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RACIAL EQUITY REPORTS REQUIRED FOR LAND USE ACTIONS

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On June 17, 2021, the New York City Council approved a local law that requires applications for significant land use actions submitted on or after June 1, 2022 by both City agency and private applicants to analyze and disclose as part of the City's Uniform Land Use Review Procedure ("ULURP") the potential impact of their proposals on racial equity.

Public Advocate Jumaane Williams, one of the legislation's sponsors, stated that the racial equity reports are necessary to protect communities: *"In neighborhoods across the city, we have seen rezonings lead not to stronger community growth, but to rising rents and displacement. Particularly in communities of color, these forces have been unchecked in the name of development, and a failure to recognize the racial impact of these projects has been detrimental."*

The required racial impact studies would be based on an equitable development data tool to be developed in the next six to seven months by the Department of City Planning ("DCP") that is intended to measure displacement risk comprised of indicators such as population vulnerability, housing conditions and neighborhood change. The equitable development data tool is required to be completed by DCP for public use no later than April 1, 2022 following a 60-day public review period.

The legislation identifies metrics that must be included in the study, including existing disparities between racial and ethnic groups, eviction rates, median household income, and median rent and home prices. The substance of racial equity reports would vary by application type, but all would include a statement of how the proposed project relates to the implementation of the goals of furthering fair housing and promoting equitable access to opportunity. For residential projects, the impact study is be required to disclose expected rents for market rate and affordable units and the incomes necessary to afford them without incurring housing cost burden.

A racial equity report will be required for the following land use actions:

- actions that increase the allowable residential floor area by 50,000 sf. or more;
- actions that increase the permitted non-residential floor area by 200,000 sf. or more;

- actions that change the permitted floor area for any use in a manufacturing district by 100,000 sf.;
- actions that change the use regulations in a manufacturing district for at least 100,000 sf. of floor area;
- most acquisitions and dispositions of City-owned property involving at least 50,000 sf. of floor area;
- actions that decrease the permitted floor area or number of housing units on at least four contiguous city blocks;
- zoning Text amendments affecting 5 or more Community Districts;
- historic Districts that include 4 or more blocks.

Until the methodology is established, it is unclear to how the new requirement would work in practice to shape the outcome of land use decisions. Potential means of mitigation of racial impact also remain unclear but are expected to include methods to address potential disparities or risk of displacement, such as protections against tenant harassment, right to counsel protections and workforce development programs.

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MEET THE TEAM

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