

NYC Council Approves Proposal to Mandate Racial Equity Reports for Certain Land Use Applications

On June 17, the New York City Council approved legislation (Intro. No. 1572-B of 2019) that would require specific land use applications to include "racial equity reports." Under the law, which would go into effect on June 1, 2022, applicants seeking certain land use actions would need to include a study that would analyze the area's demographic conditions, quality of life, housing security, and displacement risk index.

The report will be required not only for upzonings and special permits that increase permitted floor area above a certain threshold (50,000 square feet for residential floor area and 200,000 square feet for non-residential floor area), but also for certain downzonings and historic district designations of a certain size. The reports would also need to include a statement on how the project facilitated by the land use action would help "further fair housing and promote equitable access to opportunity" according to the legislation.

As an effort to promote equity and fair housing, this legislation received support from an unusually wide array of stakeholders, including elected officials, the Real Estate Board of New York (REBNY), and the Regional Plan Association.

In approving the bill, Council Speaker Corey Johnson stated, "We need these 'racial equity' reports to better understand how rezoning to other land use actions are impacting racial equity in our city." Council Member Farah N. Louis, a co-sponsor of the legislation, explained that the legislation would "give New York City officials and planners a far more accurate and detailed understanding of the impact of inequality and displacement in neighborhoods — especially working-class communities of color — that face major land use actions." REBNY President James Whelan also issued a statement supporting the data-driven approach to fostering equitable development.

The minimum standards and guidance for the preparation of the reports will be established by the City's Department of Housing Preservation & Development (HPD) and the Department of City Planning (DCP). Final copies of the reports will be posted publicly online and shared with the New York City Council Speaker, as well as the affected community board, Borough President, and Council Member.

Additionally, under this legislation, HPD and DCP are tasked to create and publicly publish an accessible equitable development data tool that will provide information on factors including neighborhood demographics, housing affordability, and displacement risk index.

The bill will now head to Mayor de Blasio who has 30 days to either approve or veto the bill.

We will be keeping a close watch on the rulemaking efforts regarding this legislation and welcome any requests for further information.



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