations of how City government operates.

The establishment of the Office of Racial Equity would create the framework and foundation to allow the City's equity work to evolve, adapt, and grow out over time. The work of reimagining a racially just city is not a one-time event. Rather, it is a constant process that requires a continual recommitment to our values.

Equity work would no longer be siloed, but rather developed out holistically across all agencies. And, importantly, it centers on relationship and capacity building to ensure that agencies are brought along as partners in the process.

This proposal directly addresses inequities in representation and decision-making by creating a Commission on Racial Equity led by community members and representative of the communities most harmed by racial injustice. The proposal further addresses this inequity by requiring racial equity to be baked into much of City decision-making.

This proposal also directly addresses the inequity in government accountability, through requiring the Mayor to commit to racial equity goals every two years and through the role of the Commission on Racial Equity in vetting the Citywide Racial Equity Plan.

To strike at inequities across neighborhoods and help the City to identify areas most in need, the Citywide Racial Equity Plan will include neighborhood level indicators as well as maps illustrating those indicators. This directly addresses the issue of inequitable distribution of resources and responsibilities that we heard from many New Yorkers.

Addressing the inequity in access to quality services, a Citywide Access Design program to be created through the Office of Racial Equity is intended to build an infrastructure around accessibility and address the structural barriers in access.

## OFFICE OF RACIAL EQUITY

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### Mission

The Office of Racial Equity would put racial justice at the heart of City government by working with every City agency to train, develop shared vocabulary, build capacity, and collaboratively strategize on racial equity. The purpose of the Office of Racial Equity is to embed racial equity and justice into everything the City does. The Office of Racial Equity would work to reorient all City agencies towards a vision of racial justice through coordination of a biennial Citywide Racial Equity Plan.

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### Basic structure

A Chief Equity Officer (“CEO”), who would be a senior level official at the Commissioner or Deputy Mayor level, would lead the City’s equity planning process (see Citywide Racial Equity Plan section below). The CEO would oversee the Office of Racial Equity.

The Office of Racial Equity would incorporate and build upon the City’s current initiatives. The current Taskforce on Racial Inclusion and Equity (“TRIE”) would become permanent and live within the Office of Racial Equity. Since its inception, TRIE has brought together City agency leaders working in interdisciplinary teams to help lead the city’s response to the COVID-19 crisis by confronting systemic racism and applying an equity-based approach to response and recovery efforts. The Office of Racial Equity would be anchored by TRIE, which would lead coordination across City agencies.

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### Role in Citywide Racial Equity Plan

The Office of Racial Equity’s key role would be putting together the Mayor’s Citywide Racial Equity Plan, which includes a variety of equity

outcome indicators across the city and by neighborhood (see Citywide Racial Equity Plan section below). Every City agency would be responsible for creating their own agency-specific equity plan which would roll up into a biennial Citywide Racial Equity Plan delivered by the Mayor. The Office of Racial Equity would work with agencies to identify appropriate outcome indicators that they could gather and report in order to show the state of wellbeing among New York communities and neighborhoods. The Office of Racial Equity would set standards for disaggregating data for the plans, meaning how much detail the data has to show, in order to be able to see differences in wellbeing between New Yorkers of different races or ethnicities, for example, or among different neighborhoods. This disaggregated data is critical to the work of closing gaps. The Commission heard from New Yorkers of the need for better data on Asian and Pacific Islander (“API”) communities. API data is not always included in reporting and, when it is, it is not always disaggregated sufficiently across subgroups. The proposal requires that indicators are disaggregated. The Commission urges that, to the extent practicable, API and all racial and ethnic groups are included in all data sets reported, and that they are disaggregated by subgroup (for example, Chinese, Asian Indian, Korean, Filipino, Bangladeshi, Pakistani, Japanese, Vietnamese, Taiwanese, Nepalese, Pacific Islander, etc. for API, with the same principle applying to other racial and ethnic groups as well). Through that process the Office of Racial Equity would also work with agencies to identify where data is missing and begin collecting data. Each City agency would be responsible for working with the Office of Racial Equity to develop their own equity plans and new indicators.

By playing a coordinating role, as well as establishing guidelines for reporting data and constructing plans, the Office of Racial Equity would help ensure that the strategies and data that are reported can be meaningful to New Yorkers, rather than another bureaucratic exercise.

The Office of Racial Equity would be responsible for keeping agencies on track to finalize plans in accordance with the timeline set out for the Citywide Racial Equity Plan. The Office of Racial Equity would provide technical assistance and feedback to agencies as they put together their strategies and intended data reporting. Each step of the planning process would be timed to occur at the same or similar time as a step in the budget process, to ensure that equity goals and policies are able to be prioritized and resourced accordingly in the City's budget.

The Office of Racial Equity would also be also responsible for coordinating with a new Commission on Racial Equity (see below) to ensure that priorities and outcome indicators identified by New York City communities are properly incorporated into the Equity Plan. After receiving formal submissions from the Commission documenting proposed community priorities and indicators, the Office of Racial Equity would work with the Mayor's Office and all agencies to determine how best to incorporate and address those recommendations. Additionally, the Office of Racial Equity would receive feedback on the Plans themselves and lead the City's process of continual improvement.

### **Other Responsibilities**

As mentioned above, the Office of Racial Equity is meant to function as an entity to increase capacity, develop shared vocabulary, and train City agencies so that racial equity becomes part and parcel of the everyday function of City government. As such, the Office of Racial Equity would serve as a centralized hub for racial equity

work and may create trainings, provide technical assistance beyond the equity planning process, and advocate for changes in policy and law that advance racial and social justice.

In addition to coordinating every agency's equity plan and compiling the Citywide Equity Plan, the Office of Racial Equity would have other explicit responsibilities: establishing a Citywide Access Design Program, working with other City agencies to develop strategies that would further equity in the workplace, and reorienting City agencies towards anti-marginalization.

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### **Citywide Access Design Program**

Accessing City services should be easy. All New Yorkers should be able to receive programs, services, and communications from the City in a way that allows them greatest access. Yet, as we heard from New Yorkers, this is not always the case, especially for BIPOC New Yorkers. Too often, accessibility, language access, and ease of use are an afterthought in City processes. New Yorkers spoke of the need for the City to move beyond our current frame of language access to language justice, believing that every New Yorker deserves to receive services and communications in the language they feel most comfortable. Language justice is about empowering New Yorkers to feel heard, creating multilingual and inclusive spaces, and making room for speakers of all language proficiencies in decision-making processes. New Yorkers also spoke to the need for the City to provide culturally humble, rather than just culturally competent services. Cultural humility requires services that respect the diversity of New Yorkers in a non-paternalistic way. We also heard that the average New Yorker does not have the time to navigate overly convoluted and bureaucratic City programs and communications. Obtaining information or services can take a significant

investment of time or money. Access, and the lack of it, is a structural issue that disproportionately hinders BIPOC New Yorkers from getting the services and information they need.

To address these barriers to access, the Office of Racial Equity would be responsible for ensuring that access is put front and center in all city programs, services, and communications. The Office of Racial Equity would establish a Citywide Access Design program to improve access across City programs, communications, and services. The intent behind the program is to set citywide best practices and standards for language justice, accessibility for people with disabilities, plain language, ensuring ease of use and access to City services, and to address other ways that New Yorkers might find City services difficult to understand or navigate.

The Citywide Access Design program is intended to serve as a centralized space to ensure that City agencies prioritize access on the front end of program and communications development. Access should be an outcome every agency creates, and access for all, especially the most vulnerable, should be a priority for all City agencies. The proposal puts forward definitions for language justice, civic service design, plain language, and access design. The Access Design program would work to embed these principles, as well as creating physical accessibility and reducing administrative burdens, at the center of every agency's work. The Citywide Access Design program may collaborate with or incorporate existing programs which address aspects of this work, such as the Service Design Studio within the Mayor's Office for Economic Opportunity.

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## Anti-Marginalization

Further, the Office of Racial Equity would be responsible for orienting all City agencies towards

anti-marginalization, meaning developing programs and policies that reverse the ways people and communities become excluded or left out of opportunity, access, or power.

The Commission recommends that this includes working with City agencies to identify alternatives to criminal legal system involvement or otherwise punitive enforcement methods. Additionally, it should include reducing the collateral consequences of criminal legal system involvement, such as working with agencies to end policies and practices that unnecessarily bar New Yorkers from access to city services based upon their criminal history. Marginalization also happens when neighborhoods become disinvested from the necessary resources or overburdened with neighborhood responsibilities, such as waste facilities and bus depots, as often happens in neighborhoods of color. Therefore, the Commission recommends the Office take on development of policies that ensure equity in neighborhoods so that they can recover from historical disinvestment. Because wage and occupational segregation also marginalize people from economic access, the Commission also recommends that the Office work to ensure that BIPOC working for the City and for City contractors are accurately represented in all positions, and that positions predominantly performed by BIPOC are not paid less than other work that requires similar skill, experience, or effort. This is particularly important since the City is the largest employer, especially of BIPOC, in NYC.

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## Racial Justice Requires Intersectionality

While the Office of Racial Equity works primarily through the lens of addressing racial disparities, the proposal would direct the Office of Racial Equity to advocate and work

alongside agencies to prevent disparities across identities, including understanding how racism operates at the intersection of identities. To the extent practicable, the proposal directs that the Office of Racial Equity establish guidelines for agencies and the City in ensuring that their outcome indicators can also capture disparities across gender and gender identity, sexual orientation, language ability, disability and other identities. As the Commission has made clear, racial justice requires an intersectional lens. Eliminating patterns of inequity caused by sexism, transphobia, ableism, homophobia, xenophobia, colorism, and more is necessary to, and strengthened by, advancing racial justice and equity.

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## Recommendations for Further Exploration

In developing the citywide coordination strategy, the Commission recommends that TRIE leverage its existing network of City leaders across agencies to establish “core teams” in every agency tasked with leading racial equity work within their respective agencies. Core teams will help facilitate embedding racial equity into every agency and build agency buy-in and internal support for prioritizing racial equity in their work.

The Commission also recommends that the Office of Racial Equity collaborate with Mayor’s Office of Economic Opportunity, EquityNYC, the Center for Innovation through Data Intelligence (CIDI), and others to build upon their existing foundation of work. EquityNYC, established through Executive Order 45 in 2019, leads agency coordination in measuring racial and social disparities through data analysis and development of the Social Indicators and Equity Report. CIDI uses data and conducts citywide interagency research to identify areas of service need in the City. Should incoming mayors

decide to maintain separate teams, collaboration between the Office of Racial Equity and offices like these could help streamline and support the development of outcome indicators for each agency’s equity plans, helping to identify where new data collection is necessary.

The Commission also recommends that the Office of Racial Equity coordinate with the Mayor’s Office for People with Disabilities, the Mayor’s Office of Immigrant Affairs, the Service Design Studio, the Enterprise Data Solutions team and other data warehousing teams, and other relevant agencies to develop citywide standards and programs for access and language justice. In collaboration with these agencies, the Office of Racial Equity could help provide centralized technical assistance and capacity building for City agencies. Coordination across multiple forms of accessibility helps to ensure that agencies are thinking about these issues in tandem.

Additionally, the Commission recommends that the Office of Racial Equity explore and support ways to increase the City’s capacity for interpretation and translation such as through contracting with interpreter cooperatives and exploring ways to incorporate language ability into civil service qualifications so that bilingual employees are properly compensated and recognized for their additional work and skills. Similarly, the Commission recommends the City explore ways to uproot structural ableism, such as through intentionally seeking to hire, promote, and support employees with disabilities and adopting workplace policies that increase accessibility of City service for people with disabilities.

Charter § 814.1 currently requires the Department of Citywide Administrative Services (DCAS) to house an office of diversity and inclusion, led by a chief designated by the DCAS Commissioner.

The Commission recommends that the Chief Equity Officer collaborate and coordinate closely with the chief of the office of diversity and inclusion at DCAS, which has Charter mandated responsibility to establish and enforce uniform procedures and standards to be utilized by City agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunities.

## **CITYWIDE RACIAL EQUITY PLAN**

New Yorkers want assurance that their government's efforts and resources are being used effectively to make the City more fair and equitable. While the City has a yearly Budget Process that requires the City to present its spending priorities and the state of City funds, there is no similar citywide process requiring the City to show the state of wellbeing or fairness of outcomes among New York communities or how the City intends to improve them.

For this reason, the Commission proposes the creation of a biennial Citywide Racial Equity Plan. These plans would serve as a space for the Mayor and agencies to set forth the strategies they would use to improve outcomes and fairness for the most under-served or ill-served communities. The proposal also requires the Mayor to present the data that enables New Yorkers to gauge whether outcomes are becoming more or less equitable over time, whether on account of race, gender, neighborhood, or other facets of New Yorkers' lives. The citywide racial equity planning process would sync with the Citywide Budget Process to help bring our City's spending priorities in line with what communities need most.

The Commission recognizes that a significant amount of racial equity work is already being performed in different parts of the Mayoralty. Because the Commission sees equity and racial justice as a central pillar of government's role, the Commission felt it important to centralize this work and to provide it public prominence.

Every two years, the Mayor, through the Office of Racial Equity, will set forth citywide strategies to improve equity in a Citywide Racial Equity Plan. These principles and policies would provide a clear guidance forward for agencies and a way for the public to understand the administration's vision for equity and justice.

Individual agencies and offices, with the guidance of the Office of Racial Equity, would also complete individual agency Racial Equity Plans. The Office of Racial Equity would compile these together with the Mayor's citywide strategies to form the Citywide Racial Equity Plan.

To ensure the City undergoes continuous improvement in the pursuit of justice, a separate Commission (see below) would formally propose changes to priorities, strategies, and data indicators annually after reviewing data from preceding reporting periods.

The Commission intends that these Racial Equity Plans altogether provide a wide, comprehensive picture of equity and racial justice efforts by City government that permits accountability to the public for improvement over time.

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### **Agencies Covered by Racial Equity Plan Requirement**

Every institution in the City has a role to play in improving racial equity in New York City. Therefore, every mayoral agency and mayoral office must participate in agency racial equity planning. In addition, certain agencies headed by boards, commissions or multimember bodies that meet specified size criteria must complete such plans. Certain City-affiliated entities that are not agencies of the City government may also be subject to these requirements in part or in whole.

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### **Racial Equity Strategies**

The Citywide Racial Equity Plan must contain both short-term and long-term strategies for advancing racial equity in New York City.

Short-term strategies are the planned policies and actions for the next two fiscal years.

These strategies should provide immediate improvement in identified disparities, which will be demonstrated in the racial equity outcome indicators reporting.

Long-term strategies may not create as large an impact in the racial equity outcome indicators reporting but may be more impactful at addressing the root causes of structural racism. This proposal requires that agencies also publish such strategies and the relevant outcome indicators even though the success may not be immediately apparent. However, over several reporting periods, the effectiveness of these long-term strategies should become evident in longitudinal reporting.

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## Outcome Indicators

In addition, every agency must report at least one data indicator measuring outcomes that are relevant to their jurisdiction, because every agency's mission should include the improvement of outcomes for New Yorkers. Traditionally, government reporting shows the number of tasks that an agency has undertaken such as how many calls it made or how many applications it has processed. Agencies would still be able to report such indicators in their Racial Equity Plans, but they must also present data which permits initial evaluation of how they may be impacting racial equity and disparities.

This proposal puts into the Charter that the way agencies fulfill their duty to New Yorkers must include a demonstration of effectiveness, particularly in relation to racial equity.

For some agencies, the task would be straightforward: the Department of Health and Mental Hygiene could, for example, report the

incidence rate of childhood asthma, or of median lifespan, in different New York neighborhoods by race and other characteristics. Other agencies would have to think carefully about how to track their impacts in the community and their effect on racial equity. For example, an equity plan may show the rate of successful tax appeals by race and by neighborhood, to help understand whether the City is providing adequate legal support in the most impacted neighborhoods and whether that support is culturally humble and responsive.

An existing example of this type of work is the "2021 Disparity Report Update" report developed by the Mayor's Office in the Center for Innovation through Data Intelligence, which provides a seven-year lookback at changing disparities for outcome indicators among young people in NYC.<sup>38</sup> Additionally, the Charter requires publication of an annual Social Indicators Report that includes data on social, economic, and environmental conditions and racial and other disparities.<sup>39</sup> EquityNYC, created by Executive Order, now publishes these indicators online and provides guidance to agencies. The Commission's proposal gives future mayors the potential option to consolidate reporting into the Racial Equity Planning process when the reports overlap significantly.

However, data indicators matter most to community members when they succeed in providing a window into the aspects of life that are most important to those New Yorkers. To further bolster the relevance of the indicators to communities, the Commission on Racial Equity will have the ability to formally propose new or revised indicators.

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38 City of New York, "2021 Disparity Report Update", Oct. 2021, available at <https://www1.nyc.gov/assets/cidi/downloads/pdfs/2021-disparity-report-update.pdf>

39 City of New York, "Social Indicators and Equity Report 2019", Mar. 2019, available at <https://www1.nyc.gov/assets/opportunity/pdf/SIER-2019.pdf>

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## Neighborhood Indicators

The Commission has identified that government cannot solve racial disparities only by focusing on services for individuals but also must examine neighborhood-level disparities, because many racial disparities are driven or exacerbated by neighborhood segregation. New Yorkers testified repeatedly about inequity within and across neighborhoods that inhibits thriving individuals, families, and communities.

The Citywide Racial Equity Plan would include neighborhood-based maps to show the state of disparity and need among the City's neighborhoods. These maps would provide agencies the necessary information to prioritize new services or policies in neighborhoods of need. In addition, these maps would provide the public with data that enables advocacy for their community and provides a way to hold agencies publicly accountable.

Precedent for this component of the Racial Equity Plan includes the identification of priority neighborhoods by Mayor de Blasio's Taskforce on Racial Inclusion and Equity. These "TRIE Neighborhoods" were identified through a combination of COVID-19 impact indicators and high percentage disparities in health and other socioeconomic disparities. This has helped agencies decide where to prioritize community outreach and new services during the COVID-19 pandemic. The Commission contemplates these maps forming the next evolution of the TRIE Neighborhoods framework, by not only addressing health disparities, but also identifying neighborhoods in need of additional support in infrastructure, economic development, educational opportunity, affordable and secure housing, and more. Another existing example

of this work is the *"NYC Well-Being Index and Changes Over Time"* report developed by the Mayor's Office in the Center for Innovation through Data Intelligence, which calculates composite wellbeing-indices across NYC's Neighborhood Tabulation Areas and examines changes in disparity over time.<sup>40</sup>

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## Timelines and Budget Alignment

Because of the importance of budgeting and resource prioritization to the racial justice process, the Commission intends the Racial Equity Plan to intersect with the City's Budget process. The executive branch, i.e., the Mayor and agencies, will develop Racial Equity Plans simultaneously with its development of the Citywide Budget, before the budget is submitted to the City Council.

Every two years, a Commission on Racial Equity (see below) will submit community priorities for the Racial Equity Plans in the Fall, which is also while agencies are developing their new budget needs. Then, Preliminary Racial Equity Plans will be released alongside the Preliminary Budget in January. Final versions of the Racial Equity Plans will be released alongside the Executive budget in April.

Afterward, the City Council will be able to review the Citywide Racial Equity Plan while the Mayor and Council negotiate a budget to adopt in June. Because these steps are public, they give Community Boards and Borough Presidents a chance to comment and advocate on the Racial Equity Plans, similar to their opportunities to comment on the budget now.

This biennial period places the submission of the Citywide Racial Equity Plans earlier

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40 City of New York "NYC Well-Being Index and Changes Over Time", 2019, available at <https://www1.nyc.gov/assets/cidi/downloads/pdfs/2019-NYC-Well-Being-Index.pdf>; City of New York "State of New Yorkers—A Well-Being Index", 2015, available at [https://www1.nyc.gov/assets/cidi/downloads/pdfs/nyc\\_well\\_being\\_index\\_full\\_report\\_2015.pdf](https://www1.nyc.gov/assets/cidi/downloads/pdfs/nyc_well_being_index_full_report_2015.pdf)

in the same year as the submission of the Draft Ten Year Capital Strategy. The Ten Year Capital Strategy sets out the City’s strategy for infrastructure projects and investment for the upcoming decade and explains the rationale behind the City’s selection of investments, and the Commission urges the City to incorporate the strategies of its Racial Equity Plans into the Ten Year Capital Strategy.

This biennial period also allows time to collect data for new indicators, provides opportunity for agencies to focus on implementation and internal improvement, and creates space for meaningful community feedback.

## Data Reporting Timeline

The outcome indicators in the Racial Equity Plans will be reported every two years.

In every year that the Racial Equity Plan is to be submitted, the City must provide a report before September 1 on progress and update on data that it has collected in the two fiscal year period between the publications of the Racial Equity Plans. This September timing is designed to provide the necessary time to initiate, undertake, and verify collection of data for a full two-year period.

**TABLE 1.**

Summation of timeline, including data and progress reporting, should voters pass this proposal in the November 2022 election

FIRST PLAN CYCLE		
<b>2023</b>	<b>October</b>	First Community Racial Equity Priorities from the Commission
<b>2024</b>	<b>January</b>	First Preliminary Citywide and agency Racial Equity Plans
	<b>April</b>	First Citywide Racial Equity Plan
	<b>November</b>	Draft Ten Year Capital Strategy incorporates strategies and goals from the biennial Citywide Racial Equity Plan
<b>2025</b>	<b>April</b>	Ten Year Capital Strategy can incorporate strategies and goals from the Plan
<b>2026</b>	<b>Before January 16</b>	First Preliminary Racial Equity Progress Report, making available at least one year of data for the indicators for the 2024-26 Plan
SECOND PLAN CYCLE		
<b>2025</b>	<b>October</b>	Second Community Racial Equity Priorities from the Commission
<b>2026</b>	<b>January</b>	Second Preliminary Citywide and agency Racial Equity Plans
	<b>April</b>	Second release of the Citywide Racial Equity Plan
	<b>September</b>	First Racial Equity Progress Report making data available and providing narratives on progress during the two fiscal years of the 2024-26 Plan (July 1, 2024 – June 30, 2026)

**TABLE 2.**

Timeline showing alignment with existing budget timelines, excluding data and progress reporting.

	EQUITY PLAN CHARTER TIMELINE	NYC BUDGET CYCLE CHARTER TIMELINE
<b>MONTH</b>	<i>Would be added to the charter</i>	<i>Exists in the charter</i>
<b>July</b>	<b>Fiscal Year A Begins</b>	
<b>October</b>	<b>October 1:</b> Commission on Racial Equity sends Community Racial Equity Priorities, a formal letter detailing proposed racial equity priorities and racial equity indicators	Community Boards confer with agencies and submit their capital and expense priorities by the 31st
<b>Fall</b>		Agencies submit their expense and capital needs
<b>January 16</b> <b>Even calendar year</b>	Agencies and City submit Preliminary Equity Plans, incorporating where possible and appropriate the October submission of Community Racial Equity Priorities from the Commission, and provide a response to the Commission's submission of the Community Racial Equity Priorities.  <b>Beginning in 2026:</b> Office releases Preliminary Racial Equity Progress Report before January 16	Mayor releases the Preliminary Budget and submits a response to community board budget priorities.
<b>February</b>	<b>February 15:</b> Commission on Racial Equity submits reply to the issued Preliminary Equity Plans.	<b>February 15:</b> Community boards respond to the Preliminary Budget  <b>February 25:</b> Borough Boards submit budget priorities to Mayor and Council
<b>March</b>		<b>March 10:</b> Borough Presidents propose modifications for the Preliminary Budget  <b>March 15:</b> Independent Budget Office releases a report analyzing the Preliminary Budget  <b>By March 25:</b> City Council holds hearings and proposes recommendations for the Preliminary Budget by April 1

EQUITY PLAN CHARTER TIMELINE		NYC BUDGET CYCLE CHARTER TIMELINE
MONTH	<i>Would be added to the charter</i>	<i>Exists in the charter</i>
<b>April 26</b>	Mayor releases the Citywide Racial Equity Plan.	Mayor releases the Executive Budget, Executive Financial Plan, Message of the Mayor.
<b>May</b>	<b>May 15:</b> Commission on Racial Equity issues response to the final Citywide Racial Equity Plan	<p><b>May 6:</b> Borough Presidents submit response to the Executive Budget</p> <p><b>May 6 - 25:</b> City Council holds hearings on the Executive Budget</p> <p><b>May 15:</b> Independent Budget Office publishes a report analyzing the Executive Budget</p>
<b>June</b>		<b>June 5:</b> Council and Mayor adopt the expense and capital budgets as the Adopted Budget.
<b>July</b>	<b>Fiscal Year B Begins</b> <i>(Events listed above are excluded from the below)</i>	
<b>September</b>	<b>Beginning in 2026:</b> Office releases Final Racial Equity Progress Report by September 1	
<b>November</b>		Mayor publishes draft Ten-Year Capital Strategy
<b>January</b>		Mayor releases the Preliminary Ten-Year Capital Strategy
<b>Odd calendar year</b>		
<b>April</b>		Mayor releases the Ten-Year Capital Strategy
<b>July</b>		Biennial Cycle Restarts

Because this would otherwise leave the public without an update between the two publications of the plan, there must also be a Preliminary Racial Equity Progress Report, which requires the City to publish at least a year of data but does not require a full progress report. This preliminary progress report must be completed by January 16 of each even-numbered year, at a time of the Mayor's choosing.

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## **Coordination with Existing Reporting Requirements**

The City's local governing documents (the Charter, Administrative Code, Local Laws) contain existing reporting requirements related to equity. This proposal would not immediately consolidate those separate requirements but will allow the Mayor the opportunity to consolidate those reports into the Citywide Racial Equity Plan if all other reporting requirements overlap with the requirements for the Plan, aside from the date of the year on which it must be reported.

This would permit a Mayor to potentially decide that they will include the existing Social Indicators and Equity Report or the Mayor's Management Report, for example, in the Racial Equity Plan.

## COMMISSION ON RACIAL EQUITY

The Commission heard from New Yorkers who desired to have City government more directly reflect community priorities and, to the extent possible, incorporate community power directly into decision-making. To approach this goal, this proposal establishes a Commission on Racial Equity, enabling community members with equity expertise and lived experience to influence City governance by formally proposing priorities for racial equity in City decision-making and policy and assessing performance towards those priorities. The Commission on Racial Equity (the "CORE") would be a commission comprising 15 diverse New Yorkers passionate about racial equity and social justice. They would be given powers and responsibilities to work to ensure that community-relevant priorities are considered and included in the Citywide Racial Equity Plan.

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### Composition

To help establish independence for the CORE, the Chair would be jointly appointed by the Mayor and the Speaker of the City Council. This mimics the appointments of the Chairs of the Civilian Complaint Review Board and the Equal Employment Practices Commission who are jointly appointed by the Mayor and Speaker of City Council.

To further create independence for the CORE, the appointments of fourteen other commissioners would be split among different elected officials. Seven would be appointed by the Mayor, five appointed by City Council Speaker (with one appointment from each borough), one appointed by the Comptroller, and one by the Public Advocate.

It is important that the Commission on Racial Equity be positioned to represent members of New York communities who do not typically

have representation in decision-making but are impacted by structural racism. This includes BIPOC New Yorkers, immigrants, persons with limited English proficiency, persons with disabilities, youth, seniors, LGBTQ+ persons, justice-involved persons, recipients of public benefits, residents of public housing and more.

Therefore, the proposal requires that the elected officials making appointments to the CORE must consider people with those backgrounds, or who have experience advocating for those communities. It also recommends considering people who have never before served on a City board or commission, so that the CORE represents new voices that may inject different perspectives. Finally, it recommends considering appointees who have expertise with racial equity or justice, including at the intersection of race and other marginalized identities. In order to facilitate a full roster of appointments at all times, the proposal does not mandate those criteria for appointment. However, this provided flexibility is not intended to facilitate circumvention of the proposal's intent.

To incorporate youth perspectives which are often missing in government decision-making, one appointment each from the Mayor and Council must represent the perspectives and concerns of New Yorkers aged 25 and under. Youth participants provided extensive and thoughtful testimony during the Racial Justice Commission's engagement process, and these two commissioners will help guide the development of priorities and indicators relevant to younger New Yorkers.

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### Role in Citywide Racial Equity Plan

The Commission on Racial Equity would represent the community voice and play an accountability role in the Citywide Racial Equity

Plan process, by identifying community priorities and outcome indicators for the Citywide Racial Equity Plan. The proposal tasks the Commission with submitting the Community Racial Equity Priorities, a formal letter detailing proposed racial equity priorities and racial equity indicators that the Commission believes should be incorporated into the agency and citywide Racial Equity Plans. The Mayor's Office must formally respond to the CORE's submission through a statement in the Preliminary Racial Equity Plan.

Further, the CORE would review and report on the Citywide Racial Equity Plan, including a review of whether agencies have incorporated the CORE's priorities or otherwise completed the planning process meaningfully. The CORE is a check on the process, with the ability to track and report on agency compliance.

The timeline for the CORE's review of preliminary and final Racial Equity Plans is designed to provide transparency to the public, elected officials, and the City Council during the budget process. See the timelines in the section for the Racial Equity Plans above for more details.

Over time, the CORE would use outcome indicator performance data to identify or revise proposed priorities for the following cycle, as a supplement to input it receives from community engagement and its own research. This process of reinvention would keep the City evolving as society, and our understanding of it, changes.

Additionally, the CORE may receive complaints about agency actions that could be exacerbating racial disparities. It may refer those complaints to bodies internal or external to the City for investigation. On noticing patterns of potential systemic harm, it may also recommend new strategies or indicators for the Citywide Racial Equity Plan to shed light on those issues and help the City resolve them. The CORE is also able

to advise and brief City Council committees in preparation for oversight hearings.

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## **Compensation and Commitment**

The Chair will be full-time. Commissioners will serve part-time and be paid on a per diem basis, compensated for their time spent on the CORE's work. They will also be reimbursed for the costs of childcare, elder care, or home health care for their dependents while they are engaged in the CORE's work. The purpose of this compensation to Commissioners is to make the roles more accessible to everyday New Yorkers who may not have the resources to balance unpaid commission work with potential loss of income and caretaker obligations.

The CORE will be supported by full-time staff who will provide administrative support as well as additional technical and subject matter expertise.

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## **Terms, Term Limits, and Removal**

Commissioners will have staggered terms for the CORE's inaugural term. Thereafter, all terms will be three years and Commissioners will have a three-term limit. Because the work will be broad-ranging and complex, Commissioners will need and want enough of a term to develop their own knowledge base. On the other hand, while these terms will be significant time commitments, a term limit is critical to ensure an inflow of new Commissioners who will bring fresh perspective into the CORE's work.

Typically, when commissioner appointments are left unfilled, a commission faces difficulty accomplishing its goals. Therefore, this proposal establishes that vacancies on the CORE must be filled by their designated appointer in a timely manner, failing which the CORE itself may fill the position for the remainder of the term.

Likewise, safeguards would keep the CORE fully appointed even if there are vacancies or a lack of reappointments. If a Commissioner reaches the end of any of their terms and they are neither reappointed nor does their appointed official appoint a Commissioner to replace them, they will “holdover” for 90 days in their position. If within 90 days, there is still no new appointment, the extension becomes a full one-year extension. At the end of that additional year, the CORE itself will be able to appoint a Commissioner to fill the seat. This applies to all members, including the Chair.

All commissioners would be protected from at-will removal to preserve their ability to speak and act independently. They may only be removed by their appointer upon a showing of cause, with sufficient notice and an opportunity for a hearing.

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## **Budget**

To ensure the CORE has the resources to fulfill the duties outlined above, the proposal contains a requirement for a budget deemed to be sufficient to be allocated to the CORE, including for the necessary staff support.

## **PROPOSED CHARTER AMENDMENT TEXT**

Section 1. The New York city charter is amended by adding a new chapter 78 to read as follows:

### Chapter 78. Equity

§ 3400. Definitions. a. Equity. For the purposes of this chapter the term "equity" means both an outcome and a process. Equity as an outcome shall mean the achievement of a city where the worth, talents, and contributions of all people are valued and recognized, irrespective of race, gender, sexual orientation, gender identity, age, mental or physical disability, national or ethnic origin, immigration status, education, or economic status, and where these characteristics of identity, whether taken individually or through the ways in which they intersect, are not predictors or determinants of economic, political, social, or psychological outcomes, as they neither confer privilege nor deny opportunities. Equity as a process means the closing of gaps in policy, practice, and allocation of city resources through the prioritization of access, opportunities, and resources to those people and communities with the greatest need, whether due to historical or current marginalization or oppression, underinvestment, disinvestment, or under-resourcing of those people and communities, or due to the way in which their intersecting characteristics of identity serve to magnify inequities.

#### b. Other Definitions.

For the purposes of this chapter the following terms have the following meanings:

Access Design. The term "access design" means incorporating language justice, plain language, physical accessibility, civic service design, and other principles into communications, policies, and interactions, to reduce barriers to quality service and meaningful participation.

Civic service design. The term "civic service design" means the practice of making the experiences of the people who use and deliver government programs the central focus to inform the policies, processes and systems that affect those experiences.

Covered agency. The term "covered agency" means (i) an agency to which the provisions of chapter 16 apply, in accordance with subdivision a of section 385, provided that the mayor may determine that agency plans can be consolidated where limited agency personnel or resources do not make it practicable for an agency to prepare its own racial equity plan; (ii) an agency headed by a board, commission, or other multi-member body, provided that either the majority of members of the body or the chief executive officer of the agency is appointed or designated by the mayor alone, and that has, as of January first of the applicable year, at least 40 full-time employees or part-time equivalents, as determined by the office of management and budget in consultation with the office of racial equity; (iii) a contracted entity, as such term is defined in section 22-821 of the administrative code, where the aggregate value of such entity's contracts with the city to provide or administer economic development benefits on behalf of the city in the city fiscal year preceding the applicable plan calendar year exceeded \$500,000,000; or (iv) an agency that has agreed in writing to comply with some or all of the provisions of this chapter applicable to a "covered agency," provided that such agreement may be revoked in writing at any time by such agency.

Disaggregated data. The term “disaggregated data” means data collected from or about multiple persons or households, analyzed and presented as separate categories by different characteristics, such as race, cultural background, neighborhood, language, or gender, at a specified level of detail and granularity.

Language justice. The term “language justice” means a policy of designing interactions, public dialogue, and content, and providing services so that all users likely to benefit from them can interact in the language they feel most comfortable using, in order to reduce barriers that disproportionately exclude people with limited English proficiency from equal access and participation in decision-making.

Marginalization. The term “marginalization” means the effects of past or current policies or actions that have had a long-term negative impact on an individual, family, community, or neighborhood, including, but not limited to, any collateral consequences of disproportionate law enforcement, any underinvestment in neighborhoods, or any disproportionately penalizing enforcement method. The term “anti-marginalization” means actions and policies that reverse and prevent the effects of past or current marginalization.

Occupational segregation. The term “occupational segregation” means the under-representation or over-representation of a group, identified on the basis of a shared characteristic protected by the employment related provisions of the city’s human rights law, in a position or field of work to the detriment of that group’s ability to obtain higher levels of pay, responsibility, flexibility, stability, or other indicators of job desirability.

Outcome indicator. The term “outcome indicator” means a measure of quantitative data that enables an assessment of the improvement, worsening, or stagnancy of an aspect of wellbeing or quality of life for individuals, communities, or populations.

Plain language. The term “plain language” means using writing, scripting, or other communicating in a way that the reader or listener can understand easily and completely, including using clear and common words, organizing ideas to be easy to follow, and choosing words that would be easy to translate into and understand in a person’s preferred language.

Priority neighborhoods. The term “priority neighborhoods” means neighborhoods with disproportionate equity, health, or socio-economic burdens, or that have the potential to be disproportionately impacted by future events that could exacerbate racial disparities.

Racial equity. The term “racial equity” shall mean, when referring to an outcome, the achievement of equity with a particular focus on race or the intersection of race with other characteristics of identity. When referring to a process, the term “racial equity” shall mean the closing of gaps in policy, practice, and allocation of city resources through the prioritization of access, opportunities, and resources to those people and communities who, based on or at least in part due to race, have historically faced or currently face marginalization or oppression, underinvestment, disinvestment, or under-resourcing.

Wage segregation. The term “wage segregation” means underpayment for work predominantly performed by, or for positions predominantly held by, a group of persons sharing a characteristic

which is protected by the employment related provisions of the city's human rights law, as compared to payment for work performed by, or positions held by, another group who is performing work requiring similar levels of skill, experience, responsibility, and effort.

§ 3401. Office of racial equity; chief equity officer; staffing; appointment; duties and powers. a. There shall be established within the executive office of the mayor an office of racial equity, the head of which shall be the city's chief equity officer.

b. The chief equity officer shall be appointed by the mayor as head of a mayoral agency for purposes of chapter 16. The chief equity officer may hold a deputy mayor position. The chief equity officer may appoint deputies, assistants, and additional employees as may be needed for the performance of the duties prescribed herein, within available appropriations.

c. The appropriations available to pay for the expenses of the office of racial equity during each fiscal year shall be not less than an amount sufficient to fund personal service costs for full-time and part-time personnel necessary to implement the charter mandated requirements of the office, as certified by the mayor in the budget message submitted pursuant to section 250.

d. Powers and duties. The office of racial equity shall have the power and duty to:

1. Develop, provide oversight of, assess, and advance measures to improve and achieve racial equity in the city of New York.

2. Coordinate citywide and agency racial equity planning, as described in section 3403, including:

(a) establishing standards for, and overseeing the development, publication, and public dissemination of, racial equity strategies, indicators, and progress reports;

(b) establishing standards for disaggregation of data, across categories that shall include, without limitation, race and gender, and may also include other standard categories of disaggregation, including ethnicity, income, neighborhood, and socio-economic status, or other characteristics, at levels of granularity matching or exceeding generally accepted levels of disaggregation, and sufficient to permit identification of disparity among or within groups, and accounting for an agency's function, to be utilized in citywide and agency racial equity planning; and

(c) collaborating with the chief privacy officer to develop privacy standards that enable collection and use of disaggregated data while safeguarding individual and community privacy.

3. Include within the office, and provide technical and staffing support to, the taskforce on racial inclusion and equity, as established in section 3402.

4. Provide technical assistance to, and collaborate with, agencies to support their capacity to engage in meaningful racial equity analysis, and support, confer with, and advise covered agencies as they draft equity plans.

5. Identify priority neighborhoods, differentiated by categories of needs or disparities, and review the categorization of neighborhoods every two years to adjust for changing equity, health, or socio-economic trends and needs.

6. Complete preliminary and final racial equity progress reports, in accordance with the racial equity planning schedule as described in paragraphs 6 and 7 of subdivision d of section 3403, to provide periodic updates on the status of the city and covered agencies' progress towards equity goals as set forth in the citywide racial equity plan.

7. Develop a citywide access design program to increase equitable access and reduce barriers to in-person and digital city programs and services, including, but not limited to, incorporating civic service design, plain language, language justice, and disability-related access into every agency's work. The office shall collaborate with city agencies to establish user-centric technology and to integrate access design into the ways agencies interact with the public, including in their programs and in their community outreach. The office may collaborate on agencies' existing city efforts to increase access.

8. Support all agencies in prioritizing the development and implementation of policies and practices aimed at anti-marginalization of individuals and communities, which may address: (i) reducing or eliminating wage or occupational segregation; (ii) improving equitable hiring and promotion within the City's workforce; (iii) limiting the use of criminal history and background checks except where necessity is demonstrated; (iv) identifying and employing alternatives to punitive enforcement; (v) providing access to services, information, and decision-making for all New Yorkers regardless of language, ability, education, time availability, or expertise; and (vi) prioritizing resources and services into neighborhoods with the greatest need and largest disparity.

9. To the extent a new measurement for the cost of living in New York city is required to be reported under this charter or by local law, develop, implement and report such measurement. Such measurement may be consolidated with any other report or plan due under this chapter.

§ 3402. Taskforce on racial inclusion and equity; chairs; staffing; duties and powers. a. There shall be a taskforce on racial inclusion and equity to function as an interagency coordination and leadership body for citywide racial equity policy development and implementation. The taskforce shall be located within the office of racial equity.

b. The taskforce shall consist of one or more chairs appointed by the chief equity officer in consultation with the mayor, and other members appointed by the chief equity officer in collaboration with their employing agencies.

c. The taskforce shall be supported by an executive director selected and hired by the chief equity officer in consultation with the mayor, and such other staff members located within the office of racial equity as may be appointed or designated by the executive director or the chief equity officer.

d. Duties of the taskforce on racial inclusion and equity. The taskforce shall function as a citywide racial equity leadership and advisory body providing advice and assistance to the mayor, chief equity officer, and the office of racial equity, and coordinating efforts to increase racial equity within agencies and among programs through the development of multi-agency initiatives and citywide equity policies and practices.

e. Powers of the taskforce on racial inclusion and equity. The taskforce shall have the following powers:

1. The chair or chairs are authorized to convene meetings and establish such committees of the taskforce as are deemed necessary for the performance and carrying out of its duties.

2. All agencies shall cooperate with the taskforce in the performance of its duties and contribute, as appropriate, to the taskforce's efforts. At the request of the taskforce, an agency shall also designate at least one representative to serve as a member.

§ 3403. Racial Equity Plans. a. Generally. The city of New York, recognizing that racial inequity respects no boundaries of age, gender, sexual orientation, gender identity, national or ethnic origin, immigration status, disability, education, or economic status, and that addressing racial equity can also address inequity affecting people based on other characteristics of identity, will undertake a process of citywide and agency planning and reporting with a goal of eliminating racial inequity. The citywide and agency racial equity plans shall be guided by the principle of equity with a focus on racial equity as defined in section 3400.

b. Citywide racial equity plan. The mayor shall issue a biennial preliminary citywide racial equity plan and citywide racial equity plan. The purpose of the publication of a preliminary citywide racial equity plan shall be to provide an opportunity for feedback from the public and from elected officials before publication of the final report. The preliminary and citywide equity plans shall include, at minimum:

1. Overarching citywide goals and strategies to improve racial equity throughout the city government's policymaking, operations, and workforce, including the equitable distribution of benefits, of supportive services, and of environmental burdens by neighborhood;

2. Performance and outcome indicators for citywide racial equity goals reported in accordance with the collection and reporting standards and guidelines, including for disaggregation of data, established by the office of racial equity pursuant to paragraph 2 of subdivision d of section 3401;

3. Neighborhood-level outcome indicators that permit the assessment of year-over-year change in wellbeing outcomes and in the level of disparity on a neighborhood level;

4. Maps of needs-based priority neighborhoods as identified by the office of racial equity; and

5. A statement from the mayor describing the status of racial equity in New York city; explaining why the citywide racial equity plan selected certain strategies, indicators, and goals. The preliminary racial equity plan shall also include the mayor's response to the commission's submission of proposed community racial equity priorities.

c. Agency racial equity plans. Every covered agency shall be required to develop biennially a preliminary agency racial equity plan and an agency racial equity plan, guided by the principles and values of equity as defined in section 3400, that will be incorporated into the citywide racial equity plan. The agency racial equity plan shall include, at a minimum:

1. Agency-specific goals and strategies for the short-term, to effectuate changes within the following two fiscal years, and for the long-term, to improve racial equity and reduce or eliminate racial disparities within the agency's jurisdiction, including, but not limited to, how and where the agency provides services, resources, and access; and

2. At least one outcome indicator that reports on an outcome as determined in consultation with the office of racial equity, disaggregated based upon the standards set forth by the office of racial equity.

d. Racial equity planning schedule. The city's racial equity planning shall be completed according to the following schedule:

1. Community racial equity priorities. Not later than October 1, 2023, and on or before October first of every second year thereafter, the commission on racial equity, as established in section 3404, shall make public and publicly disseminate the community racial equity priorities, in the manner provided in paragraph 1 of subdivision i of section 3404 of this chapter and submit to them to the mayor and the office of racial equity.

2. Preliminary citywide racial equity plan. Not later than January 16, 2024, and on or before January sixteenth of every second year thereafter, the mayor shall make public a preliminary citywide racial equity plan, and submit it to the speaker of the council, the commission on racial equity, the public advocate, and the comptroller. Biennially, not later than such date as the mayor may direct, each covered agency shall submit to the mayor its preliminary agency racial equity plan, which shall be included in the preliminary citywide racial equity plan.

3. Reply to preliminary racial equity plan. Not later than February 15, 2024, and on or before February fifteenth of every second year thereafter, the commission on racial equity shall make public the commission's reply to the preliminary citywide racial equity plan and provide it to the mayor and the office of racial equity.

4. Citywide racial equity plan. Not later than April 26, 2024, and by April twenty-sixth of every second year thereafter, the mayor shall make public the citywide racial equity plan and submit it to the speaker of the council and the commission on racial equity.

5. Evaluation of citywide racial equity plan. Beginning in 2024, and every second year thereafter, not later than three weeks after the mayor's submission of the citywide racial equity plan, the commission on racial equity shall publish and widely disseminate its evaluation of the citywide racial equity plan.

6. Preliminary racial equity progress report. Not later than January 16, 2026, and on or before January sixteenth of every second year thereafter, the office of racial equity shall publish a preliminary racial equity progress report, with data for indicators from the current equity plan for at least the prior fiscal year.

7. Final racial equity progress report. Not later than September 1, 2026, and on or before September first of every second year thereafter, the office of racial equity shall publish a final racial equity progress report that, for the prior two fiscal years, updates data for indicators from published racial equity plans, updates maps of neighborhood-level indicator data, and provides an assessment of the

extent to which the city and agencies are progressing towards goals included in the prior citywide racial equity plan.

e. Coordination of reporting. The mayor may, for any other equity reporting mandated by local law, consolidate that reporting into the racial equity plan reporting process as provided in this section, provided that the requirements of that local law reporting, aside from the date it must be completed, are met as part of consolidation.

§ 3404. Commission on Racial Equity. a. There shall be established a commission on racial equity, the purpose of which is to enable community members with equity expertise or lived experience relevant to the goal of equity to propose priorities for racial equity in city decision-making and policy and assess performance towards those priorities.

b. Membership of the commission; appointments; executive director; staff. The commission shall consist of 15 members, including the chair, appointed as follows: seven members of the commission shall be appointed by the mayor; five members of the commission, each of whom shall be a resident of a different borough, shall be appointed by the speaker of the city council; one member of the commission shall be appointed by the public advocate; and one member of the commission shall be appointed by the comptroller. The chair of the commission, who shall be jointly appointed by the mayor and speaker, shall also serve as executive director. The chair shall have charge of the organization of the commission's office and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this section. The chair shall devote their full time to the position and shall be entitled to compensation for the position.

c. Commission compensation. Members of the commission other than the chair shall be entitled to the following compensation and reimbursement for their service to the commission:

1. Compensation at a per diem rate for each calendar day they perform the work of the commission, except that any commission members who are also government employees serving as part of their duties are not entitled to receive per diem compensation, but may continue to receive regular compensation for city employment; and

2. Reimbursement for actual and necessary reasonable expenses as determined by the chair, incurred as a result of commission service other than service by governmental employees serving as part of their duties, including, but not limited to expenses incurred for childcare, elder care, or home health care for any dependents who would otherwise have been cared for by that commission member.

d. Commissioner terms.

1. The first members shall be appointed to serve as follows:

(a) The chair, jointly appointed by the mayor and speaker, for a term of 3 years;

(b) Three members appointed by the mayor, and one member each appointed by the public advocate and the comptroller, for a term of two years;

(c) Five members appointed by the speaker of the city council for a term of three years; and

(d) Four members appointed by the mayor for a term of four years.

2. The first term for each member shall commence on August 1, 2023. Notwithstanding the foregoing, the chair and executive director's functions and responsibilities may commence on or before August 1, 2023. Thereafter, the terms of all such members shall be three years, and no such member, including the chair, shall be appointed to serve more than three terms.

e. Removal of members; vacancies; holdovers. All members may be removed only by such member's appointing official or officials and only for cause and upon notice and hearing. Vacancies in the commission as a result of removal, resignation, incapacity, or death shall be filled by such member's appointing official or officials for the remainder of the unexpired term, in a manner consistent with the requirements of subdivision b of this section. If the appointing official fails to make an appointment to fill the vacancy within 90 days, the commission shall be entitled to fill the vacancy, including the chair, for the remainder of the term. Upon expiration of the term of a member who holds over in their position, if the appointing official shall fail to appoint a member, including the chair, within 90 days of the expiration of such term, the term of the holdover member shall be extended for an additional one year and the term of the successor to such member shall be shortened by an equal amount of time. If the appointing official fails to appoint a member, including the chair, by the end of the additional one year, the commission shall be entitled to fill the vacancy for the remainder of the term. Service as a holdover for an extended year shall not constitute service for an additional term for purposes of paragraph 2 of subdivision d.

f. Qualifications of commissioners. Members of the commission shall be residents of the city of New York. One member each appointed by the mayor and speaker of the council shall represent the perspectives and concerns of New Yorkers under the age of twenty-five. In appointing members to the commission, the mayor, speaker of the city council, public advocate and comptroller shall consider:

1. Individuals who have expertise in racial equity or racial justice, including at the intersection of race and other marginalized identities;

2. Individuals who are representative of, or have experience advocating for, New Yorkers who are Black, Indigenous or People of Color; immigrants; people with limited English proficiency; people with disabilities; students; youth; elders; people who are lesbian, gay, bisexual, transgender, intersex, gender non-conforming or non-binary; people who are justice-involved; recipients of public benefits; or residents of public housing; and

3. People who have never served on a New York city public body.

g. A majority of the whole number of members of the commission then in office shall constitute a quorum for the transaction of any business. The commission shall have the power to act by majority of such whole then in office.

h. The appropriations available to pay for the expenses of the commission on racial equity during each fiscal year shall be not less than an amount sufficient to fund personal service costs for full-time and part-time personnel necessary to implement the charter mandated requirements of the commission, as certified by the mayor in the budget message submitted pursuant to section 250.

i. Jurisdiction, powers and duties of the commission. The commission shall have the power and duty to:

1. Propose community equity priorities and outcome indicators relevant to the community, for possible inclusion in the upcoming citywide and agency racial equity plans in accordance with the equity planning schedule established by section 3403. To develop the community equity priorities, the commission shall:

(a) consider those needs and priorities that local community members view as most relevant to their wellbeing, giving particular consideration to the priorities of groups or categories of community members that have been historically underrepresented in, or underserved by, government and its processes;

(b) consider published disparity indicator data and any other information that the commission deems appropriate regarding current, past, or anticipated inequities; and

(c) propose metrics that provide data on outcomes most pertinent to communities.

2. Following the releases of the preliminary citywide racial equity plan and the citywide racial equity plan, the commission shall make public and submit to the mayor and the office of racial equity a statement assessing the extent to which the plan is responsive to the community racial equity priorities and making recommendations, if any, in accordance with paragraphs 3 and 5 of subdivision d of section 3403. In their recommendations, the commission may, among other things:

(a) propose modifications to priorities, strategies, or indicators in the citywide and agency racial equity plans; and

(b) propose specific strategies to address patterns of inequitable behavior or policy as identified through the receipt of complaints from the public, including by making recommendations to agencies to address such complaints where appropriate.

3. Track and publicly report on agency and citywide compliance with the racial equity planning process as established by subdivisions b and c of section 3403.

4. Receive complaints about agency conduct that may have the effect of exacerbating racial equity disparities and make recommendations to agencies to address such complaints where appropriate.

5. Respond to requests of the speaker of the council and its committees regarding racial equity concerns.

j. Confidentiality. The commission, to the extent consistent with law, shall keep confidential any complaints received pursuant to paragraph 4 of subdivision i of this section.

§ 2. Chapter 52 of the New York city charter is amended by adding a new section 1151-b to read as follows:

§ 1151-b. Effect of chapter 78. Nothing in chapter 78 shall be construed to prevent any agency from complying with existing federal or state law or regulation. In addition, chapter 78 is not intended to create a direct or indirect right of action to enforce its terms.

§ 3. Section 1152 of the New York city charter is amended by adding a new subdivision n, paragraph (2) to read as follows:

n. (2) The amendments to the charter adding chapter 78 and adding a section 1151-b, approved by the electors on November 8, 2022, shall take effect immediately upon certification that the electors have approved such amendments to the charter, and thereafter such amendments shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

## PROPOSED BALLOT TEXT

### **Ballot Question #2: Establish a Racial Equity Office, Plan, and Commission**

This proposal would amend the City Charter to:

Require citywide and agency-specific Racial Equity Plans every two years. The plans would include intended strategies and goals to improve racial equity and to reduce or eliminate racial disparities;

Establish an Office of Racial Equity and appoint a Chief Equity Officer to advance racial equity and coordinate the City's racial equity planning process. The Office would support City agencies in improving access to City services and programs for those people and communities who have been negatively affected by previous policies or actions, and collect and report data related to equity; and

Establish a Commission on Racial Equity, appointed by City elected officials. In making appointments to this Commission, elected officials would be required to consider appointees who are representative of or have experience advocating for a diverse range of communities. The Commission would identify and propose priorities to inform the racial equity planning process and review agency and citywide Racial Equity Plans.

Shall this proposal be adopted?

## BALLOT ABSTRACT TEXT

This proposal would create an Office of Racial Equity, require a citywide Racial Equity Plan every two years, and create a Commission on Racial Equity to represent communities' needs and publicly review the citywide Racial Equity Plan. Racial equity means the achievement of equity with a particular emphasis on race and intersecting characteristics and includes a process of closing gaps in wellbeing between racial groups, with the purpose of greater equity for all.

New York City's government does not have an agency that specifically focuses government on creating and promoting equity, with an emphasis on racial equity. This proposal establishes a

framework for planning and evaluating City government efforts to advance equity.

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### **Office of Racial Equity**

The proposed amendment would create an Office of Racial Equity, led by a Chief Equity Officer appointed by the Mayor, at the level of agency head or deputy mayor. The Office would be available to work with every City agency to train and provide technical assistance on racial equity. Every two years, each City agency, with guidance from the Office of Racial Equity, would develop an agency Racial Equity Plan. The Office would incorporate the agency Racial

Equity Plans into a citywide Racial Equity Plan. The Office would establish standards for agencies regarding the collection and reporting of data to measure gaps and differences in wellbeing at the level of racial, ethnic, or other groups and communities. The Office of Racial Equity would identify “priority neighborhoods” to be highlighted in Racial Equity Plans based on identified disparities in equity, health, or socioeconomic burdens, or the neighborhood’s potential to be disproportionately impacted by future events that could exacerbate those disparities.

In addition to its role in the Racial Equity Plan development process, the Office of Racial Equity would establish a Citywide Access Design program to increase equitable access and reduce barriers to City programs, services, communications, and decision-making. The Office of Racial Equity would also support agencies in prioritizing the development and implementation of policies and practices to address “marginalization” of individuals or communities, which could include work to limit the use of criminal history and background checks, establish alternatives to punitive enforcement, improve equitable hiring and promotion within the City’s workforce, create equitable distribution of resources across neighborhoods, and reduce or eliminate wage or occupational segregation.

The proposal would also codify the Taskforce on Racial Inclusion and Equity, which was created in 2020. Under this proposal, the Taskforce on Racial Inclusion and Equity would be located within the Office of Racial Equity and be headed by one or more chairpersons appointed by the Chief Equity Officer in consultation with the Mayor and other members appointed by the Chief Equity Officer in collaboration with their employing agencies. The Task Force on Racial Inclusion and Equity would provide policy

advice to the Chief Equity Officer and coordinate governmental efforts to increase racial equity.

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## Racial Equity Plan

The proposed amendment would require the Mayor to create a citywide Racial Equity Plan and agencies to create agency Racial Equity Plans every two years. The citywide Racial Equity Plan and the agency Racial Equity Plans, as described above, would identify and communicate publicly the goals and strategies, both short and long term, for improving racial equity and justice. The Plans would also have data indicators, including neighborhood-level metrics, to measure the extent of progress on racial equity work and show the effect the work is having on wellbeing and disparities. That progress would be included in a biennial progress report. The racial equity planning schedule is structured to inform the budget planning process.

## Timeline and Schedule

A draft of the first Plan would be delivered no later than January 16, 2024, with the final plan delivered no later than April 26, 2024, along with the Mayor’s preliminary and executive budgets. The short-term strategies would address the upcoming two fiscal years. The first full progress report would occur in September 2026. This timeline is designed to encourage agencies to put together their equity strategies while they are putting together their budgets, and in doing so, allow those equity strategies to inform both the expense and capital budgets.

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## Commission on Racial Equity

The proposed amendment would create a Commission on Racial Equity composed of 15 residents of New York City, intended to bring the perspectives of New York City communities into

the decision-making process. The Commission would identify and propose community priorities to inform the racial equity planning process, and review and publicly comment upon agency and citywide Racial Equity Plans, including what data should be collected. The Commission would also publicly track agency compliance with the racial equity planning process, and could receive complaints about agency conduct that may be exacerbating racial disparities.

### **Commissioners**

The Commission would be led by a chair who is jointly appointed by the Mayor and City Council Speaker. The Mayor would appoint seven commissioners. Five commissioners would be appointed by the City Council Speaker, with a representative from each borough. One commissioner would be appointed by the Comptroller, and one commissioner would be appointed by the Public Advocate. One Mayoral appointee and one City Council Speaker appointee would be required to represent the perspectives and concerns of New Yorkers under the age of 25.

In making appointments, each elected official would be required to consider, among other considerations, appointees who are representative of, or have experience advocating for, people who are Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color; immigrants, people with limited English proficiency, people with disabilities, students, youth, elders, people who are LGBTQ+, people who are justice-involved, recipients of public benefits, residents of public housing, and others. People who have expertise in racial equity or racial justice shall also be considered.

## PROPOSAL 3: MEASURE THE TRUE COST OF LIVING

### SUMMARY OF PROPOSED CHARTER AMENDMENT

This proposal would amend the City Charter to require the City to create a True Cost of Living measure to track the actual cost in New York City of meeting essential needs.

### ADDRESSING INEQUITIES IN WORK, ADVANCEMENT, AND WEALTH BUILDING

As became evident during the Commission's public hearings, many members of the public and representatives of community-based organizations expressed concern over the unaffordability of housing, transportation, food and other essential needs. The COVID-19 pandemic exacerbated these affordability issues, which have had outsized consequences on BIPOC communities for generations.

Lack of affordability presents significant barriers to work, advancement and wealth-building in BIPOC communities, vulnerable groups, and younger New Yorkers who have entered the workforce during one or various times of economic crisis. Moreover, BIPOC New Yorkers, especially immigrants and women of color, tend to be concentrated in low wage jobs with fewer protections or pathways to advance. The high cost of living in New York City and the proportionately lower wages of many exacerbate the generations' long racial wealth gap, which structurally disadvantages BIPOC individuals from gaining economic security. Stuck in a cycle

of living paycheck to paycheck, many New Yorkers are unable to save money, or pay for additional education and training to advance their careers.

### THE PROBLEM WITH CURRENT POVERTY MEASURES

Currently, ways in which we measure how much it costs to live in this city paint a false narrative. Eligibility for many public benefits and programs is based on the federal government's poverty measure, called the Federal Poverty Guideline (FPG, also known as the Federal Poverty Line).

The FPG was established in the 1960s, when living costs were roughly three times the average costs of a minimum food diet. Its criteria have remained unchanged, as it continues to assume that if a household's income (adjusted for size) is above three times the cost of a minimum food diet, they are considered to live above poverty.<sup>41</sup> Apart from using an outdated baseline, it also does not take into account regional cost differences. The FPG sets the same amount for all 48 contiguous states and the District of Columbia. According to the official 2021 FPG, a family of four living in New York City does not live

41 U.S. Department of Health and Human Services, "2021 Poverty Guidelines", available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines>; Institute for Research on Poverty, "How is Poverty Measured?", available at <https://www.irp.wisc.edu/resources/how-is-poverty-measured/>.

in poverty if they have an income of \$26,501.<sup>42</sup> The average New Yorker would likely view this estimate as an unrealistically low measure of what it actually costs to live in New York City. The federal government's definition of income also includes public assistance, including rental assistance, unemployment benefits and social security, as well as monetary assistance received from someone outside the household.<sup>43</sup>

By fundamentally underestimating the true cost of living, the FPG arguably artificially depresses wages. Relying on an outdated and inaccurate standard, the FPG undercounts the number of people living in impoverished conditions. A more accurate calculation is a predicate to advancing higher wages and greater access to social supports.

To combat this inaccuracy, the City has developed its own poverty measure, called the NYCgov Poverty Measure. However, although the NYCgov Poverty Measure is an important improvement, it still calculates public assistance as income, and it measures a poverty baseline rather than developing a baseline income that allows a person or family to have all their needs reasonably met.<sup>44</sup> By including public benefits received as part of household income, this measure classifies many households, especially those with children, as not in poverty when in fact the reason they are not included is because government assistance puts them over the line.

## THE TRUE COST OF LIVING MEASURE

The Commission proposes that the City calculate and report on a True Cost of Living measure. Unlike the FPG and NYCgov Poverty Measure, the proposed True Cost of Living would be a new, additional measure that moves beyond calculations of poverty and estimates how much it actually costs to live and thrive in New York City. The True Cost of Living would provide a clearer picture of the racial wealth gap, pay inequity, and guide the City's decisions as it develops and administers programs and services, and as it sets wages for both its own employees and its contractors' employees. The True Cost of Living refocuses the conversation away from poverty, or the poorest of life's conditions, towards an emphasis on dignity. The proposed True Cost of Living measure would be based on actual household income required to meet the essential needs of people living in New York City. The proposed measure would be based on household size, and include costs to cover essential needs at an adequate level, including, but not limited to, related to housing, childcare, child and dependent costs, food, transportation, healthcare, clothing and shoes, menstrual products, general hygiene products, diapers, cleaning products, household items, telephone service, internet service, and other necessary costs. The True Cost of Living could account for tax obligations, depending on the methodology used. It would not count public or private benefits received as part of household income. The City would be required to produce this calculation and report on it annually. The proposal would require the City to present the True Cost of Living measure disaggregated by

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42 U.S. Department of Health and Human Services, "2021 Poverty Guideline", available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines>

43 U.S. Census Bureau, "How the Census Bureau Measures Poverty", available at <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>

44 City of New York, "New York City Government Poverty Measure 2020", "Appendix B: Deriving a Poverty Threshold for New York City", available at [https://www1.nyc.gov/assets/opportunity/pdf/NYCgovPoverty2020\\_Appendix\\_B.pdf](https://www1.nyc.gov/assets/opportunity/pdf/NYCgovPoverty2020_Appendix_B.pdf)

household size. The proposed measure may be reported in the citywide Racial Equity Plan or in the annual Social Indicator and Equity Report.

The proposed True Cost of Living calculation is a necessary first step towards economic justice. The measure could be utilized in advocacy, labor negotiations, and, where appropriate, setting new eligibility standards for programs and benefits. The Commission recommends that the City use the True Cost of Living measure as a new standard for understanding poverty, and to advocate for changes in federal and state law and policy that rely on the FPG to allocate resources and set eligibility for public benefits.

## PROPOSED CHARTER AMENDMENT TEXT

Section 1. Section 16 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. True cost of living measure.

1. For purposes of this subdivision, the following terms shall have the following meanings:

(a) Public assistance. The term “public assistance” means all forms of public benefits provided by the federal government, state of New York, or city of New York including but not limited to: cash assistance, public housing, rental assistance programs, rent increase exemptions, homeowner assistance programs, public health benefits, childcare subsidies, and food assistance programs.

(b) Private or informal assistance. The term “private or informal assistance” means all forms of subsidies or assistance provided by private entities or through informal networks, including, but not limited to, unpaid childcare, food banks, mutual aid, and shared housing arrangements.

(c) True cost of living measure. The term “true cost of living measure” means a citywide measure of the average amount necessary to cover the cost of essential needs at an adequate level, including, but not limited to, housing, childcare, child and dependent expenses, food, transportation, healthcare, clothing and shoes, menstrual products, general hygiene products, cleaning products, household items, telephone service, internet service, and other necessary costs, which could include costs such as tax obligations, without offsetting those costs through public assistance or private or informal assistance.

2. Not later than March 31, 2024, and on or before March thirty-first of every year thereafter, the mayor shall produce and submit to the speaker of the council, borough presidents and community boards a report, which may be consolidated with any other report due on such date under this charter, containing the true cost of living measure, in accordance with any requirements in this charter, as determined:

(a) using generally accepted indices of household size;

(b) using generally accepted indices of family composition, as soon as necessary data is available; and

(c) using any other generally accepted indices, as appropriate.

§ 2. Chapter 52 of the New York city charter is amended by adding a new section 1151-c to read as follows:

§ 1151-c. Effect of true cost of living. The true cost of living measurement established in subdivision c of section 16 would be reported in addition to standards that are used to measure poverty or set eligibility for public benefits. It is not intended to create a direct or indirect right of action to enforce its terms or the terms of any other provision of law.

§ 3. Section 1152 of the New York city charter is amended by adding a new subdivision n, paragraph (3) to read as follows:

n. (3) The amendments to the charter adding a subdivision c to section 16 and adding a section 1151-c, approved by the electors on November 8, 2022, shall take effect immediately upon certification that the electors have approved such amendments to the charter, and thereafter shall apply as provided by section 16 and section 1151-c.

## PROPOSED BALLOT TEXT

### **Ballot Question #3: Measure the True Cost of Living**

This proposal would amend the City Charter to:

Require the City to create a “true cost of living” measure to track the actual cost in New York City of meeting essential needs, including housing, food, childcare, transportation, and other necessary costs, and without considering public, private, or informal assistance, in order to inform programmatic and policy decisions; and

Require the City government to report annually on the “true cost of living” measure.

Shall this proposal be adopted?

## BALLOT ABSTRACT TEXT

This proposal will require City government to develop and report, beginning in 2024, an annual “true cost of living” measurement of what it costs to live in New York City without consideration of public, private, or informal assistance. The proposed measurement is intended to focus on dignity rather than poverty, by considering the cost of meeting essential needs including, but not limited to, housing, childcare, child and dependent expenses, food, transportation, healthcare, clothing, general hygiene products, cleaning products, household items, telephone service, and internet service. The “true cost of living” measurement would be reported in addition to standards that are used to measure poverty or set eligibility for public benefits. It would not create a direct or indirect right of action.

# ROADMAP AND RECOMMENDATIONS

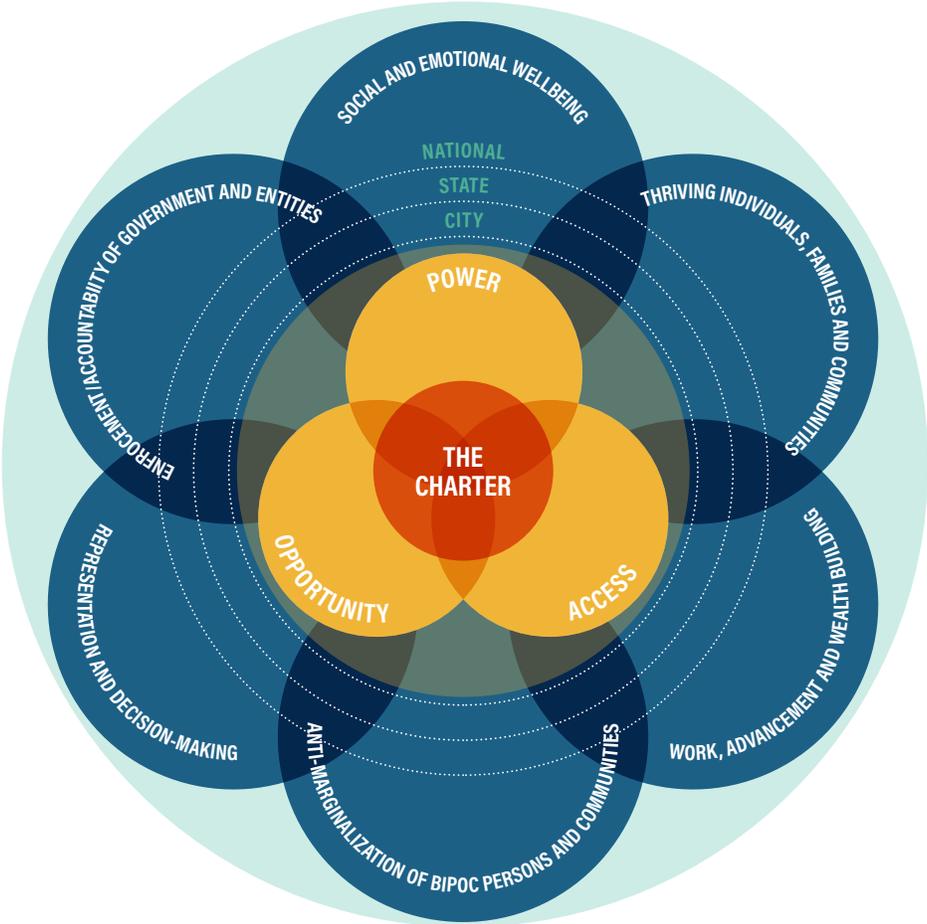


# ROADMAP FOR RACIAL JUSTICE

The work of the Racial Justice Commission builds on a legacy of organizing, advocating, and policymaking for racial justice in New York City and beyond. Since the Commission’s inception, we recognized that we would not be able to undertake a comprehensive reckoning with and repair of the long history of racial injustices in our city.

While the Commission believes the proposed Charter amendments, if passed by New Yorkers, will cement a foundation for racial equity, there is much more work to be done within government at every level, and in sectors beyond government. This chapter outlines a Roadmap for

Racial Justice by situating the Commission’s work in a larger landscape of change, recommending specific ways the Commission’s work can be built upon, and highlighting the ideas and proposals that New Yorkers identified.



# RECOMMENDATIONS FROM THE COMMISSION

Over the course of the past nine months, the Commission seriously considered many ideas that ultimately did not make it into the final proposals. Some of these ideas are worthy of further exploration and research and could be considered by future charter revision commissions or City Council, while others may require action beyond the scope of the City government.

There are two significant endeavors in particular that the Commission knew it would not be able to meaningfully take on within the Commission's short time frame, and recommends be addressed in specific ways:

## RECONCILIATION

Racial reconciliation and healing—or “truth and reconciliation”—involves the public naming and acknowledgement of past harms and traumas, recognition of responsibility in causing or creating the conditions that caused those harms, and action to repair relationships and social bonds. Reconciliation can also involve public apologies, and reparative actions that bring justice to those harmed.

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### Recommendation

The Racial Justice Commission recommends that City government continue to formally engage in reconciliation through deep engagement with communities, clear acknowledgement of harms both past and present, and through employing a reparative frame in decision-making processes whenever possible.

Some City-led efforts to repair past injustices are already underway. As part of the City's Police Reform and Reinvention Collaborative Plan, the City is creating a dedicated process to acknowledge, address, and repair past and present injustices and trauma caused by the practice of racialized policing, as well as conducting a comprehensive, independent review to identify and assess persistent structures of racism within the Department. This work is being led by the Mayor's Office of Criminal Justice and will involve significant community engagement.

## REPARATIONS

Closely tied to reconciliation, reparations bring justice to those impacted by severe injustice often through monetary or material compensation. While some municipalities in other states have begun modest and targeted reparative programs, reparations on the scale of the injustices suffered, particularly by Black and Indigenous Americans, must be national in scope and provide an appropriate amount of compensation. No doubt, this is a large and costly endeavor – but one the Commission largely believes is worthy of meaningful exploration by lawmakers and policymakers.

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## Recommendations

Advocate to the federal government to formally study and make recommendations for a national reparations program. Use a reparative frame in making decisions around resources at the City level.

## ADDITIONAL IDEAS

The following ideas are those recommended by the Commission for further exploration, further research and analysis, or further action, advocacy, and/or to continue the Racial Justice Commission's work:

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### 1. Strengthen Existing Government Oversight Bodies

One of the recommendations the Commission heard about most from New Yorkers is the need for greater government accountability. Current oversight bodies, such as the Equal Employment Practices Commission ("EEOC"), the City Commission on Human Rights ("CCHR"), the Civilian Complaint Review Board ("CCRB"), and the Board of Correction ("BOC"), play critical roles in holding City government accountable. However, their missions and effectiveness can be undermined by insufficient resources, staffing, or enforcement authority.

The Commission recommends the City government or a future charter revision commission further study ways to strengthen existing oversight bodies, which could include policy changes, local law changes, advocacy for changes of state law, or a combination of all of these.

- Allow all oversight bodies – including EEOC, CCHR, CCRB, and BOC – easier access to data or records from the agencies they oversee. Similarly, create a general rule allowing all oversight entities overseeing implementation of a single law (e.g. CCHR, Conflict of Interests Board) to have the ability to require any City body to publish data regarding compliance with that law.
- Allow for the CCRB to investigate "pattern and practice" complaints.

- Allow for the CCRB to have final authority over police officer discipline.
- Empower the BOC with the ability to bring administrative actions against the Department of Correction in an adjudicatory venue for violations of BOC minimum standards.
- Provide a minimum secure budget and headcount for CCHR and EEPC.
- Pass express legislation confirming that the EEPC has oversight jurisdiction over the equal employment practices of all the elected City officials (including City Council, Public Advocate, Comptroller, and Borough Presidents), the offices of Community Boards, community colleges, the District Attorney's Offices, the Office of the Special Narcotics Prosecutor, and the public administrator offices for each county.
- Require appointment of an expert in racial equity to the Independent Budget Office ("IBO") oversight board. Require IBO to check for alignment between the City's budget and the Citywide Equity Plan.

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## 2. Enhance Accountability for Racial Equity

Many New Yorkers specifically recommended to the Commission an independent "Racial Equity Watchdog" that would play an enforcement role over the City's racial equity responsibilities. The Commission recommends exploring the creation of a Racial Equity Watchdog that would have multiple oversight tools and enforcement powers, such as auditing or the ability to impose a monitorship over agencies. While the Commission's proposals do contain accountability measures (discussed above), the proposals are currently designed to allow for City agencies to normalize, operationalize, and

ramp up racial equity work without the threat of enforcement chilling potential innovations. However, the next step is to create appropriate consequences for failures of City government, including process failures and agency actions that directly exacerbate racial disparities. The Commission recommends that the City create additional ways to enhance accountability, especially after there has been ample time to establish and implement the Commission's proposals. Further study is needed to explore when consequences should be triggered and what types of enforcement powers will be most effective. The Commission believes the future success of its proposals are intertwined with the government's ability to follow through and ensure robust accountability for its promises.

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## 3. Develop and Implement Tools to Measure Racial Equity

### Racial Equity Impact Statements and Assessments

The Commission recommends that the City expand the use of racial equity assessments and impact statements. The City has already begun development of equity assessments for specific agencies or processes, for example Local Law 174 of 2017 required the Department of Health and Mental Hygiene, Administration for Children's Services, and the Department of Social Services to complete a one-time equity assessment and draft biennial equity plans, and the recently passed Local Law 78 of 2021 requires a racial equity report for certain land use applications. In addition, other municipalities, such as Washington D.C., require racial impact statements on proposed city council legislation. The Commission heard recommendations in our issue area panels and public input sessions recommendations to require impact assessments for City Council bills, to measure

racial equity impacts of changes in housing, to include analysis of impacts on persons with disabilities, as well as recommendations to require racial equity impact assessments for all major policies. The Commission recommends the City continue expanding the use of racial equity assessments and impact statements, as best practices and methodologies are honed. There may also be value in creating exceptions to impact statements or assessments, or other requirements, including for projects expressly designed to address racial equity or which are identified as community racial equity priorities.

### **Budget Scoring**

The Commission specifically recommends the development and implementation of a “scoring” system for racial equity to apply to the City’s budget. Similar to how government agencies might score a particular policy’s budget impact, the City should also develop a methodology to score fiscal proposals in the City’s budget according to racial equity impact. Other jurisdictions have begun linking racial equity to their budgeting processes. For example, cities such as Chicago and San Antonio, have developed budget equity tools used to integrate considerations of racial and economic equity into the budget development process. In addition, Baltimore has developed a process called “outcome budgeting”, where instead of basing a budget on the previous year’s spending and adjusting allocations up or down, the budget is organized around the City’s priority outcomes and resources are allocated for those services that will achieve the desired outcomes. The Commission recommends that the City develop a methodology to score budgets for racial equity, in order to increase transparency and accountability, and guide more equitable and just decision-making.

### **Collecting Disaggregated Data on Wealth, Assets, Debt, and Unemployment**

The Commission heard from New Yorkers from every borough about affordability, the racial wealth gap, and the structural barriers to work advancement that BIPOC workers face. In order to better understand the scope and nature of these economic injustices, better data is needed. Therefore, the Commission recommends that the City explore ways to capture, report, and make available to the public annualized data on wealth, assets, debt, and unemployment disaggregated by race, gender, and other characteristics.

### **Proactive Testing**

The Commission heard for the need for greater enforcement of existing laws to protect workers and against discrimination. The Commission recommends the City explore ways to expand the use of “testers” and “secret shoppers” to proactively investigate and identify discrimination. This technique would send “testers” to businesses, landlords, or City agencies to identify disparate treatment based on race or other identities. The City currently uses a “secret shopper” program to assess language access at City agencies and the City Commission on Human Rights also uses testers to identify discrimination. The Commission recommends that the City continue to expand the use of testers, as well as set aside a designated budget for this program, to better identify and address discrimination across the city.

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## **4. Advance Community Safety and Reform the Criminal Legal System**

While the Commission’s proposals intend to put in motion a turn towards anti-marginalization, much more needs to change in our criminal legal system. Some changes to the criminal legal system require changes in state law and were

therefore outside of the scope of this charter revision commission. Some changes require close evaluation and meticulous development that the Commission could not accomplish within its given timeframe.

The Commission recommends that City government pursue developing policies or changes in local law to address systemic racism within the criminal legal system. Specifically, the Commission recommends the City consider the following:

- Redefine NYPD's mission. The NYPD's mission in the Charter should be updated to remove problematic, overbroad and archaic language, and incorporate the goals stated in the New York City Police Reform and Reinvention Collaborative Draft Plan as well as the values laid out in the Commission's proposed preamble.
- Restructure public safety agencies under a Department of Public Safety and reframe their missions using a public health lens. The Commission received numerous calls for the creation of a Department of Public Safety, which would consolidate public safety agencies under one roof. The Department of Public Safety would provide oversight over NYPD and shift away from deploying police as a default response to emergencies.
- Protect the rights of those justice-involved. Those incarcerated in our City jails should have their rights protected, and agencies should face consequences when those rights are violated. This includes accountability for violations of the Board of Corrections minimum standards of treatment for those incarcerated as well as violations of the City's detainer law.
- Prohibit unnecessary criminal checks and bars for jobs, housing, City licenses and permits, City contracts, and services. The Commission heard powerful testimony from

NYCHA tenants and formerly incarcerated community members on the discriminatory criminal bars that prevent them from maintaining stable housing. NYCHA has already begun changing its policies to give justice-involved tenants and applicants a fairer chance. The Commission recommends the City continue to take appropriate steps to change policies across government to eliminate criminal bars. Additionally, the Commission recommends the City explore legislation that will build on the Fair Chance Act to strengthen current provisions and ensure that City licensing and contracts do not discriminate on the basis of criminal history, as well as legislation to prevent discrimination on criminal history in housing. The Commission also recommends that the City advocate for changes at the state and federal levels to change NYCHA policies that exclude justice-involved individuals from public housing.

The Commission also recommends that the City advocate at the state level for additional changes in law to increase accountability and transparency for police, District Attorneys' Offices, and prisons; prohibit unnecessary criminal bars; end mass incarceration; end the criminalization of poverty; and move away from punitive enforcement.

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## **5. Basic Human Rights and Food Justice**

The next step in fully actualizing a society in which race is no longer a determinant of economic, political, social, or psychological outcomes is to ensure basic standards of dignity and humanity for all New Yorkers. True public safety is not about enforcement after harm is done, it is about creating the conditions to prevent those harms from happening in the

first place. Therefore, reversing patterns of marginalization alone is insufficient to achieve our vision. In addition to much needed reforms to the criminal legal system, the Commission believes that positive structures must also be in place to promote public health and community safety. The Commission believes that every human being is entitled to a dignified life, which includes a right to basic human needs such as food, clothing, and shelter. In particular, the issue of food injustice is one that disproportionately impacts BIPOC communities in New York City. The Commission heard from urban farmers, public health advocates, and community activists who spoke about food insecurity worsened by the pandemic, food deserts in BIPOC neighborhoods, and the need to invest in care work including health care, mental health care, home health care and childcare. Food justice has always been a racial justice issue, from the Black Panthers' free breakfast program for children in the 1960s to the BIPOC women-led mutual aid efforts to feed our most vulnerable neighbors during the height of the COVID-19 pandemic.

The Commission's proposed preamble seeks to codify a vision of an equitable and just city which includes a basic quality of life for all New Yorkers. And the Commission's proposal to calculate a True Cost of Living begins an honest conversation about dignity, poverty, and livability in this city. However, these are just initial foundational steps, and more work is needed.

Accordingly, the Commission recommends the City continue to explore ways to uplift and improve the lives of everyday New Yorkers, including guaranteeing rights to basic dignity and human rights of food, clothing, and shelter. Specifically, the Commission recommends the City make appropriate investments and policy changes to close gaps in access to healthy foods in BIPOC neighborhoods, support urban

farmers and gardeners and connecting them to food deserts and schools, and ensure that care workers who provide health and mental health care and who work in our food industries are paid fairly and justly.

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## **6. Expand Voting and Community Power**

The Commission heard from New Yorkers all over the city of the need to include and empower immigrants, no matter their status, and young people in our institutions and civic life. In particular, the Commission is thrilled to see the expansion of voting rights to documented noncitizen New Yorkers, nearly one million people who call this city home. However, citizenship and immigration status restrictions still preclude many non-citizen New Yorkers from full participation in civic life. In particular, the Commission heard from New Yorkers on how noncitizens are barred from serving as firefighters, uniformed officers, or even serving on a commission such as our own. The Commission recommends the City advocate for changes in state law or local law, as applicable, to remove citizenship and immigration status restrictions that wrongly prevent noncitizen New Yorkers from public service, including City boards and commissions, and from qualifying for Minority and Women-Owned Business Enterprises ("MWBE") status. Further, engagement with young New Yorkers has been a critical part of the Commission's work. Accordingly, the Commission also recommends the City explore additional ways to incorporate youth voices in decision-making, such as through continued expansion of participatory budgeting and expanding the inclusion of young people on City boards and commissions.

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## **7. Use Land Justice as Frame for Land Use and Planning**

The Commissioners heard passionate and moving testimony from advocates and community members directly impacted by unjust land use policies. We heard that the City's capital-centered approach to land use decisions has created inequitable development, which leads to segregation and displacement of BIPOC New Yorkers. The Commission's proposals are a first step towards shifting away from that approach and toward centering racial equity. The proposals pair the racial equity planning process alongside the City's budgeting and capital planning processes to foster parallel and synced decision-making around money, infrastructure, and development. The Commission's proposals will also include neighborhood level indicators in the citywide Racial Equity Plan. However, more changes are needed. The Commission recommends that the City further study and pursue critical reforms to our land use processes to reduce disparities among people and places.

Specifically, the Commission recommends the City pursue long overdue reforms to the Fair Share requirements in the Charter. Reforms to the Fair Share could include updating the criteria, providing more transparency and opportunities for community feedback, and protecting communities from overconcentration of facilities while ensuring people can still access the services they need within their communities. Further, the Commission recommends the City develop a methodology, analogous to Fair Share, that would provide guidelines to analyze and inform the equitable distribution of agency resources and services. Finally, the Commission also recommends the City examine possible policies or local law changes to use public land in ways that maximize public benefit, such as through prioritizing community ownership

models including community land trusts. The Commission recommends that the City expand support for Community Land Trusts and other collective ownership and development models.

# COMMUNITY IDEAS

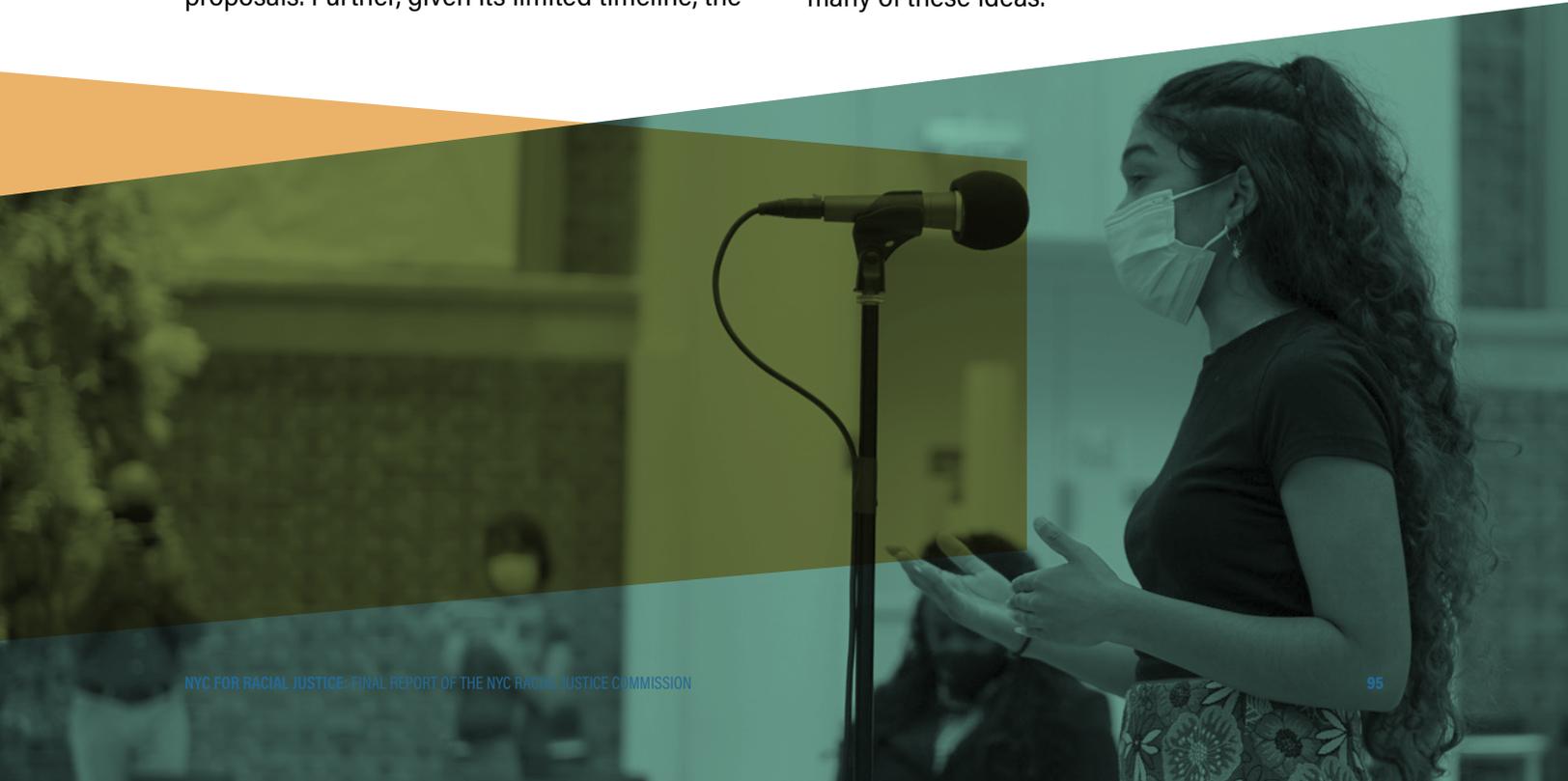
The Commission received hundreds, if not thousands, of recommendations. There were a number of recommendations that were particularly compelling but, for a variety of reasons, the Commission did not pursue.

Some recommendations received fall outside of the scope of Charter revision, might be more appropriate as a policy change, or more appropriate for the City Council to legislate. Some recommendations might be better suited to be implemented through changes to state or federal laws. Other recommendations did not rise to the level of structural change that the Commission has been committed to pursuing, as articulated in its framework for racial justice.

The Commission also had to be judicious in choosing its final proposals. As stated in the Interim Staff Report, the Commission committed to a manageable number of high impact ballot initiatives, so that voters would not be overwhelmed by a laundry list of proposals. Further, given its limited timeline, the

Commission also did not have the ability to fully explore certain proposals.

The work of uprooting structural racism is not done. While the Commission's proposals will put a new vision for the city into motion, much more needs to change. The Commission recommends that the City, state and federal lawmakers, and advocates consider further exploring and advancing the proposals listed below. The Commission has indicated the potential level of impact and/or action where the change sought could be effectuated; the potential level does not necessarily indicate the only (or the most appropriate) sphere for change, and many could be undertaken at multiple levels. Further analysis and exploration is needed for many of these ideas.



**COMMUNITY IDEAS**  
**INEQUITY IN QUALITY SERVICES**

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Education</b>	Ensure pay parity for early educators and special education providers so that they are paid fairly and just as much as teachers.	City, State
	Provide more mental health support for students, including hiring more mental health professionals in schools.	City
	Provide more support for parents and guardians with limited English Proficiency and students who are newly arrived immigrants in navigating the school system, including enhancing language access and help with enrollment.	City
	Provide better supports for parents who are justice-involved or formerly incarcerated, especially those recently returning and looking to reintegrate themselves in their children's lives.	City
	Reform school discipline to incorporate restorative justice models and eliminate disparities in discipline, especially as related to BIPOC students, students with disabilities, and trans and gender non-conforming students.	City
	Ensure that schools are not just funded equally, but equitably. Fully fund low-resourced schools. Expand and improve Fair Student Funding.	City, State
	Allow for schools to have more flexibility from bureaucratic requirements when they seek to implement innovations around equity.	City
	Provide culturally responsive curriculum that fully reflects the histories of NYC's diverse BIPOC communities.	State
	Require civic education in K-12 curriculum. Teach students about local government, the democratic process, and voting.	State
	Eliminate school admissions screens and tests.	City, State
Explore options to guarantee Free CUNY tuition for all students or targeted to students who live in historically redlined neighborhoods.	City, State	

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Education</b> <i>(continued)</i>	Allow for New York City to have direct control over the Department of Education, so the City can legislate and create policies for equitable schools.	State
	Hire teachers and school employees from the community, who are diverse, multilingual, and culturally competent.	City, State
	Fully fund educators training on de-escalation and alternatives to police involvement.	City, State
	Examine policies and practices that inaccurately classify BIPOC students, especially Black children, as having emotional disabilities.	City, State
	Ensure that public meetings, hearings, and engagements regarding education policy are accessible for parents, including scheduling at times when parents can attend or participate.	City
<b>NYCHA</b>	Fully fund Section 8 and NYCHA programs.	Federal
<b>Cultural Development</b>	Adopt new programming models for NYCHA cornerstone programs, such as partnerships with community non profits and support for cultural councils, to give residents more ownership and voice in programming, and to expand beyond youth programming only.	City
	Provide funding and support the establishment of cultural councils and partnerships with NYCHA and other agencies to provide programming in NYCHA community centers.	City
	Increase the Department of Cultural Affairs' budget to 1% of City budget (currently at 0.2%). Ensure adequate support and resources for BIPOC artists, cultural institutions, and cultural workers.	City
<b>Health and Mental Health</b>	Increase Medicaid funding for home care worker compensation, including home care workers with 24 hour shifts.	State, Federal
	Invest more in mental health services to meet the mental health needs of communities.	City
<b>Transportation</b>	Ensure that MTA transit and buses are accessible for people with disabilities and available in underserved communities.	State
	Make transportation free for the lowest-income New Yorkers.	City

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Youth and Families</b>	Create more spaces where youth can access or make connections to all of the services they need.	City
	Expand Family Enrichment Centers administered by the NYC Administration for Children's Services.	City
<b>Miscellaneous</b>	Create a Department of Care that works with city agencies, community-based organizations, and local leaders to adequately resource and coordinate care work for NYC residents, communities, and public spaces. Care includes but is not limited to health, mental health, food, and social services.	City
	Establish a Public Broadband and Technology Commission for equity to assess New Yorkers' access to technology.	City

COMMUNITY IDEAS

**INEQUITY IN WORK, ADVANCEMENT, AND WEALTH BUILDING**

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Pay Equity for City Workers and Civil Service Reforms</b>	Eliminate Civil Service Exam costs.	City, State
	Create and support career pathways into public service for BIPOC high school students from under-resourced communities.	City
	Create and support educational opportunities in financial literacy that are linguistically accessible and culturally relevant to neighborhoods.	City
	Require City Civil Service Commissioners to be voted in and representative of NYC's diversity.	City, State
	Develop remote work policy to provide more accessibility for City workers.	City
<b>Jobs and Wages</b>	Pay equitable wages to contracted human services, education, housing, criminal justice, health care, home care, and other service workers. All contracted organizations to nonprofit organizations must have a living wage and annual Cost of Living Adjustments (COLA) with increased funding.	City
	Create a public jobs option, especially for trans and gender non-conforming people, people with disabilities, NYCHA tenants, foster youth, homeless, and formerly incarcerated.	City
	Increase the federal minimum wage to be a living wage.	Federal
	Require all government workers and contractors be paid at least a living wage.	State
<b>Wealth and Opportunity Building</b>	Expand the Universal NYC Baby Bonds program which gives every kindergartener enrolled in a city public school access to a college savings account, regardless of immigration status or income. Create an at-scale baby bonds program, where every child receives at birth a publicly funded trust account relative to their families' income, to begin to close the racial wealth gap.	City, State, Federal

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Wealth and Opportunity Building</b> <i>(continued)</i>	Decrease barriers to accessing loans and licensing by providing municipal collateral, where the City offers collateral on behalf of low-income borrowers so they can more successfully apply for loans.	City
	Establish "Lifelong learning accounts", to provide support for education and job training. Through this program workers could choose to place a percentage of their earnings in dedicated accounts and the City and employers would match these contributions up to an established cap. Funds in these accounts would be used for job training and education.	City
	Create a public banking system to provide access to financial services for unbanked communities.	City, State, Federal
<b>Minority Women Business Enterprise (MWBE)</b>	Ensure that workers paid through city contracts are paid fairly and the same as city workers who do the same job.	City
	Reform the City's contracting application process to make city contracts more accessible for smaller contractors and community based organizations who are BIPOC-owned or serve BIPOC communities.	City
	Create new MWBE policies to ensure that women of color owned businesses have access to city contracts. Ensure that a certain percentage of MWBE contracts are held by BIPOC business owners.	City, State
	Change state law or provide additional support to make it easier for smaller contractors to win contracts. For instance, make tweaks or provide additional assistance to smaller contractors to afford the insurance needed to work on public projects.	City, State
	Reform MWBE law to include nonprofit organizations, so that— BIPOC-run nonprofits can register as MWBEs.	State
<b>Cannabis Equity</b>	Create an initial period where cannabis licenses are granted exclusively to applicants from communities that have been disproportionately impacted by marijuana enforcement. Explicitly include formerly incarcerated and justice involved in licensing priorities.	State

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Invest in Culture</b>	Create an annual fund that subsidizes the operating costs of small-to-mid-sized cultural organizations in BIPOC communities. Increase subsidized spaces for artists and cultural workers (example Cultural Institutions Group).	City
	Ensure equitable funding for cultural institutions and artists by allowing the Department of Cultural Affairs to use criteria to distribute funds for organizations and to pay artists directly. Track the distribution of funds across council districts to ensure equity.	City
	Modernize the federal poverty guideline to reflect the true cost of living.	Federal
<b>Miscellaneous</b>	Expand Summer Youth employment slots.	City
	Provide additional outreach and support for immigrant and BIPOC businesses and individuals applying for emergency financial assistance (COVID relief grants, Fund Excluded Workers).	City

**COMMUNITY IDEAS**  
**INEQUITIES WITHIN AND ACROSS NEIGHBORHOODS**

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Public Space</b>	Ensure equitable access to open and green spaces by requiring neighborhoods to have a minimum percentage of open space.	City
	Reform the Parks and Recreation permit rules to allow for more flexibility and equitable access of permits for BIPOC communities.	City
<b>Land Use</b>	Institute agencies and policies that move the city's land use decisions away from prioritizing private investors.	City
	Evaluate how the City and State acquire private lands for environmental preservation to identify whether the process or policies create racial disparities or if there are inequities in prices offered to private property owners based on race.	City
	Evaluate the process for siting police precincts and other enforcement sites to prevent over-concentration of police and enforcement in BIPOC communities.	City
<b>Equitable Investment</b>	Adopt value recapture policies to direct money generated from the city's investments towards public goods, such as affordable housing or public housing.	City
	Ensure that the City's climate investments prioritize BIPOC and vulnerable communities.	City
<b>Create an Office of Community Planning</b>	Mandate comprehensive, community-based city planning—which would, for example, facilitate the development of community-based plans and be accountable for following up on community plans and ensuring they are enforced.	City
	Assist community-based organizations in producing environmental reviews (which are often an expensive requirement and barrier for small organizations in changing land use rules).	City

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Environmental Review</b>	Require courts to examine underlying details of Environmental Reviews instead of deferring to the Department of City Planning in such cases.	City, State
	Update the City Environmental Quality Review (CEQR) technical manual to ensure that schools do not become overcrowded. Evaluate any thresholds that would allow developers to increase school utilization without triggering mitigation requirements.	City
<b>Housing</b>	Abolish the tax lien sale. When homeowners owe taxes to the City, prohibit the City from selling that debt to third parties, such as investor backed trusts. Instead, direct the money and properties to support permanent affordability and neighborhood stability, such as through affordable housing and community ownership models.	City
	Legalize basement apartments and convert them to be safe.	City
	Establish a right to permanent housing.	City
	Increase availability of supportive housing to shift the system away from shelters.	City
	Base affordability for housing on more localized standards to increase availability of affordable housing to lower-income New Yorkers.	City
	Lower the rent adjustment rates for rent stabilized apartments. Even though the adjustments are regulated, they are still often unaffordable to BIPOC tenants.	City, State
<b>Miscellaneous</b>	Re-examine the Uniform Land Use Review Procedure (ULURP). Allow for more community input earlier in the process. Codify good processes (e.g., some electeds have better practices, codify those).	City
	Create a Community Economic Development Corporation to supplement or replace the work of the Economic Development Corporation.	City

**COMMUNITY IDEAS**  
**MARGINALIZATION AND OVER-CRIMINALIZATION**

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Policing</b>	Remove School Safety Agents from schools.	City
	Cease ticketing for minor offenses, specifically those that impact BIPOC and immigrant communities (i.e. food vendors, delivery workers, fare evasion).	City
	End all city cooperation with ICE. Remove exceptions in the City's detainer law.	City
<b>Prosecution</b>	Adopt restorative justice models for juvenile justice.	City
	Mandate the use of restorative justice models, expand existing programs, and ensure that such efforts are led by communities, rather than by city and state agencies or police.	City, State
<b>Care for Justice Involved</b>	Require that the Department of Correction recommend release for first time offenders, youth, elders, people with disabilities, and people who are incarcerated only because they couldn't afford bail.	City
	Ensure continuity of care and services for justice involved - better coordination between agencies including data sharing and collection for social services.	City
	Reallocate NYPD funds to invest in care infrastructure that addresses root causes.	City
	Create a Department of Care that works with city agencies, community-based organizations, and local leaders to adequately resource and coordinate care work for NYC residents, communities, and public spaces. Care includes but is not limited to health, mental health, food, and social services.	
<b>Collateral Consequences of Criminal Legal System Involvement</b>	Remove the Immigration legal services carve out that denies access to city-funded legal help to New Yorkers based on criminal convictions.	City
	Remove criminal screens and bars required by state law where not shown to be necessary.	State

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Accountability</b>	Create an independent oversight body (could be through empowering existing bodies such as CCRB and Board of Correction) with the ability to review and approve NYPD and Department of Correction strategies and enforcement models.	City, State
	Increase independence of the Board of Correction by including non-mayoral appointees to oversee the Department of Correction (DOC). Reinforce accountability by allowing BOC to conduct timely audits to track against justice goals. Stabilize BOC's budget by requiring that it is at least 2% of the DOCs budget.	City
	Require City Council to give Advice and Consent on appointment of NYPD Commissioner.	City
	Require approval from City Council for any new surveillance technologies the NYPD wants to use.	City
	Create stronger oversight and accountability mechanisms and transparency for District Attorney's Offices and Courts.	State
	Mandate that police unions cannot negotiate disciplinary action, instead with that scope being given to the Civilian Complaint Review Board.	City, State
	Ensure that the Civilian Complaint Review Board has automatic access to all documents that the NYPD has, without the need to subpoena.	City, State
	Bring people who are accountable to their communities into police precincts and give them influence and authority over what the NYPD does, either by changing who serves on precinct councils or creating new bodies.	City
	Create an independent board with members appointed by each City Council member, or other non-mayoral city officials, which has authority over the types of policing NYPD can do (similar to the Handschu Committee, but with expanded powers).	City
	Allow for public input when police unions negotiate their contracts, especially input from those most impacted by policing.	City
Strengthen the City's (including City Council) oversight power over NYPD, the Civilian Complaint Review Board, the District Attorneys, and the Office of the Special Narcotics Prosecutor instead of only indirect control via the budget.	City, State	

## COMMUNITY IDEAS

### INEQUITY IN REPRESENTATION IN DECISION-MAKING

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Participatory Budgeting</b>	Further expand Participatory budgeting to include the entire city budget.	City
	Audit city council projects supported by participatory budgeting to ensure they happen as planned.	City
	Increase funding to the Civic Engagement Commission to accomplish its participatory budgeting mandate with a focus on equity and racial justice. Ensure the participatory budgeting advisory committee is supported and resourced.	City
<b>Reimagine Community Boards</b>	Reform Community Boards, either by holding elections for community board members to foment local political culture, or otherwise select members with community input.	City
	Mandate arts and culture committees on Community Boards citywide.	City
	Create stronger conflict of interest rules for Community Board members.	City
<b>Appointments and Commissioners</b>	Solicit community feedback for commissioner appointments to ensure they hold the needs and desires of the communities they represent.	City
	Expand DOHMH commissioner qualifications to allow for more diverse candidates. For example, adding alternative educational backgrounds to include different types of health professionals.	City
	Standardize selection process for all city appointees, including mayoral appointees or appointments to boards and commissions, to ensure composition is diverse and representative. Require public announcement of vacancies. Create a user- friendly and plain language application process. Require periodic evaluations to ensure diversity.	City
	Require diversity of education and expertise in racial equity in Board of Health composition.	City, State
	Reform the NYC Board of Elections. Eliminate political party appointments system and require appointees to have expertise in elections and voting rights.	State

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Youth</b>	Require agencies to seek out input from youth in the development of certain programs, policies, laws, and in the distribution of resources to communities.	City
	Ensure more city agencies outreach to youth and collect more data on young New Yorkers.	City
<b>NYCHA</b>	Require approval from NYCHA tenants and/or City Council before decisions about NYCHA are sent to the U.S. Department of Housing and Urban Development (HUD) for approval, for instance require tenant or City Council approval prior to private development on NYCHA land or when a NYCHA development is converted to private management through the Rental Assistance Demonstration (RAD) program.	City, State, Federal
	Require that NYCHA follow existing city and state land use laws, such as requiring environmental reviews and subjecting NYCHA to the Uniform Land Use Review Procedure (ULURP).	State, Federal
	Give NYCHA tenants more of a voice in decision making, especially decisions about NYCHA property and land leases	City, State
<b>Miscellaneous</b>	Expand the provision of civic courses and lessons on local democratic processes for diverse communities and in multiple languages. More proactively educate voters on the democratic process.	City
	Integrate anti-racist, gender neutral, and inclusive language in the Charter (e.g., remove male pronouns and replace with “they”).	City
	Remove immigration status restrictions on who can serve in the city workforce or serve on a commission (i.e., public officers law).	State
	Require city agencies to adopt a listening-oriented, community-led approach, bringing diverse stakeholders to the table and paying them to develop more flexible and creative programs and services.	City
	Establish a dedicated racial equity fund from tax revenues.	City

COMMUNITY IDEAS

**ENFORCEMENT AND ACCOUNTABILITY OF GOVERNMENT**

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Reform the Budget Process</b>	Require the Mayor and City Council jointly determine the units of appropriation included in the budget for key City agencies on an annual basis to increase accountability for the budget. Ensure that the City budget is transparent and furthers racial equity.	City
	Create new mechanisms to ensure greater transparency of city budgets, through narrower programmatic units of appropriation such that budgets are itemized understandable.	City
<b>Law Department Independence</b>	Require the Law Department to appoint an independent counsel to advise city officials like the City Council and Public Advocate to protect separation of powers.	City
	Give the Public Advocate and the City Council the independence to participate in litigation or submit amicus briefs without seeking the approval of the Law Department.	City
<b>Embedding Equity</b>	Expand the mission and duties of DOHMH to explicitly include equity and social justice.	City
	Require every agency to have a Chief Equity Officer at the Deputy Commissioner level and a dedicated equity role within each agency's General Counsel's office.	City
	Require the Comptroller to have racial equity goals and do racial equity analysis/audits. The Comptroller's fiduciary duties should include racial equity.	City
<b>Court Access</b>	Expand legal services. Make deeper investments in legal services, especially for low wage workers and survivors of violence. Create greater access to legal services by placing resources in communities.	City
	Create more transparency and accessibility, including language access, for our Court system.	State

CATEGORY	COMMUNITY IDEA	POTENTIAL LEVEL
<b>Address Disparities</b>	Strengthen anti-discrimination laws by creating new legal standards for proving discrimination claims based on disparate impacts.	City, State, Federal
	Create a citywide process to rate the quality of city services, and compare disparities across communities and neighborhoods. This rating system could be modeled on the COMPSTAT system used by the NYPD, where agency heads are rated and required to explain their efforts in each community board or neighborhood.	City
<b>Miscellaneous</b>	Increase the amount of City data accessible to the public. Disaggregated data sets should be available to the public for research purposes.	City
	Give the Public Advocate subpoena power to have increased oversight over city agencies.	City
	Reexamine agency relationships and reporting structures for consistency (i.e., similar agencies should all report to the same Deputy Mayor).	City

# ACKNOWLEDGEMENTS

# ACKNOWLEDGEMENTS

## OTHER JURISDICTIONS

Commission staff have consulted with a number of cities on their racial equity initiatives to learn best practices. The staff were moved by the incredible passion, dedication, and love that these cities are putting into the hard work of undoing the legacy of structural racism. The Commission has drawn inspiration from the racial justice work being carried out right now in cities across the country. Cities like Seattle, Baltimore, Chicago, Washington D.C., Minneapolis, and many others have taken bold steps to embed racial equity into city government. From baking equity into city planning, helping BIPOC communities heal from decades of racial trauma, to telling the truth even when it hurts, cities are leading the transformative work necessary to advance racial justice and equity.

The insight and experience generously shared by these cities allowed us to build upon their innovations, and attempt to establish the most far-reaching and comprehensive racial equity office in the country that incorporates many of the ideas they shared.

We are also thankful to the Ohio State University Moritz College of Law's Divided Community Project, who have endeavored to support municipalities, states, and other government bodies pursuing racial justice and reconciliation initiatives across the country. The Divided Community Project provided resources, advice, and support to the Racial Justice Commission that we are very grateful for.

## NEW YORK CITY LAW DEPARTMENT

The New York City Law Department, under the leadership of Corporation Counsel Georgia M. Pestana and former Corporation Counsel James E. Johnson, has served as counsel to the Commission. The Commission Staff would like to thank former Senior Counsel Kwame Akosah and the core Legal Counsel team consisting of Spencer Fisher, Joshua Liebman, Andrea Nishi, Michael Smilowitz, and Emily Stitelman, who were ably assisted by Martha Alfaro, Eric Eichenholtz, Andrea Fastenberg, Steve Goulden, Karen Griffith, Eric Phillips, Steve Stein-Cushman, the Agency Counsel Team, and many others, for their sage and valued advice. The Commission would also like to thank Muriel Goode Trufant, Richard Friedman, Jennifer Mandel, Maude Ann Rodrigues, Jennie Nagle-Yndigoyen, and many others for the important assistance they provided throughout this process.

## CITY AGENCY PARTNERS

Many City agencies were active participants in the Commission's interagency group, helping to spread the word on the Commission's work and providing critical input and expertise, and are too numerous to name. However, the Commission would like to acknowledge the representatives and leaders of agencies which took particular time to provide insight and feedback, including:

- Department of City Planning
- Department of Citywide Administrative Services
- Department of Health and Mental Hygiene
- Department of Sanitation
- Department of Transportation

Department of Youth and Community  
 Development  
 Housing Preservation & Development  
 Small Business Services  
 New York City Commission on Human Rights  
 Board of Elections  
 Campaign Finance Board  
 Civic Engagement Commission  
 Civil Service Commission  
 Commission to Combat Police Corruption  
 Equal Employment Practices Commission  
 Independent Budget Office  
 Office of the Mayor  
 Mayor’s Office for Economic Opportunity  
 Mayor’s Office of Contract Services  
 Mayor’s Office of Climate & Sustainability  
 Mayor’s Office of Climate Resiliency  
 Mayor’s Office of Immigrant Affairs  
 Mayor’s Office of Management and Budget  
 NYC Service  
 Center for Innovation through Data Intelligence  
 Taskforce on Racial Inclusion and Equity  
 Young Men’s Initiative

## **PARTNERS & CONSULTANTS**

The following organizations and small businesses added critical capacity to our efforts of engaging and educating New Yorkers on the Racial Justice Commission’s work.

Hester Street  
 HOUSEOFCAKES  
 Languageers  
 Real Time Response  
 Robert and Emily Ellis  
 Tara Dowdell Group  
 Urbane  
 Viney Group

## **LOCAL INSTITUTIONS**

The following organizations and institutions graciously hosted the Racial Justice Commission for meetings and/or public input sessions.

JCC—Gerard Carter Community Center  
 Bethany Baptist Church  
 Schomburg Center for Research in Black Culture  
 The Bronx Museum of the Arts  
 Hamilton-Madison House  
 Brooklyn Museum  
 Sonia Sotomayor Community Center  
 Sunnyside Community Services  
 Henry Street Settlement

We also thank the organizations who hosted or facilitated focus groups along with the Hester Street, Urbane, and Real Time Response team.

Youth Power Coalition  
 Waterfront Alliance  
 GOLES  
 Brooklyn Public Library  
 NOCD-NY

Lastly, we are immensely grateful to the organizations and individuals that spread the word, engaged their constituents, organized members to attend input sessions, and shared their input directly at input sessions, in interviews and focus groups, at our panel series, and through written submissions.

## **NEW YORKERS**

The Commission would like to thank the hundreds of New Yorkers who answered the call to testify and participate in difficult conversations about racism and healing. We are deeply grateful to all those who took the time to come to our input sessions and panels, both in person and virtually. And thank you to all those that submitted testimony whether at our panels and

input sessions, in word documents, in our survey, or in handwritten notes. In true New York fashion, you were always bold, honest, and unafraid to challenge us. Thank you for your insights and your emotional courage. Truth telling is a critical part of this process and we recognize that speaking about your personal experiences with racism takes a lot of strength. Thank you for pushing us to deliver a strong new vision for our city, grounded in our values and the amazing people that make this city so great.

# APPENDICES

**Appendix A:**

*NYC for Racial Justice: An Interim Report from the Racial Justice Commission Staff*

**Appendix B:**

12/27 Resolution

**Appendix C:**

Endorsement of 12/27 Resolution by Commissioners

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**APPENDIX A**

**NYC FOR RACIAL JUSTICE: AN INTERIM REPORT  
FROM THE RACIAL JUSTICE COMMISSION STAFF**

# NYC FOR RACIAL JUSTICE

AN INTERIM REPORT FROM THE RACIAL JUSTICE COMMISSION STAFF



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# FROM THE RJC CHAIR

Dear New Yorkers,

My fellow commissioners and I are honored to serve on the NYC Racial Justice Commission, and to earnestly begin the work of dismantling structural racism in our city. For reasons we all can appreciate, especially during this time in our nation where the evidence of historical and modern-day racism abounds in every pillar of society, our desire to help advance racial equity is heartfelt. Revising the City's Charter and reconstituting the city's foundation provides us all with such an opportunity.

Whereas Commission members are committed to examining the Charter and putting forth ballot proposals that would address, and in time, help overcome racial inequities, we appreciate that our efforts will only be meaningful if they reflect the lives and experiences of those harmed by structural racism. Listening to Black, Indigenous and other persons of color residing in New York share their everyday challenges to survive and thrive under systems that are racist by design or impact has been and will continue to be pivotal in our work.

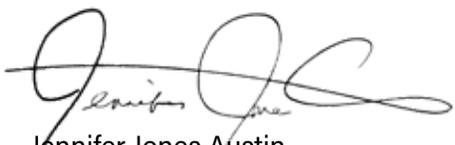
The Racial Justice Commission Interim Staff Report captures what we have heard thus far from New Yorkers and recaps our process to date. The Commission will use this report as a tool to inform our work in identifying structural solutions to the persistent barriers described herein.

Thank you to all who have participated and whose voices are reflected in this report. Many New Yorkers from across the five boroughs—from Stapleton on Staten Island to Melrose in the Bronx—brought forth their passion in the forms of lessons learned and ideas for broad, bold and structural changes.

Thank you also to the Racial Justice Commission's Executive Director Anusha Venkataraman and staff, all of whom compiled this report and continue to work tirelessly to help ensure the Commission achieves its aim.

And, finally, a warm welcome to all who are willing to work together toward a better city for all New Yorkers. I hope you will read this report and see yourself in it, and that you will exercise your power to shape what this Commission ultimately puts forth for New Yorkers to vote on in November 2022.

Warmly,



Jennifer Jones Austin

*Chair, NYC Racial Justice Commission*

*CEO and Executive Director, FPWA*

# FROM THE EXECUTIVE DIRECTOR

My fellow New Yorkers,

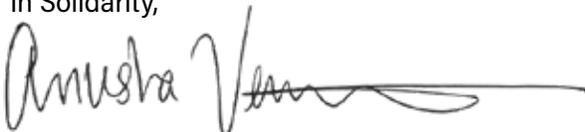
This is an historic moment. For the past year, we have seen our city grapple not only with a once-in-a-generation pandemic that exacerbated inequities felt by communities of color—but also with the power structures that perpetuate structural racism and injustice. We saw another year in the centuries-long fight for justice where New Yorkers stood in protest and solidarity—demanding justice and equity for People of Color across our city who have been held back in so many ways. They know, as we do, this transformative work has too long been delayed. Now is the moment to deliver change.

Mayor de Blasio announced the formation of this Commission in March 2021 with this mission: Seize this transformative moment in history, and propose structural changes and significant policy reforms that will advance justice and equity and begin to dismantle structural racism for all New Yorkers. We know that the struggles for racial justice started long ago, that the journey is long, and that our work is only one piece of the laws, economics, politics, practices, and culture that must be transformed to create the conditions for all New Yorkers to thrive. Our work stands on the shoulders of giants. People of Color and their allies across New York City have been fighting against white supremacy and for racial justice for hundreds of years. We are in the position to do this work because of their deep commitment, hard work, community organizing, tireless advocacy, deep investment in communities of color, and vision for an equitable city and a racially just future. Yet, we are honored with the opportunity to create change at a foundational level for the first time.

This report marks the first step towards fundamental reform of the NYC Charter, our city's constitution and the foundation that governs much of our lives. We did not put this report together to show everything we know about racism or the statistics of oppression—many other excellent studies have done that work. Instead, the staff of the Racial Justice Commission compiled this report for readers like you, who want to learn about the work of the Commission to date and hear what New Yorkers have to say.

Above all, this process still needs your participation. Our work will continue to be guided by the voices and expertise of those who know our five boroughs best: 8.8 million New Yorkers. Thank you to all New Yorkers who have made their voices heard to date, and every New Yorker fighting for a more racially just and equitable city.

In Solidarity,



Anusha Venkataraman

*Executive Director, Racial Justice Commission*

# EXECUTIVE SUMMARY

## THE OPPORTUNITY

The Racial Justice Commission (RJC) has the power of a Charter Revision Commission, including the ability to propose changes to the NYC Charter—the foundation of how the City functions and governs. The Commission will examine the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and all People of Color\* in New York City and will put forward ballot proposals to address the underlying causes of racial injustice and advance racial equity. New Yorkers will vote on these proposed changes in November 2022.

The staff of the Racial Justice Commission compiled NYC for Racial Justice for New Yorkers to learn about the work of the Commission so far and get involved in shaping the future of New York City. The content in this report reflects input the Commission has received from the general public and leaders in racial justice work and a variety of disciplines. This report does not include the proposals the Commission is interested in pursuing—this will come at a later date.



## INSIDE THE REPORT

What the Racial Justice Commission heard from New Yorkers and what you need to know about how the Commission is beginning to dismantle structural racism in the NYC Charter.

## CRITERIA FOR NYC CHARTER REVISIONS

The Commission aims to create the broadest, boldest, long-term impact through structural changes that target the underlying causes of racial inequity and begin to dismantle structural racism.

Structural change includes additions, changes, or deletions to the foundational laws of government. Structural change will be evaluated on the degree to which it can increase power, access, and opportunity for BIPOC communities in their day-to-day lives, as well as advance a vision where race is not a determinant of outcomes. Other factors that influence the Commission's approach to structural change include the need to ensure there are sufficient capacity and accountability measures so that the intended racial equity impact can be achieved. A few examples of structural change are:

- **Transforming** how government uses power or makes decisions;
- **Redefining** the relationship between government and society;
- **Eliminating** contradictions between the values of the people, such as racial justice, and government structures that undermine those values; and
- **Addressing** outdated values that do not honor the current reality—that NYC is a diverse, multi-racial city.

## WHAT TO EXPECT FROM THE COMMISSION

The Commission will conclude the first half of its two-year mandate by December 2021 and expects to provide the public with the following by then:

- **Manageable number of high impact ballot proposals** to revise the NYC Charter
- **Proposed Preamble** to identify a set of values that should guide how the government serves New York City residents
- **Racial Justice Roadmap** including recommendations beyond Charter revision, such as ideas for city, state, and federal law makers

After December 2021, the Commission is expected to begin a voter education campaign up until the general election on November 8, 2022 when New Yorkers will decide if the ballot proposals to advance racial equity become law.

## YOUR POWER IN THE PROCESS

Every New York City resident of any age, immigration status, or race, has the opportunity to help the Commission boldly re-build the constitution of the city on a foundation of racial equity and justice. This is a chance to demand that the law ensure the City serves ALL New Yorkers.

**MAKE YOUR VOICE HEARD!  
VISIT NYC.GOV/RACIALJUSTICE**



Submit input through  
December 2021

Find and join a virtual or in-  
person public input session.

# SIX PATTERNS OF INEQUITY

From the public input shared, Commission staff identified how barriers to power, access, and opportunity result in six patterns of inequity for BIPOC\* New Yorkers.

The Racial Justice Commission will prioritize and pursue proposals to address the root causes of these patterns of inequity:

- 1** Inequity in Quality Services that Promote Social and Emotional Wellbeing
- 2** Inequity in Work, Advancement, and Wealth Building
- 3** Inequity Within and Across Neighborhoods that Inhibits Thriving Individuals, Families, and Communities
- 4** Marginalization and Over-Criminalization of BIPOC Persons and Communities
- 5** Inequity in Representation in Decision-making
- 6** Enforcement and Accountability of Government and Entities

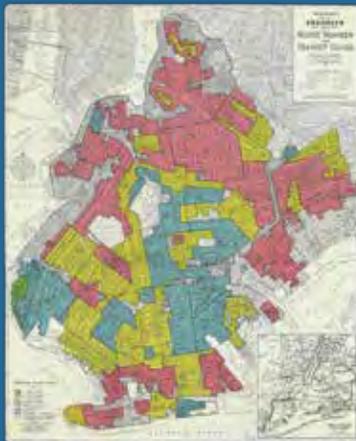
*\*We will name Black, Latinx, Indigenous, Asian, Pacific Islander, Middle Eastern, and all People of Color whenever possible. We understand that each group is diverse and has varied historical and current experiences with racial inequality*

# INTRODUCTION

## ABOUT THE COMMISSION

In March 2021, Mayor Bill de Blasio announced the formation of the Racial Justice Commission and appointed 11 Commissioners, including Chair Jennifer Jones Austin and Vice Chair Henry Garrido, to focus on racial justice and reconciliation, with a two-year mandate to identify and root out structural racism. The Racial Justice Commission (RJC) has the formal powers of a Charter Revision Commission, including the ability to propose changes to the NYC Charter.

The NYC Charter is the foundation of how our City functions and governs, and it has a direct impact on the way we live and work. The Commission is examining the NYC Charter to identify barriers to power, access, and opportunity for Black, Indigenous, Latinx, Asian, Pacific Islander, Middle Eastern, and all People of Color in New York City and will put forward ballot proposals aimed at removing those barriers and advancing racial equity. New Yorkers will vote on these proposed changes in November 2022.



### Acknowledgement of Harms

Racism in our city, as in the rest of America, is baked into our institutions, society, and cultural norms—from education to housing to involvement in the criminal legal system. Since the 17th century, financial gains from the displacement of the Lenape and other Indigenous people and the forced labor of enslaved Africans were foundational to the city's prosperity. Discrimination and violence against marginalized groups is part of our city's past, but it need not be the story of our future.

Left: 1938 Redlining map of Brooklyn

Robert K. Nelson and Edward L. Ayers, accessed September 25, 2021, <https://s3.amazonaws.com/holc/tiles/NY/Brooklyn/1938/holc-scan.jpg>.

## MEMBERS OF THE **RACIAL JUSTICE COMMISSION**

**Jennifer Jones Austin, Chair**

CEO and Executive Director, FPWA

**Henry Garrido, Vice Chair**

Executive Director, DC 37 AFSCME

**K. Bain**

Founder and Executive Director,  
Community Capacity Development

**Ana M. Bermúdez**

Commissioner, Department of Probation

**Rev. Fred Davie**

Executive Vice President,  
Union Theological Seminary and Chair,  
Civilian Complaint Review Board (CCRB)

**Lurie Daniel Favors**

Interim Executive Director,  
Center for Law and Social Justice at  
Medgar Evers College

**Darrick Hamilton**

Founding Director, Institute on Race  
and Political Economy at The New School  
and Henry Cohen Professor of Economics  
and Urban Policy

**Chris Kui**

Former Executive Director,  
Asian Americans for Equality

**Yesenia Mata**

Executive Director, La Colmena

**Phil Thompson**

Deputy Mayor for Strategic Policy Initiatives

**Jo-Ann Yoo**

Executive Director,  
Asian American Federation

## **WHY NOW? THE OPPORTUNITY WE HAVE**

We cannot do the work of repair, reconciliation, and justice without acknowledging the role racism has played in shaping our city. Only through owning this truth can we begin to reconstruct a new future for our city.

More than a year into the devastating COVID-19 pandemic, long-standing inequities that result from historic disinvestment and ongoing racism and discrimination have culminated in too much sickness, death, joblessness and pain in far too

*"See the structures that are harming, and set a path for improving them. Show this nation how to talk about structural racism and how it doesn't have to be divisive."*  
—MICHAEL MCAFEE, COMMISSION ADVISOR

many communities—particularly in communities of color. The role of racism in all of the systems that shape our lives—from policing to education, the economy to health care—has been discussed more now than any time since the Civil Rights era.

How do we reconcile our past and present? How do we build a future that represents our values as a city? And how do we build a government that affirms those values and solidifies the rights of all New Yorkers? By raising our voices and going to the source of inequity—the City's foundational laws. We may not be able to change our past and who this city was built for—but we can reshape its future in the likeness of who we are today, and reconstruct our city and its government to grow towards who we will become.

We are grateful that we have this opportunity. Setting out to dismantle structural racism in a city's foundational laws and government structures through Charter revision has never been done before—locally or nationally. To this end, we hope the work of the Racial Justice Commission can inspire and inform movements in other cities and communities to rebuild and reconstruct their foundations to better reflect and promote equity and justice.

While the Commission operates independently from the Mayor's Office and other agencies, our work benefits from and builds on this administration's efforts to move the needle on racial equity in programmatic, institutional, and sometimes even structural ways—from the OneNYC 2050 strategy, to the Where We Live report on fair housing, and the Social Indicator and Equity Report (SEIR) and Executive Order 45 of 2019. The Taskforce on Racial Inclusion & Equity has also provided a critical collaborative space for city leaders to address disparities in real time in partnership with communities.

And even while the City has made great strides in meaningfully addressing inequitable outcomes through changes in policy and investment of resources, many features of the inequitable design of the system remain, highlighting for the Commission the necessity and urgency of our work.



# RACIAL JUSTICE COMMISSION TIMELINE AND PROCESSES

MARCH 23, 2021

## NYC RACIAL JUSTICE COMMISSION FORMED

- Chair, Vice Chair and Commissioners announced

APRIL 15, 2021

## COMMISSION BEGINS MEETING

MAY 3, 2021

## ADOPTION OF RJC FRAMEWORK

JULY—EARLY SEPTEMBER 2021

## FIRST PUBLIC ENGAGEMENT PERIOD

- Public input sessions and online survey
- *Transforming Foundations* issue area panel series with thought leaders
- Engagement with City employees and agency leadership

EARLY OCTOBER 2021

## RELEASE OF *NYC FOR RACIAL JUSTICE* INTERIM REPORT

OCTOBER—NOVEMBER 2021

## TAKE ACTION! SECOND PUBLIC ENGAGEMENT PERIOD

- Organize and mobilize your community
- Share your feedback
- Testify in front of the Racial Justice Commission at our upcoming input sessions

DECEMBER 2021

## FINAL REPORT, PROPOSED BALLOT MEASURES AND RACIAL JUSTICE ROADMAP

OCTOBER—NOVEMBER 8, 2022

## GENERAL ELECTION

- October 7:** Last day to register to vote in November 2022 General Election
- October—November 8:** Early voting begins and Election Day!

## KEY ENGAGEMENT STATS

9

### PUBLIC INPUT SESSIONS

(IN-PERSON AND VIRTUAL)

260  
ATTENDEES

104  
INDIVIDUALS  
TESTIFIED

9

### TRANSFORMING FOUNDATIONS ISSUE AREA PANELS

71  
THOUGHT LEADERS AND  
PRACTITIONERS TESTIFIED

1,950  
MINUTES OF TESTIMONY  
AND Q&A

50

### ONE-ON-ONE INTERVIEWS WITH COMMUNITY-BASED ORGANIZATIONS

1,100+  
ONLINE SUBMISSIONS  
OF INPUT

# WHAT WE HEARD: PATTERN OF INEQUITIES

Through the first phase of public input, New Yorkers voiced how structural racism has impacted their lives or their communities as well as their ideas to combat structural racism and make our city more just for everyone.

This section will help readers see the ways that structural racism operates. Racial Justice Commission staff identified patterns in the issues presented by the public and organized them into 6 areas of inequity. With careful inspection of these patterns, we can see the origin of these issues in the structures defining our systems.

**SIX PATTERNS OF INEQUITY**

<b>1</b> Inequity in Quality Services that Promote Social and Emotional Wellbeing	<b>4</b> Marginalization and Over-Criminalization of BIPOC Persons and Communities
<b>2</b> Inequity in Work, Advancement, and Wealth Building	<b>5</b> Inequity in Representation in Decision-making
<b>3</b> Inequity Within and Across Neighborhoods that Inhibits Thriving Individuals, Families, and Communities	<b>6</b> Enforcement and Accountability of Government and Entities

# 1 **INEQUITY IN QUALITY SERVICES THAT PROMOTE SOCIAL AND EMOTIONAL WELLBEING**

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**BIPOC New Yorkers talked to the Commission about the lack of access to quality education, health and mental health services, low-income housing, childcare, and more for their communities. These inequities—these unfairnesses—create a real crisis for BIPOC New Yorkers and deepen past injustices.**

## **WHAT WE HEARD**

New Yorkers testified about four crises of services, among many:

1. Lack of quality education for BIPOC;
2. Decay of and lack of access to affordable low-income housing;
3. Lack of support for early learning foundations; and
4. Scarcity of mental health services or coordination of care.

These inequities, and others, symbolize how BIPOC in particular are deprived of resources.

New Yorkers pointed out that many BIPOC families say they cannot access quality childcare or early schooling in the critical years of a child's life in the way many white families can. They discussed the difficulty in finding mental health practitioners of color to provide support and help to people most oppressed and who have experienced racial trauma. They criticized education curricula that do not adequately reflect the interests or cultures of our students of color, prepare them to thrive, or build pride in their cultures' achievements. They discussed the ongoing housing challenges experienced across the city, which has also contributed significantly to a homelessness crisis that has impacted BIPOC families most acutely.

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## **Inaccessibility of services, programs, and staff.**

New Yorkers said that even when services exist, they are often unreachable for BIPOC. They may not be available in plain English or other languages; during a crisis, like a pandemic, language access can be life or death. Or, the services offered are not the ones most needed by that particular community. Even worse, staff providing services may respond poorly to different cultures, or view clients from BIPOC communities with disrespect.

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### **Little measurement of racial impacts.**

Many speakers pointed out that the City will not fix what it does not measure, questioning why few City agencies or offices are required to collect and report data on the racial impact of their actions or practices. They said the City needs to collect more specific details about ethnic groups to understand the disparities that exist within racial groups, such as among East Asian, Southeast Asian, and South Asian New Yorkers.

*"If you don't have disaggregated data, you can't do real racial equity work."*

—PANELIST TESTIMONY

---

### **'Race-neutral' decision-making often discriminates.**

Speakers highlighted how, in NYC, the rules or criteria as applied can cause racial discrimination in services without ever mentioning race. For example, the City may use grading criteria or school screening measures that do not honor how BIPOC students learn. Or, how culturally responsive services are harder to obtain if city employers, including local government, use job and licensing criteria that stop People of Color from being hired. These decisions may appear "race-neutral" but actually serve to block BIPOC from accessing quality services.

## **UNPACKING WHAT WE HEARD**

The divide between the haves and the have-nots, despite NYC being home to some of the greatest levels of wealth in the country, does not reflect our values as New Yorkers.

The Commission cannot, and should not try to, create policies addressing each service issue one by one. But it can try to prevent these sorts of gaps from arising or deepening in the future.

Justice requires that people who have been harmed have all the support they need to overcome injustices of history and society.



#### **HOW CAN THE NYC CHARTER...**

**...Help to guarantee equity in provision of quality services that are tailored to the individuals and communities that need them?**

*Share your response at  
[nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 2

## INEQUITY WITHIN AND ACROSS NEIGHBORHOODS THAT INHIBITS THRIVING INDIVIDUALS, FAMILIES, AND COMMUNITIES

From our very first public input session on Staten Island, we heard over and over again from New Yorkers that resources and social and environmental burdens are not distributed fairly across neighborhoods. This pattern of inequity shows up as underinvestment in BIPOC places and communities.

Wealthier, whiter communities are often safer and greener, while many BIPOC neighborhoods have less public and green space, are overpoliced, and take on a greater share of the city's burdensome but necessary facilities. And as our city deals with the extreme effects of climate change, it is still BIPOC, immigrant, and working class neighborhoods that suffer the most.

*"How do we ensure that every community is a community of opportunity?"*

—PANELIST TESTIMONY

*"The City has repeatedly communicated, whether implicitly or explicitly, its disinterest and unwillingness to address fundamental inequities."*

—PANELIST TESTIMONY

### WHAT WE HEARD

#### Resources not distributed equitably.

Many speakers said that government should give neighborhoods funding and resources based on principles of fairness, using equity or justice, rather than equal funding or political trading (including within City Council). For example, they said that schools need to be funded more equitably, that everyone should have access to safe public spaces and accessible transportation, and that our climate resiliency and sustainability efforts must center the most vulnerable. Many speakers proposed making racial equity a formal part of budget decisions.

*"If we value our students equally, we need to fund our schools equitably."*

—PANELIST TESTIMONY

#### Responsibilities not distributed equitably.

Even though the NYC Charter requires that each neighborhood gets its "fair share" of burdens, speakers shared that it has not protected BIPOC communities from taking on more than their fair share of facilities and land uses that are environmental burdens—particularly when interest groups use their connections to the powerful. Speakers told the Commission that wealthier neighborhoods need to take on more burdens or responsibilities to relieve low-income and BIPOC communities of the environmental health issues and other barriers to wellbeing.

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## Racial equity not prioritized in land use decisions.

We heard that racial justice must be put at the forefront of decision-making around planning, land use, public land, and public space. Speakers told the Commission that they perceive that the City currently makes planning and development decisions based on returns to the private sector, not on principles of racial equity, inclusion, and justice. We heard of the need for impact studies that examine the potential impacts on BIPOC communities, people with disabilities, and other marginalized groups. We also heard that the City needs to take a more comprehensive approach to city planning.

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## Lack of community ownership and control.

Speakers said that communities deserve a greater say in decisions about public resources and communities should have more opportunities to own land and property as a collective, such as through community land trusts. We heard there are insufficient opportunities for community input on siting of facilities and physical infrastructure. And even where siting must go through Uniform Land Use Review Procedure (“ULURP”), ULURP does not allow communities enough substantive input. Vulnerable communities deserve an opportunity to affect their own fates.

## UNPACKING WHAT WE HEARD

Every neighborhood should allow New Yorkers to enjoy public spaces, well-supported schools, and a healthy and clean environment. Yet, this is not the case in our city.

The Commission is examining why our city's laws have not stopped the unfair deprivation of resources or placing of responsibilities in already overburdened neighborhoods, even where the law reflects the right intent. The laws and political processes (written and unwritten) have allowed predominantly white neighborhoods, which have access to power and money, to have abundant transportation, parks, hospitals, and other amenities, at the expense of other places.

Allowing places to remain unequal benefits the powerful. Our systems marginalize BIPOC communities, and we as New Yorkers need to prove that we will not accept segregation of wellbeing.



**HOW CAN THE NYC CHARTER...**

**...Ensure that there is equity across neighborhoods so that zip codes do not determine destinies?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 3 INEQUITY IN WORK, ADVANCEMENT AND WEALTH BUILDING

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We must acknowledge how our systems of work and wealth continue to prevent many New Yorkers from offering their strengths and talents or from being fully recognized. And we cannot talk about racial equity without discussing financial resources like access to capital or loans.

In NYC, as elsewhere, BIPOC individuals and communities consistently experience inequity in income, wealth, and overall economic security. Nationally, for example, the median white family had \$188,000 in wealth in 2019, eight times that of Black families. Racial wealth gaps deepen during crises, and the economic impact of the pandemic continues to devastate BIPOC communities.

*"It is impossible to talk about racial equity without talking about money."*

—PANELIST TESTIMONY

## WHAT WE HEARD

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### **Inequity in employment.**

Speakers identified many inequities impacting BIPOC employment. Pay disparity along racial lines, especially as it pertains to Black women, still shapes our workplaces. Work conditions remain unstable for BIPOC workers, who are often in temporary staffing and contract work with less employee protection or job security. Care workers are undervalued. Vulnerable workers are under-protected by law. Our economic conditions keep many BIPOC New Yorkers from good-paying jobs and opportunities, especially for transgender and gender non-conforming People of Color and People of Color with disabilities.

### **Lack of economic mobility.**

Many shared that our economic system was not designed to lift people out of pre-existing hardship; instead, the system perpetuates social, educational, and financial barriers. For example, many BIPOC New Yorkers, who are already experiencing wage inequities, are paying for their own job trainings and certificate programs. Speakers also raised the lack of opportunities for BIPOC young adults to build or learn job skills or earn money. They urged the Commission to take action to address the wealth gap that transmits inequity across generations.

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### **Insufficient preparation for the future.**

Panelists reminded the Commission that the economies of the future will require critical thinking and other knowledge-based skillsets. They reiterated that early foundations must be improved for BIPOC families, including education and childcare, not only to enable parents to pursue careers now, but also to prepare children for the future of work.

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### **Unjust procurement.**

Speakers shared the challenges of the government contracting process, or procurement, for BIPOC businesses and community-based organizations—particularly small businesses owned by Women of Color. This competition for contracts favors already well-resourced and well-connected organizations over smaller community organizations. Many speakers pointed out that community organizations are often the only place BIPOC New Yorkers can receive services that reflect their culture or language and stated that there is not enough support to help these organizations navigate procurement.

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### **Lack of access to capital and similar resources.**

Without knowing about and being able to access loans or funds, testimony described how BIPOC communities face challenges starting businesses, buying property, or advancing their lives. Speakers shared that banks have frustrated the ability of BIPOC New Yorkers to open bank accounts, access loans, or use banking services by setting income minimums, collateral requirements, and other barriers. This exposes BIPOC to predatory financial services, including payday loans. Speakers asked the City to consider developing public financial services, such as a public bank.

## **UNPACKING WHAT WE HEARD**

The Commission is exploring how our city can respect the value of all New Yorkers. Our economic system does not embody the fundamental principle that the worth, talents, and contributions of every New Yorker and community should be valued.

Our society has made many economic decisions that keep BIPOC undervalued. Existing wealth was built on the forced or undervalued labor of many people. NYC government can take steps to reverse the present-day legacies of this historical inequity. While only the federal government has the power to create money, government at all levels can allocate money and direct how money is spent through its policy choices. New York City government is a significant economic driver locally. It is the largest employer in the city. It creates business and economic opportunities. It contracts out many of its roles to businesses and nonprofits in communities. It oversees laws that could protect workers or invest in them.



#### **HOW CAN THE NYC CHARTER...**

**...Shift government's economic power to correct injustices and build an economic system that better values people's strengths?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 4 MARGINALIZATION AND OVER-CRIMINALIZATION OF BIPOC PERSONS AND COMMUNITIES

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This Commission was imagined as part of a response to the national conversation about police violence, the criminal legal system, and the impact on Black lives. Instances of police misconduct, abuse, and murder are intolerable and have shocked our collective conscience. We can see how enforcement targets BIPOC, immigrant, LGBTQ+ New Yorkers, in everything from marijuana arrests to enforcement of mask mandates. As of June, Black and Latinx New Yorkers are almost 90% of our city's jail population. Stark racial disparities and dehumanizing treatment are nothing new and have become defining features of our criminal legal system.

*"Why do we believe in and fund with our tax money a carceral state when we see what it does to our loved ones?"*

— PUBLIC INPUT SESSION TESTIMONY

*"Young people are not inherently bad."*

— YOUTH FOR RACIAL JUSTICE INPUT SESSION TESTIMONY

## WHAT WE HEARD

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### Need to reimagine public safety.

Speakers testified how the system of public "safety" operates on shame, stigma, and isolation—the same factors that create rather than reduce violence in our communities. The Commission heard how involvement with our criminal legal system hinders opportunities and how its effects ripple through families and communities. We heard from our panels and input sessions that we must redefine public safety, and can no longer use police, jail, or separation as the solution to all our social problems.

### Improper focus on punishment instead of care.

Speakers pointed out that the safest communities do not have the most police; they have the most resources. The services and resources that create personal and family safety—such as safe and secure housing, quality education, mental health services, healthcare, and jobs—are too often not accessible to BIPOC individuals and communities. Many New Yorkers that spoke to us called for more investments in our care infrastructure, rather than in police and jails.

### Life-long marginalization.

Panelists described how "collateral consequences" of the criminal legal system burden people for life. The stigma of arrest, incarceration, and separation creates barriers to accessing jobs, housing, and public benefits. Speakers told us that criminal bars and background checks perpetuate the consequences of an already racist system.

We heard from New Yorkers who were formerly incarcerated about how the system profoundly harms mental health and how few mental health services are available to those returning home. Additionally, immigration advocates called for agencies to end the transfer of New Yorkers from our local jails to federal immigration authorities for deportation.

*“How can I focus on a career, a house, and a family years into the future when today I’m worried about the welfare of myself, my baby sister?”*

—YOUTH PUBLIC INPUT SESSION TESTIMONY

### **Over-criminalization beyond policing.**

We heard that these dynamics of criminalization and surveillance are mirrored in our schools, our child welfare system, and within our City agencies. We heard from young New Yorkers that police in schools did not make them feel safer. Students spoke with the Commission about BIPOC youth being disproportionately harmed and punished in our schools, especially Black girls, students with disabilities, and trans and gender non-conforming students.

### **Marginalization creating segregation.**

Speakers told us of the connection between policing and housing. The Commission heard New Yorkers explain how police treated them differently as soon as they crossed from NYC’s primarily white neighborhoods into its predominantly People of

Color neighborhoods. Scholars suggested that the Commissioners should also see policing as a tool that has increased segregation; a tool that marks certain neighborhoods as places that white households should avoid.

### **Overreliance on violent or adversarial methods.**

Some speakers spotlighted the ways they successfully used alternatives to criminalization and prosecution, such as restorative conversation agreements instead of prosecution of young people, or the prevention of violence by using credible messengers from the community. Those who spoke with us emphasized the need to adopt and incorporate restorative justice into our criminal legal system, juvenile justice system, and our schools.

## **UNPACKING WHAT WE HEARD**

It will not be enough for the Commission only to say that policing must be changed. Instead, the Commission is focused on the root of various systems of marginalization and over-criminalization that continue to harm our communities.

Not every New Yorker spoke about criminalization the same way, but their testimonies all highlighted a conflict of values: our society says it values safety, but it prioritizes the marginalization that ultimately undermines safety.

The Commission is examining how the powerful in society use the legal tools of marginalization and criminalization to perpetuate separation and division.



**HOW CAN THE NYC CHARTER...**

**...Be changed not just to improve agencies that marginalize or criminalize, but to undo the use of marginalization and criminalization as oppression?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# 5 INEQUITY IN REPRESENTATION AND DECISION-MAKING

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Every day, important choices shape our city, such as: Which laws are most important to write, and who should they apply to? Who gets social services or business subsidies? Where do we put our parks or hospitals, or neighborhood responsibilities like shelters?

Who makes these decisions in New York City?

Most New Yorkers are People of Color, and women are the majority, yet decisions in NYC have been dominated by white men. After decades of advocacy and reforms, in 2022 the City will likely have its most diverse elected leadership ever. But communities and vulnerable groups are still often left out of important conversations and decisions. New elected leaders may still be constrained by the inequitable structures they will work within. And leadership in many City agencies is still stratified by race and gender.

## WHAT WE HEARD

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### Lack of community power.

Many speakers testified in favor of giving BIPOC communities greater power in government decision-making. They wanted government to give community members actual co-governing power, and not only go to them for advice. Some spoke about community power in specific decisions, like how the City should use public land, while others spoke about community power more broadly, such as in formulating a budget or in deciding what programs an agency should prioritize.

### Failure to prioritize racial equity in city decision-making.

New Yorkers pointed out that the Charter almost never requires the City to specifically consider the race-based harms or benefits of its decisions. Several people asked the Commission to embed racial equity into decision-making processes to better represent the interests of communities. For example, they criticized certain City agencies for making financial potential the priority consideration in their decisions, rather than prioritizing the impact on communities. The Commission also heard examples of major neighborhood and economic development decisions made by agencies where speakers reported that the agencies refused to incorporate racial equity impact analyses.

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### **Lack of representation in government.**

Many felt that government decisionmakers do not fully represent the communities they serve. They noted that without enough leadership that comes from and exercises power on behalf of BIPOC communities, government will continue to fail to meet BIPOC needs. In particular, the Commission heard the need to represent youth voices, people with disabilities, trans and gender non-conforming people, and immigrants.

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### **Lack of civic participation.**

Speakers highlighted the need to support BIPOC in active participation in their society, their community, and their governance. They called for more education on voting, governing, and activism. They emphasized the importance of art and culture as powerful tools for social change.

## **UNPACKING WHAT WE HEARD**

Justice requires that New Yorkers be represented in the decisions governing their life. New York City, a multicultural center of the world, has a chance to demonstrate that democracy can serve people of all cultures, and not be chained to the legacies of slavery or xenophobia.

This inequity continues to persist because our city's foundational laws disregard the voices of BIPOC. Even in the existing opportunities to participate, the weight of oppression disempowers BIPOC and prevents true participation. Our system of government relies on communities to advocate in order for change to happen, putting the onus on BIPOC communities to create their own societal solutions without recognizing how difficult that is when daily needs are not met. The Racial Justice Commission seeks to strengthen our democracy and start to redesign the foundations of decision-making.



**HOW CAN THE NYC CHARTER...**

**...Empower New Yorkers and create meaningful ways for New Yorkers to participate in, or be represented in, decision-making?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*



## 6 ENFORCEMENT AND ACCOUNTABILITY OF GOVERNMENT AND ENTITIES

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The fight for racial justice is a fight for accountability. How do we ensure that the City can effectively address and repair wrongs, whether of the past, present, or future?

In a fair city, the powerful would be as accountable as the vulnerable. Yet, the Commission listened to New Yorkers say repeatedly that City agencies and other people in power are not always held accountable for wrongdoing.

### WHAT WE HEARD

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#### Laws to protect against discrimination do not work well enough.

New Yorkers spoke about systemic discrimination against BIPOC, not just based on race, but also on disability, gender, gender identity, criminal history, source of income, immigration status, and more. But many of our anti-discrimination laws were not designed to protect New Yorkers against the effects of systemic discrimination. These laws rarely protect people without proof of someone's intent to discriminate. However, systemic racism works by creating unfair outcomes even without any individual's intention.

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#### Need for stronger enforcement of institutions.

People stated that the City's existing anti-discrimination agencies would be more effective with additional authority and money. Additionally, those agencies have limited legal power against City entities and are sometimes lacking in genuine enforcement authority.

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#### Lack of access to legal services.

The City pays for legal services for many New Yorkers, but the Commission heard about gaps in access to legal representation. Without legal services, BIPOC have a hard time defending their rights and holding government or private entities accountable. This was highlighted as particularly true for BIPOC New Yorkers facing eviction, deportation, or debt collectors.

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#### Communities' demands often remain unmet.

Some speakers voiced that the City may listen to community demands but when other projects become priority, the City may fail to meet those community demands or follow through. As another example from panelists of how community demands go unmet: according to speakers, when developers make promises to communities in order to demonstrate community approval to the City, those communities are later unable to get help from the City when those developers break their promises.

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### **Lack of transparency or accountability in addressing community input.**

Some noted that the City does seek community input when making plans but would like greater accountability and response to that input. Many speakers said that the City does not always clearly show or communicate how it considered the community's input— such as when the City makes decisions about the use of public land. While not all community input may align, speakers asked for greater transparency in why and how some input is incorporated or adopted and some isn't.

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### **Agency tracking not meaningful.**

New Yorkers expressed how without full data, people cannot hold the City accountable. It is hard to prove negative impacts or discriminatory effects, speakers said, because agencies track projects in too many separate places, in too many different ways.

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### **Lack of accountability for police misconduct.**

At every single public input session, the Commission heard the City has not done enough to hold police accountable for abuse. One speaker said NYPD trainings failed to remove racism or white supremacy from policing practices. Many asked the Commission to reform or strengthen the agencies overseeing the police.

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### **Laws to protect workers' rights are not strong enough.**

New Yorkers spoke about vulnerable workers, such as day laborers and domestic workers, needing stronger protections. Speakers asked the Commission to create stronger laws and enforcement, such as laws better protecting worker safety or stopping employers from stealing wages.

### **UNPACKING WHAT WE HEARD**

The Commission observed a sense of lost hope from many New Yorkers who want strong protection of rights, and want the City to fervently uphold the rights of BIPOC communities. Many asked whether new laws would matter if they might just be ignored or inconsistently applied? To restore their trust and hope, the Commission must reinforce meaningful accountability.

The Commission is investigating how enforcement around equity can be strengthened, especially as many new laws and policies have increased transparency. If New Yorkers believe accountability is a fundamental value, it is possible for the NYC Charter to provide clear and transparent positive reinforcement for institutions that hold themselves accountable, and real consequences for those that do not. A Charter revision like this may require that oversight bodies, community members, and others have enhanced enforcement powers, as well as expanded protection against retaliation.



**HOW CAN THE NYC CHARTER...**

**...Create new or strengthen existing enforcement measures in the NYC Charter to ensure permanent accountability of those in power?**

*Share your response at [nyc.gov/racialjustice](https://nyc.gov/racialjustice)*

# CITY WORKER INPUT

City agency staff also provided feedback to the Commission, reflecting many of the issues heard from the public. This helps the Commission know that these issues are notable both inside and outside of government.

## **INEQUITABLE GOVERNMENT STAFFING POLICIES**

City staff did provide substantial feedback on government workforce practices, one issue that the public did not often speak about. Although our City government is the largest employer in NYC, and is as diverse the city it serves, many respondents reported that management and decision-making roles remain disproportionately white. Employees at City agencies described unwillingness by many individual managers to promote People of Color, and also recognized that issues might originate in systems of civil service and hiring structures.



# NEXT STEPS

The content in this report reflects input that the Commission has received thus far. Research is underway to determine which ideas are viable and address root causes, and the Commission will spend the remainder of 2021 developing potential ballot proposals for consideration. Ideas that do not become ballot proposals may become part of a roadmap to racial justice that the Commission will provide to city, state, and federal law makers to consider for further action.

## IDENTIFYING AND PRIORITIZING SOLUTIONS

While the Commission is in the midst of creating proposals, we wrote this section so that you—our partner in this quest for racial justice—can see how the Commission is reflecting on, and working to solve, the patterns of inequity described in “What We Heard: Patterns of Inequity.”

New Yorkers presented hundreds of issues to the Commission with many recommendations to address them, many more than the Commission can adopt.

The Commission’s proposals will not address each and every idea directly. However, the proposals you will see should affect many of those issues at once by tackling their roots. The Commission and staff are looking to target the source of these issues to be able to prevent the symptoms.

Let us know what you think is the best way to change these foundations.

## UNDERSTANDING OUR CONSTRAINTS

Some of the best ideas we heard—including some of the examples shared in this report—were sound, common sense approaches that certainly would help root out racism in our society, but cannot be done in NYC without either the state or federal government changing its laws first. Unfortunately, the Commission cannot implement those proposals. The Commission’s transformative potential comes from proposing changes to the NYC Charter, but only those that do not violate other laws. This is why the Commission will also provide a roadmap to racial justice that suggests efforts for our state and federal partners to undertake, and ways City agencies can continue the Commission’s work here. It is our expectation that the work of rooting out structural racism will continue beyond the life of this Commission, and our roadmap will provide ideas to build upon the work that started here with you.

# CRITERIA FOR STRUCTURAL CHANGE

The Racial Justice Commission staff has also developed criteria to assist Commissioners in identifying potential revisions to the NYC Charter. The Commission will aim to put forward only the broadest, boldest, long-term **structural changes** that would have the greatest impact

on the underlying causes of racial inequity, so that voters can have a manageable number of Charter changes to learn about and vote upon.

To select the most impactful recommendations, the Commission will consider these questions:

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## **STRUCTURAL RACISM**

**Does the change meaningfully increase Power, Access, or Opportunity for BIPOC communities?**

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## **RACIAL JUSTICE**

**Does the change advance the vision of a city where race is not determinative of outcomes?**

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## **STRUCTURAL CHANGE**

**Is it a structural change, rather than an institutional change or policy?**

How do we know it's structural change? Changes to the NYC Charter that operate at this level will:

- Transform the structures of government, including how government uses power or makes decisions;
- Redefine the relationship between government and society;
- Eliminate contradictions between the values of the people (such as racial justice) and government structures that undermine them; and/or
- Address outdated values that do not honor our modern reality, e.g., our diverse, multi-racial city.

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## **POTENTIAL IMPACT**

- **Does it make a significant long-term impact?** These could be major, measurable impacts and/or harder-to-measure impacts that work over the longer term.
- **Is there sufficient capacity for the change to have an impact, and are there accountability mechanisms built in to ensure that impact?**
- **Who does the proposal impact, and what would be the effect in their day to day lives?**
- **Are there unintended or undesired consequences to consider, which would prevent the change from being implemented according to intent?**

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The "Definitions & Approach to Structural Change" section has further details on this set of criteria and process.

## **DRAFTING A PREAMBLE TO THE NYC CHARTER**

The Commissioners have been struck by the absence in the NYC Charter of a unifying statement that speaks directly to the spirit of the city, to the values that unite New Yorkers, and to a vision for the future. In charters and constitutions across the country and around the world, preambles often serve that role. You may recognize these famous words, taken from one of the most memorable preambles ever written:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Preambles help unite the people around historical narratives which have shaped their common identity and the fundamental goals of that nation, state or city.

Over the next few months, the Commission will develop a draft preamble with current and aspirational New York City values that unite our city, and a vision for our future. This preamble should guide New York City's government as it carries out its work for and on behalf of all New Yorkers.

Commissioners will invite you and other New Yorkers to review the draft and to provide your input before the Commission finalizes a version of the preamble to include on the ballot for voters.

## **CONTINUING PUBLIC ENGAGEMENT**

Are you interested in sharing your thoughts on this report and what the Commission should do next? Get involved! With your help, the Commission will be able to propose a set of transformational changes that will create the largest long-term results—impacts that last for decades and inspire other generations.



# DEFINITIONS AND APPROACH TO STRUCTURAL CHANGE

## CHANGING THE NYC CHARTER

The New York City Charter, our city's constitution, is one of many documents and laws that on its face may look race-neutral or devoid of values—but in fact, perpetuates harmful systems and narratives. Unless we take steps to incorporate equity into City government, the NYC Charter will continue to allow racial injustice to flourish. The NYC Charter did not reflect an equitable society when it was first written, and even with newer changes does not fully represent the diversity of New York City now.

## RJC FRAMEWORK

The framework defines the issue of systemic racism and outlines how the Commission will focus on structural change to achieve its mission and vision. The framework also identified three instruments of racism through which inequity is upheld in the structures of government and functioning of society in New York City:

### POWER

The ability to make and influence decisions that affect people's lives;

### ACCESS

The ability to procure and benefit from services, resources, and capital; and

### OPPORTUNITY

The ability to take meaningful advantage of power and access to achieve prosperity.

The Commission also identified two concepts to keep in mind when moving towards recommendations:

### CREATING CAPACITY

Readiness to engage, participate, and take advantage of opportunity, access, and power.

### ENSURING ACCOUNTABILITY

Systemic and institutional mechanisms of accountability that ensure changes are made effectively and meaningfully and impose consequences if they are not.

## MISSION

The Racial Justice Commission, empowered with the legal authority of a Charter Revision Commission, will seize the transformative potential of this moment in history to identify and propose structural changes and significant policy reforms that will advance racial justice and equity and begin to dismantle structural racism for all New Yorkers.

This work is necessary because systemic racism has been and continues to shape our reality.

## VISION FOR RACIAL EQUITY

The worth, talents, and contributions of all people in society are valued and recognized. Race is not a determinant of economic, political, social, or psychological outcomes, as it neither confers privilege nor denies opportunities.

## STRUCTURAL RACISM

Racism has affected New York City since it was founded, and it continues to affect every aspect of our society, including our laws, institutions, culture, and the way our neighborhoods are built. These systems have become complicit in perpetuating inequity. This means that changes to the symptoms are not enough. Because the issue is deep seated and has caused damage over centuries, we need to grasp it at the roots.

Though structural racism can be hard to see, the systemic effects are measurable and statistical. People's race continues to be a predominant statistical factor in their economic, health, and wellbeing outcomes, even after considering socio-economic status.

Over centuries, explicitly racist laws, policies, and practices created huge disparities in power, access, and opportunity for BIPOC New Yorkers, while others have continued to enjoy power and wealth. For example, the redlined neighborhoods where People of Color lived that were disqualified from the opportunity to participate in the New Deal benefits of the 1930s are largely the same ones dealing today with the greatest environmental harms, and the same neighborhoods hardest hit by COVID-19. We can see how the legacy of these historical wrongs continues to reverberate today.

While the Racial Justice Commission cannot directly change culture, arts, or language, it can change the foundational laws of the City. Here lies our chance to reimagine city government with our values.

## WHAT IS STRUCTURAL CHANGE?

Although many thinkers and activists demand and assert the necessity of structural change to the systems which adversely impact Black, Indigenous, and other Persons of Color, few have defined it. To help New Yorkers agree on the changes to prioritize, the staff of the Racial Justice Commission proposes the following definition to inform the Commission's ballot proposals:

Structural changes will be additions, changes, or deletions to the foundational laws of government.

Structural change can take a variety of forms, in particular:

- **Transforming the functions, design, or structures** of government, including how government uses power or makes decisions;
- **Redefining the relationship** between government and society;
- **Eliminating contradictions** between the values of the people, such as racial justice, and government structures that undermine them;
- **Addressing outdated values** that do not honor our modern reality, e.g. our diverse, multi-racial city.

For more information about the NYC Racial Justice Commission, including meetings, transcripts, and other details, please visit [nyc.gov/racialjustice](https://nyc.gov/racialjustice) online.

This has been an interim report compiled by present and past staff of the Racial Justice Commission, to whom much thanks is extended.

**Anusha Venkataraman**  
*Executive Director*

**Harold Miller**  
*Deputy Executive Director for External Affairs*

**Jimmy Pan**  
*Policy Director and Special Counsel*

**Melanie Ash**  
*General Counsel*

**Sam Stanton**  
*Senior Policy Advisor and Legal Counsel*

**Erin Berry**  
*Deputy General Counsel*

**Eden Mulate**  
*Policy Advisor*

**Bianca Isaias**  
*Associate General Counsel*

**Jacqueline Kennedy**  
*Public Engagement Director*

**Rachel Cato**  
*Chief of Operations*

**Steph Halpin**  
*Communications Director*

**Tashawn Morgan**  
*Deputy Chief of Staff*

**Chi Nguyen**  
*Senior Advisor*

**Kapil Longani**  
*Senior Advisor to the Racial Justice Commission*



[nyc.gov/racialjustice](https://nyc.gov/racialjustice)

  [RacialJusticeNYC](#)

 [RacialJusticeNY](#)

 [NYC Racial Justice Commission](#)



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**APPENDIX B**

**12/27 RESOLUTION**



**RESOLUTION OF THE 2021 NEW YORK CITY  
CHARTER REVISION COMMISSION (ALSO KNOWN AS  
THE NEW YORK CITY RACIAL JUSTICE COMMISSION)**

dated December 27, 2021, in relation to the filing with the City Clerk of proposals revising the city charter and questions therefor for the purpose of having the same submitted to the electors of the City at the general election held November eighth, two thousand and twenty-two, and the adoption of a report relating thereto.

Resolved, that pursuant to Section 36 of the Municipal Home Rule Law, three proposals to amend the charter of the City of New York with the appropriate ballot questions and the amendments to be effected upon the approval of such questions are attached hereto, be filed with the City Clerk of the City of New York on or before December thirty-first, two thousand and twenty-one; and be it further

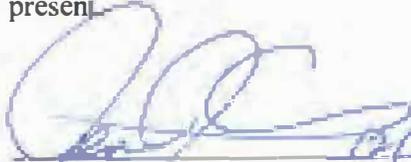
Resolved, that the City Clerk of the City of New York shall take such action as may be required by law to provide for the submission of the said revisions to the electors of the City of New York at the general election to be held on November eighth, two thousand and twenty-two; and be it further

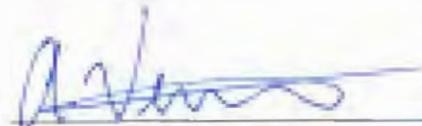
Resolved, that the Commission hereby adopts the report that is attached hereto; and be it further

Resolved, that the Commission hereby authorizes and delegates to the Chair, the Vice Chair, the Executive Director and other staff, the Office of the Corporation Counsel, and any other City agency which, in the discretion of the Mayor, is designated to assist the Commission, the duty and power to take all necessary and/or appropriate actions to effectuate the placement of the questions on the ballot in accordance with section 36 of the Municipal Home Rule Law, including but not limited to the certification of the adoption of this resolution by one or more of the delegees specified in this paragraph, inclusion of non-substantive technical changes to the documents attached hereto, the finalization of ballot abstracts pursuant to law, substantially in the form attached hereto, the preparation of other material to be appended to the final report including documentation memorializing the proceedings of the commission, and other materials relevant to the Commission's deliberations, and the defense or commencement of litigation to effectuate such placement on the ballot, and to provide for such publication and other publicity as may be appropriate to ensure that the public is adequately informed about the proposals, including in reliance on the resources of the Office of the Mayor and other City agencies.



We hereby certify that the foregoing is a true and correct copy of the resolution adopted by the 2021 Charter Revision Commission (also known as the New York City Racial Justice Commission) on December 27, 2021 by a vote of 11-0, with 0 not present.

  
\_\_\_\_\_  
Jennifer Jones Austin,                      Date  
Chair

  
\_\_\_\_\_  
Anusha Venkataraman,                      Date  
Executive Director

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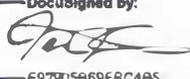
**APPENDIX C**

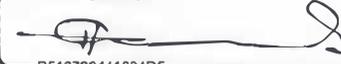
**ENDORSEMENT OF 12/27 RESOLUTION  
BY COMMISSIONERS**



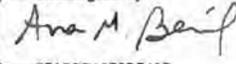
December 27, 2021

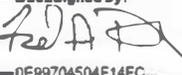
We, the members of the 2021 New York City Racial Justice Commission hereby affirm and endorse, by e-signature, our votes cast during the virtual public meeting held today adopting the resolution placed before the Commission which, *inter alia*, adopted the final report, directed the filing with the City Clerk of three proposals to amend the City Charter, and authorized and delegated to the Chair, Executive Director and others the taking of necessary steps as provided for in the resolution.

DocuSigned by:  
  
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Jennifer Jones Austin,  
Chair

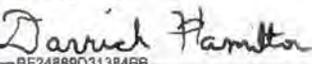
DocuSigned by:  
  
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Henry Garrido,  
Vice Chair

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K. Bain,  
Commissioner

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Ana Bermúdez,  
Commissioner

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Fred Davie,  
Commissioner

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Lurie Daniel Favors,  
Commissioner

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Darrick Hamilton,  
Commissioner

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Chris Kui,  
Commissioner

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Yesenia Mata,  
Commissioner

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J. Phillip Thompson,  
Commissioner

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Jo-Ann Yoo,  
Commissioner



[nyc.gov/racialjustice](https://nyc.gov/racialjustice)

  RacialJusticeNYC

 RacialJusticeNY

 NYC Racial Justice Commission

