



# NEW YORK CITY COUNCIL REDISTRICTING

Briefing and recommendations  
on the 2022 cycle

For Council Members, Commissioners, and the Public

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# INTRODUCTION

**Following the decennial nationwide census, the City Charter mandates that the City Council and the Mayor appoint a Districting Commission to redraw council district boundaries to reflect population and demographic changes.**

In the coming year, the Districting Commission will have to draw new borders in a city that has undergone significant demographic shifts in the past 10 years. While community groups and elected officials are focused on the state's redistricting, the city redistricting process is set to begin sooner than many expect, thanks to recent changes to the Charter-mandated timeline.

The current redistricting system used by the City is slightly more independent and fairer than the system used on the state government level, and it has been in place for longer (this is the fourth cycle under this system). However, experience has shown the city's Districting Commission remains vulnerable to politicization because all its members are directly chosen by elected officials. Often, there is too close a connection between those who draw the lines and those who appoint them.

Rather than partisan gerrymandering in this mostly Democratic city, New York City's redistricting troubles stem from attempts to draw lines to favor or oppose sitting legislators or presumed candidates for office. It was only ten years ago that the redistricting process was disrupted after it was uncovered that maps were changed to favor a presumptive candidate - under investigation for ethics violations - following a request by a sitting Council Member.

Furthermore, the 2022 redistricting cycle will be the first time New York City will not be required to obtain approval from the U.S. Justice Department that its new maps do not violate the Voting Rights Act. This federal "preclearance" requirement was scrapped by the U.S. Supreme Court in 2013. The DOJ examined not only whether maps were discriminatory, but also if the process allowed for public comment and sought out the opinions of protected minorities. The city has been instructed to redraw its maps in the past after they were found to be discriminate against minority voters.

Additionally, the upcoming redistricting cycle will occur with a new cohort of elected officials. By law, the new mayor must begin the screening and selection process for the Districting Commission within the first week of his term. The Council will need to agree on its appointments to the Commission within a month. All these factors present a risk that this crucial process will be completed in haste and without proper scrutiny, leaving the Commission vulnerable to politicization.

## Why is City Council redistricting important?

New York City Council Members hold unique powers to directly impact the communities they represent, in ways that state senators or assembly members cannot. Each Council Member gets to decide how to spend about \$5 million in capital funds annually, to be spent on improvements to the district like construction in schools or playgrounds. The Council Member

can also spend about \$500,000 to help non-profit groups in the district. By tradition, the Council Member is given great deference in Council decisions on rezoning plans in their district. Their opinion on other land-use decisions also carries weight. And they serve as their constituents' voice in city government.


Those broad discretionary powers to impact a neighborhood's built environment and civic institutions highlight how important it is for communities to be truly represented by their Council Member. A redistricting process that leaves communities unfairly partitioned would lead to communities being unfairly ignored. Indeed, splitting communities into a few different political districts often leads to reduced public investment and services in education, health, and other areas.

Divided communities are found in all five boroughs, but population change over the decade years has exacerbated the situation in areas like south Brooklyn and Southeast Queens.



**A fair redistricting process is also an open process the public can trust.**





**To create fair  
Council Districts,  
map-makers  
must hear from  
New Yorkers  
about their own  
communities  
rather than rely  
solely on Census  
numbers.**

## A fair and open redistricting process

In New York City, creating fair council districts starts with appointing a Commission that is diverse and representative, and whose members are independent of the incumbents who currently serve in city offices. But a fair redistricting process is also an open process the public can trust. In every step of the process, Commissioner should increase transparency and accountability to avoid the embarrassments of past cycles. The Commission should be held to guidelines and expectations that will ensure this decennial redistricting is conducted with New York City residents' best interests at heart.

To maintain a fair process and to ensure Council districts are drawn to provide fair representation for all of New York's communities, this report outlines several recommendations for the Commission, the Mayor, and the City Council. These include:

- **The Commission should adopt expansive anti-gerrymandering criteria for drawing district lines.** Districts should not be drawn with an intent to favor or oppose any political party, an incumbent legislator, or any previous or presumed candidate for office.
- **The Commission should release any underlying population data** used to prepare the maps, comprehensive details on the process, the major factors affecting the composition of each district, and the justification for the final lines.
- **The Mayor and City Council should appoint a Commission that is diverse and representative of New York City** by expanding considerations for commissioners to include factors like gender, age, geographical representation, and membership in minor parties.
- **The Mayor and City Council should refrain from appointing people to the Districting Commission who served in an elected office in the past five years, in order to minimize partisan bias.** Former elected officials typically keep a close relationship with current incumbents or future candidates who would be affected by the redrawing of district maps.
- **The Commission should prioritize maximum transparency and public participation** by providing increased language and disability access, having its proceedings be open to the public, making all materials related to its operations and meetings public, and holding preliminary public hearings, with at least one hearing in every borough, and scheduling some hearings for evenings and weekends.
- **The Commission should provide the public with online mapping software** to directly contribute ideas about potential districts.
- **Commissioners and the executive director should disclose any meetings with elected officials or their representatives.** Commissioners or staff members who discuss maps with individuals who are not affiliated with the Commission should file a disclosure form.
- **The Commission should publish a Conflicts of Interest policy** that addresses their political affiliations and relationships with incumbents or potential City Council candidates.
- **The Mayor should provide the Commission with immediate funding** so it can begin its work the moment it is established and hire technical, management, and communication staff, obtain expert opinions, and organize public hearings.

These recommendations would create stronger safeguards against politicization, and help create an open, fair, and independent redistricting process.

In the coming months, Citizens Union Foundation will provide New Yorkers with the resources and training to engage with the process, testify before the Commission, and offer community input. Community groups are welcome to contact us at [policy@citizensunionfoundation.org](mailto:policy@citizensunionfoundation.org).

# OVERVIEW OF THE PROCESS

**In New York City, City Council districts are not drawn by lawmakers themselves but by a special commission called the Districting Commission.** The members of the Commission are appointed by the mayor and by the Democrats and Republicans serving on the City Council, but once appointed, the commissioners act independently of the political figures who appointed them. Commissioners must follow specific legal criteria that guide how boundaries are drawn, and they have to ask for feedback on every proposed map. The City Council can object to the first plan the Commission submits and send it back for a revision. Once the Commission approves a revised, final plan, neither Council Members nor the mayor can legally change the maps. The process takes about ten months, but the new districts remain in place for ten years.

## STEP ONE: Appointing the Districting Commission

The Districting Commission is made up of 15 members, and the process to appoint them begins early. Less than a week after his inauguration, the mayor needs to convene one or more meetings with the Council Speaker and Minority Leader to establish a screening and selection process that ensures fair representation on the Commission according to federal legal standards.<sup>1</sup>

### WHO CAN SERVE ON THE COMMISSION?<sup>2</sup>

The Commission **must be representative of the city:** racial and minority groups protected by the Voting Rights Act must be adequately represented on the Commission, roughly proportional to the city's demographics.

The Commission **cannot be controlled by one party:** there must not be a majority of commissioners who are enrolled in the same party.

The Commission must have **at least one member of each borough:** The appointments made by the City Council cannot include two or more commissioners from the same borough.

Commissioners **cannot be government or political party officials.** The City Charter bans elected officials, city public employees, officers of any political party, and registered lobbyists from serving on the Commission. However, there is no ban on former officeholders.

### WHO APPOINTS THE COMMISSION AND WHEN?

**The majority conference in the City Council appoints five members.** The 46 Democrats on the City Council need to select five members – one from every borough – to the Commission by February 7, 2022. Although the Charter says the decision should be made by a vote among conference members, it is usually left for the Council Speaker to make.

**The minority conference in the City Council appoints three members.** The 5 Republican Council Members need to select three members – residents of three different boroughs – to the Commission by February 7, 2022. Although the Charter says

**PREVIOUS COMMISSIONERS included former elected officials, former U.S. attorneys, academics, community board members, members of the business community, reporters, nonprofit leaders and more.**

#### 1990-1991

##### MAYOR APPOINTEES

Luther Blake  
Ken W. Chin  
Evelyn Cunningham  
Sybil A. Miller  
Camelia Rodriguez \*  
Esmeralda Simmons  
David I. Wells

##### COUNCIL APPOINTEES

Frank J. Macchiarola (Chair)  
Caunte C. Bernard  
Marry Ann Briganti-Hughes  
Herson Cabrerias  
Charles H. Greinsky  
Steven I. Himelstein  
Benjamin F. Nolan  
Michael K. Petrides

#### 2002-2003

##### MAYOR APPOINTEES

Henry M. Calderon (Chair)  
Ross Brady  
Mary Carroll French\*  
Martha M. Galvez  
Donald Hong\*  
Julie Menin  
Victoria Schneps

##### COUNCIL APPOINTEES

Christian P. Browne  
Karen S. Burstein  
Lorraine A. Cortes-Vazquez  
John Flateau  
Anthony Giaccio  
Jerome X. O'Donovan  
Christopher Renfro  
Marc A. Wurzel

#### 2012-2013

##### MAYOR APPOINTEES

Benito Romano (Chair)  
Gloria Carvajal Wolfe  
Scott Cerullo  
Oscar Odom III  
Frank Padavan  
Madeline Provenzano  
Justin Yu

##### COUNCIL APPOINTEES

Jamila Ponton Bragg  
Robert W. Hart  
Linda Lin  
Roxanne J. Persaud  
John Robert  
Kamillah M. Hanks  
Thomas V. Ognibene  
Marc A. Wurzel

\* Replaced other commissioners mid term



the decision should be made by a vote among conference members, it is usually left for the Minority Leader to make.

**The mayor appoints seven members.** The mayor can wait another month until he announces his appointments. He will have to make his appointments by March 7, 2022. In making the final appointments, the mayor will need to ensure the Commission as a whole abides by legal standards on representation and party composition.

Once appointed, the 15 commissioners will elect their own chair, hire an Executive Director and start recruiting staff to manage legal, technical, media, community outreach, and other fields. The Commissioner is often supported by the City's Law Department. The Mayor's Office must provide the funding for the Commission, and the Commission can request technical and other assistance from other governmental agencies. However, the FY22 budget does not include dedicated budget items to fund the future Commission.

## **STEP TWO: Drawing a draft plan**

Depending on when it is established, the Commission will have between two to three months to release a draft of the first redistricting plan. The deadline to present those maps to the public is June 7, 2022. Although it is a short timetable, census data is already available and the actual task of drawing the maps can be done quickly.<sup>3</sup> Commissioners are not required to seek input through public hearings at this stage, but previous commissions have held preliminary hearings in every borough to solicit comments on the initial phases of their work. For example, the 2021 State Independent Redistricting Commission conducted preliminary hearings as well even when it was not mandated to do so. If the next Districting Commission decides to do so, those public hearings will likely be in May 2022. The draft map, which will be published by June 7, typically serves as a starting point and could change significantly after the Commission hears from the public (see next step).

## **STEP THREE: Hearing from the public and submitting the first plan**

To make sure council districts are drawn in a way that fairly represents communities, commissioners need to solicit input from different stakeholders, such as members of the public, community-based organizations, elected officials, and researchers. At least a month after the draft of the first redistricting plan is made public, the City Charter requires the Commission to hold one or more public hearings. Only then it can submit the plan — which usually includes changes based on public input — to the Council.<sup>4</sup> That round of hearings will be held in July 2022.

## **STEP FOUR: Revising the plan and submitting the second plan**

If the City Council objects to the first plan, it can return it to the Commission, with comments, to be revised. The Commission will then have about a month to produce a revised plan and present it to the public, followed by another round of public hearings. The plan must be made public and open for comments at least a month in advance of the hearings to give the public enough time to study the maps. Those public hearings would likely take place in October or November 2022. Only then can the Commission submit the second, final plan to the Council. That plan could incorporate the public's comments, but that is not legally mandated.

Redistricting commissions can decide to hold more public hearings than what is legally required. The previous Districting Commission added a third round of hearings, for a total of 15 hearings.<sup>5</sup> The Commission can choose to conduct other rounds of revisions. In the last redistricting cycle, the Commission decided to withdraw its first submission to the Council and produced a revised set of maps (more on that on page 11).

## **STEP FIVE: Approving the plan**

At least nine votes in the 15-member commission (60%) are required to approve a plan. After the Commission's plan is submitted to the Council, it is automatically adopted unless the Council votes to object to it within three weeks. The Council submits written objections to the Commission, which then produces a second, final plan after hearing from the public (see step four). The Council cannot object to the second, final plan, which is formally adopted after it is properly filed with the city clerk.

### **PUBLIC HEARINGS TIMELINE: 2022 CITY COUNCIL DISTRICTING**

**Preliminary round  
of public hearings:  
MAY 2022** *(not  
mandatory, but likely)*

**First round of public  
hearings, feedback  
on the draft of the  
plan: JULY 2022**

**Second round of  
public hearings,  
feedback on the  
draft of the plan  
second plan:  
OCTOBER OR  
NOVEMBER 2022**

**Commissioners must follow specific legal criteria that guide how boundaries are drawn, and they have to ask for feedback on every proposed map.**

## 2022 REDISTRICTING CALENDAR

**S**INCE THE CITY'S LAST REDISTRICTING CYCLE, there have been slight changes made to the Commission's deadlines. A 2019 Charter Revision Commission proposed shortening the redistricting timeline by about three months, which was ultimately approved by the voters. The primary reason for this change was to allow enough time for the Districting Commission to submit its proposed map before the beginning of the petitioning process for Council races, which has been moved up after local primaries were moved from September to June.

The Commission will have about five months (March to August 2022) to get set up, hire staff, receive public input, and draw initial district plans. It will have four more months to collect comments on the plan, draw a revised plan, and submit it to the Council.

### 2022 REDISTRICTING DEADLINES:

- **JANUARY 7, 2022:** Deadline for Mayor to begin screening and selection process of Districting Commission members
- **FEBRUARY 7, 2022:** Last day for Council's majority and minority caucuses to make appointments
- **MARCH 7, 2022:** Final day for Mayor to make appointments
- **JUNE 7, 2022:** Deadline for the Commission to make its plan available to the public
- **JULY 7, 2022:** Commission must hold at least one public hearing prior to this date
- **AUGUST 7, 2022:** Deadline for Districting Commission to submit its initial plan to the City Council
- **OCTOBER 7, 2022:** Deadline for the Commission to make its revised plan available to the public
- **NOVEMBER 7, 2022:** Commission must hold at least one public hearing prior to this date
- **DECEMBER 7, 2022:** Districting Commission must submit its final plan to the Council
- **FEBRUARY 28, 2023:** Beginning of petitioning process for City Council primary election
- **JANUARY 6, 2024:** Districting Commission term ends

The Charter requires the Commission to provide a written explanation of how the plan abides by the Charter-mandated redistricting criteria.<sup>6</sup>

In previous redistricting cycles, New York City was required to obtain approval from the U.S. Justice Department ensuring the new approved maps did not violate the 1965 Voting Rights Act, in a process known as preclearance. However, the 2013 U.S. Supreme Court decision in *Shelby County v. Holder* found the preclearance requirement unconstitutional. This will be the first time in decades that the Justice Department does not inspect the city's plans for potential discrimination. New York has had issues with these types of violations in the past and has been instructed to redraw maps after they were found to be discriminating against minority voters.

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### How are maps drawn? Criteria for Council redistricting

The Commission is obligated to redraw district boundaries based on legal requirements set by the U.S. Constitution, federal law, state law, and the City Charter. The Council districting plan must:

- **Abide by "one-person, one-vote"**

The U.S. Constitution requires legislative districts to have roughly equal population size. Under New York State law,<sup>7</sup> the difference between the least populous and the most populous Council district cannot exceed 5% (see box for more details).

- **Protect minority vote**

The 1965 federal Voting Rights Act forbids the new district maps from diluting the voting power of racial and language minority groups. The City Charter also includes a similar provision that ensures "fair and effective representation" for minority groups.<sup>8</sup>

- **Have only contiguous districts**

According to the Charter, each council district must be contiguous, and if parts of a district are separated by a body of water there must be a bridge, a tunnel, a tramway or regular ferry service connecting the areas.<sup>9</sup>

- **Not have more than one crossover district per set of two boroughs**

The Charter states that a district shall not cross borough or county boundaries, "to the greatest extent possible". If there is need to create a district that crosses two boroughs, as has been the case in previous redistricting cycles, then it may only occur once per set of boroughs.



The Charter lists the following redistricting criteria but prioritizes them and provides the commission some wiggle room by noting criteria must be followed “to the maximum extent practicable”.<sup>10</sup> The districting plan should follow these rules, prioritized in the order in which they are listed:<sup>11</sup>

- **Keep neighborhoods and communities of interest intact**

One of the most important criteria for drawing new maps, which is used by New Yorkers that testify before the Commission, requires district lines to keep intact neighborhoods and communities of interest, meaning communities “with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.”<sup>12</sup> Neighborhoods include uninhabited places uniquely connected to the community, like a waterfront. And communities could be defined by various common factors, like country of origin, broadcast and print media, employment, schools, and public transportation. However, final maps can split communities of interests if that is necessary to comply with “one person, one vote” or Voting Rights Act criteria.

- **Keep districts compact**

Each district shall be compact, such that no district is drawn to be more than twice as long as it is wide.

- **Prevent partisan gerrymandering**

Districts cannot be drawn in order to diminish the effective representation of voters enrolled in the same political party. This refers to intentional discrimination against a group of party voters. An actual effect of diluting their vote does not need to be shown

- **Avoid oddly shaped districts**

The districting plan as a whole should be compact - it should minimize the total length of district boundaries. This is meant to prevent “strange” and non-standard shapes of districts, which are often indicative of gerrymandering.

## WHAT IS MISSING FROM THE CRITERIA?

Although the City Charter limits gerrymandering to favor one political party, it is silent on incumbent- or candidate-based gerrymandering, which is more relevant for New York City.

Citizens Union repeatedly recommended enhancing safeguards against gerrymandering by amending the charter to say that Council districts shall not be drawn with an intent to favor or oppose an incumbent legislator or any previous or presumed candidate for office. A similar provision for congressional and legislative districts is now part of the New York Constitution. Unfortunately, this recommendation was never adopted, ultimately leading to the 2012 redistricting process being disrupted after it was uncovered that a preliminary map favored a presumptive candidate for City Council under investigation for ethics violations. As a result, new maps were drawn and additional hearings had to be conducted, slowing down the process and causing confusion amongst the public.

## HOW MANY PEOPLE WILL EVERY COUNCIL MEMBER REPRESENT?

**A**CCORDING TO THE 2020 CENSUS, New York City’s population is 8,804,190. State law<sup>13</sup> requires that number be adjusted to include city residents who are currently incarcerated outside of the city and exclude those who were counted as city residents only because they were in a correctional facility within the city. The prison-adjusted population of New York City is 8,816,959. The number of people to strive to have in each of the 51 Council districts – the “ideal population” – would be 172,881 people.

City Charter allows for a 10% deviation from that number, which would mean that the largest district in the plan should have been no more than roughly 17,200 residents larger than the smallest district that is created in the plan. However, in October 2021, Governor Kathy Hochul signed a bill into law that sets new limitations on local redistricting plans like that of the New York City Council, and enforces stronger one-person, one-vote requirements than the City Charter.<sup>14</sup> Although the impact of this legislation is still being analyzed, and it would ultimately be for the City Districting Commission to interpret, legal analysts note it would likely override the Charter provision and apply to the upcoming map-drawing.<sup>15</sup>

Under this new provision in the Municipal Home Rule Law, the difference in population between the most and least populous districts cannot be more than 5% of the average population for all districts.<sup>16</sup> Therefore, the smallest district in the plan would likely have a population no more than 8,644 residents less than the largest district that is created in the plan, or 168,559, and the largest district would likely have no more than 177,203 constituents.

# THE 2012-2013 CITY COUNCIL REDISTRICTING

**New York City last underwent a Council redistricting process in 2012-2013.** The process began in May 2012 with the appointments of the first members of the Districting Commission. The new City Council district plan was submitted and approved in March 2013, marking the end of a somewhat turbulent redistricting cycle.

## The 2012-2013 Districting Commission

The members of the last Commission were announced in May and June 2012, with seven appointed by Mayor Bloomberg, five by then-Council speaker Christine Quinn, and three by James Oddo, the City Council minority leader at the time.

All five boroughs were represented in the Commission's membership, as the City Charter stipulates, but not in a way that reflected the city's population. Brooklyn, the most populated bor-

ough, had only two representatives on the 15-member body. Five members – a third of the Commission – came from Manhattan.

The Commission, which should be representative of racial and language minority groups protected by federal law, consisted of 6 white commissioners, 4 Black commissioners, 3 Hispanic commissioners, and 2 Asian commissioners. There were nine men and six women on the Commission; current City Charter does not require the Commission to be representative in terms of gender.

NAME <sup>17</sup>	POSITION AT THE TIME	RESIDENT OF	APPOINTEE OF
Benito Romano (Chair)	Former U.S. Attorney	Manhattan	Mayor Bloomberg
Gloria Carvajal Wolfe	Medical Scientist	Manhattan	Mayor Bloomberg
Scott Cerullo	Vice President at Morgan Stanley	Staten Island	Mayor Bloomberg
Oscar Odom III	Former NYC First Deputy Sheriff	Brooklyn	Mayor Bloomberg
Frank Padavan	Former State Senator (1973-2010, Northeast Queens)	Queens	Mayor Bloomberg
Madeline Provenzano	Former Council Member (1997-2005, Northeast Bronx)	The Bronx	Mayor Bloomberg
Justin Yu	Chinese Chamber of Commerce, Chairman	Manhattan	Mayor Bloomberg
Jamila Ponton Bragg	Education specialist	Manhattan	Council Majority Democratic Conference
Robert W. Hart	Former Staten Island Advance reporter	Staten Island	Council Majority Democratic Conference
Linda Lin	President of the New York Asian American Bar Association	Queens	Council Majority Democratic Conference
Roxanne J. Persaud	Registrar at St. Francis College (currently, a Queens State Senator)	Brooklyn	Council Majority Democratic Conference
John Robert	Community Board District Manager	The Bronx	Council Majority Democratic Conference
Kamillah M. Hanks	Former Executive Director of the Downtown Staten Island Council (currently, a Council Member)	Staten Island	Council Minority Republican Conference
Thomas V. Ognibene	Former Council Minority Leader (1993-2001, Southwest Queens)	Queens	Council Minority Republican Conference
Marc Wurzel	Grand Central Partnership, General Counsel. Served on the 2002 NYC Districting Commission	Manhattan	Council Minority Republican Conference

Three of the commissioners were former elected officials.

The Commission's Executive Director was Attorney Carl Hum, who had previously served in the Bloomberg administration and headed the Brooklyn Chamber of Commerce.

## How the redistricting process unfolded

The Districting Commission held its first meeting on July 17, 2012. It began a round of public hearings in each borough through August to hear preliminary comments concerning the initial phases of its work in drafting a new districting plan for the New York City Council.<sup>18</sup> That work culminated in a preliminary map released to the public in early September.<sup>19</sup> The Commission heard feedback on those maps at another round of October public hearings. In total, 235 individuals testified during the two rounds of public hearings and hundreds of written testimonies were submitted to the Commission. Twenty districting plans were proposed

**Brooklyn, the most populated borough, had only two representatives on the 15-member body. Five members—a third of the Commission—came from Manhattan.**

by the public using the map-making software the Commission had provided on its website.<sup>20</sup> A coalition of civil rights groups, consisting of the Asian American Legal Defense and Education Fund (AALDEF), LatinoJustice PRLDEF, National Institute for Latino Policy (NILP), and the Center for Law and Social Justice (CLSJ), released a joint proposal for a Unity Map, which was designed to keep minority communities of interest intact.

The Commission's first plan was criticized for breaking up several minority neighborhoods, including parts of Harlem and Brooklyn's Chinatown. The most significant change was proposed to Council District 8, then represented by Melissa Mark-Viverito, which covered East Harlem/El Barrio, a portion of the Upper West Side, and a small part of Mott Haven in the Bronx. The new plan expanded the district's South Bronx territory, turning it into a majority-Bronx district and potentially benefiting political forces of that borough over Upper Manhattan<sup>21</sup>. It raised questions as to the independence of the coalition and the influence then-speaker Christine Quinn had on the process.<sup>22</sup>

The Districting Commission unanimously approved the revised map on November 15, 2012, and submitted it to the City Council four days later, on November 19. The Commission expressed a desire to solicit further public input on the plan prior to its final adoption by the Council but was constrained by the deadlines set forth in the Charter. Meanwhile, news broke that the revised map changed the 34th Council District to include the residence of Brooklyn party boss and then Assembly Member Vito Lopez, seemingly to help him mount a run for City Council after calls for his resignation from the state legislature grew stronger. The district change was reportedly requested by

then Council Member Erik Martin Dilan, a Lopez ally, during a private meeting with the Commission's executive director.<sup>23</sup> The revised map was also criticized for breaking up Asian-American communities in Queens and keeping East Harlem divided.<sup>24</sup>

In light of these controversies, on November 29 Council Speaker Quinn requested the Commission to take the unusual step of withdrawing the plans already submitted to allow more time for public input. She cited the short deadlines set by the Charter and the disruption caused by Hurricane Sandy, which had hit New York City the month prior. The Council could have also opted to formally reject the plan by December 10 and send it back to the Commission for revision. The Commission voted<sup>25</sup> to withdraw the plan on December 4. It then made two small adjustments to the map, including reversing the boundary changes that favored Vito Lopez,<sup>26</sup> and publishing the revised map for public comment on December 4, 2012.<sup>27</sup> The third round of public hearings on the December 4th map was held in January 2013.

Finally, the third and final plan was approved by the Commission by a 14-1 vote and sent to the City Council on February 6, 2013. The Council never voted on the plans and, according to the City Charter, the maps are deemed approved if the Council does not act for three weeks. Accordingly, the Commission submitted the final plan for 51 new Council districts to the City Clerk's Office on March 5, 2021, officially ending the 2012-13 New York City redistricting process.



# MAJOR POPULATION CHANGES OVER THE LAST DECADE AND THEIR EFFECTS ON COUNCIL DISTRICTS

**Over the past ten years, the total population of New York City grew by 7.7%; there are now 8,804,190 individuals residing in the five boroughs, according to the 2020 Census.** But population growth did not spread evenly across the city's communities. Some areas saw an influx of new housing units – and people. Gentrification led to substantial shifts in the racial and ethnic composition of neighborhoods. And certain groups grew consistently across the boroughs; the Asian population increased in nearly every neighborhood. Many Council districts will have to be redrawn to account for those changes and comply with legal requirements. In other cases, communities that are split between two or more Council Members under the current map will ask to be unified to improve how they are represented. The following chapter presents examples of the issues facing the Districting Commission. It does not recommend how and where should lines be drawn.

## Overpopulated and underpopulated districts

A key principle in redistricting is that districts must all have equal or nearly equal population (“one person, one vote”). As discussed on page 9, a new state law stipulates that the difference between the least and most populous districts may not exceed 5% (from 2.5% under the average population to 2.5% above). Although the City Charter sets forth a higher population deviation of 10% (from -5% to +5%), Citizens Union is working based on the assumption that the Commission will be guided by these provisions in state law. Many council districts will need to be changed to abide by those new rules.

According to the 2020 Census, New York City's population is 8,804,190. Adding New Yorkers currently incarcerated in correction facilities outside of the city, as instructed by state law, brings the city's population to 8,816,959. Therefore, the average

population – also called ideal population – for each of the 51 new council districts would likely be 172,881<sup>28</sup> (8,816,959/51 districts=172,881). Therefore, a council district's population would likely be above 168,559 and below 177,203.

### DISTRICT 33 – OVERPOPULATED

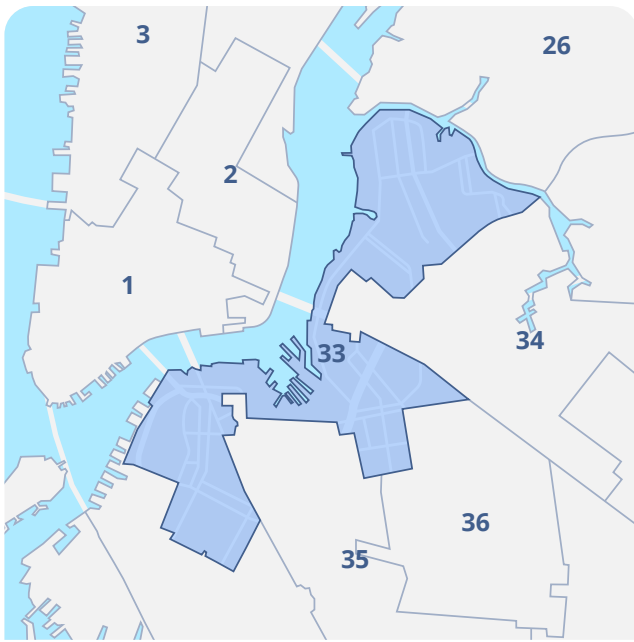
This Brooklyn district, which runs through the East River waterfront, saw a large increase in population over the past decade and is now severely overpopulated. In fact, two of the three neighborhoods that experienced the biggest growth in New York City are in District 33. When the district was drawn ten years ago, it had one of the smallest population deviations among the 51 districts; now it has one of the largest. 2020 Census numbers show the district has more than 208,000 residents, or about 20% above the average population size. It will need to “shed” about 35,000 residents.

#### DATA SOURCE AND THE PRECISION OF DATA:

- **2010 DATA**, including total population, population deviation in number and percentage, and population by mutually exclusive race and Hispanic origin, was retrieved from the 2012-2013 Districting Commission population statistics file of the February 6th plan.
- **2020 DATA**, including population size, population by mutually exclusive race and Hispanic origin, and decennial changes was retrieved from the New York City Department of Planning data, through the Population FactFinder, calculated by census blocks in existing council districts.
- **2020 POPULATION DEVIATION** refers to the percent deviation from the ideal district population size, which is calculated to adjust for prison population citywide. This is explained in the section “Overpopulated and underpopulated districts”.
- Citywide prison adjusted data was retrieved from data published by the New York State Legislative Task Force on Demographic Research and Reapportionment, or LATFOR.
- Designations of neighborhoods per council districts were based on the City Council's website.
- Previous council districts' geography, when referenced as neighborhoods and boundaries, is based on maps by the Center for Urban Research, CUNY Graduate Center

Please note that Citizens Union used general population figures, whereas standard analysis for the Voting Rights Act is conducted by using Citizens Voting Age Population (CVAP) and Voting Age Population (VAP). Those numbers would be slightly lower than the ones noted below. In addition, 2020 district-specific data is not updated to include prisoner-adjusted demographic figures, provided by LATFOR. Thus, the numbers below are approximate estimates meant to highlight issues facing the Districting Commission and should not be taken as precise figures.





Map Source: City Council Website, CD 33.

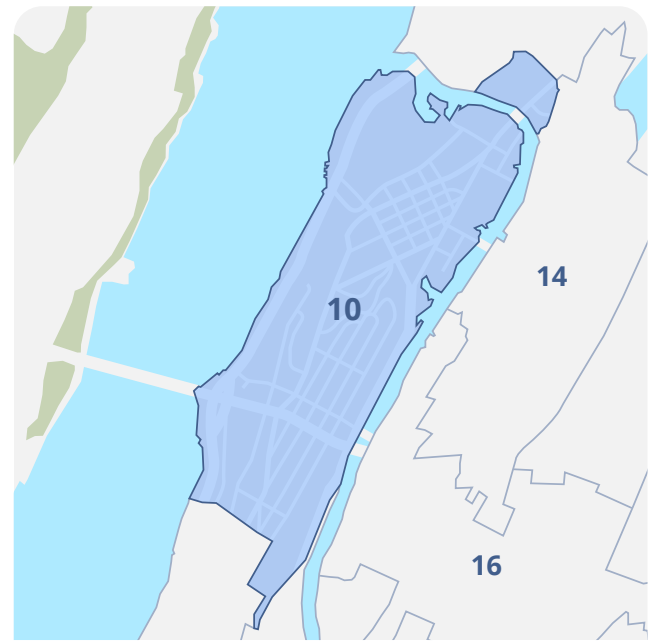
## DISTRICT 33

### NEIGHBORHOODS:

Boerum Hill, Brooklyn Heights, Brooklyn Navy Yard, Downtown Brooklyn, Dumbo, Fulton Ferry, Greenpoint, Vinegar Hill, Williamsburg

Population	Population	Population Deviation #	Population Deviation %
2010	161,372	662	0.41%
2020	207,729	34,848	20.2%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	73.0%	5.7%	4.8%	2.2%	14.3%
2020	69.5%	5.2%	7.2%	5.8%	12.4%



Map Source: City Council Website, CD 10.

## DISTRICT 10

### NEIGHBORHOODS:

Washington Heights, Inwood, Marble Hill

Population	Population	Population Deviation #	Population Deviation %
2010	166,731	6,021	3.75%
2020	158,511	-14,370	-8.31%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	18.5%	6.5%	2.6%	1.4%	71.0%
2020	21.3%	6.7%	3.0%	3.2%	65.8%

The strongest population growth occurred in the Downtown Brooklyn-DUMBO-Boerum Hill area (67 percent according to the Department of City Planning analysis),<sup>29</sup> and in Williamsburg (41 percent across the entire neighborhood, which extends beyond this Council district). Both these neighborhoods had large numbers of newly constructed housing units completed during the 2010s.

Asian Americans increased their share of the population in this district by more than half since the last census, most notably in the neighborhoods of Dumbo, Downtown Brooklyn, and Boerum Hill, while the share of white residents decreased. This is still a majority white district.

**Many council districts will need to be changed to abide by new limits on population size.**

### DISTRICT 10 – UNDERPOPULATED

The northernmost part of Manhattan saw the largest decline in population over the last ten years. Washington Heights' population decreased between 3% and 7%, while Inwood's population decreased by 5%. Council District 10, which covers these two neighborhoods and Marble Hill across the Bronx River, is now more than 14,000 people under the average district population. Line drawers will have to extend the district's boundaries to add about 10,000 residents to keep within legal population requirements.

This district went through a similar process in the last redistricting cycle. Between 2000 and 2010, it had lost 9% of its population, leaving it almost 15% below the then-ideal population size.<sup>30</sup> The 2012-2013 Districting Commission expanded it west to add more residents, which had the added benefit of unifying Washington Heights and Inwood which were previously split between Districts 10 and 7.<sup>31</sup>

Loss of minority-majority districts

When the current plan was drawn ten years ago, it produced a total of 35 council districts in which protected racial and language minority groups were an overall majority of the total population in the council district. Of those, 20 districts were drawn to be “opportunity to elect” districts, which means they protect the ability of minority voters to elect their preferred candidates, in accordance with the Voting Rights Act and with the provisions of the City Charter.<sup>32</sup>

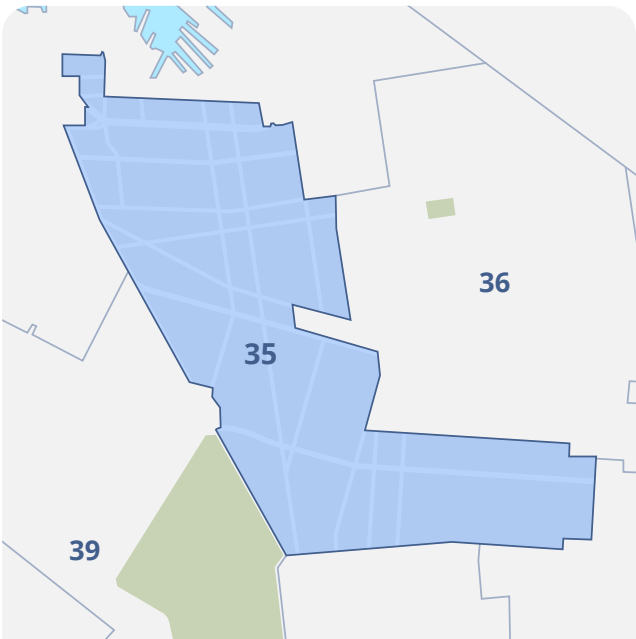
But in the last decade, many council districts have undergone notable changes in racial and ethnic composition, enough so that they that will require additional attention when district lines are redrawn to keep with legal requirements and fair representation.

MAJORITY-BLACK DISTRICTS IN CENTRAL BROOKLYN

Located in Central Brooklyn, adjacent Council Districts 35 and

36 saw some of the biggest changes in racial composition across New York City, owing to a substantial decrease in the Black population and a similar increase of in the White population.

District 35 is an effective minority “ability to elect” district for Black voters. Ten years ago, it was redrawn to maintain this status, after the Black voting age population had fallen slightly under 50%.<sup>33</sup> Now, the share of the Black population in the district has decreased further. The Black and White populations are currently almost identical in size, 35% and 36.7% respectively. To maintain the threshold of majority (50 percent or more) and plurality (40 percent or more) this district will need to be redrawn to include other parts of Crown Heights or Bedford-Stuyvesant. District 36, which covers most of Bed-Stuy and parts of Crown Heights North, saw an even sharper drop in the Black population, from 71% to about 49%. Precise data on the voting age population will reveal if the current lines of District 36 still make up a majority-Black district.



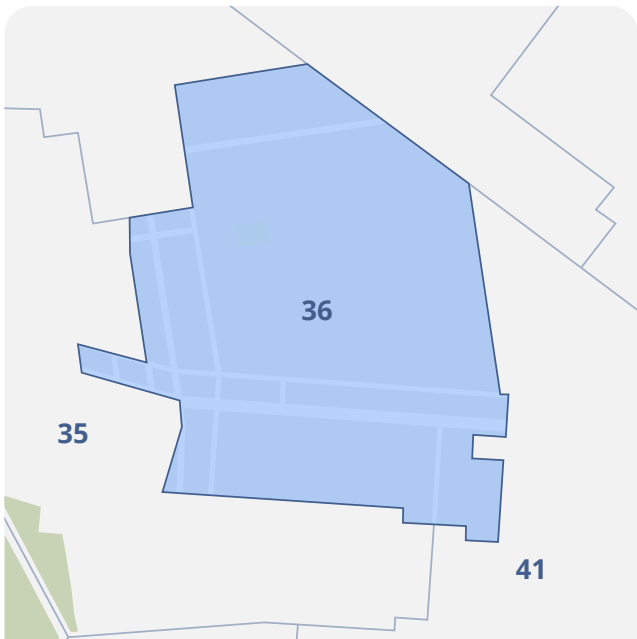
Map Source: City Council Website, CD 35.

DISTRICT 35

NEIGHBORHOODS:  
Fort Greene, Clinton Hill, Crown Heights, Prospect Heights, Bedford Stuyvesant

Population	Population	Population Deviation #	Population Deviation %
2010	152,804	-7,906	-4.92%
2020	177,485	4,604	2.66%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	27.9%	51.3%	4.3%	3.3%	13.2%
2020	36.7%	35.0%	8.0%	7%	13.2%



Map Source: City Council Website, CD 36.

DISTRICT 36

NEIGHBORHOODS:  
Bedford Stuyvesant, Northern Crown Heights

Population	Population	Population Deviation #	Population Deviation %
2010	152,846	-7,864	-4.89%
2020	167,677	-5,204	-3.01%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	5.9%	71.1%	2.0%	2.4%	18.7%
2020	21.1%	49.4%	4.3%	6.3%	18.8%

The Districting Commission will also need to consider how to maintain communities of interest in this area. Current maps break Crown Heights North in the middle, effectively splitting the community between two Council Members. Residents have argued before the state's Independent Redistricting Commission about the impact of such a split.<sup>34</sup>

## New minority-majority areas

No racial/ethnic group in New York City grew more than Asian Americans over the last decade. The increase, by a total of more than 33%, was steady across the five boroughs. In some areas, like south Brooklyn and southeastern Queens, the Asian population has now become a plurality or majority of residents, which was not case ten years ago. The Latino population also increased citywide, with some areas in Queens and the Bronx seeing an upshot of over 50% in the Hispanic population, as measured by the Census. The Districting Commission will need to address those changes as it draws new lines.

## POSSIBLE NEW ASIAN-MAJORITY DISTRICT – BENSONHURST AND SOUTH BROOKLYN

One of the largest increases in the Asian population over the last decade happened in the southern portion of Brooklyn, particularly in Bensonhurst, Dyker Heights, and west Gravesend, which added almost 30,000 Asian Americans. In the 2010 Census, the three council districts that cover that area – 43, 44, and 47 – had a sizable Asian population (22.2%, 11.3%, and 24.5%, respectively) but still much lower than the white majority population. Yet now, the area is comprised of minority-majority neighborhoods. According to the Department of Planning, Dyker Heights, Bensonhurst, Bath Beach, and Gravesend West overall population is now 44.2% Asian, 36.3% White, and 15.4% Hispanic. However, the fact that the area is split between three council districts (in fact, the neighborhood of Bensonhurst is split between four districts) means that this community of interest, largely Chinese-speaking, could be deprived of a voice in the City Council. Districts 43 and 47 would probably need to be redrawn because their current population is beyond

*In the adjacent map, blue lines represent council district boundaries and red lines represent neighborhood boundaries, as defined by the Department of City Planning. Shades of red represent the number of Asian-Americans in every neighborhood according to the Census. Bensonhurst, in the center, has over 46,000 Asian-American residents.*

### DISTRICT 43

#### NEIGHBORHOODS:

Bay Ridge, Dyker Heights, Bensonhurst, Bath Beach

Population	Population	Population Deviation #	Population Deviation %
2010	168,392	7,682	4.78%
2020	184,407	11,526	6.7%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	60.6%	1.2%	22.2%	1.9%	14.1%
2020	48.5%	1.6%	30%	3.3%	16.7%

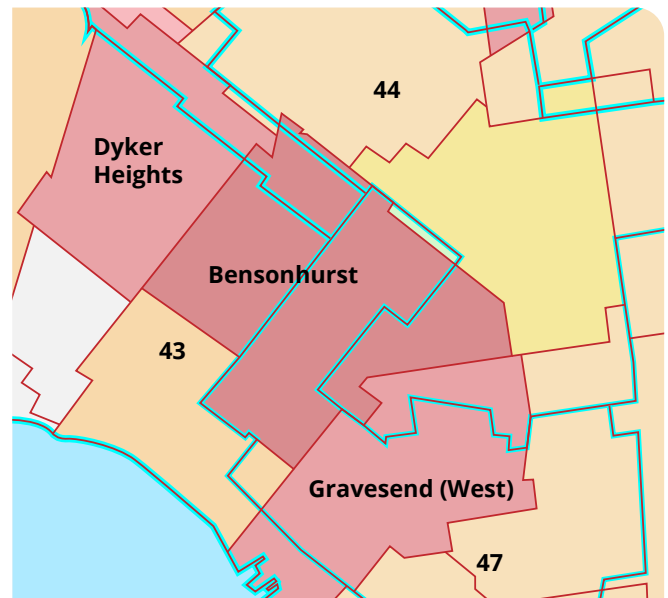
### DISTRICT 44

#### NEIGHBORHOODS:

Bensonhurst, Borough Park, Midwood, Ocean Parkway

Population	Population	Population Deviation #	Population Deviation %
2010	157,613	-3,097	-1.93%
2020	172,026	-855	-0.49%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	77.5%	1.1%	11.3%	1.3%	8.9%
2020	67.1%	1.5%	15.7%	6%	9.6%



Map Source: NYC Population FactFinder

### DISTRICT 47

#### NEIGHBORHOODS:

Bensonhurst, Coney Island, Gravesend, Sea Gate

Population	Population	Population Deviation #	Population Deviation %
2010	168,410	7,700	4.79%
2020	177,963	5,082	2.94%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	50.4%	8.2%	24.5%	1.6%	15.2%
2020	40.8%	7.7%	31.5%	3.4%	16.5%

the allowed deviation. The Commission will need to consider redrawing lines to account for changes in the racial composition, while maintaining other communities of interest in the area, like the Russian-speaking community and the Jewish Orthodox community in Districts 48 and 44.

### Keeping neighborhoods and communities of interest together

The City Charter requires that districts be drawn to “keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.” Communities of interest can take on many different forms, and their definition is notoriously fuzzy. Furthermore, as a Center for Urban Research report stated in 2013, “multiple, conflicting, and subjective definitions of any specific community in New York City as well as the overall mosaic of communities will coexist at any given

point in time.” The Commission will need to review data on race, ethnicity, and language use; income, occupation, and education; housing type; voting; neighborhood facilities and institutions; and other indicators. Just as important, it will need to rely on testimonies and comments from the public on how they see their communities.

One example of an area that could require attention is south Queens, where residents have been protesting for years that their communities are divided between several districts, at all levels of government. This issue is heightened by the rapid growth of the South Asian community in the area.

Richmond Hill, home to large Indo-Caribbean and Punjabi communities, is divided between three council districts, each branching out to a different part of Queens. To its south, South Ozone Park is split between two council districts that separate the neighborhood along Rockway Boulevard, South Ozone Park’s main business strip.



Map Source : City Factfinder

*In this map, blue lines represent council district boundaries and black lines represent neighborhood boundaries, as defined by the Department of City Planning. Two neighborhoods are highlighted: Richmond Hill (top) and South Ozone Park (bottom).*

### DISTRICT 29

**NEIGHBORHOODS:**

Rego Park, Forest Hills, Kew Gardens, Richmond Hill

Population	Population	Population Deviation #	Population Deviation %
2010	154,989	-5,721	-3.56%
2020	164,248	9,626	-4.99%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	49.9%	3.9%	24.4%	3.8%	17.9%
2020	39.7%	4.2%	28.8%	6.5%	20.7%

### DISTRICT 32

**NEIGHBORHOODS:**

Belle Harbor, Breezy Point, Broad Channel, Howard Beach, Lindenwood, Neponsit, Ozone Park, Richmond Hill, Rockaway Park, Roxbury, South Ozone Park, West Hamilton Beach, Woodhaven

Population	Population	Population Deviation #	Population Deviation %
2010	155,955	-4,755	-2.96%
2020	165,611	-7,270	-4.21%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	41.5%	7.3%	12.7%	5.8%	32.7%
2020	33.1%	7%	16.8%	8.2%	34.8%

### DISTRICT 28

**NEIGHBORHOODS:**

Jamaica, Richmond Hill, Rochdale Village, South Ozone Park

Population	Population	Population Deviation #	Population Deviation %
2010	168,443	7,733	4.81%
2020	182,507	9,626	5.57%

Demo graphics	White, Non-Hispanic	Black, Non-Hispanic	Asian, Non-Hispanic	Others, Non-Hispanic	Hispanic
2010	3.6%	45.9%	16.9%	15.2%	18.4%
2020	3.2%	36.6%	20.5%	20.5%	18.4%




The following examples are solely meant to illustrate the type of issues facing the Commission. Citizens Union does not endorse one specific map or district shape over another.

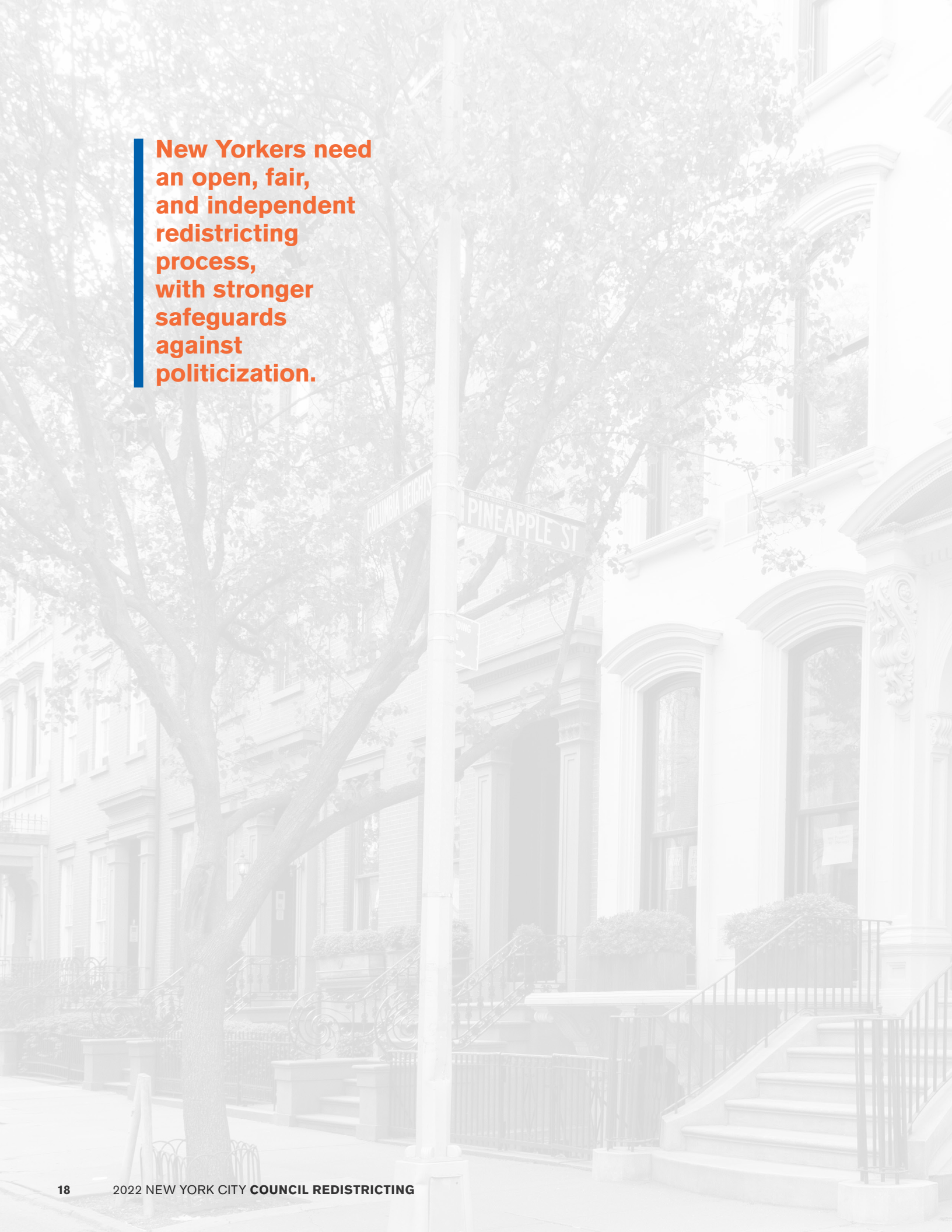
Council District 28, which covers the eastern parts of South Ozone Park, Richmond Hill, Jamaica, and Rochdale Village, saw its population grow by about 9%. Ten years ago, this district fell 13,000 residents short of the ideal population and needed to acquire additional population. The Commission expanded the district's boundaries to include more of Richmond Hill, South Richmond Hill, and South Ozone Park - an area which had previously been divided between four council districts.<sup>39</sup> However, the Commission did not leave these neighborhoods completely unified. Now, District 28 exceeds the ideal population by almost 10,000 residents, and its boundaries will need to be changed again. The Commission will need to rely more heavily on public comments and testimony to consider how to redraw this area.

Although population growth was largely driven by an increase in the Asian population accompanied by a decrease in the Black population, the extent of the demographic change is hard to ascertain from Census data. Many people of Indo-Caribbean heritage in this area choose to identify as "other" in Census forms.<sup>38</sup> About 20% of District 28 residents are listed as "others" in Census data, the highest number in all 51 council districts. The category "others" here follows the one used by the 2012 Commission, which aggregates census numbers for "Some other race, non-Hispanic" and "Non-Hispanic of two or more races".

The other two council districts in this area, District 29 and 32, have seen similar demographic trends. In the 32nd Council District, a heterogeneous area that encompasses different neighborhoods around Jamaica Bay and runs all the way inland to Woodhaven, the decrease in the white population means it is no longer a plurality of the population. The district is currently below the allowed population deviation.



**Richmond Hill, home to large Indo-Caribbean and Punjabi communities, is divided between three council districts, each branching out to a different part of Queens.**



**New Yorkers need  
an open, fair,  
and independent  
redistricting  
process,  
with stronger  
safeguards  
against  
politicization.**



# RECOMMENDATIONS FOR FAIR AND OPEN REDISTRICTING IN NEW YORK CITY IN 2022

**Citizens Union has closely monitored redistricting for decades, including all cycles since the current process was implemented following a 1989 overhaul of city government.** The following recommendations are aimed at creating an open, fair, and independent redistricting process. They deal with appointing the Districting Commission, engaging the public, maintaining independence and trust, and drawing the maps. They do not recommend specific district shapes or boundaries. We believe following these recommendations will help ensure council districts are drawn to provide fair representation for all of New York's communities.

## Appointing a fair and representative Districting Commission

### **1. THE MAYOR AND THE CITY COUNCIL SHOULD APPOINT A COMMISSION THAT IS DIVERSE AND REPRESENTATIVE OF NEW YORK CITY**

The City Charter has only limited requirements to ensure the Districting Commission is representative of the city. Section 50 requires having at least one resident from each borough; members of the racial and language minority groups protected by the Voting Rights Act in proportion to their population in New York City; and that registered voters of one party will not be a majority of commissioners. Important factors like gender, age, and geographical representation are not considered, nor is membership in minor parties.

The last Districting Commission consisted of nine men and six women. Women currently hold the majority of seats on the City Council, and the Commission that draws the boundaries of the next Council should reflect a similar commitment to gender equality. The Charter does not assure geographic representation on the 15-person Commission beyond the minimum of one member from each borough. The last Commission had five members from Manhattan, the most of any other borough, although it is only the third most populous borough. Only two commissioners came from Brooklyn, the borough with the most districts, while Staten

Island was represented by three commissioners. The 2002 Commission included seven residents of Manhattan. Citizens Union believes the people of New York would be better served by a Commission whose membership accurately represents the geographic distribution of the city's population.

### **2. THE MAYOR AND THE CITY COUNCIL SHOULD REFRAIN FROM APPOINTING PEOPLE WHO SERVED IN AN ELECTED OFFICE IN THE PAST FIVE YEARS TO THE DISTRICTING COMMISSION**

The City Charter forbids officeholders, city employees, and registered lobbyists from serving on the Districting Commission, but it does not ban former elected officials. Appointing former city or state elected officials has been common practice in the last three cycles. The previous Commission included two former Council Members and one former State Senator. Yet, former elected officials typically keep a close relationship with current incumbents or future candidates who would be affected by the redrawing of maps, and involving them in map-making weakens the perceived independence of the Commission. To minimize partisan bias and favoritism in the redistricting process, people who served in an elected office in the past five years should be excluded from serving on the Districting Commission.

## Maximizing transparency and public participation

### **3. THE COMMISSION SHOULD MAKE PUBLIC ALL MATERIALS RELATED TO ITS OPERATIONS AND MEETINGS**

To allow the public to follow the Commission's proceedings, commissioners should set up a website with all the materials and information related to its ongoing work and meetings, including:

- agendas before a public meeting and materials presented at the meeting;
- written minutes, transcripts, and video recordings of all meetings;

- any maps, comments, and testimony provided by the public;
- the Commission's adopted by-laws;
- bios of the Commission's members and executive staff; and
- a calendar or listing of the dates and times of public hearings and meetings.

The Commission should post the information on a regular basis and provide updates through social media and email announcements. The 2012-2013 Commission's website,

currently found at [www1.nyc.gov/site/districting/index.page](http://www1.nyc.gov/site/districting/index.page), provides a good example of such a website. The Commission should recruit a Director of Public Engagement and publish a transparency plan soon after it is established.

#### **4. THE COMMISSION SHOULD PROVIDE THE PUBLIC WITH ONLINE MAPPING SOFTWARE**

Citizens Union supports giving the public the tools they need to be a critical part of the mapmaking process. In the 2012-2013 redistricting cycle, the Districting Commission permitted the public to directly contribute ideas about potential districts through an online mapping feature. Over 20 proposed maps were submitted. The state's Independent Redistricting Commission received 116 map submissions in only three months time. New Yorkers are clearly interested in engaging with the process using maps and census data, and the commission should give them an easy way to do so.

#### **5. THE COMMISSION SHOULD PROVIDE INCREASED LANGUAGE AND DISABILITY ACCESS**


Since the last local redistricting cycle, New York City government has implemented new requirements for language access through Local Law 30 of 2017. Although it is unclear whether the Districting Commission will be considered a "covered agency," Citizens Union recommends it adopt the provisions included in the law to ensure that New Yorkers who have limited English proficiency (22.3% of city residents) are able to access information and engage the Commission. The Commission should translate key documents, including notices of public meetings and hearings, into the 10 designated citywide languages and work with the Mayor's Office of Immigrant Affairs to increase language access. At public hearings, the Commission should offer interpreters in the languages most prevalent in the specific borough.

To note, the 2012-2013 Districting Commission made available to presentations on the issue in English, Chinese (Mandarin and Cantonese), and Spanish; provided Spanish and Chinese (Mandarin and Cantonese) interpreters at all public hearings, and Korean-language interpreters in Queens; and translated the public notices to five languages.<sup>39</sup>

The Commission should also provide accommodations for people with disabilities, including ASL interpretation and live captioning of meetings, website accessibility, and by holding the in-person hearings at accessible locations.

#### **6. THE COMMISSION SHOULD MAXIMIZE PARTICIPATION BY HOLDING PRELIMINARY PUBLIC HEARINGS; HOLDING AT LEAST ONE HEARING IN EVERY BOROUGH FOR EVERY ROUND OF HEARINGS; AND SCHEDULING SOME HEARINGS ON EVENINGS AND WEEKENDS.**

The Charter requires the Commission to hold two rounds of public hearings. The first is conducted after the draft plan is published and before it is submitted to the Council. The second is conducted after the revised plan is published. The Charter mandates only one hearing ("one or more") in each of these two rounds. We recommend the Commission follow the precedent set by previous Districting Commissions as well as the state's



**Previous Districting Commissions held preliminary hearings to solicit feedback before publishing the first draft plan.**

Independent Redistricting Commission and hold a preliminary round of hearings to solicit feedback concerning the initial phases of the Commission's work. Every hearing round should include five hearings, one for every borough, held at an easily accessible location in the borough. Hearings should allow people to participate remotely and in person. Some hearings should be held in the evenings and on weekends to allow people with pressing work schedules to participate.



## Maintaining an independent process

### **7. COMMISSIONERS AND THE EXECUTIVE DIRECTOR SHOULD DISCLOSE ANY MEETINGS WITH ELECTED OFFICIALS OR THEIR REPRESENTATIVES.**

It is essential that Commission business be open and transparent for the public. All meetings with Council Members, other elected officials, or their representatives must be disclosed to strengthen the public's trust in the independence of the process. The Districting Commission has proven vulnerable to politicization in the past. In 2012, political intervention slowed down the process and caused confusion for the public (see page 11). The 2002 lines were essentially decided by a deal struck between the Council Speaker and the Minority leader, who together "controlled" a majority of votes on the Commission.<sup>40</sup> The local redistricting process is still exposed to such politicization. Commissioners or staff members who discuss maps and plans with individuals who are not affiliated with the commission should file a disclosure form. This should be established in the Commission's bylaws.

### **8. THE COMMISSION SHOULD PUBLISH A CONFLICTS OF INTEREST POLICY**

The Commission should develop and publish a Conflicts of Interest policy, with guidance from the New York City Conflicts of Interest Board, which addresses their political affiliations and relationships with incumbents of potential candidates for

City Council. Because all its members are directly chosen by elected officials, there is too close a connection between those who draw the lines and those who appoint them. A Conflict of Interest policy should address that concern. The 2012-2013 Commission received training and support from the Conflicts of Interest Board.

### **9. THE MAYOR SHOULD PROVIDE THE COMMISSION WITH IMMEDIATE FUNDING TO COMPLETE ITS MISSION**

City Charter requires the Mayor to provide the Commission with a budget so it can hire staff and complete its operations.<sup>41</sup> The Commission should have the resources to begin its work the moment it is established since the Charter-mandated timeline requires it to produce the first draft of maps by June 7, 2022. It would need to hire technical, management, and communication staff, commission experts' opinions, and organize public hearings. To the best of our knowledge, FY 2022 budget does not include specific appropriations for the Districting Commission. Waiting until the FY 2023 budget is approved to fund the Commission will cause harmful delays in the process. Late funding for the state's Independent Redistricting Commission has caused it to be behind schedule every step of the way and reduced the notice time given for public input. Citizens Union urges Mayor Adams to provide the Commission with the funding and support for its operations as early as possible.

## Drawing fair maps

### **10. THE COMMISSION SHOULD ADOPT EXPANSIVE ANTI-GERRYMANDERING CRITERIA FOR DRAWING DISTRICT LINES**

While section 52 of the City Charter provides a good foundation for the drawing of district lines, including by forbidding partisan gerrymandering, it does not address the possibility that maps would be drawn to favor incumbents or a particular candidate.<sup>42</sup> Yet in New York City, where one party is all but assured to control the Council, incumbent-based gerrymandering is more likely to occur. Protecting incumbents could become the leading factor guiding redistricting this year instead of keeping communities whole, given that all Council Members are up for reelection after the maps are redrawn. As the previous redistricting cycle has proven, drawing maps to favor an incumbent or candidate could also hamper the process, leading to delays and confusion and limiting public participation.

Building on the existing criteria in the Charter, the Commission should adopt a more expansive anti-gerrymandering criterion, which states that council districts should not be drawn with an intent to favor or oppose any political party, an incumbent legislator, or any previous or presumed candidate for office. A similar provision is now included in the state constitution in relation to the redrawing of state senate, assembly, and congressional districts.<sup>43</sup>

### **11. THE COMMISSION SHOULD RELEASE ANY UNDERLYING POPULATION DATA USED TO PREPARE THE MAPS AND A WRITTEN EXPLANATION FOR EVERY DISTRICT**

This redistricting cycle will be the first where the Districting Commission will not be required to submit a report to the U.S. Department of Justice to prove it complies with the Voting Rights Act ("preclearance"). That submission provided comprehensive details on the process, the underlying data used to draw each district, the major issues and factors affecting the composition of each district, and the justification for the final lines. It was necessary because New York County, Bronx County, and Kings County were considered "covered jurisdictions" under the 1965 Voting Rights Act, due to their past history of voter discrimination. Yet, under the 2013 Supreme Court Shelby decision that struck down section 5 of the 1965 Voting Rights Act, the city no longer needs to receive approval from the DOJ or to provide it with a report.

The Commission should issue a similar document, which would provide written justification for every district and underlying data used to draw it. It should also include accreditation that the Commission complies with new state law regulations on population deviation, pursuant to the Municipal Home Rule Law §10(1)(ii)(a)(i). The 2012-2013 Commission produced a similar "staff memorandum" at the end of its term.

# References

1. New York City Charter, §50(b)
2. City Charter, §50(a)
3. The only data not readily available to the commission is the reappointment of prison population to council districts. The numbers will be submitted by the Legislative Task Force on Redistricting, or LATFOR.
4. City Charter §51
5. NYC Districting Commission List of Hearings; <https://www1.nyc.gov/site/districting/public-meetings-hearings/hearings.page>
6. City Charter §51
7. Municipal Home Rule Law Section 10(1)(ii)(a)(i)
8. City Charter Section 52(1)(b)
9. City Charter Section 52(2)
10. New York City Charter Section 51(1)
11. The first two criteria that the charter prioritizes are already set in other statutes: population deviation is provided by state law and representation of minority groups is included in federal law.
12. City Charter Section 52(1)(c)
13. Municipal Home Rule Law Section 10(1)(ii)(a)(13)(c.)
14. S5160B/A229C, enacted as L. 2021 Chapter 516
15. L. 2021 Chapter 516 added other redistricting criteria to Section 10 of the new Municipal Home Rule law. However, those apply to local laws, while the city redistricting plan is a commission-led process and maps are not passed as laws by the local legislature. Subparagraph §10(1)(ii)(a)(13), on the other hand, specifically states two equal apportionment requirements that apply "generally to any local government." Those refer to the abovementioned population deviation and prison-adjusted population numbers.
16. Municipal Home Rule Law Section 10(1)(ii)(a)(13)(a)(i)
17. City Council Announces Appointments to Districting Commission, May 2012, <https://council.nyc.gov/press/2012/05/03/739/>; Mayor Bloomberg Announces Appointments to Districting Commission, June 2012, <https://www1.nyc.gov/office-of-the-mayor/news/214-12/mayor-bloomberg-appointments-districting-commission>;
18. NYC Districting Commission list of meetings; <https://www1.nyc.gov/site/districting/public-meetings-hearings/meetings.page>
19. The September 2012 preliminary plan can be found at <https://www1.nyc.gov/site/districting/public-meetings-hearings/september-4-public-meeting.page>
20. Letter from Chair of the Districting Commission, Benito Romano, to City Council Speaker Christine C. Quinn, November 16, 2012.
21. New York City Redistricting Map Is Called Unfair, The New York Times, October 2012., <https://www.nytimes.com/2012/10/03/nyregion/new-york-city-redistricting-map-is-called-unfair.html>; Redistricting plan draws harsh rebukes, Mott Haven Herald, October 2012 <https://motthavenherald.com/2012/10/16/redistricting-plan-prompts-harsh-rebuke/>; Bronx leadership 'happy' about a Council redistricting plan that takes from Manhattan, PoliticoNY, November 2012, <https://www.politico.com/states/new-york/albany/story/2012/11/bronx-leadership-happy-about-a-council-redistricting-plan-that-takes-from-manhattan-000000>
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25. Resolution of The City Of New York 2012-2013 Districting Commission, December 4, 2021 [https://www1.nyc.gov/assets/districting/downloads/pdf/12-4\\_resolution\\_to\\_withdraw.pdf](https://www1.nyc.gov/assets/districting/downloads/pdf/12-4_resolution_to_withdraw.pdf)
26. Transcript of the Commission's December 4th meeting [https://www1.nyc.gov/assets/districting/downloads/pdf/12-4\\_transcript.pdf](https://www1.nyc.gov/assets/districting/downloads/pdf/12-4_transcript.pdf)
27. The December 4, 2012 plan can be found here <https://www1.nyc.gov/site/districting/maps/maps.page>
28. New York State Legislative Task Force on Demographic Research and Reapportionment, or LATFOR, is tasked with reassigning incarcerated individuals to their residence of record prior to incarceration. Official prison population for local redistricting will only be submitted by LATFOR once the Districting Commission is set up, but has already been made public. Up to date data can be found <https://latfor.state.ny.us/data/?sec=2020>
29. 2020 Census Results For New York City: Key Population & Housing Characteristics, New York City Department of City Planning, August 2021. [https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2020/dcp\\_2020-census-briefing-booklet-1.pdf](https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2020/dcp_2020-census-briefing-booklet-1.pdf)
30. Staff Memorandum Regarding February Revised District Plan, February 2013. [https://www1.nyc.gov/assets/districting/downloads/pdf/Feb6\\_memo.pdf](https://www1.nyc.gov/assets/districting/downloads/pdf/Feb6_memo.pdf)
31. District 10 did not cover the entirety of northern Manhattan. It consisted of the eastern parts of Washington Heights and Inwood, Hudson Heights, Fort George, and Marble Hill.
32. Submission for Preclearance of the Final Districting Plan for the Council of the City of New York, sent to the U.S. Department of Justice, March 2013. <https://www1.nyc.gov/assets/districting/downloads/pdf/submissionPDF.pdf>
33. Submission for Preclearance of the Final Districting Plan for the Council of the City of New York, sent to the U.S. Department of Justice, March 2013. <https://www1.nyc.gov/assets/districting/downloads/pdf/submissionPDF.pdf>
34. See, for example, testimonies before the state Independent Redistricting Commission, Kings County hearings
35. As defined by the DCP's Neighborhood Tabulation Areas, or NTAs - aggregations of census tracts that approximate neighborhoods.
36. "Communities of Interest" and City Council Districting in New York, 2012-2013, John Mollenkopf with Joseph Pereira and Steven Romalewski, Center for Urban Research CUNY Graduate Center. Submitted to the 2012-2013 Districting Commission
37. Staff Memorandum Regarding February Revised District Plan, February 2013. [https://www1.nyc.gov/assets/districting/downloads/pdf/Feb6\\_memo.pdf](https://www1.nyc.gov/assets/districting/downloads/pdf/Feb6_memo.pdf)
38. Split 7 Ways, Immigrant Neighborhood Seeks to Unify Its Political Power. New York Times, November 2021. <https://www.nytimes.com/2021/11/10/nyregion/redistricting-queens-asians-nyc.html>
39. Submission for Preclearance of the Final Districting Plan for the Council of the City of New York, sent to the U.S. Department of Justice, March 2013. <https://www1.nyc.gov/assets/districting/downloads/pdf/submissionPDF.pdf>
40. A New York Times report on the 2002 Districting Commission's final vote made it clear that the appointing authorities controlled commissioner's votes, describing how Mayor Bloomberg's attempts to increase Republican voting power in the new districts were "thwarted by the Council Republican minority leader, James Oddo of Staten Island, who decided to take his three votes on the commission and side with [Council speaker, Gifford] Miller's five voting member". Districting Plan Would Help Incumbents And Minorities, The New York Times, February 2003, <https://www.nytimes.com/2003/02/06/nyregion/districting-plan-would-help-incumbents-and-minorities.html>
41. New York City Charter Section 50(g)
42. Section 52(1)(f) of the City Charter states that "districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters".
43. Article III, Section 4 (c)(5) of the New York State Constitution states that "Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties".



