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**TESTIMONY OF EMILY GOLDSTEIN BEFORE  
THE NEW YORK CITY COUNCIL COMMITTEE ON LAND USE  
REGARDING CEQR**

May 7<sup>th</sup>, 2019

Good Morning, and thank you Speaker Johnson, Chair Salamanca and members of the committee for the opportunity to testify today.

My name is Emily Goldstein and I am the Director of Organizing and Advocacy at the Association for Neighborhood and Housing Development (ANHD). ANHD's mission is to advance equitable, flourishing neighborhoods for all New Yorkers. We are a coalition of 100 community-based affordable housing and equitable economic development organizations in New York City, and we use organizing, policy, advocacy, and capacity-building to advance our mission.

Over the past five years, we have worked intensively to prevent our City's land use and planning processes from exacerbating New York City's housing affordability and displacement crises and have come to see the current CEQR process as a key obstacle to that goal.

In every rezoning hearing for years now, community residents have testified regarding their experiences of harassment, rising rents, displacement pressure, and speculation on their homes, only to be told that their concerns are out of scope or contradicted by official DCP projections – because the methodology used to evaluate residential displacement risk is extraordinarily outdated and inaccurate.

Most notably, the CEQR methodology incorrectly assumes that many populations, including rent stabilized tenants, face no risk of displacement. We know this to be untrue – rent stabilized tenants face enormous displacement pressure and are frequently harassed out of their homes. In fact, both the City Council and other mayoral agencies, such as HPD, have acted repeatedly through laws and programs to try to prevent or address the displacement of tenants that are automatically disregarded in the environmental review process.

That we are in the midst of a protracted affordability crisis is not a debate. In New York City, more than half of all tenants, and more than three-quarters of low-income tenants, are rent burdened. The number of New Yorkers in homeless shelters increased 77% from 2007 to 2017. New York City is also one of the most segregated and unequal cities in the country, and the failure of the CEQR process to accurately assess the negative impacts of land use actions, especially harms low-income communities of color. Low income communities of color have been repeatedly targeted for increased density, Black and Latinx households disproportionately live in rent stabilized housing compared to unregulated housing, and Black, Asian and Hispanic households all have higher rates of rent burdening and severe rent burdening compared to White households.

To continue using a methodology that ignores so many residents, that is so clearly out of touch with the reality of most New Yorkers' experiences of displacement threats, discredits the whole land use process, and prevents the acknowledgement, let alone mitigation, of the negative impacts many land use actions have on existing residents.

Unfortunately, there is no requirement for regular updates to the CEQR methodology, and decisions about whether or how to update the CEQR technical manual are made through a closed door process by the Mayor's Office of Environmental Coordination, without public input, transparency, or accountability to the people affected by these decisions.

Furthermore, even when negative impacts are found, there is no requirement that a mitigation plan be enacted or that a land use plan be changed to prevent or reduce harm.

And finally, the lack of follow-up study from the City of the actual effects rezonings have had on numerous communities makes it difficult to learn from and make data-driven changes to our land use approach.

Therefore, ANHD believes:

- that we should mandate a regular and public review of the CEQR technical manual, with a process for genuine public input regarding revisions, and transparency in decision-making;

- that any land use action requiring an Environmental Impact Statement should also include a detailed analysis of direct and indirect residential displacement;
- and that an enforceable mitigation plan to address identified negative impacts should be required following an Environmental Impact Statement, in conjunction with any final land use change.

While we are currently pursuing these goals as reforms to the City Charter, we applaud the City Council for stepping up to help correct for and fill in some of the gaps left by the system we have now.

We have a few specific concerns and recommendations that we believe would help ensure that Intro 1487 would achieve its purpose of gathering information to more accurately assess the true impact of neighborhood rezonings.

We believe that attempting to assess real displacement impacts using the same flawed methodology in CEQR would be a mistake. The methodology in the CEQR manual will produce a highly inaccurate measure of risk to use as a baseline. The only people the CEQR manual identifies as “at-risk” are low-income renters in unregulated units. Using the same methodology to look at the impacts of a rezoning 5 years later would only reveal an updated count of that same population, not the full universe of displaced households.

A further challenge comes from the fact that in many cases the EIS does not even identify an at-risk population at all, providing no baseline for future comparison.

Instead, we recommend that the legislation be revised to require a study of all at-risk tenants, providing parallel and far more accurate information at the time a rezoning takes place, and then using the same measure to account for changes 5 years on. Any true picture of displacement must include analysis of changes in the population of tenants living in both unregulated and regulated housing.

We also recommend that Intro 252 be revised to go beyond the initial, and useful, step of tracking and reporting on mitigations to create enforceable mechanisms to ensure that promised mitigations are completed in a timely manner. One step towards that goal would be to require that all identified mitigations be included in a



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commitment letter from the Mayor's office, with a timeline and process by which the mitigations will be enacted. If the administration will not commit to mitigations in such a letter, the reporting required in the legislation should include an explicit statement of the reason behind the administration's refusal, and information on where responsibility for enacting mitigation lies.

Thank you again for the opportunity to testify, I look forward to working with you all to gather information and create tools to help our City's land use policies become drivers of equity and inclusion.