

<b>Topic:</b>	Equity; Healthy Communities
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	New York
<b>Year (adopted, written, etc.):</b>	2021
<b>Community Type - applicable to:</b>	Urban
<b>Title:</b>	Int. No. 1572-B
<b>Document Last Updated in Database:</b>	July 6, 2021

### ***Abstract***

This legislation calls for the development of an equitable development data tool that will contain citywide, boroughwide, community district, and neighborhood-level data in New York City. The tool will be available online for public use and will contain data on demographic conditions, economic security, neighborhood quality of life and access to opportunity, housing security/affordability/quality and housing production. The data tool will also include a Displacement Risk Index. Data is disaggregated by race and ethnicity. The tool must be available for public use by April 1, 2022.

Beginning in June 2022, designated land use changes must submit a racial equity report with a ULURP application. The racial equity report must use data from the data tool within a half mile of the proposed project. The report will present existing conditions, historical trends, comparisons to nearby neighborhoods and the city, and the predicted effects of the proposed project. Residential projects must include a summary of existing income levels disaggregated by race, information on affordable housing, expected rents, expected necessary income. Non-residential projects must analyze job creation and the potential race/ethnicity of the relevant workforce.

## ***Resource***

Land Use Committee Staff  
George Sarkissian, Deputy Director  
Brian Paul, Senior Project Manager  
Kaitlin Greer, Legislative Coordinator  
Luke Zangerle, Finance Analyst  
Julie Lubin, General Counsel-Land Use



**THE COUNCIL**  
**COMMITTEE REPORT OF THE LAND USE DIVISION**  
*Raju Mann, Land Use Director*

**COMMITTEE ON LAND USE**  
**Hon. Rafael Salamanca, Jr., Chair**

**June 16, 2021**

**Int. No. 1572-B:** By the Public Advocate (Mr. Williams) and Council Members Salamanca, Reynoso, Chin, Levine, Levin, Lander, Menchaca, Van Bramer, Kallos, Rosenthal, Louis, Ampry-Samuel, Adams, Gibson, Miller, Barron, Rose, Cornegy, Moya, Koo, Ayala, Riley, Cumbo and D. Diaz

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring a citywide equitable development data tool and racial equity reports on housing and opportunity

**Charter:** Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding new sections 25-117 and 25-118

### **I. INTRODUCTION**

On June 16, 2021, the Committee on Land Use voted to approve Int. No. 1572-B. A public hearing with testimony by the Public Advocate Mr. Williams, representatives of the Department

of Housing Preservation and Development and the Department of City Planning, as well as advocates, experts, and stakeholders was held on Proposed Int. No. 1572-A on January 11, 2021.

## **II. BACKGROUND**

Analyses of potential disparities between racial and ethnic groups are regularly employed in many types of planning and policy across the country as a tool to help decision makers understand and combat racial disparities and further institutionalize the goal of equity. For example, the Federal Transportation Administration requires Metropolitan Planning Organizations (MPOs) to undertake racial equity studies as part of regional transportation plans and to analyze the equity implications of any proposed significant changes in service or fares.<sup>1</sup> The National League of Cities' most recent Municipal Action Guide for advancing racial equity broadly recommends examining data by race/ethnicity to help inform policymaking.<sup>2</sup> And many individual cities are now incorporating a racial equity lens into aspects of planning and policy through specific racial equity studies or checklist tools. For example, as part of Seattle's comprehensive plan, the city has used a "Growth and Equity Analysis" to inform the citywide growth strategy and the implications of planning for additional density in particular neighborhoods and evaluate whether or not and to what extent impacts could disproportionately harm or benefit historically marginalized populations.<sup>3</sup>

In New York, the de Blasio administration released the final "Where We Live" plan in October 2020 that included extensive analysis of disparities between racial/ethnic groups in New

---

<sup>1</sup> US Department of Transportation, Federal Transit Administration. Circular FTA C 4702.1B: Title VI Requirements and Guidelines for FTA Recipients. (October 2012). Available at [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf); New York Metropolitan Transportation Council. Plan 2040, Appendix 4: Environmental Justice and Title VI. Available at <https://www.nymtc.org/portals/0/pdf/Appendix4.pdf>

<sup>2</sup> National League of Cities. Municipal Action Guide Advancing Racial Equity in Your City. Available at <https://www.nlc.org/wp-content/uploads/2017/10/NLC-MAG-on-Racial-Equity.pdf>

<sup>3</sup> Seattle Office of Planning and Community Development. Seattle 2035: Growth and Equity: Analyzing Impacts on Displacement and Opportunity Related to Seattle's Growth Strategy. (May 2016). Available at <https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/FinalGrowthandEquityAnalysis.pdf>

York City across a wide range of indicators including housing, health, social, and economic data points. The “Where We Live” report also advanced specific policy recommendations, including one to “include a description of racial characteristics of the project area into the analyses that accompany and underpin the environmental review for proposed land use changes.”<sup>4</sup> In addition, the administration annually reports on Social Equity Indicators and citywide disparities as required by Charter Section 16.

In recent years, many advocates for racial equity and fair housing have become increasingly critical of the City’s land use process and the apparent lack of consideration for these goals in land use policymaking. Advocates often point to the extensive rezonings that took place under the Bloomberg administration and the clear pattern identified by a 2010 Furman Center report wherein upzoned areas were disproportionately home to lower-income Black and Latinx renters when compared to the more heavily white, homeowner downzoned areas.<sup>5</sup>

Advocates also contend that Bloomberg-era rezonings—which added density to lower-income communities of color such as Greenpoint-Williamsburg (2005) and Fourth Avenue (2003)—accelerated gentrification and displacement in ways that might have been avoided or reduced if studies of potential disparities had been undertaken. Studies of racial/ethnic disparities may have led to greater consideration for anti-displacement policy, more deeply affordable housing and/or stronger inclusionary zoning tools, and for housing density to be further concentrated in affluent neighborhoods instead of in communities of color vulnerable to displacement.<sup>6</sup>

---

<sup>4</sup> Mayor Bill de Blasio. *Where We Live NYC: Fair Housing Together*. (October 2020). Available at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/wwl-plan.pdf>

<sup>5</sup> Furman Center for Real Estate and Urban Policy. *How Have Recent Rezonings Affected the City’s Ability to Grow?* (March 2010). Available at [https://furmancenter.org/files/publications/Rezonings\\_Furman\\_Center\\_Policy\\_Brief\\_March\\_2010.pdf](https://furmancenter.org/files/publications/Rezonings_Furman_Center_Policy_Brief_March_2010.pdf)

<sup>6</sup> Churches United for Fair Housing. *Zoning and Racialized Displacement in NYC*. Available at <https://static1.squarespace.com/static/5dc0429de5717c7ff1caead0/t/5de6c0e683bec649d37ab0cc/1575403753814/Zoning+and+Racialized+Displacement+in+NYC.pdf>

While the de Blasio administration has taken a clear public position against exclusionary downzonings, the six neighborhoods the administration has thus far upzoned with Mandatory Inclusionary Housing—East New York, downtown Far Rockaway, East Harlem, Inwood, the Jerome Avenue corridor in the Bronx, and Bay Street corridor in Staten Island—are all lower-income communities of color.

As New Yorkers continue to push for fair housing and racial equity, developing tools to achieve these goals in the context of the land use approval process is of the utmost importance.<sup>7</sup>

### **III. SUMMARY OF INT. 1572-B**

To help inform land use policy decisions, this legislation proposes to require a citywide equitable development data tool (“data tool”) and racial equity reports on housing and opportunity (“racial equity reports”). The data tool will be produced by the Department of City Planning and Department of Housing Preservation and Development and put online for public use with citywide, boroughwide, community district, and neighborhood-level data in the following categories: demographic conditions, economic security, neighborhood quality of life and access to opportunity, housing security/affordability/quality and housing production. It will also include a Displacement Risk Index comprised of indicators of population vulnerability, housing conditions, and neighborhood change that will deliver information to the public on housing vulnerability and the risk of displacement. The equitable development data tool will present this data disaggregated by race and ethnicity where possible (for example – median income for White, Black, Latino, and Asian households, not just all households), and with a historical look-back for trends wherever such data is available. It will help establish a new shared

---

<sup>7</sup> Sadeef Ali Kully. Call for City to Assess Racial Impact as it Reviews Impact of Real-Estate Development. City Limits. (January 15, 2019). Available at <https://citylimits.org/2019/01/15/call-for-city-to-assess-racial-impact-as-it-reviews-impact-of-real-estate-development/>

understanding of conditions in the city and inform our land use and housing policy to help better address the inequality and challenges facing communities of color.

Beginning June 2022, applicants requiring land use changes that propose residential projects 50,000 sqf or larger, non-residential projects 200,000 sqf or larger, citywide zoning text amendments affecting five or more community districts, or certain downzonings or historic districts will be required to use the equitable development data tool to complete a racial equity report on housing and opportunity. Reports will be released at the start of public review and are separate from CEQR documents and procedures.

Specifically, covered applications are: those that propose to amend the zoning resolution and would affect five or more community districts, those that designate historic districts and affect at least four city blocks, those ULURP applications that seek approval to acquire or dispose land for a non-residential project with at least 50,000 square feet, those ULURP applications that seek approval to acquire or dispose of land to for a residential project for a building containing 50,000 square feet of floor area and excluding preservation projects, those ULURP applications that propose to increase residential floor area by at least 50,000 square feet, those ULURP applications that propose to increase permitted non-residential floor area by at least 200,000 square feet, or ULURP applications that propose to decrease permitted floor area or the number of housing units on at least four contiguous city blocks. However, in addition to the foregoing, in manufacturing districts, a ULURP application for a zoning map change or a special permit, or a zoning text amendment which would change floor area allowed for uses in manufacturing districts or the use regulations of a manufacturing district, related to a building containing at least 100,000 square feet of non-residential floor area, would also be required to provide a racial equity report.

The applicant will pull data from the Equitable Development Data Tool approximating a half mile radius study area and present the data in a report. The report will include a “community profile” of existing conditions in the local area by the categories of data included in the equitable development data tool. The report will also include a narrative statement of how the proposed project relates to the City’s fair housing plan (Where We Live) and equitable economic development goals.

In addition, residential projects will have to state the expected rents for all units (including market-rate and affordable) and the household incomes needed to afford the units without incurring housing cost burden. The data presented from the equitable development data tool will provide new insights on the race/ethnicity of the households that are able to afford the expected units and what kinds of households have been applying for and securing units through HPD lotteries in the area.

Non-residential projects proposing specific uses (like a new hospital or tech company headquarters) will have to analyze the projected number of jobs likely to be created by sector or occupation and the race/ethnicity and educational attainment of the workforce in those sectors.

This bill would take effect immediately, however the equitable development data tool would not be required to be available for public use until April 1, 2022, and racial equity reports on housing and opportunity will not be required for applications submitted prior to June 1, 2022.

All racial equity reports would require an executive summary written in plain language as well as a summary of data on the existing conditions and trends of the prior two decades in the

community as well as a comparison of community data with the rest of the borough and citywide. The racial equity report will also estimate of the number of construction jobs to be created by the project.

Project applicants that do not provide a racial equity report will be identified on the city website, and those required to receive a racial equity report will be notified that the report was not submitted.

#### **IV. ANALYSIS OF LEGISLATION**

The bill was introduced as Int. No. 1572 at a stated meeting on May 9, 2019. Int. 1572 would have required that any Environmental Impact Statement (EIS) filed in connection with an application subject to the Uniform Land Use Review Procedure (ULURP) include an analysis of racial impacts and compliance with affirmatively furthering fair housing regulations, as provided by the Department of Housing and Urban Development (HUD). HUD has repealed these regulations since introduction.<sup>8</sup>

The bill was subsequently amended as Proposed Int. No.1572-A so that it would not change the form or substance of any EIS. This bill required ULURP applicants with large projects (e.g. it involves at least four adjacent blocks of real property, proposes to increase permitted floor area by at least 50,000 square feet, or proposes a conversion of use of at least 50,000 square feet) to prepare a racial disparity report on existing demographic, social, economic, and housing conditions of the project area, information about units to be built in residential projects, and expected sectors and occupations of jobs in non-residential projects.

The bill was subsequently amended as Proposed Int. No. 1572-B. Bill section one would amend the administrative code to add new sections 27-117 and 27-118, titled “Equitable development data tool” and “Racial equity report on housing and opportunity”, respectively.

---

<sup>8</sup> Federal Department of Housing and Urban Development. FR-6228-F-01 Preserving Community and Neighborhood Choice. (August 2020). Available at <https://beta.regulations.gov/document/HUD-2020-0053-0001>



Subdivisions a of each new section set forth defined terms applicable therein. Such defined terms primarily relate to levels of affordability. The implementing agency is defined as the department of housing preservation and development and department of city planning for purposes of the equitable development data tool, and as an agency designated by the mayor for purposes of racial equity reports.

The bill added to Int. No. 1572-A by requiring in subdivision b of new section 27-117 that a source for the racial equity reports be created in the form of an equitable development data tool to be developed and published for public use and be accessible on the city's website. Data in the data tool will be updated at least annually and be presented at the following levels of geography: (1) a neighborhood level to be determined by the department, where statistically reliable data is available, (2) public use microdata area or community district, where statistically reliable data is available, (3) boroughwide and (4) citywide. Subdivision b also requires that the tool be capable of generating reports for any such level of geography, and permits additional levels of geography to be added to the tool, if statistically reliable data is available.

Subdivision c of new section 27-117 provides that the equitable development data tool will include data relating to these categories: (1) demographic conditions, (2) household economic security, (3) neighborhood quality of life and access to opportunity, (4) housing security, affordability and quality, (5) housing production and (6) a displacement risk index. The data will include breakdowns by race and Hispanic origin where available and include data over the previous two decades to allow for analyses over time. There is also a list of data points and indicators that are required to be included within each category.

Subdivision d of new section 27-117 provides that the data tool will be available to the public starting April 1, 2022 after a public hearing on a draft tool.

Subdivision e of new section 27-117 provides that the methodologies and indicators comprising the equitable development data tool be updated as new data sources and analytical tools are developed. Source data shall be provided on the website where the tool is available to the public, as well as information on statistical reliability and methodology for establishment of the displacement risk index.

In addition to adding the equitable development data tool, Int. No. 1572-B specifies, in subdivision b of new section 25-118, the types of projects that require a racial equity report. The types of projects that require a racial equity report are those submitted pursuant to section 201 of the charter for a citywide amendment to the zoning resolution affecting five or more community districts, applications submitted for designation of historic districts pursuant to section 3020 of the charter affecting at least four city blocks, and for applications submitted pursuant to subdivision a of section 197-c of the charter that seek approval for (i) an acquisition or disposition of land to facilitate a non-residential project containing at least 50,000 square feet of floor area, (ii) an acquisition or disposition of land to facilitate a residential project, other than a residential project consisting of a building to be preserved, provided that such equity report shall only be required related to a building in such project containing at least 50,000 square feet of floor area, (iii) an increase in permitted residential floor area of at least 50,000 square feet, (iv) an increase in permitted non-residential floor area by at least 200,000 square feet or (v) a decrease in permitted floor area or number of housing units on at least four contiguous city blocks. However, in addition to the foregoing, any application seeking approval of change to the permitted floor area for any use in a manufacturing district or change to the use regulations of a manufacturing district, whether by change to the zoning map pursuant to section 197-c of the charter, change to the text of the zoning resolution pursuant to section 201 of the charter, or by special permit pursuant to section 197-c of the charter, related to a building in such project

containing at least 100,000 square feet of floor area, shall also be required to submit a racial equity report. Subdivision b also includes requirements for distributing the racial equity report. The report will be provided to the affected community board and borough president, the affected council member, the public advocate and the speaker of the council, and will also promptly be posted on the website of an agency designated by the mayor.

Subdivision c of new section 25-118 sets forth the required contents of the racial equity report. The contents include an executive summary written in plain language, for all reports. For residential projects, other than historic districts, the second section of the report will provide the affordability of expected housing and the incomes that would be needed to avoid housing cost burden. For non-residential projects other than historic districts, where the project is use-specific, the second section must include job projections by sector or occupation, median wage levels, and the racial and ethnic composition and educational attainment of the workforce for jobs in that sector or occupation. For projects other than zoning text amendments, the community profile must be provided. The community profile is defined in subdivision a of section 25-118 as data for a local study area drawn from the equitable development data tool required by section 25-117. The community profile data must be compared with borough and citywide data for all categories, data and indicators in the equitable development data tool, and disaggregated by race and Hispanic origin. For projects with residential floor area, other than a designation of a historic district, such community profile will provide a summary of the distribution of households by income levels disaggregated by race and Hispanic origin, as well as data on affordable housing lottery applicants and awardees. All projects will be required to state how the proposed project relates to the goals and strategies to affirmatively further fair housing and promote equitable access to opportunity with reference to the city's fair housing plan, as set

forth in agency rules. All projects will also be required to provide an estimate of the number of construction jobs created.

Last, subdivision d of section 25-118 provides that if a racial equity report is not submitted, that information will be posted on the city website, and the above-mentioned parties that would receive the report will be informed that the report was not completed.

Bill section two would provide that no private right of action shall be created to enforce the provisions of new section 25-118.

Bill section three would provide that the local law takes effect immediately.

## **UPDATE**

On June 16, 2021, the Committee on Land Use passed Int. No. 1572-B by a vote of 18 in the affirmative, zero in the negative, with zero abstentions.

Int. No. 1572-B

By the Public Advocate (Mr. Williams) and Council Members Salamanca, Reynoso, Chin, Levine, Levin, Lander, Menchaca, Van Bramer, Kallos, Rosenthal, Louis, Ampry-Samuel, Adams, Gibson, Miller, Barron, Rose, Cornegy, Moya, Koo, Ayala, Riley, Cumbo and D. Diaz

A Local Law to amend the administrative code of the city of New York, in relation to requiring a citywide equitable development data tool and racial equity reports on housing and opportunity

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding new sections 25-117 and 25-118 to read as follows:

§ 25-117 Equitable development data tool. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Area median income. The term “area median income” means the income limits as defined annually by the United States department of housing and urban development (HUD) for the New York, NY HUD Metro FMA Area (HMFA).

Department. The term “department” means the department of housing preservation and development and the department of city planning.

Extremely low income (ELI) household. The terms "extremely low income household" and “ELI household” mean a household that has an income of no more than 30 percent of the area median income, adjusted for the size of the household.

Extremely low income affordable housing (ELI-AH) unit. The terms "extremely low income affordable housing unit" and “ELI-AH unit” mean a housing unit that is required to be affordable to an extremely low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

[Type text]

Higher income (HI) household. The terms “higher income household” and “HI household” mean a household that has an income of more than 165 percent of the area median income, adjusted for the size of the household.

Low income (LI) household. The terms "low income household" and “LI household” mean a household that has an income of more than 50 percent but no more than 80 percent of the area median income, adjusted for the size of the household.

Low income affordable housing (LI-AH) unit. The terms "low income affordable housing unit" and “LI-AH unit” mean a housing unit that is required to be affordable to a low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Middle income (MIDI) household. The terms "middle income household" and “MIDI household” mean a household that has an income of more than 120 percent but no more than 165 percent of the area median income, adjusted for the size of the household.

Middle income affordable housing (MIDI-AH) unit. The terms "middle income affordable housing unit" and “MIDI-AH unit” mean a housing unit that is required to be affordable to a middle income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Moderate income (MI) household. The terms "moderate income household" and “MI household” mean a household that has an income of more than 80 percent but no more than 120 percent of the area median income, adjusted for the size of the household.

Moderate income affordable housing (MI-AH) unit. The terms "moderate income affordable housing unit" and “MI-AH unit” mean a housing unit that is required to be affordable

[Type text]

to a moderate income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Rent burden. The term “rent burden” means household housing costs that exceed 30 percent of the household’s income.

Very low income (VLI) household. The terms "very low income household" and “VLI household” mean a household that has an income of more than 30 percent but no more than 50 percent of the area median income, adjusted for the size of the household.

Very low income affordable housing (VLI-AH) unit. The terms "very low income affordable housing unit" and “VLI-AH unit” mean a housing unit that is required to be affordable to a very low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

b. Equitable development data tool. The department, with the cooperation of any other relevant agencies, shall develop and publish an equitable development data tool. The tool shall be available online for public use and any other use required by law. The tool shall be accessible through the city’s website, be updated by the department at least annually, and present the categories, data and indicators set forth in subdivision c of this section at the following levels of geography: (i) a neighborhood level to be determined by the department, where statistically reliable data is available, (ii) public use microdata area or community district, where statistically reliable data is available, (iii) boroughwide and (iv) citywide. The tool shall be capable of generating reports of such data and indicators for any such level of geography. The department may include additional levels of geography, including census tracts, if statistically reliable data is available.

[Type text]

c. Categories, data and indicators. The equitable development data tool shall include, but need not be limited to, the following categories: (i) demographic conditions, (ii) household economic security, (iii) neighborhood quality of life and access to opportunity, (iv) housing security, affordability and quality, (v) housing production and (vi) a displacement risk index. Where available, such data shall be disaggregated by race and Hispanic origin, and include data for such categories for the prior two decades to describe recent trends over time. The department, with the cooperation of any other relevant agencies, may identify data and indicators for each category, provided that such data and indicators shall include, to the extent available, the following:

1. Demographic conditions, including but not limited to race and Hispanic origin, limited English speaking households, foreign born population and age;

2. Household economic security, including but not limited to median household income, distribution of households by income levels corresponding to ELI, VLI, LI, MI, MIDI, and HI households, labor force participation, employment by occupation or industry sector, average wages by occupation or industry sector, and educational attainment;

3. Neighborhood quality of life and access to opportunity, including but not limited to health outcomes, access to open space, indicators of public safety, indicators of school quality, indicators of access to transit and employment opportunities;

4. Housing security, affordability and quality, including but not limited to median rent, median home value, housing tenure, share of housing units that are rent-stabilized, share of housing units that are income-restricted, share of households that are rent-burdened, share of housing units affordable to ELI, VLI, LI, MI, MIDI and HI households, residential eviction cases filed in housing court and residential evictions executed by city marshals pursuant to a warrant



[Type text]

issued in accordance with section 749 of the real property actions and proceedings law, share of housing units with three or more maintenance deficiencies, share of housing units that are overcrowded, affordable housing lottery applicants and awardees as described in the most recent report required by section 26-2602 and number of individuals and families in the shelter system operated by the department of homeless services or a provider under contract or similar agreement with the department of homeless services by community district based on last known address of such individuals or families, where known.

5. Housing production, including but not limited to total additions and subtractions to housing units; ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH unit production; ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH unit preservation; and portion of area that is within historic districts; and

6. A displacement risk index comprised of indicators of population vulnerability, housing conditions and neighborhood change, including but not limited to race and Hispanic origin, income, English language proficiency, share of housing units that are renter-occupied, share of housing units that are rent-stabilized, share of housing units that are income-restricted, share of households experiencing rent burden, trends in housing prices and rents, and share of housing units with three or more maintenance deficiencies.

d. Availability. The equitable development data tool shall be available for public use by April 1, 2022, provided that the department shall release a draft equitable development data tool before such date and shall hold a public hearing regarding such draft tool not fewer than 60 days after such release.

e. Updates of methodologies and indicators. The department, with the cooperation of any other relevant agencies, shall update the methodologies and indicators comprising the equitable

[Type text]

development data tool as new data sources and analytical tools are developed. The website where the tool is available to the public shall include the sources for all data used in the tool, information about limitations or statistical reliability of such data, information about the methodology used to select and weigh the indicators included in the displacement risk index and any necessary explanation about such data that is unavailable or unreliable at any level of geography described in subdivision b of this section. Whenever the department updates such a methodology or indicators the department shall post on such website a description of the update and the reasons for the update.

§ 25-118 Racial equity report on housing and opportunity. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Area median income. The term “area median income” has the meaning given to that term in section 25-117.

Community profile. The term “community profile” means data for a local study area drawn from the equitable development data tool required by section 25-117. Such community profile shall include all categories, data and indicators available from such equitable development data tool for a local study area that best approximates a half-mile radius of the project area based on aggregation of public use microdata areas or community districts or a neighborhood level of geography to be determined by the department.

Department. The term “department” means an agency or agencies designated by the mayor to administer this section.

Extremely low income (ELI) household. The terms "extremely low income household" and “ELI household” have the meaning given to those terms in section 25-117.

[Type text]

Extremely low income affordable housing (ELI-AH) unit. The terms "extremely low income affordable housing unit" and "ELI-AH unit" have the meaning given to those terms in section 25-117.

Floor area. The term "floor area" has the meaning given to that term in section 12-10 of the zoning resolution.

Higher income (HI) household. The terms "higher income household" and "HI household" have the meaning given to those terms in section 25-117.

Housing cost burden. The term "housing cost burden" means household housing costs that exceed 30 percent of the household's income.

Low income (LI) household. The terms "low income household" and "LI household" have the meaning given to those terms in section 25-117.

Low income affordable housing (LI-AH) unit. The terms "low income affordable housing unit" and "LI-AH unit" have the meaning given to those terms in section 25-117.

Manufacturing. The term "manufacturing" has the meaning given to that term in section 12-10 of the zoning resolution.

Manufacturing district. The term "manufacturing district" has the meaning giving to that term in section 12-10 of the zoning resolution.

Middle income (MIDI) household. The terms "middle income household" and "MIDI household" have the meaning given to those terms in section 25-117.

Middle income affordable housing (MIDI-AH) unit. The terms "middle income affordable housing unit" and "MIDI-AH unit" have the meaning given to those terms in section 25-117.

[Type text]

Moderate income (MI) household. The terms "moderate income household" and "MI household" have the meaning given to those terms in section 25-117.

Moderate income affordable housing (MI-AH) unit. The terms "moderate income affordable housing unit" and "MI-AH unit" have the meaning given to those terms in section 25-117.

Preserved. The term "preserved" means received physical rehabilitation or financial operating assistance for existing buildings, or both, in exchange for affordability for existing and future tenants.

Residential. The term "residential" has the meaning giving to that term in section 12-10 of the zoning resolution.

Very low income (VLI) household. The terms "very low income household" and "VLI household" have the meaning given to those terms in section 25-117.

Very low income affordable housing (VLI-AH) unit. The terms "very low income affordable housing unit" and "VLI-AH unit" have the meaning given to those terms in section 25-117.

b. Racial equity report on housing and opportunity. For an application submitted on or after June 1, 2022, an applicant shall file, in accordance with this subdivision, a racial equity report described in this section. Such report shall be required for all applications submitted pursuant to section 201 of the charter for a citywide amendment to the zoning resolution affecting 5 or more community districts, applications submitted for designation of historic districts pursuant to section 3020 of the charter affecting at least 4 city blocks, and for applications submitted pursuant to subdivision a of section 197-c of the charter that seek approval for (i) an acquisition or disposition of land to facilitate a non-residential project

[Type text]

containing at least 50,000 square feet of floor area, (ii) an acquisition or disposition of land to facilitate a residential project, other than a residential project consisting of a building to be preserved, provided that such equity report shall only be required related to a building in such project containing at least 50,000 square feet of floor area, (iii) an increase in permitted residential floor area of at least 50,000 square feet, (iv) an increase in permitted non-residential floor area by at least 200,000 square feet or (v) a decrease in permitted floor area or number of housing units on at least four contiguous city blocks. However, in addition to the foregoing, any application seeking approval of change to the permitted floor area for any use in a manufacturing district or change to the use regulations of a manufacturing district, whether by change to the zoning map pursuant to section 197-c of the charter, change to the text of the zoning resolution pursuant to section 201 of the charter, or by special permit pursuant to section 197-c of the charter, related to a building in such project containing at least 100,000 square feet of floor area, shall be subject to the requirements of this section. Within nine days of such application being certified or referred by the department of city planning or, in the case of an application for designation of historic districts, within 15 days of such application being designated by the landmarks preservation commission, the department shall provide copies of the racial equity report to the affected community board and borough president, as defined in section 196 of the charter, the affected council member, the public advocate and the speaker of the council, and shall also promptly post such report on its website. The racial equity report need not be updated if a project changes after an application has been certified or referred by the department of city planning or designated by the landmarks preservation commission. The department, with the cooperation of other relevant agencies, shall establish minimum standards for the preparation of the racial equity report and may establish by rule guidance for applicants preparing the report.

[Type text]

c. Contents of racial equity report. A racial equity report filed pursuant to this section shall include:

1. For all projects, a first section comprised of an executive summary written in plain language.

2. For projects with residential floor area other than a designation of a historic district, a second section listing the number of ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH units and units that are not income-restricted that are expected to be created and their expected rents or prices, as well as the household incomes needed to afford such units without incurring housing cost burden.

3. For projects with non-residential floor area when specific non-residential uses are being proposed, other than the designation of a historic district, a second section listing the projected number of jobs in each sector or occupation, median wage levels of such jobs based on the most recently available quarterly census data on employment and wages or other publicly available data, and the racial and ethnic composition and educational attainment of the workforce for the projected sectors of such jobs.

4. For all projects other than applications submitted pursuant to section 201 of the charter, the community profile, including a summary of the data on existing conditions and of trends in the prior two decades, and comparison of the community profile for the local study area with the borough and citywide data obtained from the equitable development data tool required by section 25-117, for all categories, data and indicators provided therein, and disaggregated by race and Hispanic origin. For projects with residential floor area, other than a designation of a historic district, such community profile shall first include a summary of the distribution of households by income levels corresponding to ELI, VLI, LI, MI, MIDI and HI households disaggregated by

[Type text]

race and Hispanic origin, and of the available data on affordable housing lottery applicants and awardees as described in the most recent report required by section 26-2602.

5. For all projects, a narrative statement by the applicant of how the proposed project relates to the goals and strategies to affirmatively further fair housing and promote equitable access to opportunity identified within the city's fair housing plan that is indicated in the department's rules.

6. For all projects, an estimate of the number of construction jobs to be created by the project.

d. Failure to provide racial equity report. 1. The department shall identify on its website any application for which an applicant does not submit a racial equity report as required by this section. The department shall promptly notify any person required to receive such report pursuant to subdivision b of this section that such report was not timely filed, and if such report is subsequently filed, shall notify any such person of such filings.

2. This section shall not be construed to create a private right of action to enforce its provisions.

§ 3. This local law takes effect immediately.