George M. Janes
& Associates
250 E. 87th Street
New York, NY 10128

Tel: 646.652.6498
george@georgejanes.com

Charter Revision
2025

Prepared for:

Bricks & Mortals

George M. Janes, AICP
11/6/2025

What is the Charter?

The Charter is the rule book for how the City operates

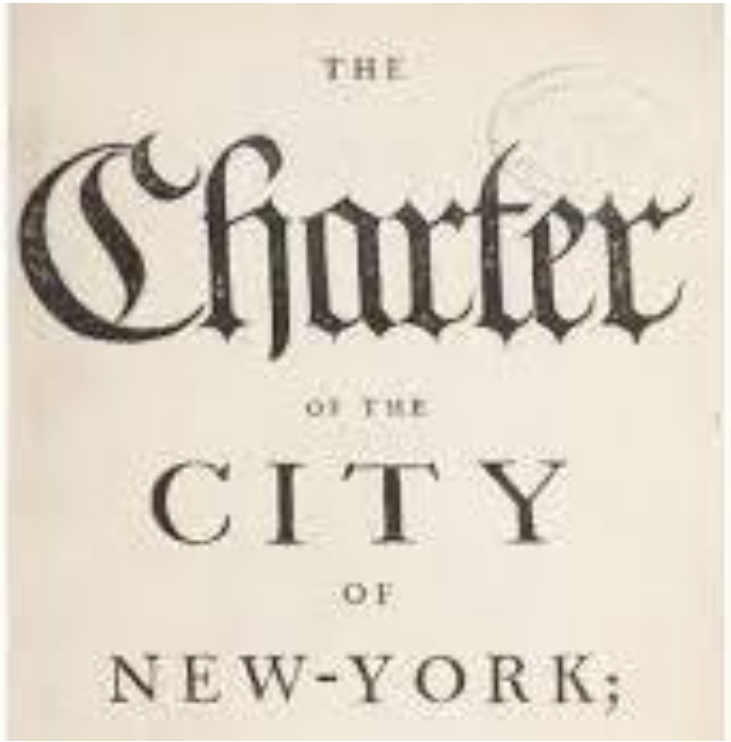
- It details the responsibilities of different agencies and elected officials

The City's Land Use Review process is defined by the City Charter

- If you want to change existing zoning, use City property, get a variance, etc., the rules are defined in the Charter

The Charter is amended periodically

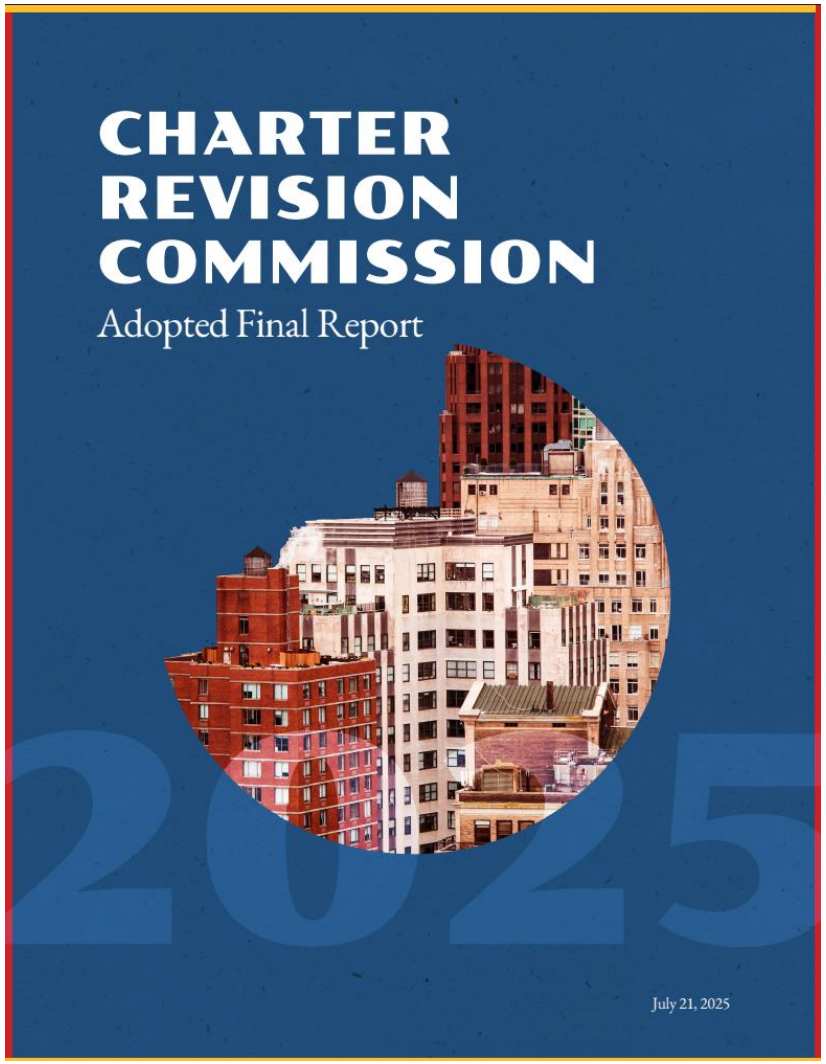
- But the basics of our land use review process have been in place since **1989**



https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-1

Charter Revision is the process to revise the NYC Charter

- Earlier this year, Mayor Adams set up a Charter Revision Commission that wrote the ballot proposals voters just passed
- Their stated goal was:
  - "*easing the process to construct more housing, including affordable housing, in an effort to make it easier to build more housing across the City*"
- They were responding to concerns that:
  - Some neighborhoods vetoed new housing
  - And even in places that did not refuse housing, the process was slow and unpredictable



https://www.nyc.gov/assets/charter/downloads/pdf/2025/7-21-2025-charter-revision-commission-adopted-final-report-digital.pdf

In response to these concerns, the Charter Revision Commission developed three ballot proposals affecting land use:

Question 2: Fast Track Affordable Housing

Question 3: Simplify Review of “Modest” Housing and Infrastructure Projects

Question 4: Establish an Affordable Housing Appeals Board

All New Yorkers received summaries of the proposals, but . . .

- Those summaries were incomplete
- The charter revisions were **very → *complicated*** and most voters did not fully understand them
- But they did understand the stated goal, which is likely why they all passed
- Today, we'll briefly discuss each of the land use changes and how they change our processes

b. Notwithstanding subdivision a of section one hundred ninety-seven-c and except as provided in subdivision k of this section, applications by any person or agency for any of the following changes, approvals, permits, or authorizations thereof, respecting the use, development or improvement of real property subject to city regulation in any of the following categories, that would otherwise be subject to review pursuant to section one hundred ninety-seven-c, shall be reviewed pursuant to the expedited review procedure set forth in this section:

1. Any of the following changes in the city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine:

(a) (1) The mapping or discontinuance of a street, other than the discontinuance of an existing built street, to enable or facilitate a project for the development or preservation of affordable housing developed or preserved by a company that has been organized exclusively to develop housing projects for persons of low income, or for the development of a resiliency project or open space; or

(2) The mapping of any street needed to meet the street or highway public access requirements set forth in section thirty-six of the general city law;

Question 2: Fast Track for Affordable Housing

- Fast Track sets up two new processes to approve housing that does NOT follow current zoning

    A. Zoning waivers from the Board of Standards and Appeals (BSA) for low-income housing projects (**BSA Fast Track**)

    B. An abbreviated procedure at the City Planning Commission (CPC) for affordable housing projects in the 12 Community Districts citywide that have produced the lowest rate of affordable housing development (**CPC Fast Track**)

Question 2A) BSA Fast Track

- BSA Fast Track is a new process that allows the BSA to waive zoning limits for publicly financed affordable housing projects

- To make these modifications, the BSA must find that:

  1. The owners will include a low-income housing development company (typically HDFCs);
  2. The building is in a district that permits residential uses;
  3. HPD finds that the building requires the waiver;
  4. The project is consistent with neighborhood character; and
  5. Disadvantages to the community are outweighed by advantages of the project

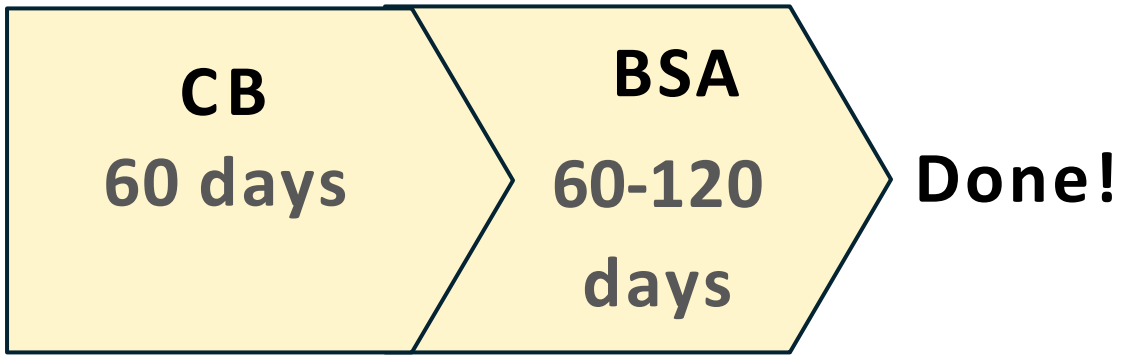
- Unlike current BSA zoning variances, there will be no requirement to show hardship, or any financial numbers to prove need

- There is also no limit to the size of the application

- Basically, if you can get HPD support for your project, you can take it to the BSA

Question 2A) BSA Fast Track

- To use BSA Fast Track, your application goes to the BSA, not DCP
  - The BSA is a 5-member body, all appointed by the Mayor
  - The timeline is simple:



  - This process does NOT involve Council, Borough Presidents, DCP or the City Planning Commission!

- The BSA does not change the zoning map: they would grant zoning waivers, much as they do now for variances

Question 2B) CPC Fast Track

- The City Planning Commission is a 13-member body, mostly appointed by the Mayor, who review zoning changes, special permits and other actions

- To qualify for CPC Fast Track, a development must:

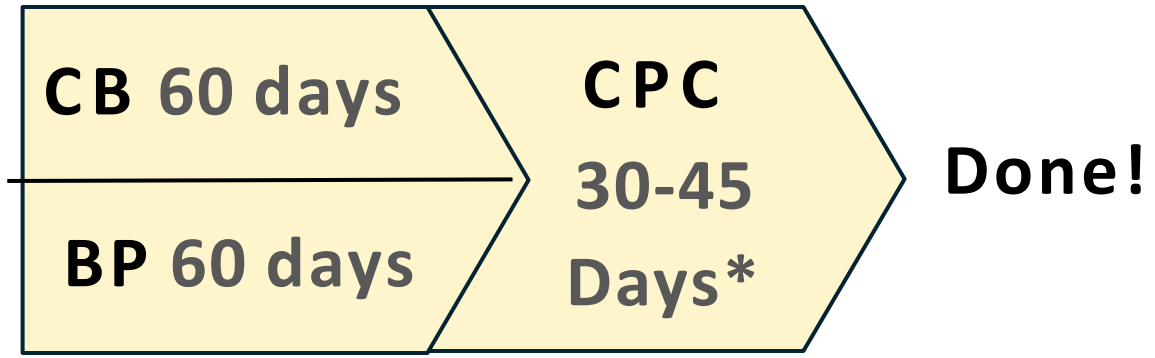
  - Be located in one of the 12 named Community Districts that had the lowest rate of affordable housing development during the last five-year period

  - Include an application for permanently affordable housing matching at least MIH levels

  - Require a discretionary land use action (e.g., a zoning change, land disposition, special permit, etc.)

Question 2B) CPC Fast Track

- CPC Fast Track can be very short! The Borough President and the Community Board would have concurrent reviews and the final decision would be made by the CPC



* Time depends on whether an EIS is required

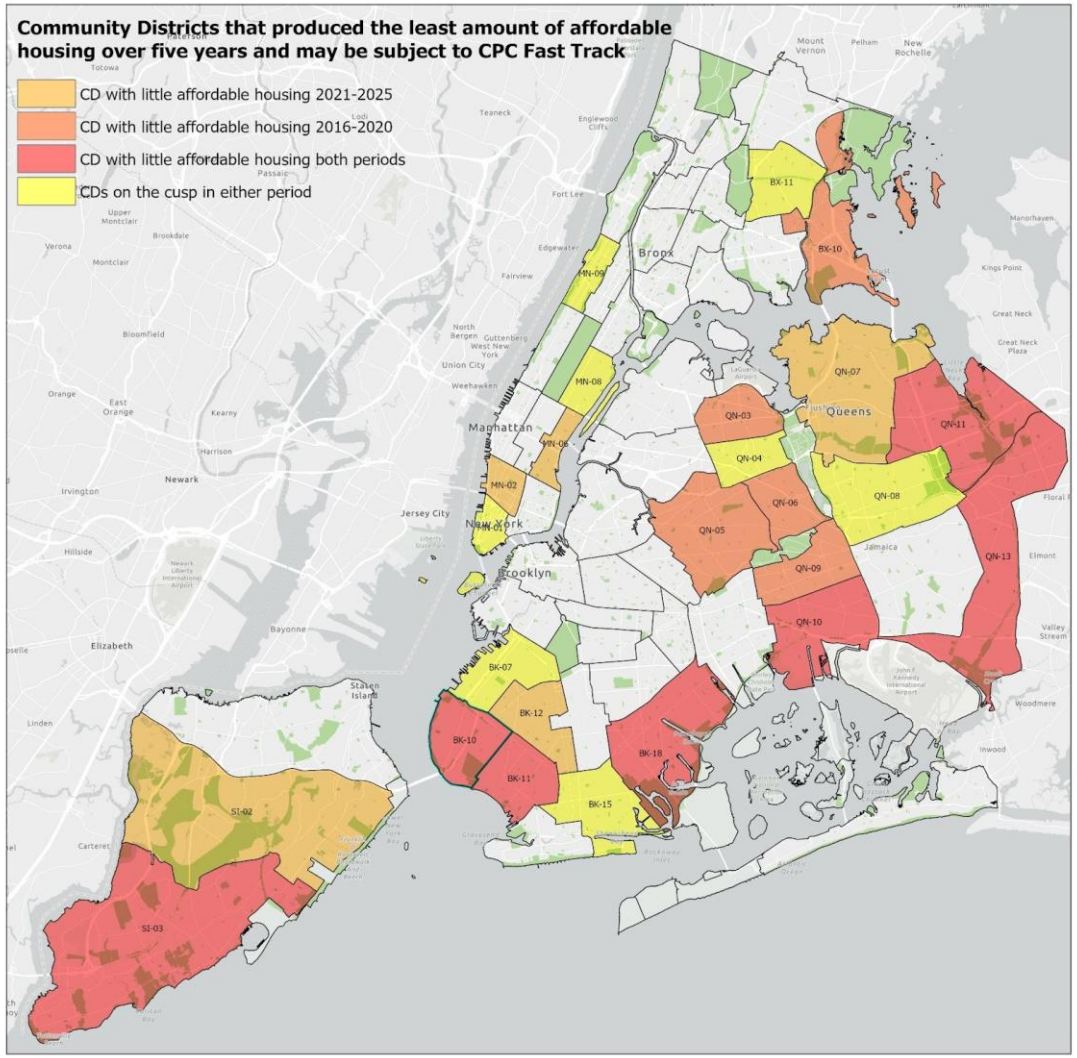
- Qualifying projects never go to the City Council: there is no role for the Council Member or the City Council in these land use actions

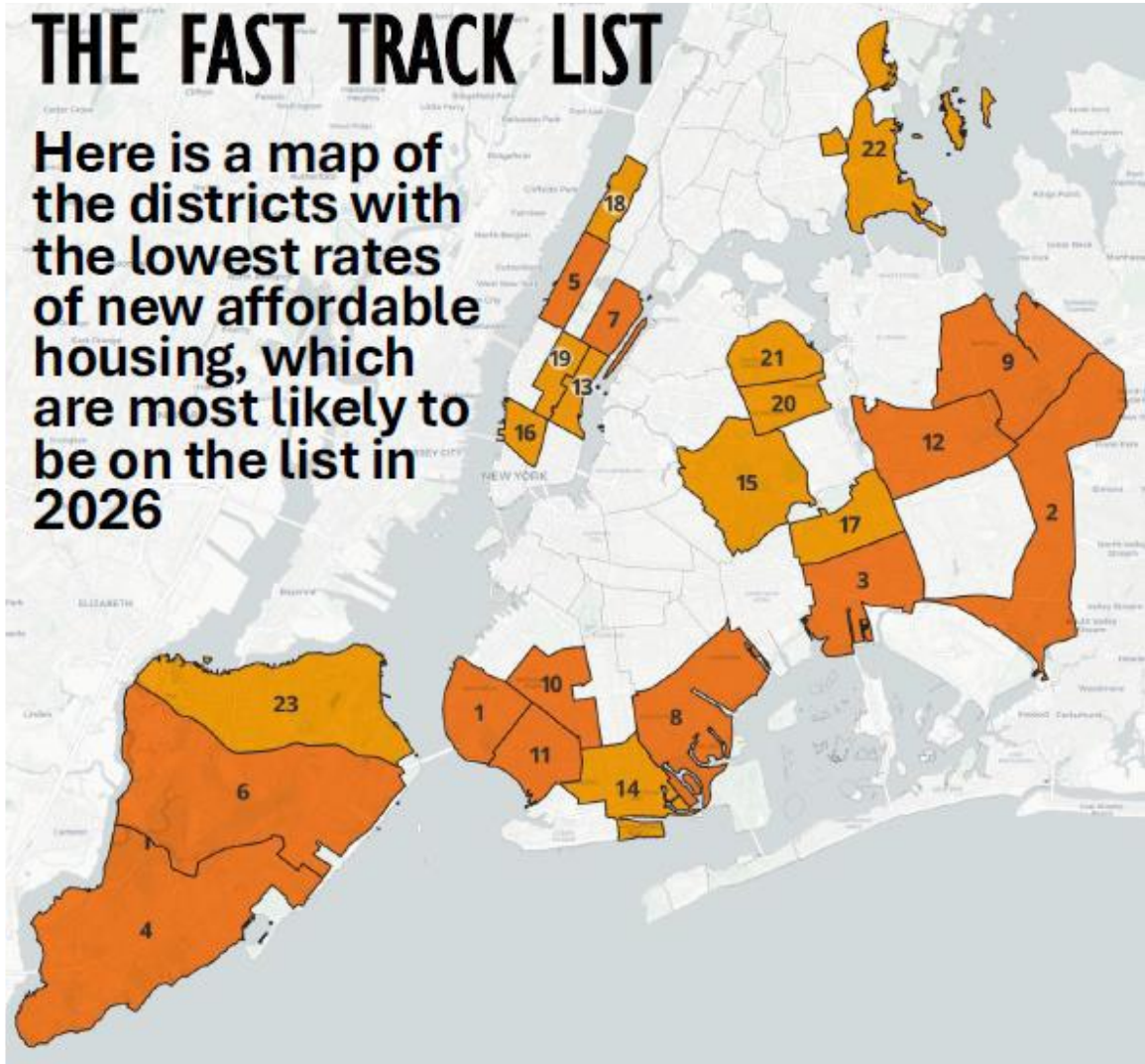
- There is no size limit or density limit to these applications

- Projects that meet the MIH minimum are permitted

Question 2B) CPC Fast Track

- Which CDs will be subject to Fast Track? We don't know. They haven't yet been selected
- My office made the image on the left. City Council made the image on the right. The final CDs will be selected by October 2026 and will likely include the darker colored districts



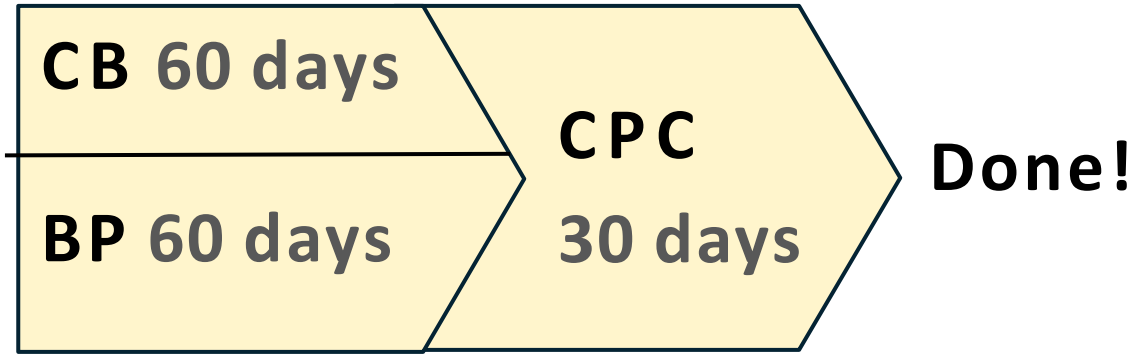


Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

- Also called the Expedited Land Use Review Procedure or ELURP, this is a new process for:
  - Common changes to the City Map
  - **Rezonings that increase housing capacity by up to 30% (or in low density districts)**
  - Site selection for resiliency, open space and solar energy generation projects
  - Disposition of City's undevelopable real property, as determined by the Mayor
  - City property leases for solar generation energy projects
  - City's voluntary buy-out of federal disaster area properties
  - City purchase of land under water for resiliency, open space and solar energy generation projects

Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

- The process is the same as CPC Fast Track and is also very short!



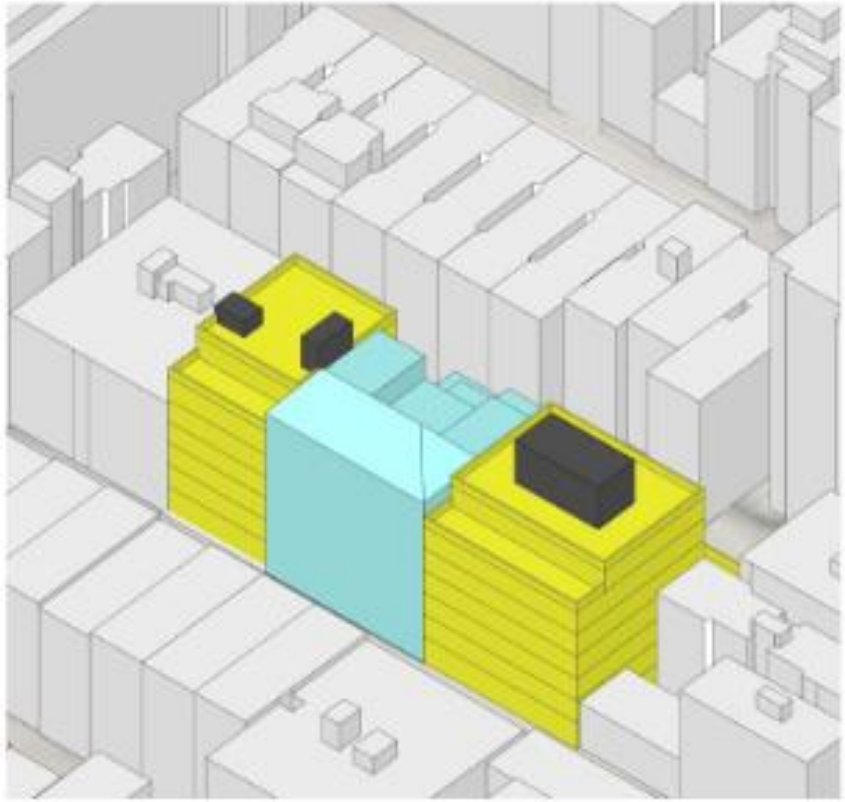
- Qualifying projects never go to the City Council: there is no role for the Council Member or the City Council in these land use actions

- Mandatory Inclusionary Housing is not required in low density area but may be triggered in higher density areas

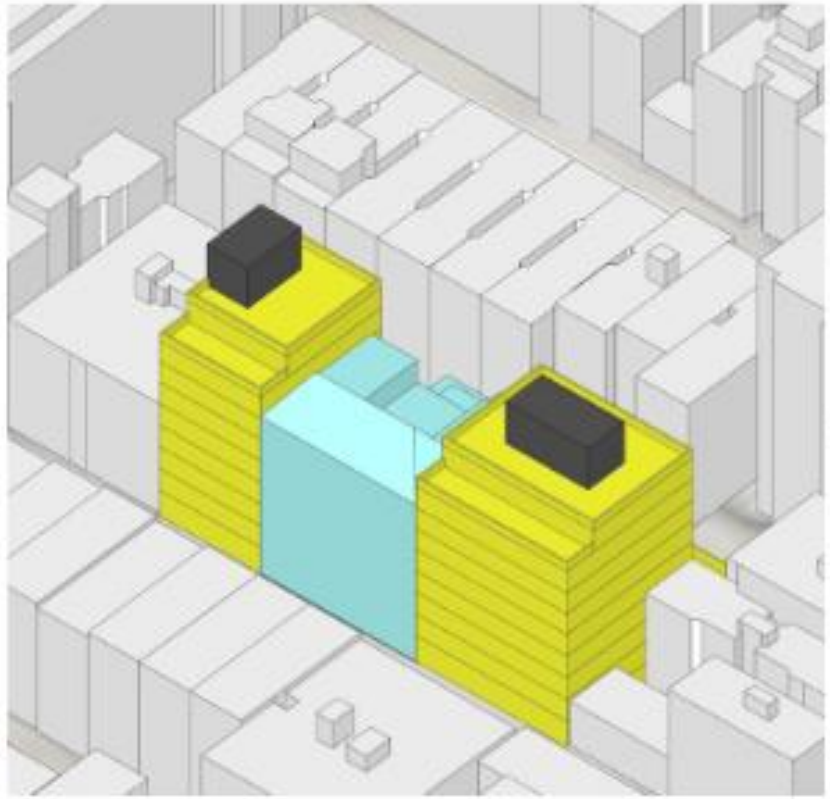
Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

- Most folks are interested in rezonings that increase housing capacity
- This is the hypothetical redevelopment of a church property on the UES using existing zoning and a ELURP rezoning

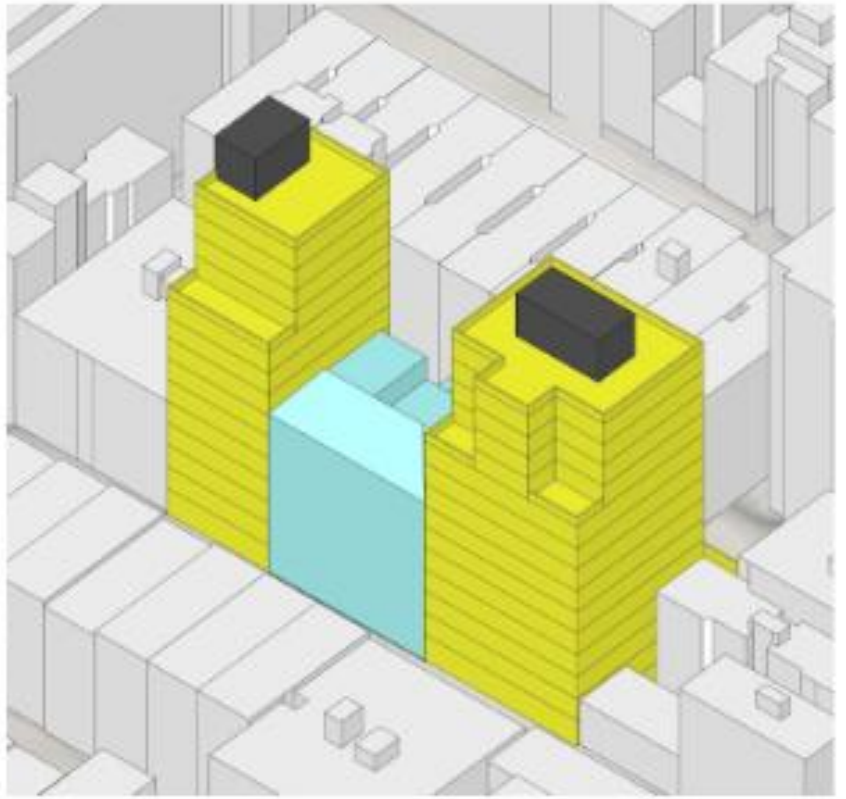
Existing R8B zoning, 4.0 FAR
75 feet



Existing R8B zoning with UAP, 4.8 FAR
95 feet, 20% affordable



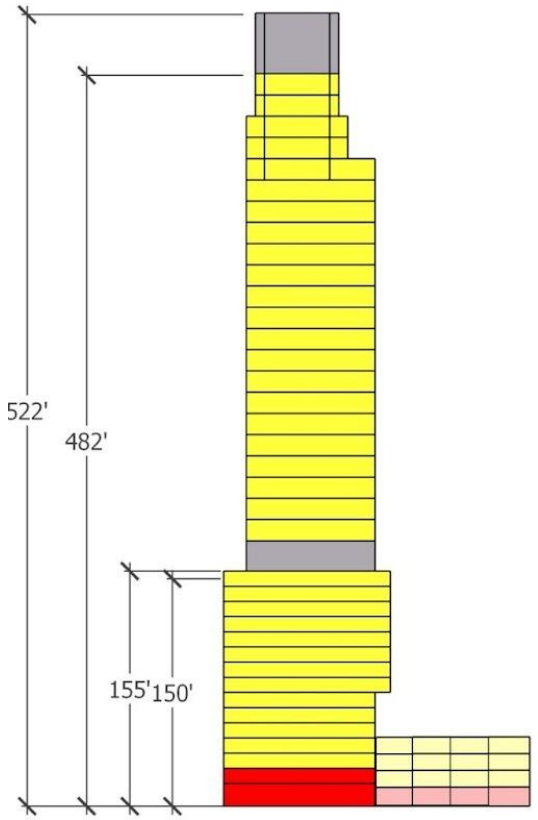
ELURP R7X zoning, 6.0 FAR
145 feet, with MIH



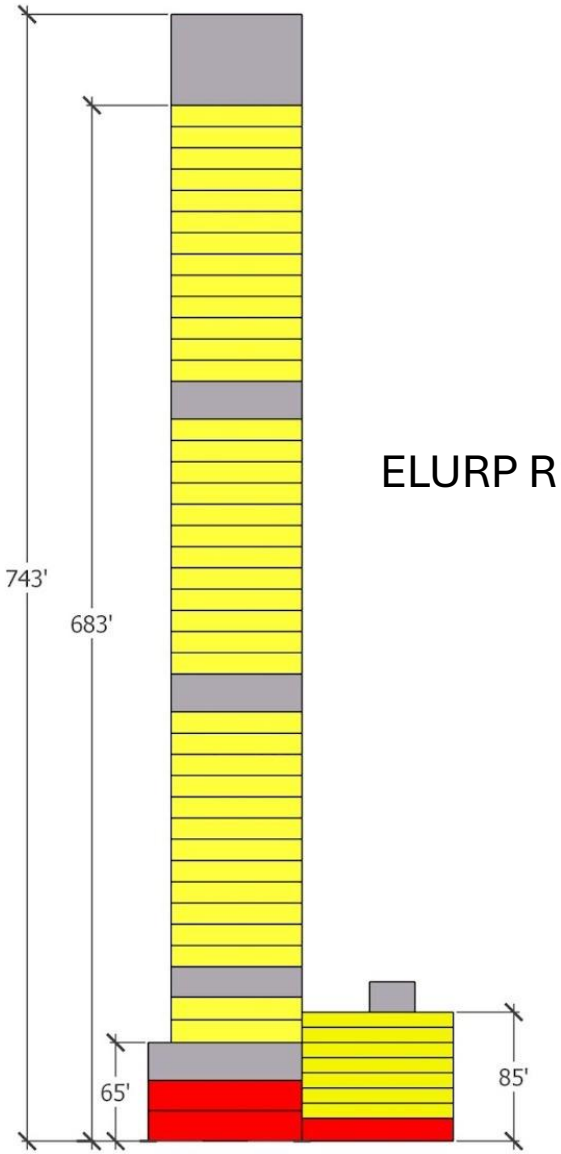
Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

- In high density areas, a 30% increase in FAR from ELURP can create different building forms

Current R10 zoning



ELURP R11 zoning



Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

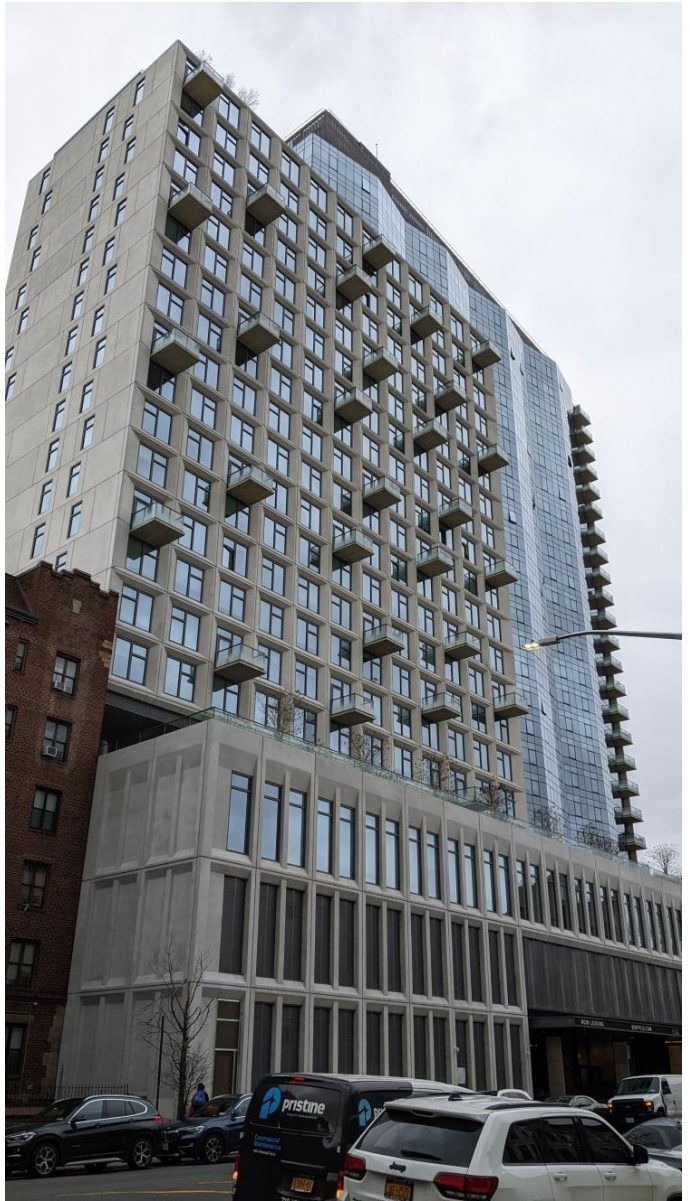
- In the Boroughs, ELURP can be used to permit changes like this

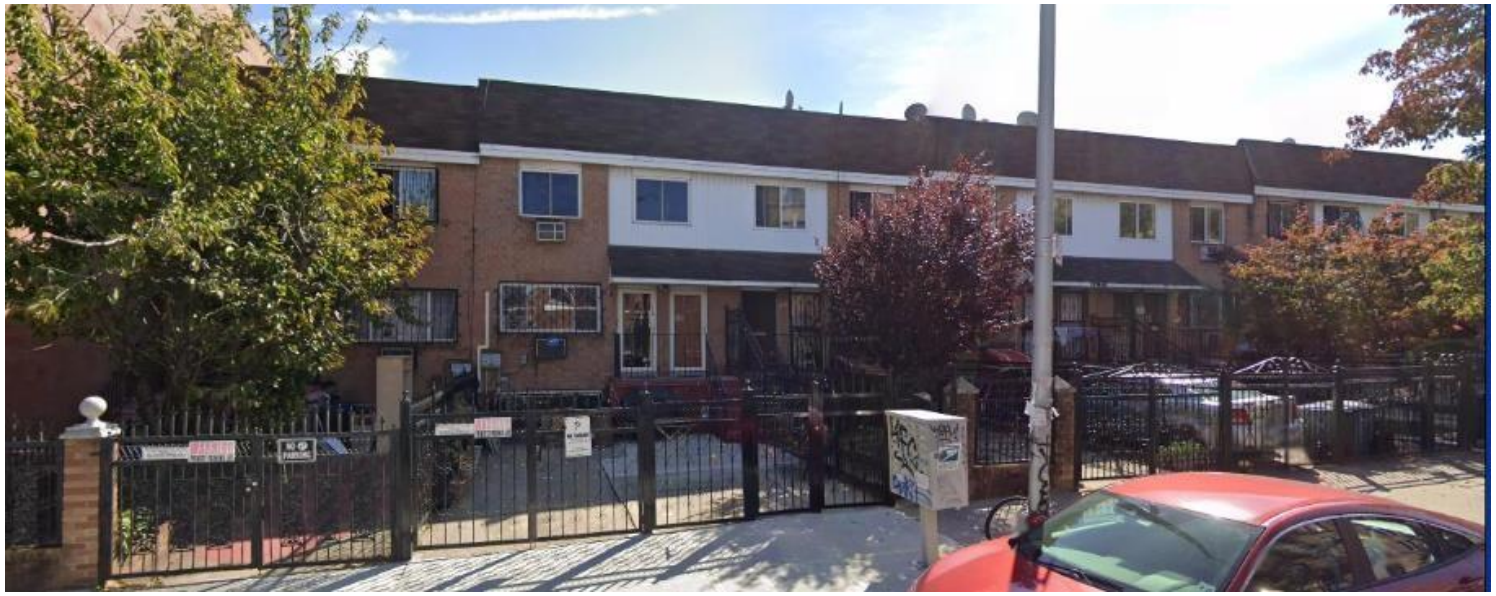


Currently zoned R6

ELURP

R7-2





Question 3) Simplify Review of "Modest" Housing & Infrastructure Projects

- In the Boroughs, ELURP can be used to permit changes like this

Currently zoned single family



ELURP

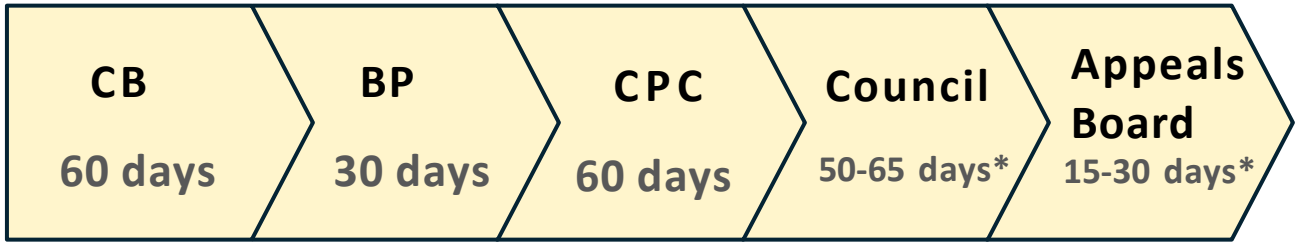
4 story apartments



Question 4) Establish an Affordable Housing Appeals Board

- The affordable housing appeals board would be made up of the Mayor, BP and the City Council Speaker

- Applicants who are unhappy with City Council votes or modifications to standard land use applications can appeal to the Appeals Board at the end of the process:



- If two of the three members agree, they may overturn the Council vote or modifications

- The Appeals Board wouldn't apply in Fast Track or ELURP applications (because Council has no role), just standard applications

The main theme of all these actions is to <u>reduce the power of City Council</u> and increase the power of the CPC (and the Mayor)

- Before November 2, 2025, the most important person in determining the future of your land use application was your City Council Member

- If your City Council Member did not like your application, it was not going anywhere

- Now, your City Council Member may hate your application, and in many (most?) cases, there is nothing they can do about it

- The change is a dramatic shift in the power dynamic in land use decisions in NYC

What does this mean for you?

- If you are a land use applicant in a district that has not produced much affordable housing, you can develop a rezoning application that . . .
    - Meets your goals and the goals of the CPC, and it will likely be approved
    - Post-certification review time is cut by more than half
- If you're a not-for-profit affordable housing developer . . .
    - Rezoning applications and political lobbying may be thing of the past: BSA Fast Track may be the optimal way forward

What does this mean for you?

- ELURP has real synergies with other recent reforms, like the 2024 Green Fast Track and City of Yes zoning changes
    - Green Fast Track makes most projects with fewer than 250 units exempt from an Environmental Impact Statement
    - ELURP and Green Fast Track should go together, which should reduce soft costs for rezoning actions
    - Also, City of Yes dramatically altered the Zoning Resolution to make development easier, especially if you are looking to infill on a campus, but also in many other ways

What does this mean for you?

- Some Council Members have made unreasonable demands for their vote to approve applications, or have simply refused projects that bring affordable housing

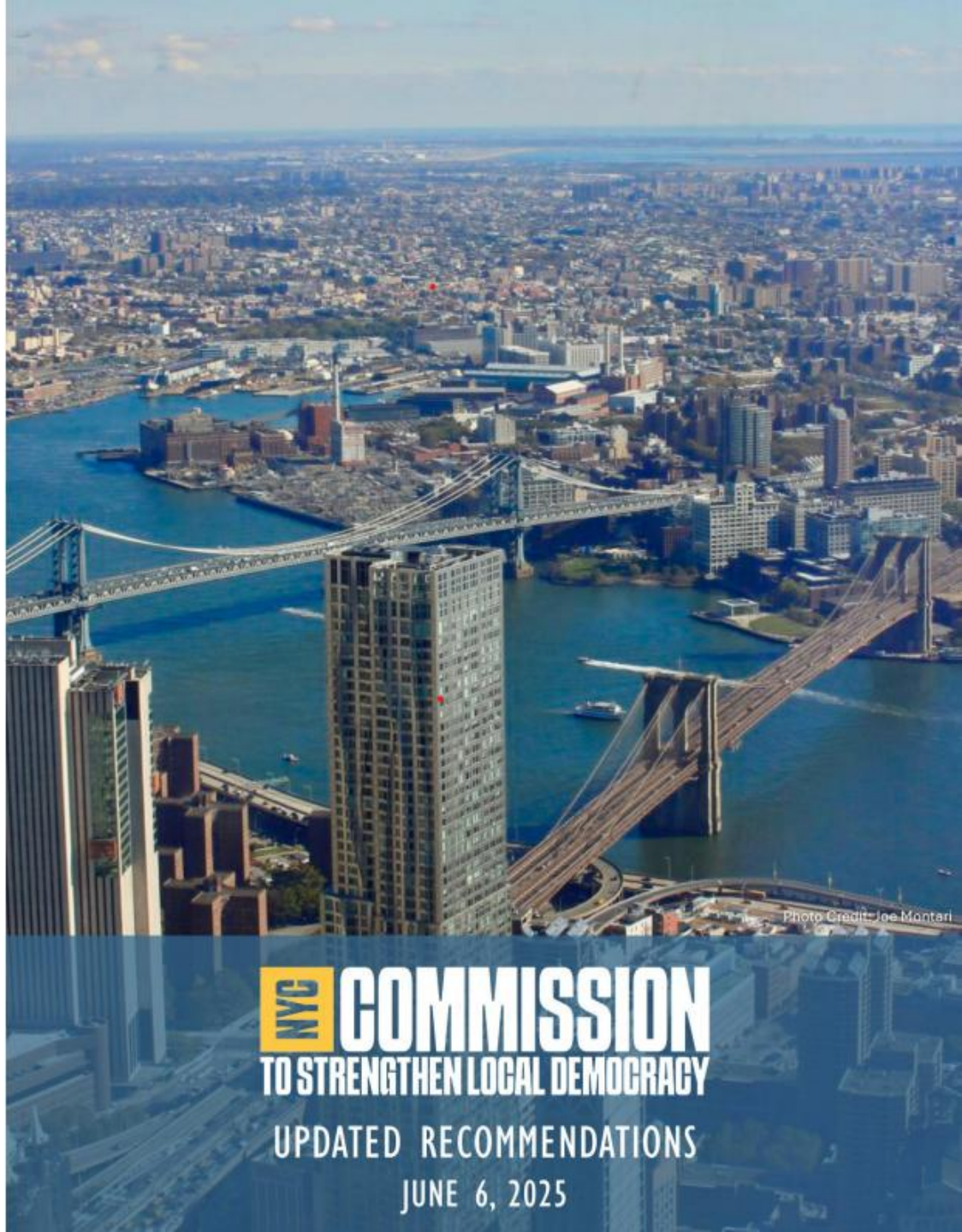
- The Appeals Board provides a relief valve for good projects in bad situations

- In sum, the revisions to the City Charter meaningfully change the development environment for applicants: Now you must satisfy just the CPC (or the BSA) and not the Council Member for most applications

- But you should also be aware that the City Council may attempt to make changes, as soon as next year

City Council had their own Charter Revision Commission this year

- They developed recommendations, but they were pre-empted by the Mayor's Commission
- The state legislature passed a law that prevents the Mayor from pre-empting the City Council's Revision Commission in the future
- If the Governor signs the law, the Mayor cannot stop Council's Charter Revisions from going on the ballot
- But it's unclear if new Council leadership will pursue another Charter Revision



Questions? Comments? More information

- The Mayor's Charter Revision Commission
- The Council's Charter Revision
- Green fast track
- My primer on Charter Revision
- Me: George@georgejanes.com
  917-612-7478

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