



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the 2024 City Charter Revision Commission
on Recommendations Made in the June Preliminary Report
Schomburg Center for Research in Black Culture – July 8, 2024

Dear members of the 2024 Charter Revision Commission. My name is Amaury Dujardin, and I am a Policy Manager at Citizens Union. Thank you for providing us with the opportunity to testify today. Citizens Union is a nonpartisan good government group committed to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards. Throughout our 125-year history, we have supported periodic comprehensive reviews of the New York City Charter to ensure that city government is operating effectively, efficiently, and in the public's best interest, and have advised every Charter Revision Commission.

First, we want to thank commissioners and staff for deferring the discussion on major election reforms to a future commission for further study and consideration, as we requested in earlier hearings.

Our testimony today focuses on the recommendations in the Commission's preliminary report pertaining to public safety legislation and fiscal impact statements.

Adding new public input requirements to public safety legislation

Citizens Union opposes the proposal to add new requirements for public input in the New York City Council before approval of any bill related to public safety, including more time and at least one extra public hearing.

Imposing different rules for different bills simply because of the content of a bill could create a two-tier system in the legislative body, giving some stakeholders more opportunities to comment on and impact legislation than others. Therefore, such a proposal requires scrutiny to examine whether it is needed and whether it would be effective.

First, we do not believe the proposal is necessary. The New York City Council (as opposed to the New York State Legislature) provides an opportunity for the public to comment on bills during a public hearing held by the relevant committee, and very often, bills are amended before being approved by the Council. No bill is approved in the Council without a public hearing.

Citizens Union conducted an analysis of all local laws passed by the City Council in the last decade to assess whether there is any difference between the timelines of hearings and legislative processes for bills passing through public safety-related Council committees and other committees, which could justify creating separate rules for that subject matter. That study is attached to this testimony.

Our analysis of over 1,700 local laws reveals that public safety legislation receives similar public input opportunities as other laws on other issues. No major differences were found in the time it takes for a public safety bill to receive a public hearing, the time it takes to be approved by a committee, or the overall time it takes from introduction to Council approval. Public safety bills are passed under the same timeframes as other bills. In fact, public safety bills often receive more time for public input. On average, public safety bills took 292 days from introduction to Council approval, compared to 280 days for other bills. 63% of local laws passed by the Committee on Public Safety waited more than three months between public hearing and approval, compared to only 52% of local laws passed in other committees.

We also found that the current City Council (in the 2022-2023 term) provided similar or even more time for public input on public safety bills compared to previous Councils. Public safety bills took an average of 125 days from introduction to the first hearing and another 168 days to committee approval, which aligns with or exceeds the timelines in previous terms.

Lastly, the data shows that the bills that were quoted as the reason behind the proposal to add more public input to public safety bills, particularly the How Many Stops Act (L.L. 43/2024) and the ban on solitary confinement (L.L. 44/2024), did not receive limited opportunities to provide input, as some of the testimonies on this issue have argued. **It took almost a year and a half - out of a two-year term - to pass these heavily contested bills, longer than other significant bills passed in the 2022-2023 term, ensuring sufficient time for stakeholder engagement and public testimony.**

Put simply, public safety legislation is not at a "disadvantage" compared with other issues when it comes to the time given for public input.

Second, public safety is difficult to define, and any Charter requirement that applies to "legislation pertaining to public safety" is sure to bring legal challenges. The Commission's preliminary report referenced all uniformed agencies, including the sanitation department. Many other city agencies also impact public safety in the five boroughs, including the Department of Health and Mental Hygiene, the Department of Transportation, the Department of Homeless Services, the Office of Neighborhood Safety, and others.

New Charter language requiring a special review process on public safety bills could spur ongoing litigation on what qualifies as public safety, further complicating the legislative act.

Third, lawmaking in all policy matters of citywide importance requires working with city agencies, experts, labor unions, and impacted communities, so any improvements in public input opportunities should apply to all legislative matters. Public safety should not be singled out of other citywide policy matters, such as education, transportation, or the environment.

Citizens Union has been a strong advocate for greater public input and transparency in the legislative process and recommended reforms to the City Council Rules to advance those goals before every new term. For example, we have urged the Council to extend public notice of committee meetings to at least

seven days before the meeting date instead of the current 72 hours, make bill aging "transparent," and revamp the email notification system.

To the extent that such general improvements are needed, **they should be made by changing the Rules of the City Council, which allows more flexibility, rather than enshrined in the City's constitution.**

Amending the Charter requirements on fiscal impact assessments

Citizens Union does not support the proposal to amend the City Charter to require fiscal impact assessments be produced earlier in the legislative process and involve additional agencies.

We acknowledge that there are problems with the way fiscal impact assessments are produced. Since they are published late in the legislative process, they contribute little to the public debate around the bill. And too many times, the formal fiscal impact comes out to zero.

However, we believe improvements to fiscal impact assessments should not be made through the City Charter. Currently, Charter Section 33 only dictates what fiscal impact statements must include and requires that agencies provide the Council with the information needed to prepare the statement.

The Charter should continue to provide such general principles instead of a "manual" with exact instructions. In line with our abovementioned comment and previous positions, we do not believe the city's constitution should set the details on the method, timing, and process of producing a fiscal impact statement. Here, too, we recommend that improvements to the process be made through the Rules of the Council, which govern the inner workings of the Council.

In addition, we are concerned about involving outside agencies in an element of the legislative task because it could give veto power over the process to executive agencies and lead to more delays in lawmaking.

Other proposals

We take no position on the other proposals in the Commission's preliminary report. The report includes about ten other recommendations on various issues such as passing legislation with budget impact outside the annual budget process, modifying the Ten-Year Capital Strategy plan, establishing a new Minority- and Women-Owned Businesses agency, and many more.

As a general comment, we ask the Commission to be prudent with what it recommends should be in the Charter. Citizens Union has long held that the City Charter is a foundational document that should not be "cluttered" with policies that can be done legislatively or through the administrative code without a compelling reason. We acknowledge that minor fixes are sometimes necessary.

Do Public Safety Bills Receive Fewer Opportunities for Public Input in the New York City Council?

The short answer is no. Citizens Union analyzed over 1,700 local laws passed in the last decade and found that public safety legislation receives similar input opportunities as other issues, suggesting that there is no need for separate rules.

The 2024 Charter Revision Commission is considering applying additional requirements for public input in the New York City Council before approval of any bill related to public safety, including more time and at least one extra public hearing. During public input sessions, the Commission heard testimonies expressing concern about limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders on measures that the Council passed in the last year, like the How Many Stops Act (L.L. 43/2024) and the ban on solitary confinement (L.L. 42/2024).

Citizens Union has been a strong advocate for greater public input and transparency in the legislative process, and recommended reforms to the City Council Rules to advance those goals before every new term. For example, we have urged the Council to provide more notice before public hearings and to limit last-minute changes to committee agendas.

However, imposing different public input requirements simply because of the content of a bill is a novel idea that could create a two-tier system in the legislative body, and therefore requires scrutiny.

This report is intended to assess whether there is any difference in the public input opportunities awarded to public safety legislation compared to other issues, and whether such difference could justify creating separate rules for that subject matter.



By examining the legislative timelines of over 1,700 local laws passed by the City Council in the last decade, we find that public safety legislation is not at a “disadvantage” compared with other issues when it comes to the time given for input.

Public safety bills are passed under the same timeframes as other bills, often taking more than six months. The most recent City Council did not rush through such bills compared to its predecessors. In fact, the controversial bills that drove much of the testimonies on this issue before the Charter Commission proceeded under an exceptionally long timetable - it took almost a year and a half to pass them out of a two-year term.

Therefore, it would seem unnecessary to inject more time into the legislative process of public safety bills, and it is unclear why they and the stakeholders who wish to comment on them should be awarded preferential treatment. If there are indeed problems related to seeking input from experts and affected agencies during the legislative process on public safety bills, they are likely unrelated to allotted timeframes.

Method

Stakeholders have three periods in which they can comment on bills in the New York City Council. After a bill is introduced, government agencies, advocates, and members of the public often reach out proactively to sponsors to provide feedback on the bill. Once a public hearing is announced, anyone can testify at the committee hearing or submit a written testimony to the relevant committee. After the hearing is concluded and before the bill is voted on during another committee meeting, the public can submit further comments. This is often the most crucial period because bills are commonly (but not always) amended before they come to a vote in committee. Once approved by the committee, a bill usually goes to the Council for a vote that same day or the day after.

To examine public input periods, we collected the timeframes of the legislative process of all local laws passed by the City Council between January 2014 and June 2024. For every local law, we identified the date the proposed bill was introduced, the date of the public hearing in the committee where the bill was assigned, the date the bill was approved by that committee, and the date the bill was approved by the full Council at a Stated meeting. The number of days between these dates provides the length of each period. We thank Jehiah Czebotar for assisting in retrieving the data from the NYC Legistar API.

The dataset included 1,743 local laws passed in four different City Council terms: 2014-2017 (Speaker Melissa Mark Viverito), 2018-2021 (Speaker Corey Johnson), 2022-2023 (Speaker Adrienne Adams), and 2024-2025 (Speaker Adrienne Adams, ongoing). We then excluded the current Council because it began recently and passed only two bills related to uniformed agencies.

Defining what is “legislation pertaining to public safety” is a complicated task, and the Charter Revision Commission did not explain how that would be done. We used the Council’s committees to operationalize public safety. There are several committees with jurisdiction over agencies with public safety functions: Public Safety, Criminal Justice, Fire and



Emergency Management, Fire and Criminal Justice Services (only in 2014-2017), Courts and Legal Services (only in 2014-2017), and Juvenile Justice (only in 2014-2017).

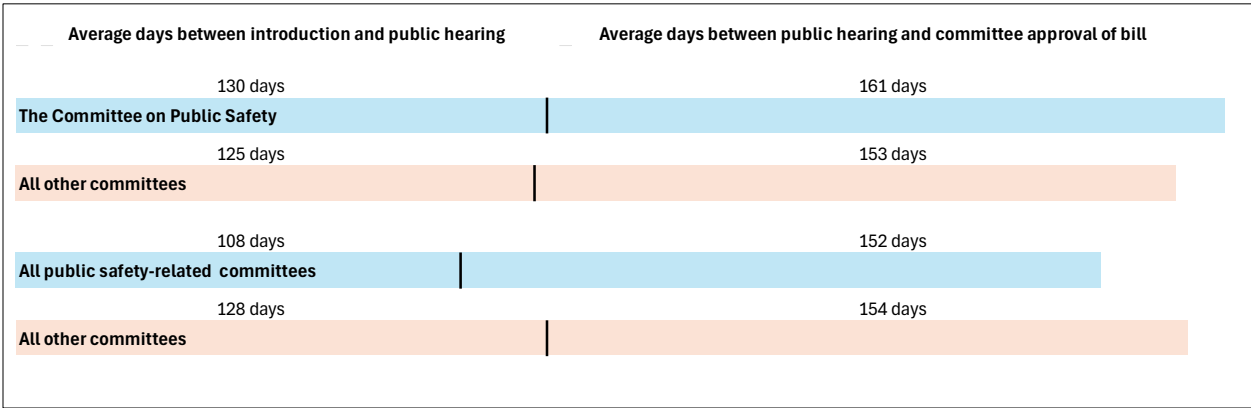
Findings

1. THERE ARE NO MAJOR DIFFERENCES IN THE TIME AWARDED FOR INPUT ON PUBLIC SAFETY BILLS COMPARED WITH OTHER BILLS

Data on the legislative processes behind the bills passed by the City Council over the last three terms (not including the current one) shows that the time given for public input on public safety bills is not substantially different than on other bills.

The average time between the introduction of a bill and the public hearing on that bill in the Committee on Public Safety was 130 days compared to 125 in all other committees. The average time between a public hearing on a bill in the Committee on Public Safety and the committee approval of the bill was 161 days compared to 153 for bills in all other committees. In total, local laws that went through the Committee of Public Safety took 292 days on average from introduction to approval by the Council. Local laws that went through other committees took 280 days from start to finish.

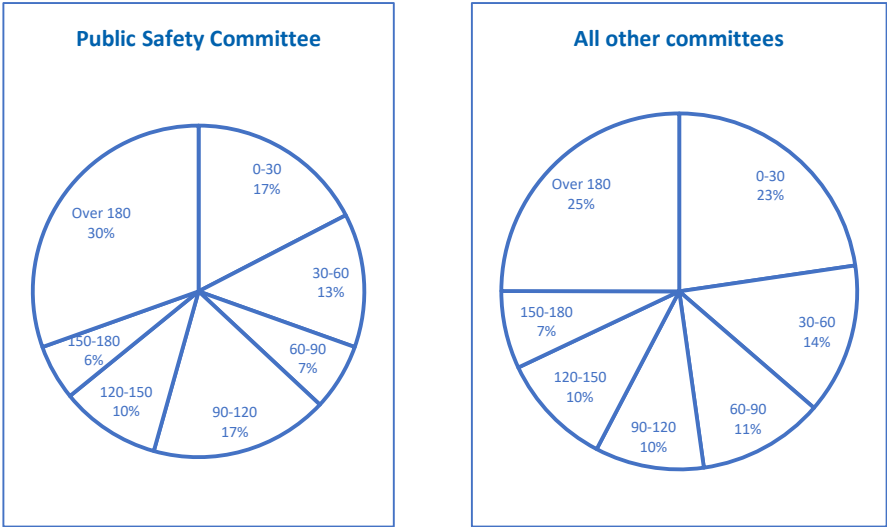
No major differences were found when public safety was defined more broadly, either. An analysis of all committees that work on public safety-related matters (see above) found that the average time between introduction and committee hearing is 108 days in public safety-related committees compared to 128 in all other committees. The average time between that hearing and the committee approval of the bill is 152 days in public safety-related committees compared to 154 days in all other committees. The average total time from introduction to Council approval is 261 days for bills in public safety-related committees and 283 days for bills in other committees.





To better understand the length of the legislative process, we also examined how many local laws go through a shorter timeframe. The chart below breaks down the time of the most crucial input period – after a public hearing and before a bill is passed – for public safety bills compared with other bills. It shows that bills in the public safety committee receive more time for public input. 63% of local laws passed by the public safety committee received more than three months for that public input period, compared to 52% of local laws passed in all other committees.

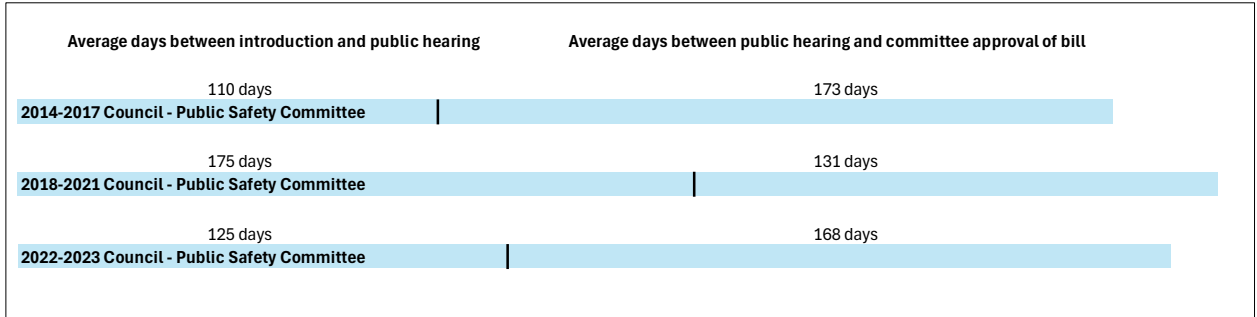
Days between a public hearing and a committee approval of a bill



2. THE CURRENT CITY COUNCIL DOES NOT PROVIDE LESS TIME FOR PUBLIC INPUT ON PUBLIC SAFETY BILLS COMPARED TO PREVIOUS CITY COUNCILS

Some commentators have argued that the political tensions between the current City Council and the Mayor lead to fewer opportunities for the administration to get involved in public safety legislation compared with past councils. This might be the case behind closed doors, but the timeframe of legislative processes in this Council is no different than in its three predecessors.

During the 2014-2017 Council, public safety bills received a public hearing after 110 days on average and were approved by the committee 173 days on average after such hearing. In the 2018-2021 Council, public safety bills waited 175 days on average before getting a hearing and another 131 days after the hearing. The 2022-2023 term of the current City Council, which only lasted two years, was somewhere in the middle: public safety bills waited 125 days on average before getting a hearing and another 168 days after the hearing. The results are similar when comparing bills that went through all public safety-related committees. The complete data can be found with Citizens Union and is available upon request.



3. HIGH-PROFILE CONTESTED PUBLIC SAFETY BILLS DID NOT RECEIVE FEWER OPPORTUNITIES FOR PUBLIC INPUT THAN OTHER BILLS

A number of Local Laws were mentioned in public testimony before the 2024 Charter Revision Commission as examples of cases where public safety bills received limited opportunities to provide input. Those included Int 0586-2022, requiring the police department to report on police-civilian investigative encounters, known as the How Many Stops Act, and Int 0549-2022, which banned solitary confinement in city jails and established standards for the use of restrictive housing and emergency lock-ins.

However, data on the timelines of legislative processes reveals that these two bills were given the same time, and at times even more time, than other high-profile significant bills passed in the same Council term. In fact, it took almost a year and a half – the Council's term was only two years – for these two bills to be approved by the City Council, giving ample time for public input. This information is shown in the table below.

Bill number	Bill	Committee	Introduced	Days from intro to public hearing	Committee hearing	Days from hearing to committee approval	Committee approval	Total days from intro to Council vote
Int 0586-2022	How Many Stops Act	Public Safety	7/14/22	256	3/27/23	268	12/20/23	524
Int 0549-2022	Banning solitary confinement	Criminal Justice	6/16/22	104	9/28/22	448	12/20/23	552
Int 0878-2023	CityFHEPS eligibility reform	General Welfare	1/19/23	-1	1/18/23	126	5/24/23	126
Int 0031-2022	Permanent Outdoor Dining Program	Consumer and Worker Protection	2/10/22	-2	2/8/22	541	8/3/23	539
Int 0244-2022	Citywide Curbside Organics Collection Program	Sanitation	4/28/22	48	6/15/22	357	6/7/23	406
Int 1012-2023	Fair Housing Framework	Economic Development	4/27/23	63	6/29/23	139	11/15/23	202
Int 0559-2022	Skip the Stuff Act - Plastic Waste from Take-Out	Consumer and Worker Protection	6/16/22	179	12/12/22	38	1/19/23	217