

Appendix B

Abstracts

Ballot Question 1

Proposed Charter Amendment: Speed Up Process for Granting a Revocable Consent to Use Public Space

This proposal would simplify the process for the City to grant a “revocable consent” to a property owner to use public property for private use like benches, ramps, planters, and cafes. It would eliminate a requirement that a City agency hold a hearing prior to granting a revocable consent and remove the requirement to publish notice in newspapers in advance of public hearings for revocable consents and franchises. With respect to sidewalk cafes, this proposed Charter amendment would remove City Council’s power to disapprove a sidewalk cafe, while retaining the requirement that notice be provided to the relevant Community Board, Borough President and Councilmember.

Revocable Consents

Private individuals and entities can use City-owned public space only in certain circumstances and only with permission from the City. A private company offering a public service, like an electrical utility or bus shelters, must obtain a franchise from the City to install their infrastructure. The City grants authority to construct and maintain structures on or under the streets or sidewalks through what is called a “revocable consent.”

Revocable consents are often granted to property or business owners to place objects on the sidewalk in front of their property. Common types of revocable consents include permission to construct an accessible entrance ramp, an enclosure to store garbage cans, or a bench located on a sidewalk. A restaurant owner must obtain a license and a revocable consent to operate a sidewalk cafe or roadway cafe in front of their business. The City can revoke a revocable consent at any time. Each revocable consent requires an annual payment to compensate the City for the use of the public property.

To obtain a revocable consent, an individual or business entity must file a petition with the Department of Transportation (DOT). DOT, or, in the case of telecommunications infrastructure, the Office of Technology and Innovation (OTI), must hold a public hearing, and the petitioner must pay to publish notice of that hearing twice in local newspapers. The local Community Board and City Council member must also be notified, and notice must be published in the City Record for 15 days. DOT (or OTI, with DOT’s approval) may then grant the revocable consent, subject to the approval of the Mayor. Similar hearing and notice requirements apply to franchises.

Revocable consents for sidewalk cafes are subject to additional procedural requirements. A proposed sidewalk cafe must undergo review by the local Community Board, and, if DOT grants

the revocable consent, the City Council can vote to disapprove it. Roadway cafes, which involve cafe seating on the street rather than the sidewalk, are not subject to these additional requirements.

Proposed Changes

This proposal would remove the requirement that all revocable consents undergo a public hearing. Instead, DOT or OTI could choose whether to hold a public hearing on a proposed revocable consent in its discretion.

Notice of a public hearing for a revocable consent or a franchise would no longer need to be published in newspapers, and notice would only need to be published in the City Record for 6 days, instead of 15. DOT or OTI would need to provide notice of a petition for revocable consent to the Community Board, City Council member, and Borough President, and provide an opportunity for them to submit comments.

Sidewalk cafes would become subject to the same process as all other revocable consents. This would mean that the City Council would no longer have authority to disapprove the granting of a revocable consent for a sidewalk cafe.

Implementation

These proposed Charter amendments would take effect on March 1, 2027, and would not apply to any petition for a revocable consent submitted before that date.

Ballot Question 2

Proposed Charter Amendment: Reduce City Contractor Paperwork; Require Regular Meetings of Procurement Policy Board

This proposal would make various changes to the City's laws governing procurement. It would allow the Procurement Policy Board to simplify a questionnaire that contractors must fill out before seeking City contracts to reduce burdens for smaller businesses contracting with the City; remove a requirement that agencies hold a hearing each year relating to a report about client services contracts; authorize the Mayor to delegate authority to approve certain contracts to agencies; and require the Procurement Policy Board to meet at least quarterly to promote transparency in the City's rules governing procurement.

Existing Processes

Currently, the Mayor and the Comptroller are required to maintain a questionnaire that prospective City contractors must fill out. The specific questions are set forth in local law and include complex and detailed requirements. All contractors subject to the questionnaire requirement must complete the same questionnaire. The Mayor and Comptroller are jointly responsible for all policy decisions relating to the questionnaire. Agencies that award client services contracts are required to produce a plan and schedule relating to those contracts each year and to hold a hearing prior to finalizing the plan and schedule.

The Mayor and the Director of the Mayor's Office of Contract Services are authorized to delegate various authorities that they have relating to contract approvals to Agency Chief Contracting Officers. However, the Mayor cannot delegate authority to approve contracts that are worth more than \$5 million and are awarded by a method other than competitive bidding.

The Charter establishes the Procurement Policy Board, which enacts rules for the City's procurement processes. The Board is made up of three appointees of the Mayor and two appointees of the Comptroller. The Board is not required to meet on any particular schedule.

Proposed Changes

This proposal would authorize the Procurement Policy Board to determine the contents of the questionnaire that prospective City contractors are required to complete. The Procurement Policy Board would be authorized to enact rules that authorize certain contractors, including contractors with contracts under a certain dollar threshold or small businesses, to answer different or only a subset of the questions to reduce burdens on those contractors. The Mayor's Office of Contract Services would be responsible for implementing the policies set forth in these rules. The Franchise and Concession Review Committee would be authorized to exercise the same powers relating to the questionnaire as the Procurement Policy Board with respect to franchises and concessions.

Agencies that award client services contracts would no longer be required to publish a draft client services plan and hold a hearing relating to such plan. They would still be required to develop such a plan each year.

The Mayor would be authorized to delegate authority to approve contracts that are worth more than \$5 million and are awarded by a method other than competitive bidding to Agency Chief Contracting Officers, with the approval of the agency's Commissioner.

This proposal would also make permanent the authority for the City to have a public notice and comment period, rather than a public hearing, on contracts exceeding a certain dollar amount. It would authorize the Procurement Policy Board to set the dollar threshold at which contracts become subject to the public notice and comment requirement.

The Procurement Policy Board would be required to meet on a quarterly basis. It would also be authorized to increase the minimum value of contracts for which agencies must accept public comments.

Implementation

The charter amendments authorizing the Mayor to delegate authority to Agency Chief Contracting Officers, removing the requirement that agencies hold a hearing relating to their client services plan, and authorizing the Procurement Policy Board to develop rules relating to the pre-contract questionnaire would take effect immediately upon certification that the voters approved this proposal.

The requirement that the Procurement Policy Board meet on a quarterly basis would take effect on January 1, 2027.

The authorization for the Procurement Policy Board to increase the minimum value of contracts for which agencies must accept public comments would take effect on October 1, 2030.

Ballot Question 3

Proposed Charter Amendment: Speed Up Street Safety Projects, Disposition of Unused City Property, Office Leasing

Abstract

This proposal would simplify the approval process for street safety projects by eliminating certain intra-agency consultation requirements. This proposal would also allow the Department of Citywide Administrative Services (DCAS) to sell or otherwise dispose of smaller City-owned properties and development rights using an expedited land use review process, make permanent a program allowing DCAS to sell certain undevelopable properties without public auction, and speed up the process for the City's acquisition of office space for City employees by removing a public hearing before the City Planning Commission and review by the City Council.

Street Safety Projects

Currently, local law requires City agencies to follow certain procedures before implementing a "major transportation project." Major transportation projects are defined as projects that realign a roadway, including by removing a traffic lane or parking lane, for over four consecutive blocks or 1,000 feet, and projects that add or remove a bike lane of any length. As part of this process, any agency implementing a major transportation project (most often the Department of Transportation, or DOT) must notify various officials and the local Community Board and give a presentation to the Community Board upon request. The agency must also consult with other agencies, including the Police Department, Fire Department, the Department of Small Business Services, and the Mayor's Office for People with Disabilities. The Fire Department must also confer with affected firehouses near the major transportation project. The agency implementing the project must certify that all of these consultations took place. These certification and presentation requirements can cause delays in the implementation of street safety projects.

The proposed Charter amendment would eliminate any requirement that an agency that is consulted about a major transportation project must confer with anyone other than the head of such agency. Thus, the Fire Department would no longer be required to confer with affected firehouses when DOT proposes a major transportation project. In addition, this proposal would clarify that DOT may determine that there is substantial necessity for immediate implementation of a project to preserve public safety based on factors including crash data, so that an agency can start work on such a project prior to making a required notification to the affected City Council member, Senator, Assemblymember, and Community Board.

Finally, this proposal would provide that failure to consult with an agency would not affect the validity of a project. If this amendment were enacted, DOT would still be required to consult with other agencies before implementing a major transportation project, but technical errors or

inadvertent failures to follow that process could not be a basis to stop or rescind the implementation of a street safety project.

Disposition of City Property

This proposal would: (1) enable disposition of City lots no more than 10,000 square feet and of development rights located on City-owned landmark sites to be subject to the Expedited Land Use Review Procedure, (2) make permanent a program that allows undevelopable lots to be sold to an adjacent owner without public auction, and (3) remove one of the public hearings presently required after the City has already received authorization to dispose of its property.

Currently, the Charter requires DCAS to follow various procedures in selling, leasing, or otherwise disposing of City-owned property. With limited exceptions, sales, leases, and other dispositions of City property must undergo review through the Uniform Land Use Review Procedure (ULURP) – a seven-month review process that begins with advisory opinions from the affected Community Board and Borough President, followed by review and votes at the City Planning Commission and City Council. Once the City has received the authority to dispose of its property, that property may be leased or sold through public auction to the highest bidder.

One exception to these requirements allows DCAS to sell certain undevelopable lots to adjacent property owners without public auction by using the Expedited Land Use Review Procedure (ELURP) – a review process that provides a 60-day review period for a Community Board with a public hearing, and concurrent review by the Borough President, followed by a public hearing and final decision by the City Planning Commission, but with no subsequent review by the City Council. These undevelopable lots may then be sold to the adjacent owner without a public auction, but this exception to the public auction requirement expires in 2030.

In addition, if more than two years have elapsed between the final approval of a disposition pursuant to ULURP and the execution of an agreement actually disposing of such property, the City is required to hold an additional hearing with public notice published 45 days in advance of that hearing.

This proposal would amend the disposition process in several ways. First, it would allow DCAS to sell, lease, or otherwise dispose of City-owned property that is under 10,000 square feet that is not an individual landmark or that consists only of development rights on a City-owned landmark site using the expedited procedure of ELURP. Only projects that are found to not have potential significant adverse environmental impacts would be eligible for the expedited procedure described in this ballot question. If a project by its size or nature requires an environmental impact statement under state and local law, it would remain subject to the more extensive ULURP review. This change would shorten the review process for modest-sized lots of less than 10,000 square feet and any development rights above a City-owned landmark site.

Second, this proposal would make permanent the authorization for DCAS to sell certain undevelopable lots to adjacent property owners without public auction.

Third, it would remove the public hearing that is currently required when more than two years have elapsed between the Council's approval of a disposition and the execution of an agreement to dispose of the property.

Office Acquisitions

Currently, any proposed acquisition of office space for City workers, including leases of office space in existing buildings, must undergo a process that includes notifying the local Community Board and all Borough Presidents; a hearing and vote by the City Planning Commission; and an opportunity for the City Council to disapprove the lease by a two-thirds vote. In practice, DCAS undertakes lengthy negotiations with office building owners prior to bringing a proposed acquisition to the City Planning Commission and the City Council.

This proposed Charter amendment would remove the City Planning Commission hearing and approval requirement and the City Council's power to disapprove office acquisitions. Instead, the DCAS Commissioner would be required to make a finding that the acquisition is in the best interests of the City, to provide a notice of intent to acquire office space to the local Community Board, City Council member, and Borough President, and to notify the City Council and Comptroller after completing the acquisition.

Implementation

These proposed Charter amendments would take effect immediately upon certification that this proposal was approved by the voters, except that the proposal to make permanent the authorization for DCAS to sell certain undevelopable lots to adjacent property owners without public auction would take effect on December 31, 2030.

Ballot Question 4

Proposed Charter Amendment: Simplify Building Permitting and Move Waterfront Permitting to Department of Buildings

This proposal would authorize the Commissioner of the Department of Buildings (DOB) to appoint additional deputy commissioners and additional borough commissioners who could approve construction documents as part of the permitting process. This proposal would also direct DOB, in cooperation with the Department of Environmental Protection, the Fire Department, and the Department of Transportation, to develop a centralized construction permit submission and approval system. Finally, this proposal would transfer responsibility for permitting along the waterfront from the Department of Small Business Services to DOB.

Existing Processes

Currently, the Charter authorizes the DOB Commissioner to appoint only two Deputy Commissioners, including a First Deputy Commissioner. The Charter also directs the DOB Commissioner to appoint one Borough Superintendent in each borough. Construction documents must be approved by either the Commissioner, a Deputy Commissioner, or a Borough Superintendent.

Before starting a new construction project, an applicant must obtain permits from various agencies. DOB is responsible for most construction permitting; the Fire Department reviews plans and issues permits for fire alarm installations; the Department of Environmental Protection reviews and approves stormwater pollution prevention plans; and the Department of Transportation issues permits to use street space during construction. Each agency has its own system through which applicants must submit documents for review and approval.

DOB is responsible for enforcing the Zoning Resolution and Construction Codes in most of the City, but the Department of Small Business Services is responsible for enforcement and permitting for certain structures along the waterfront, including maritime structures and buildings and City-owned land.

Proposed Changes

This proposal would authorize the DOB Commissioner to appoint more than two Deputy Commissioners where necessary. The Commissioner could delegate powers to these Deputy Commissioners, subject to certain restrictions. The proposal would also authorize the Commissioner to appoint a Borough Commissioner, rather than Borough Superintendent, in each borough and would allow the Commissioner to appoint additional Borough Commissioners who can approve construction documents citywide.

This proposal would direct DOB to develop a centralized system for the submission of construction permit applications and the issuance of permits and approvals, subject to budget appropriations. Other agencies that issue permits and approvals for new construction, including the Department of

Environmental Protection, the Fire Department, and the Department of Transportation, would also be required to cooperate with DOB in developing the system and to accept applications through the system. This system would need to be established by 2030, or later as DOB determines is feasible.

Finally, this proposal would transfer responsibility for waterfront construction permitting from the Department of Small Business Services to DOB. DOB would enforce the Zoning Resolution and Construction Codes along the waterfront. Existing permits and approvals issued by the Department of Small Business Services or predecessor agencies would continue to be in effect.

Implementation

The proposed Charter amendments transferring responsibility for waterfront construction permitting to DOB would take effect on December 31, 2030, or upon the effective date of the adoption of a code that applies to the construction, alteration and demolition of waterfront structures, whichever is sooner. The other Charter amendments in this proposal would take effect immediately upon certification that the voters approved this proposal.

Ballot Question 5

Proposed Charter Amendment: Set Contribution Targets for Rainy Day Fund to Promote Sufficient Budgetary Reserves

This proposal would set a target amount of funds for the City to maintain in the revenue stabilization fund (also known as the “Rainy Day Fund”) and other reserve funds. The Mayor’s Office of Management and Budget would be required to publish a methodology regarding deposits into the Rainy Day Fund. Deposits would be required in accordance with that methodology, subject to appropriation through the annual budget process. The methodology would be subject to a 30-day public comment period and a public hearing. The City could not withdraw more than 50 percent of the amount of the fund except when the Mayor certifies that there is a compelling fiscal need.

Rainy Day Fund

A Rainy Day Fund is a fund in which excess revenues from one year are set aside for use in future years to help fill budget gaps caused, for example, by economic downturns, emergencies, or unforeseen decreases in revenue. Rainy Day Funds can provide an alternative to raising taxes and cutting services in times of fiscal necessity.

In 2019, New York City voters approved Charter amendments authorizing the City to create a Rainy Day Fund, and in 2020, the Legislature made corresponding changes to State law. These provisions do not require that the City deposit or maintain any particular amount of money in the Rainy Day Fund. Instead, the decision whether to deposit funds into the Rainy Day Fund is left to the Mayor and the City Council through the annual budget negotiation process.

State law prohibits the City from withdrawing more than 50 percent of the amount of money in the Rainy Day Fund unless the Mayor certifies that there is a compelling fiscal need.

Proposed Changes

This proposal would set a target that the City maintain in the Rainy Day Fund and other reserve funds an amount equal to 12 percent of the City’s revenue from taxes received in the preceding fiscal year.

The Office of Management and Budget (OMB), in consultation with the Comptroller, would also be required to publish a methodology describing how deposits should be made into the Rainy Day Fund whenever the balance in the fund is less than the amount described above. The methodology would be required to take into account revenue growth trends, the amount of the City’s operating surplus, and any other factor deemed relevant for the purpose of ensuring sound fiscal management. The methodology could provide for deposits to be made over the course of multiple years to reach the target, and for deposits not to be made in years when the City experiences financial hardship even if the target has not been reached. Deposits into the Rainy Day Fund in

accordance with this methodology would be subject to appropriation through the budget process, with approval of the Mayor and City Council.

The methodology would be required to be published by May 2027, and updated by May 2030 and at least every four years thereafter.

Before publishing the final methodology, OMB would be required to publish a proposed version of the methodology in the City Record at least 30 days before holding a hearing. At least 30 days before publishing the proposed methodology, OMB would be required to send the methodology to the Speaker of the Council, State Comptroller, and New York State Financial Control Board.

This proposal would also prohibit the City from withdrawing more than 50 percent of the amount of money in the Rainy Day Fund unless the Mayor certifies that there is a compelling fiscal need, to align with State law.

Implementation

This proposed amendment would take effect immediately upon certification that the voters approved this proposal.