



POTENTIAL BENEFITS AND CONCERNS OF PROPOSALS 2, 3, AND 4

The three land use proposals appearing on this November's ballot may appear straightforward, each summarized in just a sentence or two. But they represent more than 40 pages of legal changes with complex and far-reaching implications proposed by the mayoral Charter Revision Commission (CRC). The explanations provided to voters simplify provisions that could significantly alter how New York City plans, reviews, and approves development under the Uniform Land Use Review Procedure (ULURP). **These measures are not perfect, but they aim to address an urgent housing crisis and more equitably distribute housing production citywide, in line with the Fair Housing Framework.** Below is a summary of each proposal, including potential benefits and concerns, to help New Yorkers make an informed decision at the ballot box.



Photo: SWinxy, Wikimedia Commons. Modifications: Cropped.

A NOTE ON MEMBER DEFERENCE

The **goal of these three proposals is to end the informal practice of member deference** — where City Council members follow the lead of the local representative on land use decisions in their district. Because of the practice of member deference, many proposals don't get off the drawing board, to ULURP, or to a City Council vote because of the low actual or perceived chance for them moving forward. While eliminating member deference could help move development forward in districts where members oppose it, it would also take away the negotiation leverage that members currently have when reviewing projects in their communities. It remains unclear whether ending member deference would make housing approvals more equitable or effective or simply reassign authority without addressing the deeper causes of the affordability crisis.

Glossary of Acronyms

BSA: Board of Standards and Appeals
BP: Borough President
CB: Community Board
CEQR: City Environmental Quality Review
CPC: City Planning Commission
CRC: Charter Revision Commission
DCP: Department of City Planning
ELURP: Expedited Land Use Review Procedure
FAR: Floor Area Ratio
HDFC: Housing Development Fund Corporation
HPD: City Department of Housing Preservation and Development
MIH: Mandatory Inclusionary Housing
SEQRA: State Environmental Quality Review
ULURP: Unified Land Use Review Procedure



PROPOSAL 2:

“FAST TRACK AFFORDABLE HOUSING TO BUILD MORE AFFORDABLE HOUSING ACROSS THE CITY”

This proposal would create two separate “fast tracks” to expedite affordable housing development — one through the Board of Standards and Appeals (BSA) and another through the City Planning Commission (CPC). The **BSA fast track** would allow applicants for publicly financed affordable housing projects — including, but not limited to, those developed by Housing Development Fund Corporations (HDFCs) — to bypass ULURP and request relief from zoning use, bulk, or parking requirements directly from the BSA. The BSA must find that projects cannot proceed without the zoning modification and that it would not alter the essential character of the neighborhood. The **CPC fast track** would apply to applications that include permanently affordable housing required under Mandatory Inclusionary Housing (MIH) and are proposed within the 12 community districts that have the lowest rate of affordable housing production over the previous five years. The formula for identifying these districts would divide the number of new “affordable dwelling units” by the total number of housing units in the district at the start of the five-year cycle.

How would the process change?

Currently, most changes to zoning must go through ULURP’s seven-month land use review process. The **BSA fast track** would create a new waiver category under the BSA’s purview, separate from ULURP, without requiring applicants to demonstrate financial hardship or other conditions typically needed for a variance. This process would take four months in total, including a 60-day review by the local community board (CB), a 30-day public hearing period, and a 30-day review by the BSA. The **CPC fast track** would shorten the land use review timeline to three months by allowing CB and borough president (BP) reviews to occur concurrently over 60 days rather than sequentially. CPC would then have 30 days to issue a final decision — eliminating City Council review entirely, which currently follows CPC’s 60-day review with its own 50-day decision period. If the proposal is approved, the CPC will then be required to promulgate the criteria for defining “affordable dwelling units” necessary to identify the 12 lowest-performing community districts.

What are the potential benefits?

- Shorter review timelines across both fast tracks could help expedite the approval and construction of affordable housing, reducing holding costs and uncertainty for developers.
- The BSA and CPC already have significant experience evaluating land use and zoning applications, which could support a more efficient and technically informed review process.
- The BSA fast track would make it easier for nonprofit or community-based developers to build or preserve affordable housing on challenging sites where zoning constraints currently block feasibility.
- The CPC fast track’s focus on underperforming districts aligns with the goals of the Fair Housing Framework and could encourage a more equitable geographic distribution of affordable housing production across the city.

What are the concerns?

- Removing the City Council from reviewing certain affordable housing projects could reduce opportunities for Council members to negotiate benefits on behalf of their communities.
- Because both the BSA and CPC are composed primarily of mayoral appointees, decision-making could reflect City Hall priorities rather than district-specific needs.
 - However, it is worth noting that the appointees are subject to City Council approval and therefore future appointments may receive more scrutiny.
- Agencies, including the BSA and Department of Housing Preservation and Development (HPD) may lack the capacity to timely handle an influx of applications.
- The CPC fast track may not substantially increase deeply affordable housing unless MIH is modified.
- The CPC fast track would allow the CPC to approve modest neighborhood rezonings within the 12 underperforming community districts without City Council approval.



PROPOSAL 3:

“SIMPLIFY REVIEW OF MODEST HOUSING AND INFRASTRUCTURE PROJECTS”

This proposal would create a new, expedited land use review process (ELURP), for certain land use applications that the CRC has determined are “modest” and do not require environmental review under City Environmental Quality Review (CEQR) or the State Environmental Quality Review Act (SEQRA). Eligible applications include: changes to the City Map to enable affordable housing, open space, or resiliency projects; in medium- and high-density districts (R6+ and equivalent commercial districts that permit residential use), zoning map changes that increase residential capacity by up to 30%; in low-density districts (R1–R5), zoning map changes that increase residential capacity up to that of another low-density district, capped at a height of 45 feet and a maximum floor area ratio (FAR) of 2; site selection for City projects that create resiliency infrastructure, solar energy generation, or new open space, provided any buildings total less than 5,000 square feet; disposition of City-owned lots that are adjacent to private property and that the mayor determines cannot be independently developed; leasing City land for solar energy generation; City-led voluntary buyouts of flood-prone homes in coastal or rainfall flood risk areas; and acquisition of undeveloped or unowned land for resiliency, open space, or solar projects.*

How would the process change?

Like Proposal 2’s CPC fast track, projects that qualify for ELURP would skip the final City Council review currently required under ULURP in favor of the expedited three-month process. The CB and BP would still review applications in their advisory role, but on a shorter, concurrent 60-day schedule, and the CPC’s review period would shrink from 60 to 30 days. For dispositions of City property to HDFCs, final approval would be made by the City Council instead of the CPC. If the proposal is approved, the CPC will then be required to promulgate additional rules for how CBs, BPs, and the CPC must participate in ELURP.

What are the potential benefits?

- The proposal would allow the City to move faster on approving modest yet critical infrastructure projects.
- The proposal could reduce procedural delays for time-sensitive resiliency projects, particularly in areas affected by flooding or coastal erosion.
- Projects that require an environmental impact statement under CEQR or SEQRA remain ineligible for ELURP, ensuring that large or complex developments still undergo full public and environmental scrutiny.
- The proposal encourages the type of modest housing projects that MAS has supported in the past.

What are the concerns?

- In medium- and high-density districts, especially those that are underbuilt relative to their existing zoning, the proposal could substantially alter neighborhood scale without the opportunity for City Council input, including negotiating for commitments to deeper affordability.
- Without safeguards in place to prevent speculative consolidation, the expedited process for City-owned land disposition may be leveraged to facilitate larger-scale private assemblages rather than community-serving housing.
- The proposal may also incentivize the disposition of small parcels of City-owned land rather than exploring public-serving alternatives such as open space, community gardens, or other neighborhood uses.



*MAS has summarized the list of ELURP-eligible projects above. The full list can be found on pp. 26–31 of the proposed revisions to the Charter, available at: bit.ly/CharterRevisionText.



PROPOSAL 4:

“ESTABLISH AN AFFORDABLE HOUSING APPEALS BOARD WITH COUNCIL, BOROUGH, AND CITYWIDE REPRESENTATION”

This proposal would create a new appeals board made up of the mayor, the City Council speaker, and the borough president where a project is located, or representatives of each of their choosing. The appeals board would be empowered to approve an application disapproved by the Council, or reverse one or more modifications made by the Council, on applications that “directly facilitate the development of additional affordable housing.”

**How
would the
process
change?**

Under the current ULURP framework, the City Council has the final say on zoning and land-use applications, with the mayor retaining veto power over a Council decision, and the City Council retaining an override — though this authority is rarely used in practice. This proposal would allow a land use applicant, and, if at least two of the three members agree, the board itself, to initiate the appeals process after the City Council has rendered its decision on an application. The board would then have 15 days to schedule a public meeting with five days’ notice and render a decision. A two-out-of-three vote by the appeals board would be enough to overturn a Council denial or seek to undo Council modifications tied to an approval. If the proposal is approved, the CPC will then be required to promulgate criteria for determining whether an application “directly facilitates the development of additional affordable housing,” i.e., is eligible for appeal.

What are the potential benefits?

- A shared decision-making structure among the mayor, Council speaker, and BPs could distribute authority more evenly across branches of government and encourage borough-wide coordination on affordable housing goals.
- The appeals process could create a clearer, more transparent framework for decision-making, reducing uncertainty for affordable housing developers and offering a mechanism to revive viable projects that might otherwise stall for political reasons.
- Allowing appeals board members to designate representatives could provide flexibility and, if implemented responsibly, opportunities for district Council members or subject-matter experts to participate in the review.
- The process could advance affordable housing projects that meet citywide priorities.

What are the concerns?

- The appeals board would shift power to positions that are citywide or borough-wide rather than district-based, potentially weakening local negotiating power.
- Creating a new quasi-adjudicatory body without a requirement for public input could sideline community voices and reduce consideration of local needs.
- Residents may lose faith in the process if modifications added by the City Council on behalf of the community can be overturned by the appeals board.
 - However, agreements between a developer and the Council or the Mayor and the Council cannot be reversed by the appeals board.
- Developers may be less inclined to negotiate with communities if modifications can be reversed by the appeals board.



To read the full MAS statement on Proposals 2, 3, and 4, visit: mas.org/news/statement-2025-ballot-proposals/