



## New York City Environmental Justice Alliance

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### Member Organizations

*El Puente  
(Brooklyn)*

*Nos Quedamos  
(The Bronx)*

*The Point  
Community  
Development  
Corporation  
(The Bronx)*

*UPROSE  
(Brooklyn)*

*West Harlem/  
Morningside  
Hts Sanitation  
Coalition;  
(Manhattan)*

*Youth  
Ministries for  
Peace & Justice  
(The Bronx)*

May 17, 2010

Hon. Matthew Goldstein  
Chairman, NYC Charter Revision Commission  
C/o Office of the Chancellor  
City University of New York  
535 East 80<sup>th</sup> Street  
New York, NY 10075

Dear Chairman Goldstein:

On behalf of the NYC Environmental Justice Alliance and our allies, we write to encourage the Charter Rights Commission to propose fair share and 197-a reform for the 2010 elections, and not wait another year.

As you know, when the City Charter was revised in 1989, the concept of “fair share” was created to introduce fairness and transparency to the siting of City facilities. Charter §’s 203 and 204 mandated that the City of New York identify all City facilities proposed for siting, expansion, reduction and/or closure for each Community Board via a Statement of Needs and Atlas of City-owned Property. Each Community Board was entitled to a hearing to discuss the City’s plans for local facilities, and to allow Borough Presidents and local Boards to propose alternatives, if so desired. Charter § 197-a was also expanded to facilitate the creation of proactive, local “master land use plans” by community boards.

Given the long history of disproportionate sitings – and clustering - of polluting infrastructure in low income communities and communities of color, environmental justice advocates and other social justice and civil rights organizations championed fair share and 197-a as necessary reform tools. These long overdue reforms were part of the Commission’s submission to persuade the Justice Department to “pre-clear” the Revision proposals for voter approval. New Yorkers in turn voted to approve the 1989 Charter Revision

However, the “fair share” and 197-a sections were gutted by the subsequent regulatory rule-making led by the Department of City Planning following the 1989 Charter Revision. As a result, fair share has failed New Yorkers, particularly those in environmentally over-burdened communities, and 197-a plans have proceeded at a snail’s pace. The need to fix “fair share” and 197-a looms large in 2010, as the Department of City Planning embarks on another

City-wide planning effort to update the Waterfront Revitalization Plan by year's end. The current Waterfront Revitalization Plan actually encourages environmental disparities by designating only 6 communities along New York City's waterfront – Sunset Park, Red Hook, Newtown Creek, the Brooklyn Navy Yard, Kill Van Kull and parts of the South Bronx – as “Significant Maritime Industrial Area's” (SMIA's). It is unclear whether the City Planning Commission will correct this disparity by dropping the SMIA designation for these neighborhoods in 2010. However, by acting on fair share and 197-a this year, the Charter Revision Commission can protect these communities by forcing a public accounting for any City facilities proposed for these areas and closing the loophole created by these SMIA designations.

Unlike ULURP reform and a range of other issues raised before the Commission at public hearings this year, fair share and 197-a are neither new concepts, nor something that is being "rushed through". In fact, fair share and 197-a were thoroughly deliberated, vetted and voted by New Yorkers over twenty years ago. All we're asking is for the Commission to fix the damage done by the Department of City Planning - against the express will of the voters – during the administrative rule-making for implementation that followed the 1989 Charter Revision. Low income communities of color have waited long enough to correct this mistake - environmental justice delayed is environmental justice denied.

Sincerely,

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NYC Environmental Justice Alliance

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Cc: Charter Revision Commissioners