

TESTIMONY TO THE NEW YORK CITY PLANNING COMMISSION

Subject: *Mandatory Inclusionary Housing*
Date of Hearing: *December 16, 2015, Calendar No. 22*
Borough: *Citywide*
ULURP No. *N 160051 ZRY*
Position: *Opposed (to a particular provision)*
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My name is David Tipson. I am executive director of New York Appleseed, a nonprofit organization which has addressed the problem of school segregation in New York City for the last five years. I am testifying today in hope that the requirements for off-site housing within the mandatory inclusionary housing plan be amended so as not to exacerbate school segregation by race and socioeconomic status.

The New York City school system is the third most segregated in the nation. Mayor Bill de Blasio has emphasized repeatedly that one of the ways he intends to achieve more diversity in our schools is through his affordable housing programs.

When we look at the details of this Mandatory Inclusionary Housing plan, however, we do not see the kind of intentionality that is required if the plan is to promote diverse schools. This is especially apparent when we look at the requirements for off-site housing (Secs. 23-911 (definition of “Affordable housing fund”) and 23-96(a)).

Although we expect that most affordable units created under Mandatory Inclusionary Housing would be on-site, Councilmember Brad Lander’s 2013 analysis of the voluntary inclusionary housing program in operation since 2005 found that “In Brooklyn, about half of the units were created ... on a different site.”¹

Where we locate off-site units is important. As a March report by the Furman Center reminds us, “allowing off-site affordable units risks diluting the potential of inclusionary housing to promote economic diversity if it means developers will rarely build affordable housing in the most expensive neighborhoods. However, some of this risk can be mitigated by limiting where off-site units can be built.”²

¹ Office of Council Member Brad Lander, *Inclusionary Zoning in New York City* (2013), p. 1.

² Josiah Madar for the NYU Furman Center, *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs* (2015) 33.

Regrettably, the Mandatory Inclusionary Housing plan simply reiterates the requirements that existed under the voluntary program. These requirements are in no way tied to the City's student-assignment policies for schools. Because the boundary lines for community planning districts are very different from those of community school districts, the current requirement that off-site housing be located within the same community planning district or within a half mile in no way guarantees that the off-site housing will be built in the same community *school* district.

Because demographics vary widely between community school districts, living on one side of a community-school-district line or the other means a completely different set of school options for the parents and students selecting schools.³ School choice exists for both elementary and middle-school to varying degrees in every community school district, and, under the Chancellor's Regulation pertaining to student assignment, residents of a community school district receive priority to the schools in that district over students living out of the district.

Although living in a diverse or high-performing community school district does not guarantee assignment to a diverse or high-performing school, a child's chances of attending a diverse and high-performing school are of course much higher when such schools are found in the district where the child lives.

In short, it is a wasted opportunity not to pay attention to the City's student-assignment priorities in the requirements for off-site units under Mandatory Inclusionary Housing. We respectfully recommend requiring off-site units to be in the same community *school* district as the market-rate units or in an adjacent community school district with a lower student poverty rate.

³ See, for example, *The Schott Foundation for Public Education, A Rotting Apple: Education Redlining in New York City*, <http://www.otlcampaign.org/sites/default/files/resources/redlining-full-report.pdf>, finding "wide disparities in the opportunities to learn available to New York City students ... between Community School Districts."