

NEW YORK CITY POLITICS

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Governing Gotham

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BRUCE F. BERG



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1 ♦ INTRODUCTION

At the beginning of the twenty-first century, the governance of American cities is influenced by a variety of forces. These forces include the fiscal needs of the cities' political systems and the constraints that affect the systems' abilities to raise revenue, the cities' positions in the American federal system, and the increasing racial and ethnic diversity of the cities' populations. No city illustrates the influence of these forces better than New York City.

Over the past several decades, the study of urban politics has produced a number of approaches to explain the behavior of urban political systems. Many of these approaches have succeeded in addressing some, but not all, of the above-mentioned forces. Moreover, few studies have attempted to address how the divergent yet at times overlapping nature of these forces affects a single urban political system. This work will examine how those critical forces—economic/fiscal, inter-governmental, and social—affect the governance of New York City.

THE GOVERNANCE OF THE CITY'S POLITICAL SYSTEM

The governance of urban political systems involves a complex set of functions centered around three broad themes: democratic accountability, the delivery of public goods and services, and the maintenance of civil harmony. These three themes incorporate the political system's goal of processing inputs and producing outputs while promoting system stability and survival (Easton 1965). First, the theme of democratic accountability concerns the extent to which the leaders of the political system respond to the demands of the people and are held accountable to the people. Democratic accountability depends on elections but also on the representative nature of the entire political system, including interest groups, political parties, and the executive branch of government. The second theme, the delivery of goods and services, concerns the ability of the political system to deliver those public goods and services vital to the city. This theme includes the delivery of those services that have been deemed critical to urban governance, such as police, fire, sanitation, public health, and education. The service

delivery function also encompasses amenities such as parks, welfare, and social services that promote health and a level of well-being for all citizens regardless of income and that add to the city's overall quality of life. Over time, the service delivery responsibilities of urban political systems have more or less stabilized but are still influenced by available resources, citizen demands, and the emergence of new issues.

The third theme, the maintenance of civil harmony, recognizes that there will be conflicts among those involved in the political system in regard to decisions concerning the delivery of public goods and services and the response to citizen demands. Political system decisions create winners and losers. The theme of civil harmony suggests that governance of the political system is best served when citizens remain committed to the process by which decisions are made, regardless of whether they win or lose on those key decisions. Those in the political system promoting civil harmony cannot sit idly by and hope that commitment to the process emanates from the procedures themselves. Commitment to civil harmony within a democratic process is achieved through a number of formal and informal mechanisms. First, civil harmony is advanced through an array of inclusive democratic procedures allowing all citizens to participate in those decisions affecting the delivery of public goods and services. Second, civil harmony is advanced through the process's distributive decisions. There must be some minimal level of fairness in the distribution of public goods and services, such that even if the delivery of goods and services is not equal, it approaches equitability. A third way civil harmony is advanced is through the behavior of leaders of the political system. Their behavior amid political conflict and their reaction to political setbacks sets a tone and acts as a cue for their followers as well as for their political adversaries. Leaders help set parameters for what is acceptable political behavior. Civil harmony is not synonymous with civil order, although a lack of civil harmony may result in a decline in civil order. For large cities, such as New York, an additional challenge in promoting civil harmony is the increasing ethnic and racial diversity of the urban milieu that affects governance in at least two ways. First, the history and legacy of racism in the United States continues to influence attitudes, expectations, and behaviors throughout society. Second, waves of immigration, beginning in the nineteenth century and continuing today, have brought individuals and families to urban areas, each with their own perspectives on the governance, political processes, and the role of the state in their lives.

This book will examine how the social, economic, and intergovernmental forces affect the governance of the city. For the most part, the impact of these forces on city governance is divergent. First, each of the forces pulls the city in different directions through the constraints that they place on public decision makers. Occasionally, the impacts of these forces overlap and combine to pull the city in the same direction; but for the most part, city decision makers find themselves conflicted when faced with multiple forces. Second, while the forces present challenges for the governance of the city, the impact of the forces on city governance

is by no means dysfunctional. In fact, in many instances, the impact that the forces have on the city's political system enhances the themes of governance.

To understand political system governance, one must examine the key input and output institutions and actors as well as the contextual environment within which New York City politics takes place. Understanding the formal as well as the informal political institutions and processes that formulate, legitimize, and implement public policy is critical to understanding governance. Interest groups, political parties, legislatures, executives, and bureaucrats all play key roles in New York City governance.

ECONOMIC DEVELOPMENT IN THE OUTER BOROUGHES

Most decisions made by New York City's political system lack controversy, lack visibility, and are supported by the citizenry indirectly through the electoral process or through their tacit consent. A smaller number of decisions, given their impact, scope, and resulting conflict, raise issues of governance. It is through these decisions that one can observe most directly the impact of economic, social, and intergovernmental forces on the city.

Of the city's five boroughs, Manhattan has always been favored. Always home to the city's central business districts, however defined, both the private market and the political system focus the majority of economic development decisions on Manhattan. This is where the real estate industry, businesses, and developers want to invest, and this is where the city's political system believes they can get the biggest return on tax revenues.

During the 1990s, Manhattan-oriented economic development was so successful that Senator Charles Schumer commissioned a study "to address the growing shortage of commercial office space in New York City" (Group of 35 2001, 1). The group contained several members of the Giuliani administration, including the president of the city Economic Development Administration and the Deputy Mayor for Economic Development. The executive director of the group was from the Regional Plan Association, a nonprofit group supported by regional business interests. The report was commissioned at a time when, due to high rents and low vacancy rates, city elites were concerned that businesses would look outside the city to grow. The report concluded that in order to prepare for future economic development, the city would have to promote economic development in new central business districts, two of which were in the outer boroughs. In addition, the report identified five "ancillary business districts," four of which were located in the outer boroughs (Schumer 2001).

As a result of the recession that developed in 2000 and the 9/11 terrorist attacks the following year, the report and its conclusions about outerborough economic development were shelved. Lower Manhattan, severely affected by the terrorist attacks, and keeping businesses from leaving Manhattan's central business districts became the focus of city economic development activities in the early 2000s. But

as fears about the collapse of the central business district subsided and Manhattan real estate prices began to soar, the outer boroughs received increased economic development attention from both private developers and the Bloomberg administration. Of the outerborough sites identified by the Group of 35 report, downtown Brooklyn was the ripest for development. It had multiple subway lines and the Long Island Rail Road running through it and was close to lower Manhattan.

Atlantic Yards

In 2002–3, the New Jersey Nets of the National Basketball Association were looking for a new arena. Rumors in mid-2003 had developer, and owner of the Nets, Bruce Ratner of Forest City Ratner building the Nets an arena in Brooklyn above the Long Island Rail Road lines on Atlantic Avenue (Farrell 2003). By late 2003, Ratner had unveiled an entire complex for the Brooklyn Atlantic Yards designed by world-famous architect Frank Gehry. The complex included an arena for the Nets surrounded by office towers, apartment buildings, commercial space, and six acres of parkland. Some of the proposed towers were sixty stories tall, much taller than any other existing building in downtown Brooklyn (Cardwell 2005). As originally designed, the twenty-one-acre project would be “the largest development in the city outside of Manhattan in the last twenty-five years” (Bagli 2005). The state-run Metropolitan Transit Authority (MTA) was a major participant in the project since they owned some of the land on which the project would be built.

At a press conference in 2003, Bruce Ratner announced that his project would “be almost exclusively privately financed” (quoted in Bagli 2003). The state and city each were expected to contribute approximately \$100 million for “site preparation, new streets and utilities and environmental cleanup” (Bagli 2005). Ratner was also relying on the state to condemn one block in the project area that housed approximately one hundred residents (Bagli 2003). Early in 2005, the city and state signed a nonbinding memorandum of understanding approving Ratner’s proposal to build the arena as well as over a dozen mixed-income residential buildings adjacent to the arena site. In another agreement promulgated at the same time as the memorandum of understanding, the state and city agreed that they “would arrange for (Ratner’s) firm to obtain rights to build almost 1.9 million square feet of residential and commercial space in downtown Brooklyn, even if the MTA rejected the firm’s bid” denying it the ability to build the arena (Hemel 2005). Since the project’s sponsor was the Empire State Development Corporation (ESDC), an agency of New York State, the project was exempt from the city’s Uniform Land Use Review Process (ULURP), a sometimes politically contentious but democratically transparent process (Confessore 2005c). As a result, the Atlantic Yards project never received the formal scrutiny of local democratic procedures.

Since the MTA was a major landholder in the Atlantic Yards, Forest City Ratner needed the MTA to make its land available, either through sale or lease (Bagli 2003). In September 2005, the MTA board voted to sell Forest City Ratner the

rights to build above the Atlantic Avenue rail yards. Ratner was forced to double its initial bid, from fifty to one hundred million dollars, in order to get the MTA's approval. There was another firm that had offered the MTA more for the rights to build over the rail yards, but the MTA termed the other bid "incomplete" (Colford 2005).

The Nets Arena and Atlantic Yards project generated opposition. At the center of the opposition were several hundred individuals who would be displaced if the state condemned the property on which their residences stood. These individuals were supported in their opposition by community groups who feared that the Atlantic Yards project would change the character of the Brooklyn community (Green 2005). The opposition groups held rallies and developed alternate plans for the neighborhood, arguing that Ratner's proposal would be environmentally harmful to the neighborhood and would result in overdevelopment (Rutenberg and Brick 2005). Some members of the New York City Council, especially those representing communities near the proposed arena, opposed the project. They argued that, at the very least, the project should be subject to the city's Uniform Land Use Review Process rather than be deliberated at the state level (New York City Council Press Conference 2005). C. Gifford Miller, Democratic Speaker of the City Council and candidate for mayor, supported the project. Miller had been a major opponent of the Bloomberg administration's failed attempt to build a stadium on Manhattan's Far West Side with the intention of bidding for the 2012 Olympics and getting the New York Jets football team to move back to New York City from across the river in New Jersey. Contrasting his support for the Atlantic Yards project with his opposition to the Jets/Olympic Stadium, Miller noted the importance of community involvement and the commitment by Forest City Ratner to build low-income housing (Confessore 2005a).

Ratner was able to deflate the opposition with a multipronged strategy. First, he hired one of the city's leading public relations firms with Democratic Party connections. The firm assisted Forest City Ratner in recruiting local politicians to support the arena project. The public relations firm organized presentations for "community boards, businesses, block associations and others" (Confessore 2005b). Second, Forest City Ratner hired a media consultant who produced promotional mailings that were sent to households in Brooklyn neighborhoods surrounding the project (Confessore 2005b). Third, Forest City Ratner reached out to select community groups in Brooklyn, especially those who had been addressing issues of unemployment among low-income Brooklynites.

The most significant blow to the opposition was the signing of an unprecedented Community Benefits Agreement between Forest City Ratner and a number of community groups. Among the agreement participants were groups who would have been expected to oppose the project, including the Association for Community Organizations for Reform Now (ACORN), a national grassroots advocacy organization representing disadvantaged communities. Leading minority clerics in Brooklyn were also involved in the agreement. The agreement

covered the inclusion of low-income housing in the project, the use of minority contractors in the construction of the project, job training, and the community use of the arena and its facilities (Rutenberg and Brick 2005; New York City Office of the Mayor 2005). Although the Mayor's Office participated in the construction of the community benefits agreement, the mayor and the city government were not signees. This raised some questions as to what would happen if Forest City Ratner did not adhere to the agreement in future years and the community groups who participated in the agreement no longer existed. While the agreement did not eliminate the opposition to the project, it significantly weakened it (Kolben 2005). In 2006, the State Public Authorities Board, the body that had oversight authority over MTA operations, approved the Atlantic Yards project.

In the years that followed approval by the State Public Authorities Board, the project was plagued, and delayed, by a number of issues. First, those residents being displaced by the project sued the Empire State Development Corporation, alleging that the ESDC's use of the state's eminent domain law was illegal both because the Ratner project did not constitute a public use/benefit and because the land that was being taken was not blighted; both of which are requirements of the eminent domain law. In 2009, the state's highest court ruled in favor of the ESDC and Forest City Ratner (Levitt 2009). There was also litigation regarding Forest City Ratner's failure to produce a comprehensive environmental impact statement (Fung 2009). Second, in the years following approval by the Public Authorities Board, Forest City Ratner was accused of not adhering to the community benefits agreement regarding the number of jobs that were promised to be created by the project, the number of local residents who were supposed to be hired by the project, and the pledged job training for community residents that was supposed to take place. In 2012, a spokesperson for Forest City Ratner responded to the criticisms, stating that the failure to meet the expressed targets in the agreement was due to litigation and the recession. But the spokesperson also noted that Forest City Ratner had met the goal of utilizing minority-owned firms (Haddon 2012). Third, in 2013, Forest City Ratner, in need of additional capital, sold a majority of its holdings in the Atlantic Yards to a China-based company, Greenland Holding Group (Bloomberg 2013).

The Atlantic Yards arena (Barclays Center) opened in September 2012. Other pieces of the project, including the residential towers and affordable housing, were not begun until 2014. Was the Atlantic Yards project a good deal for the city? The debate continues surrounding a project that, to date, remains incomplete. Clearly, the presence of Barclays Center has changed the nature of small business in the immediate vicinity, for better or worse. And downtown Brooklyn and nearby neighborhoods were well under way to being gentrified when the project was proposed, but a project of such a scale cannot help but change the character of a community. Whether the project produces the promised affordable housing to ensure that downtown Brooklyn retains its diversity remains to be seen.

From the city government's perspective, an additional concern was whether the city would get a return on its investment from the project. In 2009, the city Independent Budget Office issued a report arguing that over the next thirty years, the city would lose approximately \$40 million from the Barclays arena due to "tax exemptions and other provisions that reduce the level of potential additional revenues the arena might generate for the city, state, and Metropolitan Transit Authority" (New York City Independent Budget Office 2009, 1). The report did note that the state would gain approximately \$25 million over the same time period. The city's contribution to the project included city-financed infrastructure improvements, contributions of city property, and tax-exempt bonds to finance construction, which ultimately lowered the revenue the city could gain from the project via local taxes (New York City Independent Budget Office 2009). But the report only addressed the arena, not the rest of the project, still under construction or in the planning stages.

The Kingsbridge Armory

The Kingsbridge Armory was built between 1912 and 1917 in the Kingsbridge community of the north-central Bronx. With its Romanesque-style, fortress-looking façade, it has been reputed to be the largest armory in the world, encompassing over five acres. Through the 1970s, it was used by several battalions of the New York State National Guard. In 1974, it was designated a New York City "landmark" (New York City Landmarks Preservation Commission 1974). New York State ceded the armory to the city in 1996. The building was used temporarily as a homeless shelter and movie set during the 1990s, but for the most part, it was empty. The city did allocate some funds in the early 2000s to refurbish the deteriorating structure, but the funding was insufficient (Lieber 2009).

Unlike downtown Brooklyn, the Kingsbridge community in the Bronx was never designated as an area ripe for major development. A stable, working-class, low-income, predominantly Hispanic community, Kingsbridge never experienced the gentrification pressures faced by downtown Brooklyn. But the armory was close to two major subway lines. As a result, beginning in the late 1990s, a small number of developers saw the armory as a promising site for development. Nothing came of their proposals and the armory remained empty, becoming a community eyesore. In 2006, the New York City Economic Development Corporation (EDC) initiated a community-based planning process to establish goals for the redevelopment of the armory. The process resulted in the issuance of a request for proposals (RFP) in 2006. The city received three proposals and selected Related Companies to redevelop the armory site (Lieber 2009).

The Related Companies' plan, "The Shops at the Armory," proposed more than \$300 million in private investment and six hundred thousand square feet of development, including retail, entertainment, and community facility space. The project would include a thirty-thousand-square-foot public plaza. Most importantly,

Related Companies and the EDC noted that the project would create over twelve hundred permanent full-time jobs and over one thousand construction jobs (Mazer 2009). In addition, the project would preserve the exterior of the armory, satisfying both the state historic preservation regulations and the city's landmarks law. Also, compared to the Atlantic Yards project, the city's proposed investment in the armory project was only \$17 million in property and sales tax abatements attached to the construction phase of the project (Lieber 2009). Of course, the Kingsbridge Armory project was much smaller than the Atlantic Yards project.

Unlike the Atlantic Yards project, however, the Kingsbridge Armory project was subject to the city's ULURP, since there was no state property involved. In addition, the land on which the armory was located was zoned residential, and for the "Shops" to be built, the area would need to be rezoned for commercial uses. ULURP is a multistage process that gives local elected officials and community groups a much greater role in the approval of the project. With this power, a coalition of community groups, the Kingsbridge Armory Redevelopment Alliance (KARA), and local elected officials demanded that the project include a commitment to paying a "living wage" to all employees involved in the project, both during the construction phase and in the commercial/retail component of the project once it was completed. The living wage was calculated to be \$10 an hour with health benefits or \$11.50 an hour without benefits, significantly higher than the state's minimum wage at the time or any notion of a prevailing wage, especially in the retail/service sector (Petro 2009). What was apparent to KARA and the local elected officials in the Bronx was that economic development had occurred across the city over the past decade but that working-class and low-income New Yorkers were not benefitting from this development. Their wages remained low as rents and the cost of goods and services continued to increase (Petro 2009). To the Kingsbridge community and others, the adage "a rising tide lifts all boats," as applied to urban economic development, was clearly no longer true, if it ever was.

The EDC's and the Related Companies' response to the living wage demand was that a commitment to a living wage was not part of the original RFP or the proposals that responded to it, including that of the Related Companies. Most importantly, they argued that requiring a living wage would inhibit, if not kill, the project and all the jobs associated with it. EDC and the Related Companies added that in the middle of a recession, 1,200 permanent jobs and 1,000 construction jobs at market-rate wages were better than none (Lieber 2009).

With the battle lines drawn, the Shops at the Armory project was rejected at the first two stages of ULURP, the community board and the borough board, stages exclusively comprising community residents and elected officials from the Bronx. It succeeded at the City Planning Commission (CPC), but a majority of the CPC is composed of mayoral appointees, and the mayor was in favor of the project. In December 2009, the New York City Council, deferring to a unified Bronx city council delegation led by Bronx Borough President Rubén Diaz Jr., voted to reject the project by a vote of 45–1. Mayor Bloomberg immediately vetoed the council's

decision to reject the project. In his veto message, the mayor noted the jobs that would be lost if the project was not approved and the fact that the nation was in the middle of a recession. He also noted that failure to approve the project would result in the Kingsbridge Armory, a major city asset, continuing “to drain the City of millions of dollars annually for the operational, security and capital expenses to maintain an empty facility” (New York City Office of the Mayor 2009). Several days later, the city council overrode the mayor’s veto. The project was dead.

Several years lapsed before the EDC, in cooperation with the Kingsbridge community, issued another RFP, which produced two viable proposals. One of the proposals would have included a sports arena, food court, movie theater, rock-climbing wall, and a hip-hop museum. But it was rejected because the developer could not promise a living wage to employees at the armory once the project construction was completed (Real Deal 2012). The second proposal was a design to turn the Kingsbridge Armory into the Kingsbridge National Ice Center, the world’s largest indoor ice arena. This included nine ice-rinks, a five-thousand-seat arena, fifty thousand square feet of community space, and a \$320 million investment with no city money involved. Several of the ice rinks would be convertible so that basketball or gymnastics tournaments could also be held at the center (Richter 2013). The center would create 890 construction jobs and 180 permanent jobs, far fewer than the “Shops at the Armory” proposal. In addition, the center was projected to produce \$43 million in tax revenue for the city over thirty years (Kimball 2013). The Bloomberg administration supported the proposal.

What sealed the deal for the ice-center developers was their agreeing to enter into a community benefits agreement with a coalition of Kingsbridge community groups led by the Northwest Bronx Community and Clergy Coalition, one of the opponents to the Related Companies’ proposal in 2009. In the agreement, the ice center developers, KNIC Partners, committed themselves to living wage jobs for all who worked at the center or were involved in its construction, with 51 percent of the jobs going to Bronx residents, 25 percent of the construction contracts going to women- and minority-owned businesses in the Bronx, fifty-two thousand square feet of community space maintained by the developer, 1 percent of ice center revenue invested back into the community, and one million dollars each year contributed to local groups and schools for using the rinks (Northwest Bronx Community and Clergy Coalition 2013). KNIC Partners also agreed to establish a traffic management plan and traffic mitigation measures, especially when major events were to be held at the center (Moskowitz 2013).

Despite receiving inconsistent support from the indigenous member of the city council, who was seeking additional benefits for his community from the developer, the ice center proposal sailed through the various stages of ULURP and was approved by the council in December 2013 (Hu 2013). Despite approval, as late as April 2016, the de Blasio administration and the developer were arguing over whether the ninety-nine-year lease for the armory should be given to the developer in advance of the developer’s receiving of financing commitments to

complete the first phase of the project. The developer accused the city of deliberately delaying the project and filed a lawsuit to compel the city to give them the lease. The de Blasio administration sought a compromise to allay the lawsuit (Bagli 2016). In early 2017, Governor Cuomo committed \$108 million in state funds to the redevelopment of the armory, but the lease issue with the city was still unresolved (Brenzel 2017).

Urban political systems make binding decisions on behalf of their citizens. Scarce resources limit the number of demands to which any political system can respond, so political system actors have some discretion in choosing which demands to respond to. They are not, however, entirely free to pick and choose as they please. Forces both inside and outside the political system influence the choices they make. Governance of an urban political system, such as New York City, encompasses a complex set of functions. These include the maintenance of democratic accountability by which the demands of the citizenry enter the political system, the delivery of public goods and services (system outputs) based on decisions by political officials regarding the use of system supports (revenue), and the fact that these sometimes highly charged political decisions occur amid varying levels of civil harmony.

The debates surrounding the Atlantic Yards and Kingsbridge Armory developments reflect the governance issues facing many urban political systems today. They reflect demands being made upon urban political systems and the constraints under which these political systems must respond. Public officials want to expand their city's tax bases and make their city attractive for their constituents as well as those outside the city. They must do this, however, amid a context that imposes constraints. In both the Atlantic Yards and Kingsbridge Armory cases, public officials wanted to respond positively to the demands being made, but they were influenced, if not constrained, by other political constituencies. Although these other constituencies shared the broad value of economic growth, they brought with them other values that inhibited, if not prohibited, the achievement of consensus on the particular issue at hand. Those other values included ethnic, racial, and, at times, intergovernmental interests.

In both the Atlantic Yards and Kingsbridge Armory cases, the issue of race and ethnicity was present. In the Bronx and Brooklyn, developers negotiated with minority leaders and communities to win their support. And in both cases, the community benefits agreements that were promulgated included jobs for minority residents and contracts for minority- and women-owned businesses. New York State was also involved in both cases, although at very different levels. In the armory case, it was the state's decision to no longer use the armory for military purposes and its decision to cede the armory to the city that opened the structure to development interests. And state aid was significant in funding the project. In the Atlantic Yards case, the fact that much of the property was owned by the MTA, a state agency, exempted the project from going through the local land use regulation process, angering local politicians. And the state Public Authorities

Board, another state body, had the responsibility for approving, or disapproving, the MTA's selling the land to Forest City Ratner.

THE ECONOMIC CITY: THE NEED FOR A POSITIVE FISCAL BALANCE

The city is a business center. The development of the modern city is primarily a result of economic behavior on the part of those seeking to manufacture, buy, sell, or trade goods. New York is no exception. Once a center of national economic activity, the city has now become a center of global financial activity as well. The lifeblood of a city is its employment base. Jobs bring people to the city in search of economic betterment. Job growth allows families and communities to expand in an environment of economic security. Without a healthy employment base, mobile residents will leave to look for economic security elsewhere and businesses will take their capital to jurisdictions where there is a greater chance of receiving a positive return on their risk taking.

As part of the urban milieu, political systems need a healthy employment base also. Political systems need money. The services that New York City's political system *must* deliver to its citizens (e.g., police, fire, transportation, and education) and those services that it would like to deliver (e.g., parks, libraries, and cultural affairs) require significant inputs of labor and capital. Political systems raise most of their revenue for these services by taxing the economic activities, and resulting wealth, of its citizens and businesses, who in turn benefit from the goods and services being delivered.

Despite the reliance on tax revenues to fund services, New York City government officials believe, as many officials in other cities do, that raising the taxes of citizens and businesses will encourage those with high tax burdens to leave the city and move to jurisdictions where the tax burden is not as great. Charles Tiebout's classic dictum that people will "vote with their feet" suggests that people locate in a particular jurisdiction because of the specific mix of taxes and services offered by that jurisdiction (Tiebout 1956). It is one of the ironies of urban fiscal policy that those who cannot afford to pay higher taxes are immobile. A second irony of urban fiscal policy is that those who can afford to pay higher taxes usually do not demand or need as comprehensive a set of services from an urban political system as do low-income residents. Those in need of more comprehensive services (e.g., health, welfare, housing, and education) cannot on their own support the tax base of political systems to pay for those services. As a result, cities need to find ways to create a positive fiscal flow without destroying their tax base or their careers as elected officials.

In creating a positive fiscal flow, New York City, like other cities, has utilized several devices. First, as noted above, the city has raised taxes. This method of raising revenue has significant limitations. Many politicians perceive that at some undetermined level, raising taxes will encourage wealthier components of the

population, both citizens and businesses, to relocate to jurisdictions with lower taxes. Thus raising taxes might have a negative impact on a city's fiscal flow if taxpayers relocated when taxes are increased. Research on business relocation, however, suggests that while taxes might be a consideration in corporate decisions to relocate, they are rarely, if ever, the primary factor (Lund 1984).

A second method of creating a positive fiscal flow is through intergovernmental transfers. Similar to most large American cities, New York City has been, and remains, very dependent on the state and federal levels of government for financial support. As a source of revenue, however, intergovernmental transfers have some significant drawbacks. New York City cannot control intergovernmental fiscal transfers. Receipt of funds from the state and federal levels are subject to politicized budgetary proceedings in Albany and Washington, respectively. The city's fiscal decision makers cannot depend on revenue sources that must traverse a scrutinizing, and sometimes hostile, budgetary process. An additional problem with intergovernmental fiscal transfers is that they are usually earmarked, or dedicated for specific purposes. They lack the flexibility of locally raised tax revenues. On occasion, matching requirements or accompanying mandates may even require the city to divert some of its own resources to the funded function or service as a condition of receiving the money.

A third source of positive fiscal flow can be achieved through preventing the growth of services delivered by the city or by cutbacks in those services. Similar to taxes, though, limiting or cutting back on services creates problems. There may be an undetermined threshold below which if a city service delivery falls, it will result in the exodus of those affluent taxpayers who can afford to move. During the last half of the twentieth century, the city's inability to address problems with its schools was a significant factor in decisions made by many middle- and upper-middle-class parents to move out of the city to suburban jurisdictions to deal with their children's education. Tiebout's dictum holds here as well. Similarly, budget cuts on the city's capital stock that result in deferred maintenance on critical infrastructure elements (e.g., roads, tunnels, bridges, and mass transit) may result in businesses leaving the city or deciding not to move into the city.

Given the limitations associated with the three previously mentioned means of creating a positive revenue flow, urban political officials have found that expanding the tax base by attracting more jobs to the city and promoting the development of underutilized real estate may be the most politically palatable methods of raising revenue. Increased economic development within the city's boundaries expands the tax base without raising taxes. Assuming new economic activity can be attracted, this fourth strategy should produce no large group of losers. Jobs are created and city revenues increase, enabling the city to deliver a higher level of services. As in the cases of the Atlantic Yards and the Kingsbridge Armory, some neighborhoods may take issue with the location of economic activity or certain types of businesses in their community. Their dissatisfaction with the proposed development may result in their making additional demands on the developers

and the city, if not opposing the development outright. But despite the potential dissent and opposition, increasing the city's ability to raise revenue through the promotion of economic growth is less controversial than the other means of revenue growth. It also gives city officials more autonomy from other levels of government.

Independent of its direct effect on tax revenues, economic growth has become one of the metrics by which mayors and urban political regimes measure their success. In the postindustrial city, documented economic growth has become a critical public relations and campaign tool for incumbent mayors and city officials, while documented economic decline has become a political deficit. At one of Mayor Giuliani's town meetings in 1997, a resident of Queens queried the mayor on New York's high unemployment rate. The mayor deflected the question by noting the complexities of measuring unemployment and labor force participation, making clear that the measured level of unemployment was a statistic that was not necessarily controllable through city policies or mayoral leadership. Then he went on to discuss how under his administration, New York gained 150,000 new jobs, while under the previous administration the city had lost 300,000 jobs. The message was clear. The current administration was managing the city competently as reflected in private decisions to either expand business or move into the city. The previous administration had not been successful in managing city affairs and had lost the confidence of business, resulting in a high job exodus (Giuliani 1997).

Over the past several decades, approaches to the study of urban politics have emphasized the role that the economic growth imperative has played in urban political systems, sometimes to the exclusion of other forces. While these perspectives are incomplete in their understanding of urban politics, the overemphasis on economic forces is understandable. Two of these approaches, regime theory and the growth machine perspective, emphasize the primacy of economic development in urban politics, replacing an inaccurate perspective, pluralism, developed earlier in the twentieth century that failed to recognize the importance of economic forces, relative to others. Pluralism views interests and the organization of interests as the central element in understanding politics. What makes pluralism controversial, in its application to the urban political milieu, is its view that the political system is open and accessible to all. Those supporting a pluralist perspective are not arguing that the competition among interests in the political system takes place among parties with equal resources. They admit the reality of dispersed inequalities (Dahl 1961). But they are stating that all parties have some resources that allow them to compete in the process and that the process is fair enough that the outcome of the competition is rarely foreordained.

Pluralism was critiqued for creating an inaccurate view of the urban political system. While pluralists touted the neutrality or fairness of the rules under which group competition took place, critics argued that the same dispersed inequalities that the pluralists recognized had, over time, created an imbalance in the rules under which group competition takes place. These conditions created an

unfair political process structured in a way that excluded some from competition and biased the process further in favor of some privileged interests. Pluralism ignored biases in the arrayed interests influencing the governance of urban political systems and that these biases produced a structure that favored some interests, especially those promoting economic development, over others. Pluralism viewed economic development interests as just another set of interests in the competitive urban political process. Pluralism's critics constructed approaches that hypothesized the primacy of economic development in the urban political environment. Two of these approaches are the growth machine perspective and regime theory.

The growth machine perspective, developed by Logan and Molotch (1996), is based on the assumption that cities contain a group, or groups, of elites who, because of the nature of their business, are tied to the city. Local realtors, banks, utilities, newspapers, labor unions, and others do not have unrestricted freedom to move their capital nationally or globally as economic conditions dictate. These rentiers, as Logan and Molotch label them, have parochial capital, which cannot be moved easily. As a result, their orientation is to the local economic environment and to receive the most out of their investment in the city in which they are located. In order to accomplish this, a positive business climate must be created so that others with more mobile capital will invest. According to Logan and Molotch (1996), the local growth machine and its allies have sufficient power to successfully pursue these goals. In addition, they attempt to gain broader public support for economic growth by espousing economic development and the attraction of capital as goals whose achievement will benefit all (Harding 1995, 42). The growth machine perspective is unclear on the role that local government officials play. Some have noted, however, that in the United States, where local government must raise a greater share of their own revenue, local government officials are likely to share the same goals as members of the growth machine. In addition, local government control over and responsibility for local economic development makes local government participation in the growth machine a necessity (Jonas and Wilson 1999, 14).

Despite its unique perspective on urban economic development, there is much that the growth machine fails to address. While all members of the growth machine may favor economic growth, they may differ on how best to achieve it. In the Kingsbridge Armory development, local indigenous businesses were fearful that new shops in the armory would harm their profitability. These indigenous businesses favored armory development but only if it did not harm them. In addition, does the growth machine have a perspective on the inclusion of minority- and women-owned businesses as a condition for development approval, and how would the growth machine address the inequities that arise from many development projects? Finally, given the role that the state government, and to a lesser extent the federal government, plays in local economic development, what is the growth machine perspective on intergovernmental relations?

Regime theory, the second of the two postpluralistic approaches being discussed here, offers more breadth than the growth machine perspective in understanding the urban political milieu. Regime theory views the economic development interest–government relationship as an informal set of relationships between public and private actors that evolves out of mutual dependence and necessity. According to regime theory, to govern effectively, elected officials must coalesce with other types of societal actors (Stone 1989, 227). Government officials recognize that a successful state, and their continued tenure in it, requires positive economic performance by those who have capital. They also realize that, left alone, those with capital will make investment decisions but that optimal investment performance on the part of managers of capital will not occur without political system initiative. Public officials must create an environment within which private investors will have confidence enough to take investment risks. In addition, officials must offer potential investors positive inducements to take risks (Elkin 1985). For their part, the holders of capital need a supportive environment for investment as well as inducements to invest in order to maximize their profits.

The “regime” in regime theory is the set of relationship that results from the mutual dependence of the two groups of actors, as well as the process by which the relationships evolve. Relations among actors in a regime exist in a network where cooperation and mutual support define the interactions (Stoker 1995, 59): “Regimes bridge the divide between popular control of government and private control of economic resources. Beyond the inclusion of local government and businesses, participants may vary, including neighborhood organizations” (Mossberger and Stoker 2001, 813). As a result, although regime theory emphasizes the political system’s relationship with those who hold capital, the regime may also include significant community groups, as was the case with both the Atlantic Yards and the Kingsbridge Armory.

Regime theory offers analysts of urban politics greater structure than pluralism in attempting to understand relationships among actors. But the structure is not well articulated in many cases and does not sufficiently explain regime change. The transition from the Bloomberg administration to the de Blasio administration is a case in point. Does the de Blasio administration, with its much greater emphasis on addressing issues of inequality, represent a new regime; or is there enough of an emphasis on economic development in the de Blasio administration that the election in 2013 is simply a continuation of the regime under Mayor Bloomberg? The Dinkins administration is even more perplexing for regime theory. Although apparently elected by a very different set of constituencies than the prior Koch administrations, midway through Mayor Dinkins’s term, he adopted many of the economic development policies and strategies of Mayor Koch. Finally, given the extent to which the state and federal levels of government influence major governance decisions in New York City, how does regime theory account for these intergovernmental impacts?

Both the growth machine approach and regime theory helped to address the shortcomings of prior explanations of urban politics. Yet while the economic growth imperative is important in understanding the governance of New York City, it is not the only contextual factor that affects the city's governance. There is more to governance than the promotion and management of economic development.

THE INTERGOVERNMENTAL CITY

A second set of factors that has an impact on New York City politics is the city's position within the intergovernmental system of the United States. On two occasions in the last fifty years, New York City's government structure was either temporarily or permanently altered through the intervention of the federal or state governments. Over the same time period, actions by both the state and federal governments have constantly affected the city's budget, tax base, and ability to raise its own revenue. In addition, there are few areas of public policy where the city can act entirely alone, without influence from the federal or state levels of government. For example, decisions made in Albany affect local issues such as rent control and the city's school system. And in response to the terrorist attacks of 2001 and Hurricane Sandy, the federal government committed significant funds to the city as well as increased cooperation in the areas of both counterterrorism and climate-change mitigation.

The United States political system is a federal system whereby both the national and state governments share sovereign power. The local governments are not part of the federal system and therefore lack the legal status, established in the U.S. Constitution, of the two higher levels of government. In 1868, Judge John F. Dillon of the Iowa Supreme Court issued several decisions that became the foundation for the legal relationship between the states and their local governments. In one of the decisions, Judge Dillon noted that "municipal corporations owe their origin to and derive their powers and rights wholly from the legislature" (Zimmerman 1992). Explicit in the wording and the intent of Dillon's Rule is the belief that local governments are creatures of the state, and as such, their powers can be limited by state action. Moreover, if there is any doubt whether a function or power to act lays in state or local government hands, Dillon's Rule mandates that the state has primacy. What Dillon's Rule makes clear is that the relationship between the city and the state is not based on the shared-power principles of federalism. New York State is a unitary, not a federal, system; all power emanates from the state level. At the same time, however, Dillon's Rule has rarely been used as a guide for New York City–New York State relations. All recognize that local governments, as the level of government closest to the people, play a significant role in delivering services and addressing public needs. Both politically and administratively, the state would find it burdensome to run the affairs of New York City, or any other local government, from Albany. As a result, New York State, similar to

other states, has employed the legal principle of home rule to grant local governments a degree of autonomy and the limited powers to run themselves.

As creatures of the states, local governments formally have little or no relationship with the national (federal) government. While the city's relationship with the state is formal and longstanding, the most significant aspects of the city's relationship with the national government date back only to the middle of the previous century. New York City's relationship with the federal government was the result of a combined effort by large cities in the mid-twentieth century to use their increased representation at the federal level to gain benefits that many large cities could not get at the state level, where they lacked equitable representation due to legislative malapportionment. During the 1940s, the federal government began to pass legislation that assigned money directly to cities. These new, urban-oriented federal programs were conspicuous in that the federal funds went directly from Washington to the cities, bypassing the states. Those who designed the programs were aware of the antiurban feeling in many state capitals, and they wanted to protect the money from being controlled by state officials who might spend the money on nonurban areas.

The increased federal aid, combined with a steady stream of state aid, made the city more dependent on other levels of government. On four occasions—the fiscal crisis of the 1970s, the aftermath of the 2001 terrorist attacks, the recession of 2007–9, and the aftermath of Hurricane Sandy—the federal government saved the city from fiscal disaster. As noted earlier, intergovernmental revenues became a standard technique for creating a positive fiscal flow. The city, however, could not always control the amount of aid it received annually, creating a great deal of uncertainty in the city's own budgetary process. In addition, the aid was frequently accompanied by requirements dictating how the intergovernmental aid was to be spent, taking discretion away from the city. At the extreme, both the state and federal government have mandated that the city take actions or implement policies without accompanying intergovernmental assistance.

THE SOCIAL CITY

New York City's political history is closely related to the immigration of ethnic and racial groups, their political mobilization, and the ultimate elevation of their leaders to positions of power. Since the nineteenth century, the political system has served as a mechanism for the articulation of ethnic and racial interests. It has also served as a playing field upon which ethnic conflict has been managed.

New York City has the status of a majority-minority city. Whites make up a minority of the city's population, even if the heterogeneous group of White New Yorkers is grouped together. In addition, no single ethnic or racial group makes up a majority of New York City's population. The very high percentage of foreign-born individuals living in the city elevates the significance of race and ethnicity in the city even today. In addition, neighborhood settlement patterns in many parts of

the city serve to heighten racial and ethnic identity. The extreme heterogeneity of the city combined with the ethnic/immigrant enclaves serves to strengthen racial and ethnic identity but challenges the political system and its response to increasing diversity.

Racial and ethnic groupings continue to be used as political shorthand through which electoral coalitions are structured, as well as the gauge by which service delivery equity is measured. Racial and ethnic group leaders serve as brokers representing the interests of their constituents to the larger political system and interpreting city politics for their members. Electoral politics in New York City, in part, is viewed as an exercise in coalition building, with ethnic and racial groups, and their leaders, playing a major role. Given intermittent intergroup tensions in the city, the inclusion of some groups in a coalition makes it difficult to include others. Edward Koch's mobilization of White ethnic support during his first term cost him minority support that had been instrumental in his initial election. In addition, heightened ethnic and racial group tension forces the mayor to manage civil harmony in an attempt to lessen the degree of tension. Mayor Dinkins failed to quell the tension during the Crown Heights riots of 1991. And Mayors Koch, Dinkins, and Giuliani were accused of increasing racial tension, mismanaging civil harmony, in response to race-based incidents in the city. At times Mayor Bloomberg, meeting with leaders of ethnic and racial groups, acted to prevent racial tension by proactively attempting to promote civil harmony.

While race and ethnicity might not affect the same aspects of governance as the economic growth imperative, those areas of public policy influenced by racial and ethnic politics in the city are certainly no less important. In New York City, electoral politics and many public policy issues, including law enforcement, education, and sanitation, have been perennially defined in ethnic and racial terms. In the aftermath of the 2001 terrorist attacks and subsequent attacks in Europe, counterterrorism policy has also taken on ethnic/religious overtones as the city's Muslim community has been subject to increased scrutiny and, in some cases, has been victimized by acts of prejudice.

Contextual factors, whether social, economic, or intergovernmental, constrain the choices made by those governing the political system. Contextual factors rarely dictate or determine policy, but they frequently limit the choices made by those with the formal authority to govern the city. After examining the economic, social, and intergovernmental forces within which New York City politics takes place, this book will examine critical actors and institutions that participate in the governance of New York City's political system. These actors and institutions include interest groups, political parties, the mayor, the city council, and the municipal bureaucracy. In discussing the principal actors and institutions involved in governing the city, the primary focus will be on how these actors and institutions are constrained by the contextual forces.

Within the city's political system, the roles of the mayor, the city council, and the municipal bureaucracy are critical to the formulation and implementation of

public policy. The mayor is the primary agenda setter as well as the chief executive. The city council is the formal policymaking body, but the council also plays the primary representation function within the political system. Despite the council's formal policymaking role, the municipal bureaucracy also implements many laws that are promulgated at the state level. In some policy areas, the state legislature is the dominant policymaking body for the city, not the city council. Beyond the formal institutions of governance, city politics has a rich history of interest group involvement in public policymaking. Political parties also play a role. And although New York City at times appears to be a one-party political system, second and third parties have at times been significant. Moreover, the Democratic Party, given its borough-based organization, frequently behaves as four, if not five, different political parties.

NEW YORK CITY IN THE TWENTY-FIRST CENTURY

Throughout the 1960s and 1970s, the literature on urban politics and the state of cities spoke of an urban crisis. The movement of the middle class out of the cities left a low-income population with social and economic needs. Federal housing and transportation policies promulgated in the 1950s were partially responsible for the out-migration of the middle class. Due to the middle-class exit, cities lost the tax base with which to finance an adequate response to the rising needs of the urban poor. These problems were exacerbated by crumbling infrastructure and the decline in low-skilled but well-paying manufacturing jobs. The fact that the new urban poor were primarily minorities and the exiting middle class was White added to the tension and the intransigence of the problem. Government policy, primarily at the federal level, attempted to address some of the problems created by the migration in and out of the cities. But policies attempting to address poverty, housing, education, and crime were rarely effective. The debate continues as to whether those policies of the 1960s and 1970s were bad policies to begin with or whether they were good programs that were never adequately funded.

In the beginning of the new century, many of these problems remain, but the city is a very different place. Gentrification and the return of the upper-middle class have made the city a place of great contrasts. The very poor do not live far from the very rich. The city has become a center of inequality. Some communities remain void of middle-class social institutions to support community stability and development. Single-parent families, headed by females, have become the dominant family type in many of these communities. In contrast, gentrification in some of the city's communities is "solving" the poverty problem by displacing low-income families—to be replaced by the new urban upper-middle class. The search for viable policy solutions to address these problems and inequities continues.

NEW YORK CITY POLITICS AND APPROACHES TO THE STUDY OF URBAN POLITICS

The study of urban politics is rich in theoretical perspectives offering varying explanations of the governance of urban political systems. In some cases, these approaches evolved after their initial application to a single city (Dahl 1961; Stone 1989). Earlier in this chapter, three of these approaches—pluralism, the growth machine, and regime theory—were discussed. Although each of these approaches offers a valuable perspective on urban governance, they are incomplete in their focus. Other single-city approaches, developed earlier in the twentieth century, were labeled by the city after which they were modeled. The Chicago School argued that cities were centralized and driven by centralized political party machines. The Los Angeles School argued that the modern city would be much more decentralized. Many of these theorists later realized that development patterns were relatively unique and that one could not generalize from one city to the next (Judd and Simpson 2010). The governance of urban political systems is complex and takes place in an environment influenced by a variety of forces.

Similar to prior scholarship, the approach developed in this book is based on an examination of one city. It stands on the shoulders of those scholars who have helped build the rich field of urban political theory, some of whom are cited in this chapter. The central thesis of this analysis is that the governance of New York City's political system is significantly influenced by three forces: economic, social, and intergovernmental. The tripartite context, of economic development, intergovernmental relations, and racial/ethnic diversity, underlying this examination of New York City's political system can certainly be applied to other large American cities and quite possibly cities in the global context as well.

But one cannot test the validity of an approach to the study of urban governance based on the behavior of one urban political system, even if that city is the largest city in the country. And no claim regarding the external validity of this approach will be made here. But implicit in this study is the hope that others will find this approach valuable and utilize it to examine the governance of other cities' political systems.

All approaches impose structure on a sample of events at the risk of misinterpreting those events and drawing incorrect conclusions as to their significance. It may well be that the universe of governance decisions made by New York City's governing elites defies any single approach. And only a sample of this universe will be examined here. As a result, the author is open to the criticism that the policies examined in this analysis present an inaccurate picture of New York City politics through the skewed sample of decisions being examined. But it is an examination that affirms the hypothesized structural relationships. The reader has been warned.

2 ♦ THE ECONOMIC DEVELOPMENT IMPERATIVE

As discussed in the introduction, the city's attempt to promote economic development is frequently fraught with disagreements over the ways in which economic development is pursued. The city's promotion of economic growth and the diverse strategies it employs have become institutionalized over the last several decades. This chapter will discuss several of the methods employed by the city in its pursuit of economic development.

THE ECONOMIC DEVELOPMENT IMPERATIVE AND GOVERNANCE

New York City, similar to all political systems, needs revenue to fund the delivery of goods and services, a major component of governance. Through the creation of new employment and the enhancement of land to more productive uses, the city expands its taxable assets. Governing elites supported the development of the Atlantic Yards and the Kingsbridge Armory because they were viewed as economic development projects that would benefit the city's tax base as well as create jobs for the citizens.

Economic development, however, also affects other governance functions, democratic accountability, and, to a lesser extent, civil harmony. As the Atlantic Yards and Kingsbridge Armory projects illustrate, economic development is often controversial for several reasons. First, it has an impact on the communities where it takes place. Although economic development brings jobs and economic benefits, there are those who are negatively affected by a project or who anticipate no positive return for the immediate community. Some residents were displaced by the Atlantic Yards project, and others feared the project would change the character of the community they loved. With the Kingsbridge Armory, the Bronx community demanded that living-wage jobs go to community residents in exchange for their support. Second, as in the case of the Atlantic Yards, some will dispute whether

the project will ultimately be a positive investment for the city. The Kingsbridge National Ice Center required little or no city investment, so those who oppose development projects because of the city investment required were never able to mobilize. With every large project, the following questions are asked: will the city experience increased tax revenues given its investment of public resources, and what are the negative impacts of the project and who will it affect?

With the Atlantic Yards, the fact that residents were being displaced via eminent domain and the fact that the project was exempt from Uniform Land Use Review Process (ULURP), the local land use approval process, created a very high degree of rancor. And although the level of civil harmony never devolved to civil disorder, the degree of opposition and dissent was high, including locally elected politicians questioning the legitimacy of the project's approval.

NEW YORK CITY'S CHANGING ECONOMY

Over the past several decades, those governing the city have had to promote economic development amid a changing economy. First, between 1970 and 2000, manufacturing employment in New York City declined from almost 18 percent of its employment base to 4 percent—under eighty thousand jobs in 2010 (U.S. Department of Commerce 2002; Center for an Urban Future 2014b). This decline ceased after 2010. The manufacturing job losses experienced by New York were similar to those in other Northeastern and Midwestern cities as jobs left urban areas, the region, and the country. Some jobs disappeared as firms went out of business because they could no longer compete with firms in other parts of the region, country, or world with lower production costs.

The role of the federal government in the decline of the urban manufacturing base should not be understated. The growth of the interstate highway system, a federal program, made the cost of moving goods far less expensive than it once was. This negatively affected the advantage of locating factories in cities, close to population centers. Due to the ability to move goods quickly and for less cost, the necessity of keeping manufacturing centers close to consumer markets decreased. Goods could be delivered to people living in New York City without locating the factory there. In addition, new manufacturing technologies favored one-story facilities with loading docks and ample parking instead of renovating old multi-story urban factory buildings. These new factory buildings required a great deal of land. Land quantity and cost considerations influenced the movement of manufacturing out of the city and into the suburbs, on many occasions out of the region, and on some occasions out of the country. Furthermore, population shifts away from Northeastern and Midwestern urban centers created new consumer markets for manufacturing goods across the country as well as new labor markets to staff the new factories. The rise of the middle class in other parts of the world further contributed to the need for the global decentralization of manufacturing centers.

Second, at the same time the city was experiencing a decline in manufacturing jobs, it was also experiencing an increase in service employment. The primary area of service employment increase was in consumer services and included jobs in private health and social services, education, and retail industries. Consumer services comprised 24 percent of the city's employment base in 1970 but increased to 42 percent by 2000 (U.S. Department of Commerce 2002). A secondary area of service industry growth was in the financial, investment, and real estate (FIRE) sector (Drennan 1991, 34). Consumer service jobs pay less than manufacturing jobs or FIRE-sector jobs. In fact, some consumer service jobs are part-time and offer no benefits. In some cases, even full-time employment in the consumer service industry paid a wage that placed a family at or near poverty level. In the past, the unskilled and uneducated had a chance of obtaining a decent-paying manufacturing job. As low-level consumer service jobs replaced manufacturing jobs, being employed did not necessarily keep one out of poverty. And the few manufacturing jobs that began to reappear in the early 2000s were primarily in the hi-tech or biotech industries, not available to those with little or no education.

Unlike retail services employment, FIRE-industry jobs, open to skilled college-educated individuals, paid so well that even though they never comprised a large percentage of the city's employment base (14.2 percent in 2000), their contribution to the city's tax base was proportionally greater than many other larger sectors, enhancing the importance attached to the financial sector of the city (New York City Office of Management and Budget 2001; U.S. Department of Commerce 2002).

During the 1980s and 1990s, New York City's producer services employment base began to take on more of an international orientation—the third change. Saskia Sassen (1991) hypothesizes that several factors contributed to New York City's transformation from a city merely oriented toward FIRE services to a "global city" economy centered on international producer services. First, the decentralization of economic activity, especially manufacturing, on a global scale created a need for greater centralized management, planning, and control. Although the location of manufacturing and economic activity became decentralized throughout the prior decades, ownership and control were not decentralized. In addition, centralized control became necessary to deal with the increasing involvement of governments in the regulation of economic activity on a multinational scale. Second, as global economic activity became more decentralized, support services developed and were produced to assist the corporations in controlling their decentralized enterprises. These support services included telecommunications, computer and information services, advertising, and legal and financial services. These new producer services needed to locate near clients. In fact, the global dispersion of clients and client locations made the creation of a centralized marketplace for producer services all the more important (Sassen 1991, 107). Sassen argues that while the dispersal of manufacturing and the development

of decentralized information technologies could have rendered cities obsolete, a select number of cities, including New York City, evolved into centers of command for the global economy. In New York City's case, the city became a center for finance and other specialized services purchased by global corporations and governments (Sassen 1991, 175).

In 2012, *The Economist* examined the global competitiveness of a large number of cities using a wide variety of criteria, including economic strength, physical capital, financial maturity, institutional effectiveness, social and cultural character, human capital, environmental and natural hazards, and global appeal. Although New York City did not rank first according to any of the individual criteria rankings, its overall score put it first, slightly ahead of London and Singapore and well ahead of Washington, Chicago, and Boston, although those three cities finished in the top ten. European and North American cities dominated the higher rankings, but the study noted the rapid rise of Asian cities, particularly emerging cities in China (*Economist* 2012).

Over the last seven decades, New York City's survival of the transition from a manufacturing- to a service-based economy was established on the growth of the financial services sector and the growth of a global economy; but the transition had some significant impacts on the city. One of the major impacts was growing income inequality. Between the late 1980s and the late 2000s, "the average income of the top fifth of families grew five times faster than the average income of the poorest fifth" (Fiscal Policy Institute 2008, 14). By 2014, the income gap between the top and bottom quintiles (mean incomes) was over \$252,000, third only to San Francisco and San Jose (Lu 2014). And in 2012, the New York City Comptroller reported that while nationally the top 1 percent of income earners controlled approximately 17 percent of all income, in New York City the top 1 percent controlled over 32 percent of income (New York City Comptroller's Office 2012). The level of inequality and poverty in the city was not evenly distributed across the boroughs. In 2015, almost 31 percent of Bronx residents lived below the poverty line, while only 12 percent of Staten Island residents lived below the poverty line. The figures for Manhattan, Brooklyn, and Queens were 18.3 percent, 23.7 percent, and 15.8 percent, respectively (New York State Community Action Association 2015).

Another major impact was gentrification. Neither the city's move to a financial services, FIRE-based economy nor globalization caused gentrification. The movement of the wealthy and upper-middle class back into the city, and their displacement of lower- and working-class residents from their communities, began long before the emergence of the global economy. But the growth of Wall Street and New York City's status as a global city fostered a continued migration of wealth into the city and acted as a catalyst for a process that was well under way. Stable, and in some cases less stable, neighborhoods were overtaken by teachers and artists. And they were ultimately displaced by physicians, lawyers, and

investment bankers. Neighborhoods moved from low-income to transitional to chic, and the gentrification of the city moved from Manhattan well into Brooklyn.

The competition among cities to achieve and maintain the status of “global city” is fierce. And as corporations and producer service providers seek the most attractive cities in which to locate, cities seek to improve their position in the “rankings.” New York City’s governing elites became well aware of the competition and have taken measures to keep New York competitive. Cities competing to attract investment is not new, but competition on a global scale is. The increased mobility of capital and the attention that corporate moves received exacerbated the uncertainty for the city’s public decision makers, making them even more aware of the city’s vulnerability and their consequent need to promote to act affirmatively to encourage economic growth. In 2007, Mayor Bloomberg, in cooperation with U.S. Senator Schumer (D-NY), commissioned a study examining what New York City would have to do to maintain its top position in the global economy. The recommendations included financial services industry regulatory reform and immigration reform (New York City Mayor’s Office 2007).

THE TOOLS OF ECONOMIC DEVELOPMENT IN NEW YORK CITY

New York City’s political system has a number of tools at its disposal in the promotion of economic development. These policies include land use regulation, tax incentives, infrastructure development and improvement, employment assistance, energy cost reductions, and the provision of business services. It is beyond the scope of this book to discuss all of these policies; however, three will be discussed. Infrastructure development and maintenance, land use regulations, and tax incentives reflect a range of strategies used by the city to promote economic growth. They differ in the degree of transparency in their promulgation, the decision making involved in their implementation, and the level of controversy surrounding their use.

Infrastructure Development and Maintenance: If You Don’t Maintain It, They Won’t Come

One of the categories *The Economist* used to rank global cities was physical capital (*Economist* 2012). The measure comprised three dimensions: physical infrastructure, which included road networks in the city, regional and international transportation links (airports and rail stations), and access to and quality of the seaport; public transport, which *The Economist* defined as transportation of a quality suitable for executives to use; and telecommunications infrastructure, which was defined as modern networks subject to very few disruptions (*Economist* 2012, 33). Despite New York City ranking first overall in *The Economist* study, the city ranked twenty-fourth on the physical capital measure. Vancouver and

Tokyo ranked first and second, respectively, and two U.S. cities, Boston and Washington, ranked slightly ahead of New York (*Economist* 2012, 6). In the Group of 35's (2001) analysis of the city's future economic development challenges, they specifically noted the need for the city to expand mass transit and upgrade transit links, mitigate traffic congestion, and expand conference facilities (Group of 35 2001, 9). To the above list, one can add schools, hospitals, police and fire stations, and water, sewer, and utility (electric and gas) quality and capability as part of a city's infrastructure inventory (Smith and Klemanski 1990).

Most infrastructure is both expensive and durable. As a result, the cost of most initial infrastructure building does not appear in a city's operating budget. It appears in a separate capital budget. Given its expense, most infrastructure is funded through long-term borrowing via the sale of bonds; in some cases, the length of the bond corresponds to the estimated life of the project. In addition, many infrastructure projects are expected to produce revenue through tolls or user fees that will not only pay the bondholders but also finance the continued maintenance and upkeep of the investment. But this expectation has proven illusory on most occasions. As a result, much of the maintenance and upkeep of infrastructure has been relegated to a city's operating budget. Thrust into the politics of an annual budgetary process, infrastructure maintenance frequently gets deferred, if not neglected. In some cases, the neglect is so severe that at some point maintenance is no longer possible and a new, expensive capital project must be employed to replace the dilapidated structure/road/bridge/tunnel.

In the United States, many cities' infrastructure is controlled and/or subsidized at the state level. Not only is this the case for New York City, but the city's attempts to address infrastructure issues are also exacerbated by the fact that major infrastructure assets are controlled, in part, by Connecticut, New Jersey, and the quasi-independent Port Authority of New York and New Jersey. This gives the city no control, or at best indirect control, over some of the region's most important infrastructure assets, including major bridges, tunnels, and the airports. There are, however, some elements of the city's infrastructure over which the city does have control. These include some of the city's bridges, roads, water mains, the sewer system, and public buildings.

In 2014, the Center for an Urban Future (CUF) published a study examining the state of New York City's infrastructure. The report concluded that if the city was "to remain a magnet for global business and talent," city officials would "need to make investing in the city's aging infrastructure a major priority" (CUF 2014a, 3). The report noted further that although the city's core infrastructure was "in dramatically better shape than it was in the 1980s . . . much of the city's roads, bridges, subways, water mains, sewer systems, school buildings, and other public buildings are more than 50 years old, and many critical components are past their useful life and highly susceptible to breaks and malfunctions" (CUF 2014a, 3). The report recognized that the Bloomberg administration had increased capital spending on

new assets, but it had not put enough emphasis on “bringing older assets into a state of good repair” (CUF 2014a, 3).

Possibly New York City’s most important infrastructure asset is its subway system. In 2015, over 5.6 million people rode the subway on an average weekday (Metropolitan Transit Authority 2016). The MTA, assisted by city, state, and federal funding, in addition to rising subway fares, has made great strides in improving its performance: “In 1982, a breakdown occurred every 7,145 miles” (CUF 2014a, 18). Due to capital improvements in 2014, breakdowns occurred every 162,138 miles (CUF 2014a, 18). Despite these improvements, however, in 2017 the subway system began to experience increasing service delays and disruptions, and ridership declined. At the root of the problem was the long-term underfunding of existing system maintenance as well as the troubling logistics of scheduling improvements on a system that operates twenty-four hours a day (Raskin 2017). Over a quarter of the subway signals are seventy years old or older and another 11 percent are between fifty and sixty-nine years old (CUF 2014a, 9). And many of the subway stations are in poor condition with peeling paint, leaking roofs, and narrow stairwells that cannot accommodate the increased ridership (CUF 2014a, 19). Service on the subway became so bad during the summer of 2017 that Governor Andrew Cuomo declared a “state of emergency” and pledged additional funding so the MTA could purchase additional equipment. At the same time, the governor and Mayor de Blasio feuded over which level of government was responsible for the subway’s problems, as well as which level should fund repairs (Fitzsimmons 2017).

In addition to improving older subway assets, the MTA is expanding the subway lines with new capital spending. In response to increased ridership, especially on Manhattan’s East Side, the MTA resurrected plans to build the Second Avenue Subway line in the early 2000s. Passengers on Manhattan’s East Side subways (the Lexington Avenue lines) reported having to wait for four or five subways to pass to get on during the morning rush (Fitzsimmons 2016a). At a total cost of almost \$20 billion, the first phase of the subway began in 2007 and opened in early 2017 (Jewler 2016). Despite initial and continuous infusions of capital from both the state and federal levels, the commencement of the second phase of the subway, as well as the completion of the first phase, was delayed due in part to funding uncertainty. Delaying the commencement of the second phase of the subway was particularly controversial since much of this phase involves construction in the minority neighborhoods of East Harlem (Weaver 2016).

Other new capital transportation projects are also being funded and planned. In 2015, the MTA completed the expansion of its #7 line, extending to Manhattan’s Far West Side in response to increased commercial and residential development. The MTA is also working on the East Side Access project that will connect the Long Island Rail Road with Grand Central Terminal on Manhattan’s East Side. In 2016, the de Blasio administration proposed building a streetcar that would run

along the waterfronts of Brooklyn and Queens. At a cost of \$2.5 billion, the proposed streetcar would serve approximately fifty thousand passengers a day, take pressure off of the city's buses, and connect residents in low-income communities of Brooklyn with emerging tech sector jobs in Queens (Rubinstein 2016).

Roads and bridges are also a significant part of the city's infrastructure inventory. With regard to the city's roads, the CUF report cited New York City Department of Transportation figures that reported 30.4 percent of the city's roads were in poor or fair condition. In 2000, only 15.7 percent of the city roads were deemed to be in fair or poor condition. Experts noted that, in many cases, roads would have to be "fully reconstructed" and that asphalt patching would no longer be sufficient (CUF 2014a, 5). With regard to the city's bridges, the CUF study reported that the average age of the city's 1,445 bridges was sixty-three years and that 11 percent of the bridges were "structurally deficient" (CUF 2014a, 8).

When Hurricane Sandy struck the city in October 2012, the city learned that infrastructure was vulnerable to forces other than age. Sandy's impact on the city was both immediate and long term. Some of the city's infrastructure assets were taken out of service and/or shut down because of flooding due to the storm. Much of the city's subway system was shut down. And although 80 percent of subway service was restored within a week after the storm, parts of the system did not reopen for weeks (Kaufman et al. 2012). Some of the subway tunnels under the East River were so badly damaged by the storm that, in 2016, the MTA was faced with shutting down the tunnels, and service, for over a year or severely disrupting service for three years in order to repair them (Fitzsimmons 2016b). Sandy also had a significant impact on the city's health care system. Five acute care hospitals and one psychiatric hospital in the city were forced to close. Three of the hospitals closed prior to the storm, but the other three, including Bellevue and NYU Langone, had to be evacuated during or immediately after the storm due to loss of power (New York City Council Committee on Recovery and Resiliency 2016). One of the lessons of the storm was that over time the city would have to adapt to climate change and its impact on sea levels and the increased ferocity of weather events. In the aftermath of the storm, the necessity of infrastructure improvements to prepare for future floods became apparent. These included the need for backup power for subway pumps, the need to locate building generators and fuel sources on higher floors in flood-prone areas, and the need to use more porous pavement materials on streets in flood-prone areas (Kaufman et al. 2012).

As previously noted, some of the city's infrastructure is not under the control of the city's elected officials. The city's two airports are run by the Port Authority of New York and New Jersey, a bistate quasi-independent body. The Port Authority board of directors is appointed by the governors of New York and New Jersey. The mayor of New York City has no input. The city leases the land to the Port Authority, who runs the airports. The original lease was signed in 1947, giving the Port Authority control of the two airports until 2015 (Port Authority of New York and New Jersey 2003). But Mayor Giuliani, unhappy with the lease agreement

and the way the Port Authority was running the airports, threatened to take action to terminate the lease when it expired in 2015. At a press conference in 1999, the mayor noted that LaGuardia Airport and JFK Airport were two of the worst-run airports in the country when compared with other large city airports and that they would be better run by a private entity. Mayor Giuliani stated that the city would send out a request for expressions of interest to manage the two airports and that the city would not renew the Port Authority lease (New York City Mayor's Office 1999). In 2003, however, Mayor Bloomberg and Governor Pataki entered into a new lease with the Port Authority, giving it control of the airports through 2050. Under the new arrangement, the city would receive considerably more money, including a "\$500 million lump sum payment and a \$90 million-per-year increase over the present annual lease payment of \$3.5 million" (Port Authority of New York and New Jersey 2003).

In the years following the new lease agreement, there were major improvements at JFK Airport, but problems remain. JFK's gates are "not sufficiently spaced for today's larger planes" (CUF 2014a, 22). As a result, "30 percent of arrivals and 23 percent of departures are delayed" (CUF 2014a, 22). Conditions are similar at LaGuardia. According to a 2013 U.S. Department of Transportation report, LaGuardia ranked forty-eighth among the country's top fifty airports, with delays equaling those of JFK. In addition, the main terminal was over fifty years old with leaks and faulty machinery (CUF 2014a, 21). In 2015, Governor Andrew Cuomo's Airport Advisory Panel described LaGuardia Airport as a "third world country airport." They recommended demolishing some of LaGuardia's terminals and redeveloping others in an attempt to build an entirely new facility. They also recommended improving access to LaGuardia via both rapid rail transit and ferry service (Airport Advisory Panel 2015). The new plan, however, said nothing about new runways, so it is possible that the new LaGuardia Airport would be subject to the same delays (Lentz 2016).

Probably no single asset better illustrates the confluence of problems in building new infrastructure in the New York metropolitan area than the Gateway Tunnel under the Hudson River. There are currently two passenger rail tunnels under the Hudson River, owned by Amtrak (a federal agency), and they are both over a hundred years old and in need of repair. The tunnels serve New Jersey Transit and the PATH trains, two of the major commuter railroads for the region, in addition to Amtrak. The tunnels were both damaged by Hurricane Sandy and, as of 2015, it was estimated that they would last another twenty years. The tunnels need to be closed for repairs. But limiting passenger trains under the Hudson to one tunnel would cause major delays for the region, so a new tunnel is needed (Fitzsimmons 2015). In the early 2000s, there was a new tunnel planned, Access to the Region's Core (ARC), which would have doubled peak rail service to Manhattan. But the project was canceled in 2010 when New Jersey Governor Christie, claiming design issues and cost overruns, redirected New Jersey's initial contribution to other infrastructure projects in the state (Klopott 2015).

In 2014, Amtrak developed a new tunnel proposal, Gateway, but neither New York nor New Jersey wanted to take the lead on the project unless the federal government committed significant funding for the project (Rubinstein 2015). The estimated cost of the tunnel is \$20 billion. In August 2015, the U.S. Secretary of Transportation met with Governor Christie and New Jersey's two U.S. Senators to discuss the Gateway proposal, but Governor Cuomo refused to meet unless the federal government offered concrete funding, instead of loans (Klopott 2015). Mayor de Blasio, with no formal role in the project, stated that the current situation was "untenable, given the projected employment and economic growth for the New York region" (Bredderman 2015). He noted further that governors of both states would have to be involved if the project was to be undertaken. Senator Charles Schumer called for the creation of a Gateway Construction Authority that could combine federal, Port Authority and MTA funds to finance the tunnel but would be mostly federally funded (Bredderman 2015). By late 2015, an agreement was in place whereby New Jersey and New York would contribute half of the cost of the tunnel, with the federal government paying for the balance. Assuming the funding stream from all levels of government is continuous, the project is supposed to be completed in 2030 (Lentz 2016).

There is a close relationship between infrastructure and economic development. Is there a point at which declining investment in infrastructure will depress economic development? Unfortunately, research on this relationship does not exist. And although elected officials are probably afraid to test this hypothesis, urban political systems, including New York City's, neglect their infrastructure sometimes to the point of near collapse. At a Manhattan Chamber of Commerce meeting in 2015, Michael Harodniceanu, President of Metropolitan Transit Authority Capital Construction, addressed the issue of infrastructure funding and the failures of the public sector in adequately funding infrastructure (mass transit) improvements. Speaking to an audience of mostly real estate developers, Harodniceanu argued that the real estate industry and the private sector need to be willing to invest in the transit system: "Real estate that cannot be reached by transit is not worth much" (Harodniceanu 2015).

Land Use Regulations

Urban land use regulations are some of the oldest and most often-used means of promoting economic development. Often referred to as land use planning and zoning, land use regulations attempt to create a map and set of rules regulating the use of land in a city with the goal of constraining and coordinating public and private land use decisions and achieving a uniform, consistent vision of city land use. Comprehensive land use planning takes into account issues of housing, industrial and commercial needs, open space and transportation. The principal tool of land use regulation is the zoning ordinance. Zoning is usually accomplished through a law by which districts or zones are established throughout the city for various types of uses. The goal of these zones is to minimize adjacent incompatible land

uses and foster economic growth, the efficient use of land, and/or aesthetic considerations. Similar to most American cities, New York City has never attempted to implement a comprehensive land use plan. Land use decisions are made primarily through the real estate market and the decisions of private developers. The political system, through the use of planning and zoning, plays more of a reactive role than a comprehensive planning role by enacting zoning ordinances that deal with pieces of the urban landscape, as well as by frequently reacting to and coordinating private land use decisions. As a result, urban land planning is incremental and piecemeal.

As an economic development tool, land use regulation is a necessary, but not sufficient, mechanism for promoting economic development. Land use regulations make land available for different types of productive uses, but by themselves, these regulations do not guarantee or incentivize development. Other complementary tools would include infrastructure improvements and other amenities delivered by the city, such as schools and parks (Angotti 2003). The real estate market and entrepreneurial capital is also a necessary ingredient in most economic development decisions. In the early 2000s, some groups sought to preserve land zoned for manufacturing uses in the hopes that manufacturing jobs would return. They were concerned that lots zoned primarily for manufacturing and industrial uses were being utilized for big-box stores, storage facilities, hotels, and schools (Pratt Center for Community Development 2015). But these other nonmanufacturing uses were filling in because there was little or no demand being made by manufacturers for this land. Eliminating all land zoned for manufacturing will certainly depress manufacturing development in the future. But it is not clear that simply zoning for manufacturing uses will have any impact at all on the growth of the manufacturing sector.

New York City was one of the first cities to adopt a zoning ordinance, receiving the state legislature's permission to adopt the ordinance in 1916. The primary impetus for the zoning ordinance came from Fifth Avenue merchants concerned about the spread of the garment industry and factory loft buildings (Kwartler 1996, 2228). The zoning ordinance included varying restrictions on lot size, building height and density, and the height of the building allowed at the street line. Today, most of the city is zoned for residential, commercial, manufacturing, or mixed uses. For instance, many residential areas have commercial overlays that allow the existence of retail stores on main streets in residential areas. In addition, districts are also zoned for density, or floor area ratio (FAR), and height limits. FAR is a critical consideration in any zoning district and decision since it dictates the total floor area size (density) of the building that can be built on the site. The zoning code creates incentives for landowners or developers to devote land to public plazas or parks, or to include affordable housing in their projects by giving them additional FAR in exchange for using their land in the public interest. In addition, in parts of the city, or as part of special programs, the zoning code allows developers to purchase unused development rights from one land parcel

and transfer them to another, thereby increasing the FAR of their building (Manhattan Borough President 2008).

Over the past decades, New York City’s land use regulation policies have promoted economic development in a number of ways. First, much of the land use regulation activity in which the city’s political system has become involved is site specific. The zoning map allows certain types of land uses within certain zones of the city. If a developer is building within the regulations established for a given zone, they can build without having to go through the city’s Uniform Land Use Review Process. This is called building “as of right.” If one wants to develop land within a zone that is not compatible with the current land use regulations for that area, one must go through ULURP and seek an amendment to the zoning map. Individual developers have frequently asked the city for permission to use land in a way that is incompatible with the existing zoning ordinance.

The Uniform Land Use Review Process exists within New York City’s Department of City Planning (DCP). The director of the DCP is appointed by the mayor. The director also serves as chair of the City Planning Commission. The Commission comprises thirteen members: seven, including the chair, are appointed by the mayor; one member is appointed by the each of the five borough presidents; and one is appointed by the Public Advocate (Kivelson 1991, 63). As part of ULURP, the city council has the final say on all land use decisions, given its ability to override mayoral vetoes—as was the case in the first Kingsbridge Armory decision. Table 2.1 displays the stages of ULURP. ULURP applies to any request to change the existing land use plan. ULURP was first legislated in 1975 and was amended by the 1989 City Charter revision. Before any application for a change in zoning

TABLE 2.1 Uniform Land Use Review Process (ULURP)

Time allowed	Action taken
No time limit	Applicant files plan with Department of City Planning. Department of City Planning certifies plan as complete. Application is filed.
Within 60 days	Community Board notifies public, holds public hearing, and makes recommendation to borough president.
Within 30 days	Borough president and Borough Board (members of City Council from the borough) submit recommendation to City Planning Commission or waive right to do so.
Within 60 days	City Planning Commission holds hearing. Application is modified, approved, or disapproved.
Within 50 days	City Council reviews application and holds public hearing. Council can approve, modify or disapprove the application.
Within 5 days	Mayor reviews application. Mayor accepts or vetoes the application.
Within 10 days	Council can override the mayor’s veto by two-thirds vote.

can go through ULURP, it must be certified by the Department of City Planning, which establishes rules and standards for land use applications. ULURP begins at the community level and then moves to the borough president's office. The process then moves to the City Planning Commission and next to the city council. As in the case of the first proposed Kingsbridge Armory development, the mayor can veto any city council ULURP decision, positive or negative, but the council can override the veto with a two-thirds vote. The process includes public hearings at several levels of government as well as the preparation of an environmental impact statement (Kivelson 1991, 66). Given the multiple stages of the process and the access of the public and their representatives throughout the process, ULURP may be the most democratically accountable element of the city's economic development policy.

As discussed in chapter 1, the Kingsbridge Armory redevelopment plans went through ULURP twice. When the state gave the armory to the city in the 1990s, the land was zoned for residential uses. Both redevelopment plans required the land on which the armory was built to be rezoned for commercial uses. The first plan was rejected via ULURP when the city council overrode the mayor's veto of its initial proposal. The proposal was rejected in the initial stages of ULURP but approved by the City Planning Commission before going to the city council. The primary reason for the rejection was the developer's failure to commit to paying a living wage, something that had no relationship to the zoning issues. The second proposal, the national ice center, sailed through ULURP—in part because the developer committed to paying a living wage.

In 2004, the Swedish furniture chain Ikea used ULURP and applied to rezone land on Brooklyn's Red Hook waterfront from manufacturing to commercial in order to build one of their stores. Responding to opposition from the community regarding potential traffic congestion, Ikea pledged to run weekend ferry service to and from Manhattan as well as shuttle buses from the nearest subway stop. Seeking to gain the support of nearby public housing residents and local politicians, Ikea also promised to train local residents and hire from the community (Cardwell 2004). The local member of the city council, Sarah Gonzales, was instrumental in brokering the deal between Ikea and the community (New York City Planning Commission 2004).

In both the Kingsbridge Armory and Ikea cases, groups used ULURP to obtain concessions from the developer. And while most ULURP decisions are small in scale and are not very controversial, larger projects can become politicized. In the 2014 proposed renovation of the Domino Sugar Factory along the Williamsburg (Brooklyn) waterfront, both the mayor and the city council sought to gain affordable housing concessions from the developer via ULURP. Two Trees Management bought the Domino Sugar Factory in 2012. In 2014, their proposal to convert parts of the factory grounds into 2.2 million square feet of residential, retail, and office space went through ULURP. As part of the city's zoning incentive program, the developer agreed to build 660 units of affordable housing in order to obtain

additional FAR to build more luxury housing; but Two Trees was seeking even more FAR to build a larger development (*DNAinfo New York* 2014). To gain favor with the mayor and the council, Two Trees proposed a mixed-use development and a large public park. But the mayor and the city council wanted the developer to do more and refused to support his ULURP application until he agreed to include even more affordable housing in his project. Initially the developer was unwilling to agree. At one point during a city council hearing, the owner of Two Trees Management, Jed Walentas, told the council, “Regardless of how this body votes on this in a couple of weeks, we are going to be neighbors” (Walentas 2014). Walentas told the council that he could build luxury housing according to a plan that was approved several years ago when the land was owned by another developer; but if he did so, the city would get much less affordable housing, and he would not be able to build as much luxury housing as he wanted to. Ultimately the city and the developer reached an agreement. Two Trees increased the amount of affordable units to 700 and agreed that the rent would be targeted at families at 70 percent of area median income, about \$60,000 a year for a family of four (Kusisto 2014).

A second type of zoning focuses on an entire community. This type of zoning differs significantly from site-specific zoning. Site-specific zoning is usually initiated by a private landowner or developer seeking a change in the zoning map in order to increase the value or enhance the use of his land via economic development. Zoning that focuses on an entire community is usually initiated by community groups or the Department of City Planning in recognition of development activity, pressures in the community, and/or to make a community more conducive to economic development opportunities. Community rezonings do not necessarily enhance economic development. A study by the Furman Center (2010) examined seventy-six community rezonings that took place between 2003 and 2009, comprising 18 percent of the entire city. The study found that only 14 percent of the land lots rezoned during this period involved significantly increasing capacity (upzoning) for residential development, while the other 84 percent of the rezonings either involved preserving the character of a neighborhood by changing the residential development capacity very little (contextual rezoning) or significantly decreasing the residential development capacity (downzoning) in a community. Interestingly the study noted that the new residential capacity added to the upzoned lots in the study outweighed the lost capacity from the lots that experienced little change or decreased residential development capacity from areas that were downzoned. The study also found that upzoned lots tended to be located in communities with a higher proportion of non-White residents, and downzoned or contextually zoned lots tended to be in communities with a higher share of White residents (Furman Center 2010). What’s the rationale behind downzoning or contextual zoning? Some communities wanted to depress new development and curtail new people moving into the community. Some were worried about crowded schools and roads, infrastructure that would not keep up

with increased development. And some communities wanted new development but wanted it carefully controlled (Laskow 2014).

In 2012, the city rezoned West Harlem (in Manhattan). Given Harlem's location, it had been subject to development and gentrification pressures for well over a decade. These pressures were increased by the rezoning of Harlem's main commercial thoroughfare, 125th Street, several years before and Columbia University's recent expansion into West Harlem, both accomplished through ULURP. When West Harlem was last rezoned, in 1961, it was zoned to accommodate a level of development that had never occurred. As a result, the zoning code for West Harlem allowed for residential development well beyond the scale of what currently existed in the community. Community leaders and city officials, including the local community board, the Manhattan borough president, the local city council member, and the Department of City Planning (DCP) worked together to propose a rezoning scheme that would "preserve the existing character" of West Harlem's residential neighborhood by prohibiting development that was out of scale with the current residential environment (Cerezo 2012). Secondly, the proposal attempted to enhance development in a small manufacturing district in the southern part of West Harlem and enhance commercial development in one of the cross-street commercial areas by allowing for more dense development (Cerezo 2012).

At the city council hearing where the proposal was vetted, representatives from the DCP presented the proposal and the local council member spoke in support of the rezoning. Then the public was invited to testify. One of the groups that testified was a group of clergy representing more than a hundred churches and mosques in Harlem. They expressed the concern that although the rezoning would preserve the architectural character of West Harlem, it would do little to stop the continued gentrification of the community (Curtis 2012). They were correct. While the zoning proposal regulated the use, height, and density of the buildings, it did nothing to regulate the rents or the behavior of landlords seeking to displace low-income, primarily minority tenants by moving them out of their buildings to make way for more upper-income residents. Land use regulations and the zoning code are not equipped to address these important issues. A second group who testified at the hearing included those who owned land in the area subject to rezoning, including schools and cultural institutions. They were concerned that the downzoning of their property would limit how they might use it in the future and would certainly limit their lands' value if they decided to sell it, since the level of development was being constrained (Campbell 2012).

In 2015, as part of its affordable housing initiative, the de Blasio administration sought to amend ULURP to require any residential development to include affordable housing. As passed by the city council in 2016, the policy, Mandatory Inclusionary Housing, required all residential developments going through ULURP to include affordable housing in their projects. Developers were given several options based on the percentage of affordable housing included in the

project and the area median income for eligible families. Developments of twenty-five residential units or fewer would be allowed to pay a fee in lieu of providing affordable housing (New York City Council Land Use Division 2016). The new policy was supposed to work in tandem with a number of city and state affordable housing subsidy and incentive programs (discussed later in the chapter).

A third type of land use regulation deals with nuisances. In part, land use planning in the United States originated to keep unattractive and unhealthy land uses, such as factories, segregated in one part of the city. Removing nuisances from a community can enhance economic development. In 1995, the city council passed, with Mayor Giuliani's enthusiastic support, a zoning ordinance restricting the location of adult entertainment businesses. The law defined an adult entertainment business or bookstore as any establishment whose inventory of merchandise was at least 40 percent adult oriented (*New York Times* 1998). The law restricted the location of these businesses to manufacturing and commercial areas. They could not locate within five hundred feet of another adult entertainment business and they had to be at least five hundred feet away from homes, schools, and churches (Toy 1996). The law was upheld by the New York State Supreme Court when the owners of the adult businesses questioned the constitutionality of the law. After several appeals, in 1998, the U.S. Court of Appeals also upheld the law regulating the location of adult bookstores and adult entertainment establishments (*New York Times* 1998). The law was instrumental in the redevelopment of Times Square into an area more conducive to tourism and families, an economic boon for the city. While the law did not eliminate the presence of adult sex-related entertainment in the Times Square area, it succeeded in significantly reducing the total number of these businesses in the area. The reduction was also assisted by rapidly rising rents in the area.

The advantage of ULURP and the city's land use planning and zoning policies is that they produce land use decisions through a democratic and reasonably transparent process. ULURP proposals involve community boards, borough boards, the City Planning Commission, the city council, and the mayor. To make it through the process, sponsors must tailor their proposal to obtain the approval of majority interests in the city without mobilizing too great an opposition at the community or borough levels. The disadvantage of this process is that it is difficult to produce a coordinated long-term growth strategy for the city that addresses land use goals and infrastructure needs simultaneously in such a highly politicized arena. In a process with so many stages, groups seeking to oppose or significantly modify a plan have numerous points where they can attack.

Despite the previous examples that demonstrate how planning and zoning facilitate economic growth, economic development in the city has frequently proceeded without planning and zoning or in complete violation of existing zoning regulations. During the 1960s and 1970s, lofts and warehouses zoned for manufacturing in SoHo (in lower Manhattan) were occupied by artists taking advantage of the low rents. SoHo had been a manufacturing center in the later part of the

nineteenth century but entered a prolonged decline as businesses moved uptown and then out of the city (Gold 1996, 1088). Although zoned for manufacturing, the building stock in SoHo was incompatible with the needs of modern manufacturing technology. By the 1980s, SoHo had become a fashionable neighborhood complete with galleries, boutiques, and restaurants. Transformation of the neighborhood was so sweeping that many of the artists who served as the pioneers of SoHo found they could no longer afford to remain.

What would explain the city not enforcing its own zoning ordinance in the case of SoHo? First, SoHo was transformed during a period of city budget cutting. The numbers of city building inspectors fell dramatically, making violators more difficult to detect and apprehend. In some cases, creative interpretation of the zoning laws defined the artists as manufacturers. Also, in the 1970s, zoning laws were amended to allow certified artists to legally occupy SoHo's lofts through the artists-residence program. Enforcement of the law, however, was left up to the landlords, who had an interest in renting to whoever could afford to pay regardless of whether they were certified (Johnson 1996). Second, city officials were aware of the fact that the zoning laws were being violated but chose to look the other way. Regarding the enforcement of zoning laws in the face of massive non-compliance, Joseph Rose, former Commissioner of City Planning noted, "When the market says, this is stupid, we're not going to abide by it, it gets very difficult" (Johnson 1996). If the real estate market is producing what city officials perceive to be positive results, there is less of a need to enforce existing zoning laws. If the land is being used productively, and if there are no complaints or public health issues (nuisances, overcrowding, etc.), there is no need for enforcement.

Tax Incentives

Land use decisions create an environment in which economic development takes place. Although they structure market decisions, on their own they may do little to promote decisions to invest in the city beyond those encouraged by the real estate market. In the current global environment, the mobility of capital and the proliferation of possible places for capital investment have created a far more competitive environment. As a result, cities have had to do more than create zones where development can take place. They have had to take a more active role in attracting economic development. For their part, investors and businesses have also realized that the urban investment environment offers them more opportunities than in prior decades. They have also become more aggressive in making demands on cities to gain concessions before moving capital into the city.

One type of concession that is now frequently offered by cities to investors and businesses is the tax incentive. Tax incentives lower the overall tax obligation of the investor/developer, making it more lucrative to invest in the city. Tax incentives are a form of tax expenditure. That is, public policy is promulgated not through the allocation of funds from an annual budgetary process but through a program that commits public funding through tax forgiveness.

As early as the mid-1970s, New York City began to engage in the practice of offering businesses and investors tax incentives for locating, remaining, or expanding their businesses inside the city. Prior to that point, city officials had depended primarily upon state and federal money to subsidize large-scale urban development. Toward the end of the 1970s, most of the federal funding sources began to dry up and the state was forced to expend a great deal of funding on the city's fiscal crisis. In part, this induced the Koch administration to negotiate directly with private developers. Having just survived near bankruptcy, the city could not offer private developers large capital subsidies up front to attract them to the city or to convince them to stay. The city could, however, offer developers and businesses tax breaks that would increase the profitability of development by lowering the tax obligation. Tax incentives are far less visible than direct subsidies and do not show up in a budget document unless tax expenditures are examined.

New York City has offered tax incentives to businesses through two mechanisms. First, the city administers programs in which "as-of-right" tax incentives are offered to businesses that fall into a specific category, are engaged in a specific type of activity, or are located in a specific area. These as-of-right incentives are created by the city or state legislature and signed into law by the mayor or governor, respectively. Second, through the city's Economic Development Corporation, the city negotiates discretionary tax incentives with individual businesses in order to convince them to locate, remain, or expand their operations in the city.

The Commercial Expansion Program (CEP) is one of the larger as-of-right tax incentive programs. It gives full or partial property tax abatements for three, five, or up to ten years for capital improvements to buildings with new, renewal, or expansion leases in commercial offices or industrial spaces built before 1999. Eligible capital improvements include electrical, plumbing, heating, ventilation, and air conditioning installation or improvements, as well as drywall partitioning, rewiring for technology upgrades, and any engineering or architectural costs associated with these improvements (New York City Department of Finance 2016b; New York City Department of Finance 2016c). Ten-year abatements are only available for manufacturing/industrial uses. In the initial year of the abatement, the amount of the abatement is equal to the actual property tax liability or \$2.50 per square foot, whichever is less. The value of the abatement declines in subsequent years. So it is possible that a developer would pay little or nothing on the property in the first year of the abatement and a percentage of their full property tax obligation for up to ten years after that. As is the case with many city tax abatement programs, capital improvements in the central business district, defined as Manhattan south of Ninety-Sixth Street, are not eligible for the abatement. The rationale is that the political system does not need to induce economic development in the city's central business district given the real estate market. To be eligible, the expansion must take place in one of the four outer boroughs (Bronx, Brooklyn, Queens, and Staten Island). In Manhattan, only selected commercial and manufacturing zones north of the Ninety-Sixth Street and an even a smaller area south of Ninety-Sixth

Street, primarily the Garment District, are eligible (New York City Department of Finance 2016c).

In 2004, the Bloomberg administration, in conjunction with the state, implemented the “Made in New York” tax incentive targeted at the film and television production industry. The program offered sales tax credits to film and television productions that engage in at least 75 percent of their work in the city. The credit included a 5 percent sales tax credit from the city and an additional 10 percent sales tax credit from the state. At both the state and city levels, however, the funding devoted to the credit had a ceiling, unlike the Commercial Expansion Program that had no ceiling. At a press conference in 2006, Mayor Bloomberg noted that, several years earlier, cities such as Toronto and Prague had been used as stand-ins for New York in several productions because the cost and difficulty of filming in New York was so great (New York City Mayor’s Office 2006). In addition to the tax credits, the Made in New York program offers film and television productions free advertising on city bus shelters. At the 2006 press conference, which took place on the site of a film being shot in New York, film producer Harvey Weinstein noted that without the tax incentives and the assistance from the Mayor’s Office of Film, Theater, and Broadcasting, his movie would be filming in Toronto (New York City Mayor’s Office 2006). Weinstein added that because of the tax credits and other support services that have brought more productions to New York, “Apartments are filled, restaurants are filled and technicians have more work . . . We’re seeing video and technology companies being built around this. This is absolutely one of the best things New York has ever done for its economy” (New York City Mayor’s Office 2006). In 2002, there were nine primetime television shows shooting in New York, compared to twenty-five in 2013 (Cipriani 2016).

The city’s “initial \$685 million allotment for the film credits ran out by mid-2009” and the city portion of Made in New York credit expired as of 2011 (Cipriani 2016). However, in 2012, Governor Cuomo increased the state’s tax credit to 30 percent and significantly increased the amount allotted to the credit for 2013–14. But the state gives a higher credit for film production taking place upstate than in the city (Empire State Development 2016).

As noted, the city will also negotiate with individual companies and offer them tax incentives on a discretionary basis. New York City’s Economic Development Corporation (EDC), a not-for-profit corporation under contract with the city, negotiates with individual businesses that wish to locate or expand their operations in the city or are threatening to leave. Businesses are attracted to New York City or are enticed to stay through the offering of exemptions from taxes, reductions in taxes, or tax credits. In addition, in cooperation with Con Edison, the local public utility company, the negotiated incentive packages have also included energy cost reductions. Unlike as-of-right tax incentives, each negotiated discretionary agreement is different. In addition to tax incentives, the EDC can grant other discretionary benefits to firms seeking to locate in the city, including tax-exempt bond financing, sales tax exemptions, and payments in lieu of property

taxes (New York City Independent Budget Office 2011). Negotiations take place under the auspices of the New York City Industrial Development Agency (IDA). The agency was created in 1974 for the purpose of attracting, promoting, retaining, and developing economically sound industries. A majority of the IDA board of directors is appointed by the mayor, so the mayor controls the policy direction of the agency (Good Jobs New York 2001). In addition, given the scale and sometimes controversy attached to these agreements, the president of the EDC and the Deputy Mayor for Economic Development, both mayoral appointees, are frequently involved in these negotiations.

According to the EDC, to be eligible for these types of benefits, a firm/company must demonstrate the need for benefits and must commit substantial capital investment “together with likely retention, and growth of employment as a result of the project” (New York City Economic Development Administration 2016). The EDC makes tax incentives available through job retention or expansion agreements. Implicit in each agreement is the expectation that the company receiving the benefits will retain a certain level of employment in the city or expand employment if that is part of the agreement. Businesses receiving incentives are supposed to report average annual employment to the EDC. And as long as the company keeps its employment level within an agreed-upon range or expands employment, if that is part of the agreement, it will receive the tax abatements over the life of the agreement. Businesses that fall below their threshold receive reduced benefits or have their benefits taken away (New York City Comptroller’s Office 1997). In the past, the types of businesses that received discretionary benefits included corporations relocating their headquarters, corporations who are moving five hundred or more new jobs into the city, and corporations who make long-term commitments to stay in the city. In addition, large capital investments such as the construction of a new building or the expansion of an existing building have also received benefits (New York City Economic Development Administration 2016).

Not every mayoral administration adopts a similar strategy in negotiating discretionary tax incentive deals. In the aftermath of the 1975 fiscal crisis, the Koch administration adopted an active strategy toward attracting and retaining business. The behavior of the Giuliani administration was similar and became even more aggressive as the city’s fiscal position improved throughout the 1990s (New York City Mayor’s Office 1997). The Dinkins administration started out with a conservative strategy of offering discretionary tax incentive packages only to those businesses locating or expanding in the outer boroughs. As the city began to lose jobs as a result of the early 1990s recession, Mayor Dinkins became more aggressive in offering tax break packages to firms regardless of where they were locating. Similar to the Dinkins administration, the early Bloomberg years appeared to be characterized by a conservative tax incentive strategy. In part, this was due to the city’s post-9/11 fiscal crisis in the early 2000s. The city could not afford to forgo tax revenue and the federal government was financing some tax incentives through the post-9/11 assistance package to the city. As the city office and

real estate market began to recover from the terrorist attacks and the 2000–2001 recession subsided, the Bloomberg administration maintained its conservative approach toward discretionary tax incentive agreements with corporations, believing that offering tax breaks was not necessary given the economic climate and the low office vacancy rates. The de Blasio administration appears to have adopted a similar strategy.

In 2011, the Independent Budget Office issued a study examining the city's discretionary tax incentive deals from 1994 through the end of 2010. The study found that 2000, during Mayor Giuliani's second term, was the peak year for discretionary agreements. From 1994 through 2010, over half of the discretionary agreements dealt with projects in Brooklyn and Queens, although Manhattan was still the site of more discretionary agreements than any other borough. Manufacturing industries accounted for more agreements than any other industry, and education, social service, and health organizations accounted for almost another quarter of the projects. But not surprisingly, the projects in Manhattan involving the finance, information, and professional services industries accounted for over half the value of the projects. So while there were many more deals involving manufacturing and social services, the dollar value of these deals was not as high as the smaller number of tax incentive agreements within the financial and information services industries in Manhattan. Finally, the report noted that while the financial and information services industries "accounted for a majority of the value of new projects in the Koch, Dinkins and Giuliani Administrations . . . under Mayor Bloomberg sports and recreation—in other words, stadiums—have been the leading beneficiaries" (New York City Independent Budget Office 2011).

As in the case of the tax credits for film and television production, New York State, which has broader taxing power than the city, frequently joins the city in offering businesses and developers discretionary tax incentives to remain, locate, or expand in the state. Through the Empire State Development Corporation, some governors have been as aggressive as mayors in seeking to attract business, if not more so. In 2014, BNY Mellon, located in lower Manhattan, was looking to expand somewhere in the metropolitan area. Governor Christie of New Jersey offered the bank \$100 million in tax credits if they located in Jersey City. New York State, much more than New York City, acted to counter the New Jersey offer (Bagli 2014). The company decided to stay in lower Manhattan.

The discretionary tax incentive strategy employed by the city has been criticized in a variety of ways. As in the BNY Mellon case, New York occasionally finds itself competing with New Jersey and Connecticut for business, and tax incentives have become an important weapon in this competition. Amid the interstate and interlocal competition for business, there are few advocates for the entire region. The Regional Plan Association (RPA) has argued that the three states and their respective local governments are wasting their valuable tax dollars fighting a "zero-sum game" when the entire region could benefit from more cooperative attempts to attract business to the tri-state region (Bagli 1997). Research on the

effectiveness of tax incentives in inducing business moves has produced very mixed results. To some extent, however, the research has demonstrated that tax abatements create more of an incentive for intraregional business location than interregional relocation (Sternberg 1993). In many cases, it appears as if New York city and state officials are employing tax incentives as a defensive weapon; New York City uses tax incentives to attract businesses because its neighbors do. Given the visibility of intraregional competition for business, city officials may have no choice but to offer these incentives to stay in the competition, even though some of the competition may be founded on a misperception of the efficacy of tax incentives. As a result, some have concluded that the tax abatement strategy creates no additional value for the New York metropolitan region as a whole. Tax incentives are more likely to induce a business to move from one side of the Hudson River to the other but are far less likely to be an influential factor in business decisions to move into the region. Kathryn Wylde, president of the Partnership for New York City, called the interstate competition “foolhardy . . . What’s silly about these border wars is that we’re really, in many respects, one economy” (Bagli 2014). Former RPA President Claude Shostal argued further that “you could put money into schools and transportation programs that would benefit everybody and the whole pie would grow. But it is difficult for elected officials not to play the game” (Bagli 1997). Knowing the state and local governments will compete with each other using tax incentives, businesses have nothing to lose by playing one government against the other.

A second criticism of discretionary tax incentives is that they are poorly monitored and that the beneficiaries of these discretionary agreements do not always uphold their part of the deal. As a result, either it is difficult to assess whether these deals create a fiscal advantage for the city, or the deals produce greater benefits for the corporate beneficiary than for the city. A study by the Center for an Urban Future found that many corporations who entered into discretionary tax incentive agreements with the city never lived up to their end of the bargain because they were acquired by other companies, they were sold, they moved major parts of their business out of the city, or they went out of business (Center for an Urban Future 2001). In the late 1990s, a study by the New York City Comptroller reported that the Economic Development Corporation had done a poor job monitoring compliance by some of the corporations who received discretionary benefits and that many corporations had neglected to report employment levels to the EDC. Out of thirteen discretionary corporate deals examined in the study, the comptroller found that eleven corporations were not in compliance with the reporting requirements in the agreement (New York City Comptroller’s Office 1997). And a 2001 study by the Independent Budget Office reported that EDC reports examining discretionary tax deals they promulgated had incorrectly calculated benefits, making the agreements look far more lucrative for the city than they actually were (New York City Independent Budget Office 2001). In 2015, former

EDC President Seth Pinsky suggested that the EDC had improved its administration and monitoring of these deals (Pinsky 2015).

Possibly the most significant criticism leveled at discretionary tax incentive deals is that they constitute bad politics. According to Ernest Sternberg, negotiated agreements between the city and individual corporations, obscured from public scrutiny, are the new version of the backroom deal. Which businesses receive favorable tax treatment from the city and which businesses are ignored is a function of bureaucratic/executive decision-making that is not subject to public accountability. Frequently the terms of the agreement and the agreements themselves are not publicized until well after the agreement is reached. The lack of visibility of this aspect of city economic growth policy makes it conducive to favoritism and possibly corruption (Sternberg 1993, 17). And although discretionary deals have recently received greater scrutiny from the city council, the media, and good government groups, the fact that these agreements are not part of an annual budgetary process or systematic review makes them one of the least democratic aspects of economic development policy.

Another criticism leveled at both as-of-right and discretionary tax incentives is that they primarily benefit wealthier companies and interests in the city. Madison Square Garden, home to the New York Knicks basketball team and the New York Rangers hockey team, has paid no property tax to the city since 1982. In 2013, the Garden saved \$17 million due to this benefit (Dwyer 2014). Many smaller businesses do not get, or cannot take advantage of, as-of-right or discretionary benefits from the city or state for a variety of reasons. First, many small businesses rent their premises so they are unable to take advantage of property tax incentive programs because they do not own property, although their landlords might be able to get these benefits. Second, many small businesses do not make the type of capital investments because they lack the capital or access to capital. Third, small businesses individually do not account for a large number of jobs and therefore are not going to get the attention of city or state officials who have the authority to negotiate discretionary tax deals.

J-51 is a city tax incentive targeted at improving the housing stock in buildings with over ten units. In 2011, the program delivered \$256.6 million in benefits to residential housing owners (Waters and Bach 2012). The program has two parts. "Owners who make eligible improvements to existing buildings," such as the installation of energy-efficient windows, "receive exemptions, which are reductions in the amount of assessed value subject to property tax" (Waters and Bach 2012, 2). As a result, owners who make improvements continue to pay taxes on the lower assessed value of the building for ten years. In the second part of the program, "eligible owners receive abatements, which are direct reductions in the amount of property tax owed," based on the cost of the improvements (Waters and Bach 2012, 2). According to a study by the Community Service Society, since the program's inception in 1955, and especially recently, the program has benefited

housing in more affluent and gentrifying communities, including co-ops and condominiums (Waters and Bach 2012). Smaller buildings with fewer than ten units cannot get these benefits nor can buildings that lack capital or access to capital, primarily in low-income areas.

In response to critics, it should be noted that the city's tax incentive strategy to achieve economic growth is neither single-minded in its goal nor the only strategy the city employs. As previously discussed, some of the city's tax incentive programs target the outer boroughs and north of the Manhattan central business district. And although they do not receive the type of public or media attention as discretionary tax incentive packages, the city has implemented a number of human resource and capital formation assistance programs, as well as a wide array of other programs promoting economic growth and supporting indigenous businesses. The Bloomberg administration significantly increased assistance to small businesses, including helping small businesses find access to capital and creating business incubators where small businesses could find space to begin operations at much lower than market rents. Moreover, the city uses tax incentives for more than the promotion of corporate commercial or industrial business activity. The New York City Department of Finance 2016 annual report on tax expenditures calculated that three of the five most expensive tax expenditure programs went to housing programs, with some of the incentives supporting low- and moderate-income housing (New York City Department of Finance 2016a).

NEW YORK STATE'S ROLE IN NEW YORK CITY'S ECONOMIC DEVELOPMENT

In its efforts to promote economic growth, New York City frequently does not act alone. As in the case of the Atlantic Yards/Barclays Arena, the development of new infrastructure, and the film and television production tax incentives, New York State plays a significant role in many of the city's economic development projects.

The state has a significant interest in supporting the city's attempts to create and maintain a positive fiscal flow via economic growth. City success alleviates some pressure on the state to assist the city via state tax revenue. Just as important, given the scale of city economic activity relative to the rest of the state, an economically healthy New York City goes a long way toward creating an economically healthy state.

New York State, like most states, has developed an array of promotional programs and services in an attempt to make the state a more attractive business location. In addition, the state has played the leading role in some of the city's most significant economic development projects. The state played a major role in the building of Battery Park City in the 1970s and the redevelopment of Times Square in the 1990s. The state was the principal force behind the Lower Manhattan Development Corporation (LMDC), a state agency with the responsibility

for rebuilding the area after the terrorist attacks. And although state control of Lower Manhattan redevelopment through the LMDC deprived city officials, including Mayor Bloomberg, of control of a major economic development project in the city, it freed them from any direct responsibility as well. Given the number of stakeholders involved in the process and the resulting conflicts over redevelopment, the mayor was allowed to stay above the fray for much of the process. During his second term, however, Mayor Bloomberg began to play a greater role, in an attempt to speed up the process.

Under the Pataki administration, many of the state's economic development programs were reorganized under the Empire State Development Corporation (ESDC). The agency administers programs oriented toward business attraction and retention. And, as in the case of BNY Mellon, the ESDC is as involved in attempting to retain businesses in the city as the city EDC. Also, in recognition of the competitive global economic environment, the ESDC has offices in other countries that serve to promote New York business abroad as well as serving as centers for attracting foreign investment to the state (New York State Empire State Development Corporation 2016).

In the aftermath of Tropical Storm Irene (2011) and Hurricane Sandy (2012), New York State implemented a number of programs to help local communities recover from the storms' damage and prepare for future weather events and other emergencies. The NY Rising Community Reconstruction Program was established to provide "rebuilding and revitalization assistance" and to "enable communities to identify resilient and innovative reconstruction projects and other needed actions based on community driven plans that consider current damage, future threats, and the communities economic opportunities" (New York Rising Communities 2013). While the program was funded in part by federal Community Development Block Grant funds received by the state in the aftermath of Hurricane Sandy, the primary purpose of the program was not financial assistance. Instead, the goal of the program was to establish a presence in affected communities that would help communities not only plan for recovery from the storms but also to develop plans that emphasized resilient development at the community level (New York Rising Community Reconstruction Program 2014). Committees comprising local residents, with technical assistance from the state, established blueprints for future development that incorporated emergency storm and resiliency planning. The major impact of the program was the establishment of committees in over a dozen New York City communities, as well as in other parts of the state, who monitor local developments and assess their appropriateness given the prospects of future extreme weather events (New York Rising Communities 2013). These local community groups, created by the state, have been involved in ULURP proceedings testifying as to the alignment of economic development projects with emergency planning and the potential impact of future storms (Red Hook/New York Rising Community Reconstruction Planning Committee 2015).

One area where the state has a major impact on city economic development is housing. New York State administers a number of programs that subsidize the construction of affordable housing in the city and across the state. These programs attempt to incentivize the building of affordable housing for low- and moderate-income families by subsidizing the construction of market-rate or luxury housing. In exchange for benefits offered by the state, developers commit to including some affordable units in their project. Through the New York State Housing Finance Agency (HFA), the state administers the 80/20 program that offers developers tax-exempt financing if they include low-income housing in their residential developments. The program is available to developers of multifamily rental housing where the developer commits to setting aside 20 percent of the units for households with incomes at 50 percent or less of the local area median income, adjusted for family size. Alternatively, 25 percent of the units must be affordable to households whose income is 60 percent or less of the local area median family income. The maximum rent on these units cannot exceed 30 percent of the applicable income limits (New York State Division of Homes and Community Renewal 2016). But the affordable units do not have to remain affordable for the life of the building. The length of time is subject to an agreement between the HFA and the building owner and is usually somewhere between twenty-five and thirty years.

Possibly the most controversial state housing subsidy program is the 421-a property tax exemption. Although the program involves property tax exemptions for building in the city, legislative authority for the existence, modification, and continuation of the program is at the state level. The program was established in the 1970s when residential construction in the city was declining. With state permission, the city “gave property tax breaks to any newly constructed housing development” (Pratt Center for Community Development 2014, 1). The new residential construction had to take place on land that was “vacant, underutilized or had a nonconforming zoning use” in order to get the exemption (Pratt Center for Community Development 2014, 2). Buildings were eligible for a complete exemption for the first two years and a progressively declining exemption in the following eight years. In the 1980s, as the residential housing market was recovering in parts of Manhattan, the program was modified several times. First, the state legislature gave the city the authority to designate “geographic exclusion areas” (GEAs) where formerly eligible new residential construction would no longer qualify for the exemption. The first GEA-designated area was in Manhattan between Fourteenth and Ninety-Sixth Street. Second, the city granted eligible buildings in the GEA an exemption if 20 percent of the new units were affordable to low- and moderate-income families. This was later extended to include newly constructed, off-site affordable housing—affordable housing that could be located in an area removed from the primary construction site. In some cases, the exemption was extended to fifteen, twenty, or twenty-five years for those developers including affordable housing on-site and/or receiving additional

governmental affordable housing construction assistance (Pratt Center for Community Development 2014; New York City Council Committee on Housing and Buildings 2015a). In 2006, the GEA was expanded to include selected communities in the outer boroughs and all of Manhattan. A requirement was also added that affordable units in 421-a buildings be rent-regulated for “thirty-five years after the completion of construction” (New York City Council Committee on Housing and Buildings 2015a).

The program was set to expire in June 2015 and required legislative renewal at both the state and city levels. “According to the Department of Finance, in 2014, the 421-a tax exemption applied to 162,741 residential units and cost the city over \$1 billion in tax dollars” (New York City Council Committee on Housing and Buildings 2015a, 6). Critics believed the program was simply too expensive for the number of affordable units being produced. Others argued that the 421-a program should be modified to prevent developers from taking advantage of multiple affordable housing subsidies and/or tax incentive programs simultaneously—referred to as “double dipping.” And still others suggested that the program, if reformed, should apply not to condominiums but only to rental housing (New York City Council Committee on Housing and Buildings 2015a).

In 2014, Mayor de Blasio proposed significant reforms to the 421-a program that addressed all these issues. In addition, and most importantly, the mayor’s proposal would have made the entire city a GEA, thereby requiring all developers who wanted the 421-a exemption to include affordable housing regardless of where they were building (New York City Council Committee on Housing and Buildings 2015b). Governor Cuomo also believed that 421-a was in need of reform but he disagreed with Mayor de Blasio over the substance of the reforms. The governor argued that any revised 421-a program had to have the support of both the major construction unions and real estate industry, and he vowed to veto the program absent this consensus. The principal disagreement between the real estate industry and construction labor groups was regarding the payment of union-level wages to construction workers. The governor wanted provisions favorable to the construction unions included in any renewed 421-a program, but affordable housing interests argued that this would increase the cost of affordable housing, ultimately producing less housing. The governor and state legislature extended the program’s deadline to January 2016 to give the various parties time to negotiate (Lovett 2016; Neuman 2016). According to a spokesperson for the real estate industry, an agreement was reached with the construction unions over a renewed program. The real estate industry agreed to union-level construction wages, but the agreement included keeping condominium construction as part of the program. This was something neither the governor nor the mayor wanted (Bredderman 2016). Although the program expired in January 2016, in 2017, Governor Cuomo, the real estate industry, and the construction unions were able to agree upon a renewal of 421-a. In the new program, the

value of the tax exemption was increased, but the percentage of affordable housing required was raised to twenty-five percent, and a construction minimum wage was established (Zimmer 2017).

INTEREST GROUPS AND ECONOMIC DEVELOPMENT

While the need to promote economic development as a means to produce a positive fiscal flow has been internalized by officials inside the political system, it is also an interest pursued and scrutinized by an array of highly diverse private groups. Developers, indigenous businesses of various types and sizes, unions, community groups, and government watchdog groups have differing perspectives on what economic development means and what it should accomplish. These groups define economic development in the context of their own parochial interests and pursue it inside the political system. These groups also differ in the scope and amount of attention they pay to city economic development issues. Some take an interest in almost every decision the city makes regarding economic development while others focus only on a particular type of economic development or proposed development that is taking place in a specific community. Most importantly, they differ in the resources they possess to influence city economic development policy. And although no group gets what it wants all the time, there is an inequality among these groups in the production of economic development outcomes in their favor.

Developers and the Real Estate Industry

Developers, such as Forest City Ratner, corporations, such as BNY Mellon, and other real estate interests are some of the most powerful and enthusiastic promoters of economic development in the city. Their profits depend on economic expansion and a business-friendly environment. Given the superior resources that developers and corporations possess, such as the ability to move jobs into or out of the city, their ability to influence political system decisions surpasses that of most other interests. Large-scale developers perennially rank among those groups who hire lobbyists to represent their interests in the city's political system. In many cases, the most sought-after lobbyists are those who have served at high levels of the city government in the past or those individuals who are close associates of key decision makers inside the system. In either case, groups hiring the lobbyists are, in effect, purchasing the experience, knowledge, and access the lobbyists possess because of their former positions or friendships (*City and State New York* 2016). In the early 2000s, *Gotham Gazette* (McCarthy 2001) reported that eight of the top ten groups spending money on lobbying were groups that were tied to real estate development. Included among these groups were the American Insurance Association, the Air Transport Association, the Neighborhood Business Association, the National Association of Securities Dealers, Home Depot, Kaufman Astoria Studios, and New York University.

Although developers and other real estate interests frequently act to pursue their individual interests in the city, as Forest City Ratner did in promoting the Atlantic Yards development, they also join larger associations who promote economic development across the entire city. In existence since 1896, the Real Estate Board of New York (REBNY) has served as an advocate for real estate interests. In 1916, REBNY supported the city's first zoning law. The organization has also advocated for tax incentives and other programs that encouraged real estate development, including the elimination of rent regulations (Weiss 1995). Due to its broadly defined interest in real estate development, both commercial and residential, REBNY's approximately seventeen thousand members include not only landlords and property owners but also builders, brokers, managers, banks, financial service companies, utilities, architects, and contractors. Although developers constitute approximately 15 percent of the membership, they dominate the organization. REBNY's influence in city and state politics is the result of not only the wealth and prestige of its members but also its highly expert and professional staff. Many of REBNY's staff served in city and state government prior to joining the organization. This gives the organization a substantive as well as procedural knowledge of real estate public policy and the workings of city and state government (Bellush 1990; Real Estate Board of New York 2016).

REBNY's reputation as a spokesperson for the real estate industry is so well respected that they are frequently viewed as the quasi-official representative of real estate interests in the city and state political systems. In 2015–16, when the 421-a property tax exemption was up for renewal, Governor Cuomo stated that he would not approve any proposal for the renewal of 421-a unless it had the support of both the real estate industry and the construction unions. REBNY led the negotiations for the real estate industry (Bredderman 2016). But given REBNY's large and diverse membership, occasionally they have to qualify their public support for or in opposition to economic development policies. In the discussions regarding Mayor de Blasio's Mandatory Inclusionary Housing text amendments to the city zoning code, REBNY's testimony before the city council stated their overall support for the program that would require developers going through ULURP to include affordable housing in their plans. At the same time, however, they qualified their support with a list of stipulations that would benefit their diverse membership. Included in this list was support for the maintenance of public subsidies, such as 421-a, and support for the inclusion of a variety of mandatory inclusionary housing options so developers could pick the one most beneficial for them (Real Estate Board of New York 2016).

Organized Labor and Economic Development

Organized labor has traditionally been viewed as one of the counterbalancing forces to the power of business in American politics. In New York City, however, labor unions, particularly private-sector unions, have supported large-scale development proposals because these projects create jobs, especially construction

jobs. In the later decades of the twentieth century, manufacturing jobs, many of which were unionized, declined in New York, as they did nationally. But in New York City, however, the loss of manufacturing sector union jobs was paralleled by the emergence of public employee unions and unions representing workers in the lower-paying service industries. As a result, the percentage of unionized workers in New York never dipped as low as the national average. The changing composition of unions in New York City created a division between city municipal, public employee, and service worker unions and the more conservative, prodevelopment, private-sector segments of organized labor representing the building and construction trades unions. The building trades unions have become one of the major advocates of economic development while municipal employee unions, along with unions representing workers in the service industries, have been much more concerned with social welfare and justice issues, focusing more on inequality and the negative impacts of economic development on communities.

The debate over the 2009 Kingsbridge Armory proposal by the Related Companies illustrates the division among unions in New York City. As discussed in chapter 1, the major issue that resulted in the proposal's rejection by the city council was the Related Companies' refusal to guarantee a living wage for all who worked on the armory redevelopment construction or in the "Shops at the Armory" after redevelopment took place. At the city council hearing in 2009, a number of organized labor representatives testified. A spokesperson from the Service Employees International Union (SEIU), representing janitors, doormen, custodial workers, and security officers spoke strongly in favor of a living wage: "We strongly believed that workers at any new project where developers are benefiting from tax breaks and other tax payer funded incentives must be guaranteed good jobs with family sustaining wages and benefits" (Fishman 2009). A spokesperson for the Retail, Wholesale and Department Store Union urged the council to "reject the plan unless Related agrees to a Community Benefits Agreement that would require Related to mandate through its tenant leases that their tenants provide living wages, accept a policy of union neutrality and provide other community benefits" (Appelbaum 2009). But a representative of the Building and Construction Trades Council of Greater New York spoke in favor of Related's proposed redevelopment of the armory: "This \$310 million project will create more than 1000 union construction jobs with good wages, health insurance and pension benefits. It will provide economic opportunity to members of our industry, including Bronx residents, at a time when few similarly large projects are advancing in the borough or elsewhere in the city" (Fernandes 2009). And while the representative from the construction workers union recognized the division within organized labor over the Kingsbridge Armory development, he did not believe that the Related Companies' refusal to guarantee a living wage should result in the rejection of the project.

Several years later, in the 2015 negotiations between the real estate industry and organized labor over the renewal of the 421-a property tax exemption, the

Building and Construction Trades Council represented organized labor in the negotiations with REBNY. In this negotiation, the organization strongly supported a living wage for all workers on residential buildings receiving a 421-a exemption (Bredderman 2016).

Religious Institutions Defending Communities

In many low-income and minority communities, religious institutions are the oldest and most organized set of interests. And although some religious institutions eschew involvement in politics, most of them are very much involved in the social and economic lives of their communities. On issues of social and economic justice, religious institutions continue to play a leading role. The gentrification of low-income communities that began in the 1980s heightened the concerns of religious institutions about the welfare of their indigenous residents. Just as important, the pending displacement of low-income residents raised concerns about the survival of the religious institutions themselves. At the city council hearing on the rezoning of West Harlem, Dr. Charles Curtis, pastor of a church in Harlem and chairman of the Harlem Interfaith Commission for Housing Equality, was one of several clergy testifying on the rezoning. And while the Harlem clergy were not opposed to the rezoning, they were very much concerned that the council was overlooking the gentrification taking place in Harlem and the displacement of their constituents. Dr. Curtis and his colleagues expressed frustration that the council and the zoning code was not addressing what they believed to be issues that were more pressing than maintaining the architectural character of the community (New York City Council Committee on Zoning and Franchises 2012). But their concerns were not addressed.

The clergy who coalesced with other community groups around the development of the Atlantic Yards in Brooklyn were more successful. Much of the reason for their success was that they were dealing with a single developer and a single site. Moreover, the developer, Forest City Ratner, was willing to negotiate in order to obtain the support of community leaders. The coalition of clergy and community groups were able to get the developer to commit to a community benefits agreement that included training and jobs for community residents. In addition, in order to obtain property tax exemptions and tax-exempt financing, the developer also agreed to produce affordable housing as part of the project's residential construction. Concerns remain, however, over how many and at what level community residents will be hired, whether the affordable housing that is built will really be affordable for residents, and whether the market-rate housing that is built will change the character of the community so much that, ultimately, low-income residents in the community will be priced out of their homes.

The Northwest Bronx Community and Clergy Coalition (NWBCC) was one of the leading groups in both of the Kingsbridge Armory deliberations. Unlike the ad hoc group of clergy who participated in the Atlantic Yards community benefits agreement or the Harlem Interfaith Commission for Housing Equality that was

formed in 2011, the NWBCC was founded in 1974. Their long-term involvement in the Bronx includes pressuring banks over unequal lending practices, antiarson programs, and rehabilitating abandoned housing (Murphy 2015). NWBCC was one of the lead groups in the Kingsbridge Armory Redevelopment Alliance. And along with Borough President Rubén Diaz and the Bronx city council delegation, NWBCC was successful in defeating the Related Companies' "Shops at the Armory" proposal in 2009. Several years later, they were the lead group in signing the community benefits agreement with the Kingsbridge National Ice Center Partners that promised not only living-wage jobs but also a majority of jobs going to Bronx residents and 1 percent of the ice center revenue being reinvested in the community (Northwest Bronx Community and Clergy Coalition 2016).

Community Groups

Not all community-based groups involved in economic development issues have a base in religious institutions. Many groups are organizations comprising community residents or those who are, or will be, directly affected by a proposed project. Develop Don't Destroy Brooklyn (DDDB) was a community group that was organized by those who were going to be, and ultimately were, displaced by the Forest City Ratner Atlantic Yards project. By refusing to leave their homes via a negotiated buyout, they forced Forest City Ratner and New York State to use eminent domain laws and the state courts to take their property. In doing so, they called attention not only to their own plight but to those in other communities who were being victimized by publicly subsidized economic development projects and the use of eminent domain laws to remove them from their homes. By contesting the use of eminent domain in the state courts and by using the state environmental protection laws, claiming that Forest City Ratner and the state had not properly assessed the environmental impact of the Atlantic Yards project, DDDB was able to delay the project. In some cases, these delays force the developer to compromise with the community and alter the project in order to remove the legal roadblocks (Brown 2010; Develop Don't Destroy Brooklyn 2009). But this was not the case with the Atlantic Yards development.

Red Hook/New York Rising Community Reconstruction Planning Committee is a very different type of group from DDDB, despite the similar community base. The Red Hook committee, formed in 2013, is one of a large number of community-based reconstruction planning committees, discussed earlier in this chapter, established by the governor's office to respond to reconstruction and resiliency issues raised by Tropic Storm Irene and Hurricane Sandy (New York Rising Community Reconstruction Program 2014). The committee is composed of community residents and activists, some who have expertise in architecture and urban planning (Red Hook/New York Rising Community Reconstruction Planning Committee 2016). Their goal is to ensure that the Red Hook community in Brooklyn is better prepared to handle emergencies, in part by monitoring development along the Red Hook waterfront. In 2015, a proposal to place a

nursing home on the Red Hook waterfront moved through ULURP. At the community board and subsequent stages of the process, the Red Hook Community Reconstruction Committee used their status and expertise to oppose the project. They argued that the proposed nursing home, being placed in a flood zone and a mandatory evacuation zone would “place the vulnerable residents of a facility at sincere and real risk in major events such as Sandy and Irene (events which happened in two successive years and are likely to happen again)” (Red Hook/New York Rising Community Reconstruction Planning Committee 2015, 1). Their testimony before the community board also noted the importance of preserving land that had been zoned for industrial/manufacturing uses, and that the proposed nursing home was not in “alignment with the industrial nature” of the part of the Red Hook waterfront where it was sited (Red Hook/New York Rising Community Reconstruction Planning Committee 2015, 2). Despite their testimony, the community board approved the proposed nursing home, as did the City Planning Commission. But in 2016, at the urging of the local member of the city council, the council rejected the nursing home proposal.

Watchdog Groups

Unlike developers, unions, or community-based groups, there are groups interested in economic development in the city that have no vested or material interest in the outcome of economic development decisions. Watchdog groups serve the public interest by disseminating information on government activities. Their goal is to educate the public and hope that the provision of information serves as an action-forcing or -inducing mechanism. One such group is Good Jobs New York (GJNY). The primary mission of GJNY is to publicize the tax-incentive business subsidy deals so that the public and elected officials are aware of the costs and benefits of these agreements (Good Jobs New York 2016). Underlying their research is the belief that many of the discretionary deals entered into by the city are not good deals for the city’s taxpayers. The city is paying too much in tax forgiveness for too few jobs, or the commitments made by corporations receiving the breaks are not being honored by the corporations or enforced by the city. GJNY hopes that through publicizing discretionary deals, the public and those elected officials who are not involved in the negotiations will force those making the deals to become more accountable and transparent. In part due to the activities of GJNY, the city council passed legislation in the early 2000s requiring the Industrial Development Agency (IDA) to periodically report to the council information on discretionary tax-incentive agreements (Good Jobs New York 2016). GJNY has used this information and other research to maintain its “Database of Deals” that the public can access. In addition to their focus on discretionary tax-incentive deals, GJNY has taken an interest in any large-scale project where tax incentives and job creation are involved. They testified at the city council hearing on the Kingsbridge Armory hearing in 2009, speaking in favor of living-wage jobs for those working in the Shops at the Armory. In her testimony, GJNY

Director Bettina Damiani noted, as others had, that since the Related Companies would receive tax breaks “estimated at nearly \$18 million to develop the armory,” they and their commercial tenants should be required to pay their workers \$10 an hour with benefits or \$11.50 an hour without benefits (Good Jobs New York 2009).

CONCLUSION

New York City’s economic health and its ability to produce a positive fiscal flow has been and continues to be heavily dependent on macroeconomic trends and business cycles. The city’s budget surpluses during part of the Giuliani and Bloomberg years can be attributed as much, if not more, to the health of Wall Street and the global economy than government activity. New York City’s economic development policies and programs can complement macroeconomic trends, but there is little evidence that they can significantly influence or counter them. Economic development tools such as tax incentives, infrastructure development, and land use regulations place New York City in a position to take advantage of emerging economic trends, but they have little direct impact on the trends themselves. Economic development policy in New York City, as in other cities, reacts and adapts to global, national, and regional changes.

The redevelopment of southern Manhattan in the mid- to late-1990s is an excellent example. Through zoning, tax incentives, and the activities of local business groups, the city promoted and encouraged the redevelopment of Wall Street and its surrounding community into a twenty-four-hour neighborhood. Without a significant number of vacant buildings, however, the redevelopment of this community could never have taken place. The buildings were not vacant because of city economic growth policy. Their design and structure, which was not conducive to the new information technologies, inhibited their usage as modern corporate centers. An oversupply of office space brought on by the building boom of the mid-1980s also contributed to their decline. Once the buildings became vacant, the city was in a position to promote the conversion of the community. Even then, the strategies the city used to promote the redevelopment of the area may have had little impact if it was not for the fact that in the mid- to late-1990s, downtown office space rented for 30 percent less than comparable space in Midtown (Oser 1997). The costs of residential space were also less than comparable space in more established residential neighborhoods in Manhattan. The zoning changes that lowered the square footage required per unit placed Lower Manhattan in a position to take advantage of the healthy real estate market. And tax incentives induced developers to move into Lower Manhattan and convert the buildings to residential uses. The use of zoning and tax incentives alone, however, without the healthy market would have done little.

If the city’s economic development promotion policies have only a minimal impact on economic growth relative to the power of market forces, why does

the city's political system continue to churn out programs to promote economic development? First, as previously stated, although research on business movement and expansion has demonstrated that city programs may not be a major factor in many corporate business location or expansion decisions, public officials are driven as much by perception and/or very marginal returns than the reality that some of what they do may have no impact at all. Second, although marginal returns of each additional program promoting economic development may be minimal, there is always the possibility, however small, that a public program or decision will make a difference. And every once in a while, someone like movie producer Harvey Weinstein will state that without a specific tax incentive, his production would be filming somewhere else, and the perceptions of city officials are temporarily validated (New York City Mayor's Office 2006). Third, in a tri-state metropolitan area such as New York, the fact that neighboring cities and states are engaging in similar economic development promotion policies contributes to the perception of the policies' efficacy and necessity. Fourth, and finally, public officials are being held accountable for the economic health of their cities, whether or not they are responsible or have the necessary tools or authority to have any impact. As a result, public officials will do whatever is in their means to bring about economic growth. If they are unsuccessful, at the very least they will have amassed a record of attempts at economic development promotion that allows them to document to the electorate that they have not sat on their hands.

In some cases, economic development takes place regardless of what city officials do. In those instances, their ability to take credit for the positive aspects of economic development is limited. At the same time, however, they cannot always be blamed for its negative aspects. Were the actions of city officials promoting economic development responsible for the gentrification of Harlem or Williamsburg (Brooklyn), or would the gentrification of these communities have taken place in absence of government activity, due to market trends? Were the rezoning of Harlem's main commercial street (125th), Columbia University's use of eminent domain to move into West Harlem, and the rezoning of West Harlem responsible for the gentrification of Harlem? Probably not. Harlem was going through gentrification long before the city got involved. But a number of questions remain. Did city intervention in Harlem act as a catalyst for gentrification already taking place? Could/should the city have done anything to protect the indigenous residents of Harlem from market trends? And would that type of intervention have been any more effective than the city's use of other economic development tools?

Over the past several decades, and certainly since the city's fiscal crisis of the 1970s, economic development has become an integral part of city governance in several ways. First, as suggested above, economic prosperity, including job creation, has become part of the electorate's expectations for the city's elected officials, especially the mayor. Second, successful economic development contributes to the city's ability to deliver an acceptable level of public goods and services

without raising taxes. Thus not only does the public gauge the city's economic development success directly through job creation, but they also do it indirectly via the city's ability to address increasing demands on service delivery. Third, while successful economic development promotes civil harmony by allowing the city to deliver public goods and services, it also challenges civil harmony. As noted in some of the examples discussed in this chapter, debates over economic development projects can become divisive. Projects exempted from ULURP or discretionary tax deals made behind closed doors can exacerbate conflict when they bypass institutions and processes that guarantee a modicum of democratic accountability. And while the occurrence of economic development in a neighborhood can appear attractive through the offering of amenities and access to jobs, these same projects may increase displacement, environmental hazards, traffic congestion, and stress on existing infrastructure.

Economic development raises the productivity of land and labor, thereby increasing the city political system's ability to raise revenue without raising taxes or cutting services. But it also produces victims, and this may be the long-term challenge to civil harmony in the city. Individuals, families, and businesses are displaced by new development. And although a handful of community benefits agreements or memorandums of understanding may reserve a small percentage of new jobs for community residents, new economic development in some cases bypasses or even harms indigenous residents. The old adage that a "rising tide lifts all boats" no longer applies to urban economic development, if it ever did. Would the city and its citizens be better off if some large-scale projects were never undertaken? Can the city adjust its use of tools to promote economic development so that there are fewer victims or greater equality? These are topics that continue to be debated.

3 ♦ THE STATE AND THE CITY

In chapter 1, the role of the state Public Authorities Board in approving the Atlantic Yards/Nets (Barclays) Arena was discussed. In chapter 2, the state's various roles in city economic development was examined further. The state is involved in every aspect of city governance. Dillon's Rule, discussed in chapter 1, gives the state the ability to intervene in, if not control, most of the activities of its local governments. State laws affect how the city raises revenue and delivers many of its services. The state gives the city the ability to structure its political system, but it still mandates, regulates, and monitors how democratic accountability will be achieved. And finally, to a lesser extent, state policies influence the city's ability to maintain civil harmony.

THE NEW YORK CITY FISCAL CRISIS

Although it took place over four decades ago, there may be no better illustration of Dillon's Rule than New York State–New York City relations during and after the fiscal crisis of the mid-1970s. This work will not attempt to offer an in-depth analysis of the New York City fiscal crisis. There have been several studies (Bailey 1984; Shefter 1988) that have exhaustively examined the crisis from all sides.

In the mid-1970s, New York City faced fiscal problems similar to many other U.S. cities. During the 1950s and 1960s, a large percentage of the city's middle class left for the suburbs, leaving a growing concentration of low-income residents, primarily minorities, who needed city services but did not significantly contribute to its tax base. This problem was exacerbated by state requirements that the city share substantially in the cost of services, primarily welfare and Medicaid, going to low-income New Yorkers. The resulting financial burden that New York State placed on the city was much greater than any other state placed on its cities. The problem was also exacerbated by the city's own fiscal practices. With state permission, the city was selling short-term debt in anticipation of incoming tax revenues. City accountants, however, routinely overestimated incoming revenue, making it necessary for the city to sell more short-term bonds to pay off those

that had matured. In 1975, the banks—the financial agents selling city tax anticipation notes—informed the city that they would no longer sell city short-term bonds. Unable to sell bonds to meet its debt obligations and unable to raise the revenue on its own, the city faced defaulting on its debt and, in effect, declaring bankruptcy (U.S. Congressional Budget Office 1975; Robertson 1975).

As the legal guardian of the city, the state's role in assisting the city out of its crisis was never in doubt. Even if the state had allowed the city to default on its short-term bonds, the state would have been ultimately responsible for the delivery of basic services to its citizens in the city if budget cuts and public employee layoffs had caused major disruptions. On a less legal but still compelling level, given the city's status within the state as a major source of tax revenue, the state could not allow conditions in the city to deteriorate to the point where the flow of tax dollars from the city to Albany was seriously disrupted. In addition, relations between New York City and New York State have been, and will continue to be, affected by the degree of upstate antipathy for the city. The upstate hostility toward the city is exacerbated by partisan differences between the city and upstate political constituencies. Upstate Republicans have their institutional base in the New York State Senate. The New York State Assembly is controlled by Democrats, with a majority of those from the city. Upstate Republicans have traditionally viewed New York City public officials, Republican or Democrat, as profligate spenders who are constantly calling on the state for greater financial assistance to fund expansive governmental activities. Unlike the two houses of the state legislature, the governor's office has been much more competitive on a partisan basis.

The state's response to the city's fiscal crisis took two different institutional forms. The first response was the creation of the Municipal Assistance Corporation (MAC) in June 1975. It was created to sell bonds to assist the city in meeting its debt obligations when city bonds were no longer marketable. When MAC bonds failed to solve the city's problems, the second response, the Emergency Financial Control Board (EFCB), was created to monitor and control the city's fiscal activities until a viable long-term financial plan could be developed that would allow the city to meet its obligations to its creditors as well as deliver services to its citizens. Unlike MAC, EFCB was not in the bond market. Its primary purpose was to act as the state's agent in overseeing city spending and revenue collection in order to regain the confidence of investors in MAC bonds. Its secondary purpose was to assuage State Senate Republicans, who were concerned about giving state money to the city or MAC (Bailey 1984).

The EFCB controlled city spending in a quasi-governmental fashion for almost a year, and the state legislature established procedures to reimpose the EFCB on the city if specific fiscal criteria were violated. The EFCB has seven members: the governor, the mayor, the state and city comptrollers, and three additional members appointed by the governor with the approval of the State Senate. It was apparent from the inception of the EFCB, and from Governor Hugh Carey's initial appointments, that these three outside appointees would be representatives

of the financial community. There has been considerable discussion and debate over the role of the financial/banking community in the fiscal crisis. Most are in agreement, however, that with three members on the EFCB, the banks were given a major say in city fiscal affairs. Mayor Abe Beame openly opposed the actions proposed by the state, but he was not in a position of strength. He was politically vulnerable given the fiscal plight of the city as well as his perceived role in the city's crisis. Eventually, Mayor Beame became the mouthpiece through which the EFCB controlled city finances. While this was clearly a case of politics as unusual, the EFCB's being able to speak through the mayor made their control of city finances look more like politics as usual in the eyes of New York City residents and the media (Bailey 1984).

Through its control over city finances, the EFCB virtually ran New York City for over a year, acting as a shadow government. The EFCB was responsible for developing a financial plan for the city that would produce a balanced budget. The EFCB could not set specific budget priorities for the city, but it could audit any aspect of city government and had access to all city records. In addition, the EFCB had control over all city revenue through the EFCB Fund. The EFCB had power over the disbursement of this money, not the mayor, other city officials in the executive branch, or the city council (Bailey 1984, 13–46). Although the EFCB did not overstep its legal authority, the powers that the state legislature gave it and the activities it undertook as a result created potential conflicts with institutions of democratic governance in the city. The EFCB was not politically accountable to any set of voters even though four of its members were elected officials. As a result, the EFCB needed the mayor in order to give their actions an air of legitimacy. The actions of the EFCB compromised the normal process of city government. But with the mayor as spokesperson for the EFCB, the appearance of mayoral power and control was not diminished (Bailey 1984).

The New York City fiscal crisis changed the legal and political landscape of New York State–New York City relations for decades following the crisis. Although the “Emergency” title from the EFCB was dropped in the 1980s, the institutional mechanisms created by the state to monitor and control city fiscal activities continued for thirty years until 2008. Over that thirty-year period, the FCB met annually to review the city's budget and financial plan and retained the authority to reimpose its control over the city if specific fiscal triggers were violated. Shortly before 2008, the citizens of New York amended the city charter by requiring the city to adhere to the same rigorous annual budget review and multiyear financial planning that had been required of the city by the FCB, even though the FCB was no longer overseeing city finances.

THE LEGAL FRAMEWORK OF NEW YORK CITY–NEW YORK STATE RELATIONS

New York State–New York City relations have many dimensions. These include the granting of home rule, state financial aid to the city, state mandates imposed on the city, and the functional assignment of programmatic responsibilities between the two levels of government. And although conflict between the state and city always appears to receive more attention from the media and others, there are just as many aspects of state–city relations that are cooperative and mutually beneficial.

Home rule provisions given by states to local governments include the power to select a set of governmental institutions and procedures, as well as deliver service to their residents, without state interference. Home rule gives local governments autonomy by delegating specific powers from the state level to the local level. The extent to which state governments grant home rule to their local governments and the powers granted within home rule provisions vary widely from state to state. Home rule messages have their origin either in the state constitution or through state legislative enactments. A home rule provision enacted through state legislation is perceived as being less secure, since legislatures have the power to retract or modify whatever powers they have granted through the home rule charter (Dye 1991, 270). It was through home rule legislation in the early part of the twentieth century that New York City received the power to draft its own charter and get it approved by city voters.

New York City's relationship with New York State regarding home rule has been neither consistent nor smooth. The city's status as an independent corporation was accepted by the state in the 1800s, in part because the city's incorporation predated the state's existence (Benjamin 1988, 115). As a result, the city acted with very little state intrusion. Several factors changed this relationship during the 1800s. First, as the city grew, the structure and function of city government expanded beyond the powers granted to the city in its initial charter. The city was then forced to go to the state to seek an expansion of its powers, consequently giving the state greater control over city government. Second, as the demographics of the city changed because of immigration, those opposed to growing immigrant political power saw the state government as a way to wrest control from the immigrant-driven city political apparatus (Benjamin 1988). Third, the corruption of the city's Democratic Party political machine, Tammany Hall, served as an additional catalyst for state intervention. Finally, during the nineteenth century, the city developed into a Democratic Party stronghold, whereas the state government was dominated by the Republicans, exacerbating whatever differences already existed.

New York City–New York State relations, as defined by the current city charter, gives the state considerable control over city public policy in a number of crucial areas. As discussed in chapter 2, major aspects of city housing policy are

controlled in Albany. This includes not only tax incentives such as 421-a and the 80/20 housing subsidy program but also city rent-control and rent-stabilization programs. As noted in chapter 1, economic development projects that take place on state-owned property in the city are exempt from the city's land use regulation procedures. This included not only the Atlantic Yards project but also the redevelopment of Lower Manhattan after 9/11. And, as will be discussed later in this chapter, the state controls the governing structure of the city's school system. Most, if not all, of these programs are ones over which the city wants control and, in some cases, has actively sought to control.

NEW YORK CITY—NEW YORK STATE FISCAL RELATIONS

Monitoring City Fiscal and Budgetary Practices

Up until 2008, there were two entities at the state level that monitored city fiscal affairs on a regular basis: the Financial Control Board (FCB) and the state comptroller. During the fiscal crisis, when the EFCB took control of city finances, the board ordered hundreds of millions of dollars in budget cuts that went well beyond those proposed by Mayor Beame. It controlled the wages of city workers, demanded that thousands of city employees be laid off, and rejected a contract negotiated between the Board of Education and the teachers union. The board was also instrumental in getting the state to take over the City University system and in making major changes to the city's Health and Hospitals Corporation, which administered over a dozen public hospitals and a number of long-term care facilities (Finder 1986).

Once the immediate threat of default disappeared, the EFCB moved city fiscal decisions in a desired direction more by threatening to use its powers than by actually using them. Formally, the "Emergency" was dropped from the board's name in 1978, when the life of the board was extended thirty years. In 1986, however, when the city made the last of its payments on the federal loans promulgated by the Ford administration and had balanced its budget for three consecutive years, the board placed its power in "sunset." That is, the board relinquished its power to annually reject or approve the city's budget and financial plans. The board continued to monitor the city budgetary and fiscal decisions and retained the right to reimpose control on the city if the city did not meet certain fiscal criteria, including failure to pay the interest or principal of any of its bonds when due, incurring an operating deficit of more than one hundred million dollars at the end of the fiscal year, failure to balance the city's budget other than capital debt, if control needed to be reimposed in the joint opinion of the city and state comptrollers, or if the city damaged its credit by violating state-mandated budget and accounting practices (New York State Financial Control Board 2006; New York State Financial Control Board 1997). The FCB's powers expired in 2008, but the board staff still exists and reports on city finances regularly.

Although a member of the FCB, the state comptroller has an independent monitoring and review role regarding city finances. As a result of the fiscal crisis of the 1970s, the Office of the State Deputy Comptroller for New York City was established and still exists today even though the FCB's powers have expired. During the thirty-year control period, the comptroller, along with the FCB, was "responsible for recommendations and actions to review and approve the city budget" (Sanzillo 2012, 310). State comptrollers have differed in the ways in which they have sought to exercise their monitoring function. Arthur Leavitt, comptroller during the fiscal crisis, dealt with those issues having a direct impact on the city's ability to pay off its debt. Later comptrollers were not subject to the same fiscal crisis immediacy and therefore had greater freedom to examine aspects of city government that were more indirectly connected to fiscal policy. During the Giuliani administration, State Comptroller Carl McCall issued reports on a wide range of city activities, including the city recycling policy, the Health and Hospitals Corporation emergency preparedness program, and the New York City Police Department's efforts to reduce fare evasions on the subway (New York State Comptroller's Office 1995, 1996a, 1996b).

In their monitoring and auditing roles, state comptrollers for the most part kept a nonpartisan low profile and chose to work through the FCB; for instance, Republican State Comptroller Edward Regan served during the Koch and Dinkins mayoralties and maintained the nonpartisan neutrality of the office. The exception was the relationship between Democratic Comptroller Carl McCall and Republican Mayor Rudolph Giuliani. On several occasions, Mayor Giuliani accused Comptroller McCall of using his office to promote a partisan agenda. In March 1997, Giuliani ordered city agencies to stop sharing various types of information with McCall's office. Aides to the mayor claimed that McCall was conducting audits of city agencies for the purposes of embarrassing the mayor's upcoming reelection efforts (Levy 1997). The Giuliani administration viewed McCall as more of a political adversary than a neutral fiscal monitor. On at least one occasion, Comptroller McCall sued Mayor Giuliani in order to obtain needed information (Toy 1997). The incident furthered the perspective of some that Mayor Giuliani would attack any of the city's fiscal monitors who were critical of his administration's performance, but the incident also damaged the neutrality and integrity of the state comptroller's office. McCall, who later ran for governor, was viewed as breaking the nonpartisan legacy of state comptrollers (Nagourney 1997).

State Financial Assistance to New York City

Aside from the overall legal control that the state exercises over the city, the most important component of New York State–New York City relations is fiscal. New York State has a significant impact on New York City's routine fiscal affairs in three ways. First, the state gives the city a great deal of money on which the city has come to depend. Second, the state gives the city the legal authority to raise

revenue by allowing it to use various types of taxes. And third, the state regulates the city's ability to incur debt but assists the city through the creation of special districts that can incur debt for capital construction beyond the city's regulated debt ceiling.

Although routine annual state aid to New York City dates back to the early 1900s, it was not until Governor Rockefeller's tenure in the 1960s that state aid to the city began to increase and reached a level of consistency and dependency that still exists today. Table 3.1 shows state and federal aid to New York City as a percentage of city revenue. The data for this table come from the New York City Comptroller's Office. Unfortunately, the comptroller's office changed their method of calculating intergovernmental aid in the late 1970s. As a result, the data suffer from two problems. First, the percentages before 1978 and after 1977 cannot be compared due to revisions in the way aid was calculated. Second, between 1977 and 2005 a significant percentage of intergovernmental aid coming from both the state and federal levels of government was not disaggregated. For the most part, the nondisaggregated aid represents unrestricted aid that both levels of government gave to the city. As the table displays, the percentage of nondisaggregated aid that took place during the early to mid-1980s coincides with the demise of federal revenue sharing, the one federal intergovernmental assistance program that gave unrestricted aid to state and local governments. This will be discussed in chapter 4. Table 3.1 does show that by the late 1970s, the federal government was giving as much financial aid to the city as the state was giving. At that point, federal aid to the city declines significantly throughout the 1980s. State aid to city revenue as a percentage of total city revenue declined during the 1980s and leveled off during the 1990s. But with a few exceptions, state aid to the city has accounted for a little less than 20 percent of its total revenue over the last several decades. One exception is 2009, the year following the stock market crash. The increase in the state percentage in this year is due more to the decline in the city's own revenue-raising ability, given the recession's impact on Wall Street income, than to any absolute increase in state aid. The other exception is the recent years (2013–15) where state aid to the city has declined. The city received \$1.2 billion less in state aid in 2014 compared to 2009 (New York City Comptroller's Office 2015a).

State financial aid to the city has several important characteristics. First, only a small percentage of the funds are general purpose. New York State has a small program of general revenue sharing that gives the city unrestricted use of state funds. Most of the funding is earmarked for specific policy areas. In most years, education funding accounts for over 50 percent of state aid to the city, with health and social services accounting for at least another quarter of state aid to the city. Second, much of the funding the state gives to the city, especially education, is formula based; that is, a predetermined formula, or set of variables, is used to calculate the amount of money the city receives. These funding formulas are established by the state legislature. The formula base of state assistance to the city means that

TABLE 3.1 State and Federal Aid to New York City as a Percentage of New York City Revenue

Year	State aid (%)	Federal aid (%)	Not disaggregated (%)
1970	26	16	
1971	26	17	
1972	26	18	
1973	24	21	
1974	25	20	
1975	24	20	
1976	24	22	
1977	22	22	
1978	18	19	8
1979	17	17	8
1980	17	17	6
1981	17	15	6
1982	18	15	5
1983	17	14	6
1984	17	14	6
1985	18	13	5
1986	19	13	4
1987	18	11	3
1988	19	11	3
1989	19	11	3
1990	20	11	3
1991	20	11	3
1992	19	12	3
1993	19	12	2
1994	19	13	2
1995	20	13	2
1996	19	13	2
1997	18	12	2
1998	18	12	2
1999	18	12	2
2000	19	12	2
2001	19	11	2
2002	20	15	1
2003	19	13	2
2004	19	11	1
2005	17	13	0
2006	18	10	0
2007	17	9	0
2008	19	9	0
2009	26	10	0
2010	19	12	0
2011	17	12	0
2012	17	10	0
2013	16	12	0
2014	15	9	0
2015	16	9	0

SOURCE: Comprehensive Annual Financial Report of the Comptroller (for the following years): 1969–70, 1970–71, 1971–72, 1972–73, 1973–74, 1974–75, 1975–76, 1977, 1980, 1986, 1989, 1990, 1994, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015.

an extremely small percentage of state fiscal assistance is distributed according to the governor or state bureaucrats on a project basis. So although the city rarely has to compete for funding with other New York local governments on a project basis, competition does take place in the state legislature where funding formulas and variable weightings that make up the formulas are determined (Buckley and Armour-Garb 2012).

The amount of state aid that New York City receives and the process and format by which it is received has created two important issues in the city's relationship with the state. First, the city's budget and the overall fiscal position are highly dependent on decisions made during the state budgetary process. Second, given the city's continuing dependency on state funds, the issue of equity has become increasingly significant in the discussion of state–local fiscal relations.

Given the amount of financial assistance the state gives the city every year, the city's budget is tied to the state budget and the state budgetary process. New York State's fiscal year begins on April 1, and New York City's fiscal year begins on June 1. So if the state budgetary process takes place on time, New York City officials should know how much money they are receiving from the state several months before they have to finalize their budget for the next fiscal year. But this has not always been the case. During the administration of Governor Pataki, there were several years where the state budget process was not completed for several months after the state's new fiscal year began, and there was at least one year under Governor Andrew Cuomo where this happened as well. These occurrences create a great deal of uncertainty for city budget officials. It is difficult for the city to plan its budget when it does not know how much it will be receiving from the state. In 1995, the early estimates of how much financial assistance the city was going to receive from the state overestimated the amount of aid. The city received \$670 million less than requested because the state cut less in Medicaid than initially anticipated. Each dollar cut by the state would have allowed the city to cut a similar amount, since the state and city jointly match the federal portion of Medicaid funding. The mayor and city council were faced with the task of making additional cuts once their own fiscal year had begun (Myers 1995).

Is New York City receiving its fair share of state revenues? A major problem in answering this question is defining what equity means in the context of state–local fiscal relations. While some have argued that the city should be receiving approximately what other localities in the state receive on a per capita basis, others have claimed that state aid to the city and other localities in the state should be based on some relative measure of need. According to this argument, given the city's large low-income and homeless populations relative to other local governments, the city should receive more from the state than a per capita concept of equity would suggest. There are still others who argue that state financial assistance to the city should reflect the amount of money that city taxpayers send to the state. But this concept negates the state's redistributive role, one that is implicit in the need-based definition of equity. As table 3.1 displays, state aid to the city as a percentage of total city revenue has declined significantly since 2010, with 2009 being

an exception. Given recent state budget surpluses, New York City Comptroller Scott Stringer has reinvigorated the equity discussion, arguing that the city should have received 43.3 percent of the state's \$5 billion surplus (New York City Comptroller's Office 2015a).

State funding for education is at the center of the state-local funding equity debate in New York State. At the root of state aid funding controversies is the fact that the majority of school funding is raised at the local level via the property tax, which is levied and collected by local governments or school districts. With the property tax, wealthy districts (e.g., those with high property values) are able to raise more revenue than poorer property districts, sometimes even at lower tax rates. As a result, wealthy districts can spend more money per pupil than poorer districts using a comparable property tax rate. In the later decades of the twentieth century, there were several states' court suits across the country challenging the constitutionality of basing educational funding on the property tax, given the equity considerations involved. While a few states' courts forced their states to adjust state educational funding to compensate for local property tax inequities, the New York State courts did not. And the U.S. Supreme Court did not view school finance via the property tax as a constitutional/equal protection issue, therefore leaving it to the states to address.

New York State does not attempt to achieve per pupil expenditure equality across the state through their school funding. The amount of funding school districts in New York receive from the state are a function of a number of complex formulas plus additional funds given to school districts for specific purposes such as special education (Buckley and Armour-Garb 2012). Some of the formulas were revised in 2007. Parts of both the old and new funding formulas attempt to address need in regards to low-income versus wealthy school districts. Critics argued, however, that the old formulas were "meaningless. They were all manipulated to yield exact percentage allocations for each region of the state" (Rebell, quoted in Buckley and Armour-Garb 2012, 581). Beyond the formulas, some aspects of state education funding are based on expenses incurred such as transportation and buildings. And an even smaller portion of educational funding in the state is based on competitive grants (Alliance for Quality Education 2014). For several decades, the city maintained that the state's distribution of school aid through the city's funding formulas did not take into consideration the city's growing school-age population or the increasing percentage of foreign-born or special-needs students (*New York Times* 1997). In the early 1990s, the state legislature went so far as to consider counting each New York City student as 94 percent of a student in order to decrease the city's share of state education aid relative to the rest of the state (Verhovek 1990).

In 1993, a coalition of advocacy groups and parents from the city called the Campaign for Fiscal Equity (CFE) filed suit in state court arguing that the state had failed to ensure that students in low-income school districts received an adequate education, as mandated by the state constitution. A prior interpretation of

the New York State constitution gave individuals the right to a “sound basic education” (Goodnough 1999b). In 2002, the city joined the suit as one of the plaintiffs after the state decided to appeal the lower state court’s ruling in the parents’ favor. The parents and the city lost at the Appellate Division of the New York State Supreme Court but won at the highest level, the New York State Court of Appeals. In their ruling, the court defined a sound basic education as “basic literacy, calculating and verbal skills necessary to enable children to eventually function productively as civic participants capable of voting and serving on a jury” (Goodnough 1999b). The ruling in favor of the parents initiated a new round of litigation over how much money was needed to produce a sound basic education for New York City’s students. A decade and a half of litigation on the suit resulted in the city getting more money from the state for both operating and capital expenses but not as much as advocates and the city had hoped. The Appellate Division of the New York State Supreme Court ruled that the state should give the city \$4.7 billion in additional school operating funds. In 2006, the New York State Court of Appeals reduced this amount to \$1.93 billion, but ten years later, the state has still not given the city the full amount (Herszenhorn 2006).

Possibly the most significant aspect of the Campaign for Fiscal Equity litigation was that it changed the central focus of the educational funding debate from equity to adequacy. CFE’s success resulted in other New York State local governments pressing the state for funding adequacy as well. In 2007, New York State adjusted its primary education funding formula in an attempt to address the adequacy and need issue across the entire state, with the realization that the state was going to have to contribute more funding to many local school systems. The new funding formula attempted to assess student need, regional cost variations, and the local funding contribution (School Finance 101 2014). The student need of a district was based in part on the number of students living in poverty, the number of students who were English-language learners, and the number of students with disabilities. As a result of the new formula, in 2007, the state committed \$5.5 billion in new funding to schools across the state that was supposed to be phased in by 2011. But due to the recession, the state cut educational funding in 2010 and 2011. Although some of the funding was restored in 2012–14, a significant percentage of the state’s funding commitment has not been delivered to date; and poorer school districts, including New York City, have been affected the most (Alliance for Quality Education 2014).

State Control over City Taxes and Debt

The state also exercises a great deal of control over the city’s ability to raise revenue. While the city has discretion to impose and regulate property taxes and a segment of the sales tax without direct state intervention, the city needs state approval to utilize most of its other revenue-raising instruments. This lack of autonomy for the city is significant because the city stands out among local governments in New York State in its dependence upon revenue-raising instruments other than the

property tax. In 2014 and 2015, the property tax comprised approximately 40 percent of the city's revenue raised via taxation and approximately 28 percent of the city's entire revenue stream, including intergovernmental transfers (New York City Comptroller's Office 2014; New York City Comptroller's Office 2015b). Up until the mid-1980s, the city was the only local government in the state to raise revenue via a personal income tax or a tax on real estate transfers (Green and Moore 1988, 221).

In 1999, in response to an issue raised in a State Senate election campaign in a New York suburb, the state abolished the city's tax on nonresidents who worked in the city, otherwise known as a commuter tax (*New York Times* 1999). The state had given the city the ability to levy the tax in the mid-1960s. The tax was a little less than half of 1 percent on taxable income earned in the city by those living outside of the city. This is equal to about \$360 on an \$80,000 income. Although the state legislature and the governor only abolished the tax for New York State residents, suits by Connecticut and New Jersey following New York State's abolition resulted in the tax being abolished for their commuters as well. As a result, the city lost approximately four hundred million dollars of revenue in fiscal year 2000 (Levy 1999).

Most major cities have a commuter tax, and in most cases, the rate is higher than New York's was before it was abolished (Herszenhorn 1999). Many see a commuter tax as fair in that those who work in the city but do not live there pay their fair share for the services they utilize while they are working in the city. Opponents claim that those who work in the city support city revenues by locating their offices, buying lunch and other supplies, and shopping in the city, all of which result in increased revenues. The fact that the city, in 1999, had a budget surplus added additional weight to those at the state level who abolished the tax.

Although Mayor Giuliani had been a proponent of tax decreases throughout his administration, both he and City Council Speaker Peter Vallone lobbied unsuccessfully in Albany to keep the commuter tax. Mayor Giuliani argued that the city should have the option of deciding which of its taxes to reduce or eliminate, even if state permission was needed (Levy 1999). Assessing the impact of the state action on the city budget, Robert Harding, Mayor Giuliani's budget director, queried, "How is New York City going to manage its money if Albany, on a whim, can repeal a tax that is an important source of revenue? . . . We are being forced to move away from targeted tax cuts and meet somebody else's idea of how we should govern our city" (quoted in Goodnough 1999a). What surprised many, and certainly surprised Mayor Giuliani and Speaker Vallone, was that the commuter tax repeal was supported by State Assembly Speaker Sheldon Silver, a Democrat from Lower Manhattan. Being from New York City, as well as being a Democrat, many assumed that Silver would use his power as assembly speaker to stop the repeal. When questioned, however, about the impact of the repeal on the city budget and his support of the repeal, Silver noted that Mayor Giuliani and

Speaker Vallone should simply set aside some of their other proposed tax reductions to make up the difference (Goodnough 1999a).

In 2003, Mayor Bloomberg unsuccessfully sought permission from the state to allow the city to reinstate the commuter tax. The city, facing a budget deficit of over six billion dollars for fiscal year 2004, had already raised its property tax almost 20 percent, as well as cut services. In January 2003, it was still facing an over three-billion-dollar deficit, and the mayor sought help from the state. Mayor Bloomberg, speaking before the New York State Assembly and Senate Joint Legislative Fiscal Committees:

Some say that taxing people who work in the five boroughs but who live elsewhere is unfair. I ask them to remember that the livelihoods, property values and standard of living of those who live in our neighboring states and counties are to a large extent a function of proximity to New York City. And when our police officers, firefighters and emergency medical technicians respond to calls, residency does not matter . . . New York State taxes everyone that works in New York State whether they live in the state or not. New Jersey taxes everyone that works in New Jersey whether they live there or not. Yonkers taxes everyone that works in Yonkers whether they live there or not. (Bloomberg 2003)

Several years later, Mayor Bloomberg proposed implementing a congestion pricing program that would impose an \$8 fee on anyone driving into the central business district (CBD) (south of Eighty-Sixth Street in Manhattan) from any direction. Since those driving into the city via the New Jersey Hudson River tunnels or the tunnels from Brooklyn and Queens already paid a toll, the \$8 fee would apply to those driving into the CBD over the East River bridges or from northern Manhattan. Those drivers originating a trip from within the CBD would pay a \$4 fee reflecting their contribution to CBD congestion. The plan would implement tolling via digital means, eliminating the need for tollbooths. While the congestion pricing scheme would certainly generate revenue, the purpose of the plan was just as much environmental as it was for revenue generation. This was not an attempt to compensate for the lost revenue of the commuter tax. It was hoped that congestion pricing would improve air quality by reducing the number of vehicles in the CBD, an already overcongested area. The revenue generated from the new fees would be used to improve public transportation (Komanoff 2014). But similar to the commuter tax, the authority to authorize congestion pricing is at the state level. The state legislature, representing the interests of suburbanites who drive into the city as well as those in the outer boroughs who might drive into the city, refused to formally consider the proposal.

There was also conflict between the state and the city over the sales tax. In New York State, sales tax revenues are split between the state and local governments. Sales tax in New York City is currently 8.875 percent. The state portion of the sales

tax is 4 percent, the city portion is 4.5 percent, and 0.375 percent goes to fund public transportation (New York City Official website 2016). At various points in their mayoralty, both Mayors Giuliani and Bloomberg sought to remove the city's portion of the sales tax on clothing as a way to promote business in the city as well as raise revenue. They needed the state's permission to do this. In initially proposing the reduction, Mayor Giuliani argued that because of the city's higher sales tax relative to its neighbors, the city was losing business. And although the elimination of the sales tax would mean lost revenue to both the city and the state, he argued that the additional business in the city because of the untaxed sales on clothing would create a net increase in revenue for the city through other taxes (Steinhauer 1997). Over the last two decades, the state has gone back and forth regarding the city's ability to remove the sales tax on clothing purchases of less than \$110. At times the state has given the city permission to eliminate the tax, at times they have restricted the city's ability to eliminate the tax to a week in September and a week in January, and at times the state has simply prohibited the city from eliminating the tax at all. As of December 2015, eligible clothing purchases of \$110 or less are exempt from the entire 8.875 percent sales tax in New York City. The state recently eliminated its portion of the sales tax on clothing and gave local governments the option to eliminate their portion as well (New York State Department of Taxation and Finance 2015).

In addition to controlling many of the tax instruments that the city uses, the state also has the power, by virtue of the state constitution, to regulate the city's debt. Local governments borrow (i.e., go into debt) to finance large-scale capital improvements. New York City's long-term debt limit is specified in the state constitution: "Ten percent of the five year rolling average of the full value of taxable real property" (New York City Comptroller's Office 2009). Although this percentage is greater than that given to any other unit of local government in the state, city officials have argued that the limit did not reflect the fact that the city relied on a number of other revenue-raising instruments and not just the property tax. The city raises almost as much revenue via the sales and personal income taxes as it does with the property tax. Given this fact, city officials argued that linking the city's debt limit to the value of real estate was not an accurate reflection of city revenue-raising ability. In addition, they argued that linking the debt limit to the value of real estate made the city vulnerable to periodic real estate market variations, such as those that occurred in the late 1980s and the early 2000s. If the value of property declined too much, the city might exceed the debt limit simply by maintaining a constant debt level (Lipton 2000).

In recognition of the problems with basing the city's debt on property values alone, in 1997, the state created the Transition Finance Authority (TFA), which allowed the city to borrow an additional \$7.5 billion over its constitutionally established debt limit (Perez-Pena 1997). The bonds were based on the city's ability to levy an income tax. In 2000, when the additional \$7.5 billion in bonds did not appear to be sufficient to allow the city to continue with its capital improvement

program, the state used tobacco company settlement funds to create the Tobacco Settlement Asset Securitization Corporation (TSASC). Based on the settlement between forty-six states and the tobacco industry regarding smoking-related illnesses, the TSASC funds allowed the city to borrow an additional \$2.8 billion that was backed by New York State's share of tobacco settlement funds (New York State Comptroller's Office 2000).

The short-term borrowing that got the city into trouble, and was the source of the fiscal crisis of the 1970s, was not subject to constitutional or other state limits prior to the crisis. But as a result of the crisis, short-term debt came under the regulation of the Financial Control Board during and after the fiscal crisis and remained under formal control even though the FCB control of city fiscal operations went into the sunset in 1986. Even after that, city debt was monitored by the FCB and was the subject of one of the fiscal triggers that would have brought the FCB back into control of city finances until the FCB authority expired in 2008. Regulations strictly limiting short-term debt were placed into the city charter by the voters in 2005 (New York City Charter Revision Commission 2005).

Another way in which the state has extended the city's capacity to incur debt is through the creation of special districts, or public authorities. Special districts are usually single- or limited-purpose, quasi-governmental units that are independent of the city government. They offer advantages to a city or metropolitan area, including the ability to incur debt for capital construction above and beyond state limits on local government debt. The other significant advantage of special districts, or public authorities, is their ability to cross jurisdictional boundaries in order to encompass the geographic scale of the service being delivered. In the case of a transportation authority or a port facility that crosses jurisdictional boundaries, a special district can provide balanced administration across those boundary lines, which general-purpose local governments cannot do. The disadvantage of special districts is their lack of accountability to both the voters of the region and, in most cases, the elected officials of the relevant local governments. Special district officials are appointed at the state level and serve for fixed terms (Hallman 1977).

In the 1960s and 1970s, during Governor Rockefeller's administration, public authorities became a significant tool of the state's urban policy. And while the city did not have effective control over these bodies, the city was the prime beneficiary in terms of both the authorities' focus as well as the more direct capital construction that took place without the city having to incur more debt. Two of the public authorities created by the Rockefeller administration were the Urban Development Corporation (UDC; now Empire State Development Corporation [ESDC]) and the Metropolitan Transit Authority (MTA).

The New York State Urban Development Corporation was formed in 1968 by the state legislature with the purpose of financing and constructing projects throughout the state. The mandate given by the UDC was to stimulate the local economies of New York State through increased employment, improvement of

the housing stock, and the construction of public facilities (Gutfreund 2010). Initially given the power to sell up to a billion dollars in tax-exempt bonds, this amount was later increased to two billion. In addition, the UDC was given the power to override local zoning and building ordinances. Within New York City, the UDC was responsible for a great deal of capital investment well beyond what the city, by itself, could have financed within its own debt limit. The UDC initiated and financed the Roosevelt Island new town construction project. In the 1980s, it assisted the Rouse Corporation in building the South Street Seaport and the Marriott Corporation in building the Marriott Marquis Hotel in Times Square. The UDC took over the financing and construction of Battery Park City as well as the Javits Convention Center when both projects got bogged down due to debt problems. In 1975, the UDC defaulted on its bonds, shortly before the city's own fiscal crisis. In 1995, the UDC was renamed the Empire State Development Corporation. The Lower Manhattan Development Corporation (LMDC), which managed the reconstruction of Lower Manhattan, is a subsidiary of the ESDC (Gutfreund 2010). Recently, the ESDC has moved away from direct financial and managerial involvement in specific projects, resulting in less debt. They are the lead developer for the Moynihan Station development, which is converting the James A. Farley Post Office Building in Midtown into the new Amtrak rail station; but this project has had numerous stops and starts since its inception in the 1990s (ESDC 2016). The ESDC also administers the New York State Film Production Tax Credit Program, discussed in chapter 2.

Similar to the UDC/ESDC, the MTA was established by state legislation in 1968. The MTA Board of Directors has authority over the New York City Transit Authority (subways and buses), the Staten Island Transit Authority, the Long Island Rail Road, the Metro North Commuter Railroad, the Metropolitan Suburban Bus Authority, and the Triborough Bridge and Tunnel Authority (Derrick 2010). The scope of its authority makes it not only a major focus for the infusion of capital into the metropolitan region and the city but also a significant actor in terms of the region's infrastructure, as well as an agency that residents of the region depend on daily. The MTA Board of Directors consists of a chairman, sixteen voting members, two nonvoting members, and four nonvoting alternates, all appointed by the governor. Of the sixteen voting members, eleven are appointed with the recommendation of local officials. The mayor has four recommendations. As of 2016, three of Mayor de Blasio's recommendations had been approved by the Republican-dominated state senate (Fitzsimmons 2016). The county executives of Nassau, Suffolk, Westchester, Dutchess, Orange, Putnam, and Rockland counties have one recommendation each, and the representatives of the suburban counties on the MTA Board have a quarter of a vote each. Of the remaining five voting members, three must reside within the city and two must live within the city or other counties within the MTA's operating region. The remaining nonvoting members and alternates represent the unions as well as transit users (Metropolitan Transit Authority 2016).

MTA capital improvements are one of the primary ways in which infrastructure in the city and region gets renewed. And their ability to sell bonds to finance their projects, beyond the city's debt ceiling, is a major benefit to the city. Over the last several decades, the MTA has spent over \$100 billion for capital projects, but not all of this is debt. The MTA receives infusions of capital from the city, the state, and the federal government. As noted in chapter 2, the MTA's most recent capital projects include the extension of the #7 subway to Manhattan's Far West Side, the construction of the Second Avenue Subway on Manhattan's East Side to relieve congestion on the existing subway lines, and the completion of the East Side Access project that will bring the Long Island Rail Road into Grand Central Terminal. Many of these capital improvements, however, were funded by diverting funds away from existing system maintenance, resulting in many of the service delays and disruptions discussed in chapter 2 (Rosenthal, Fitzsimmons, and LaForgia 2017).

The Port Authority of New York and New Jersey is another agency that has the ability to go into debt to serve the interests of the city by financing capital projects beyond the city's debt limit. In addition to the region's ports and airports (discussed in chapter 2), the Port Authority built and/or administers the George Washington Bridge, the Lincoln Tunnel, the Verrazano-Narrows Bridge, the bridges connecting Staten Island to New Jersey, and the Throgs Neck Bridge that connects the Bronx to Queens. The Port Authority also runs the PATH (Passage Across the Hudson) rail system that connects New Jersey with Midtown and Lower Manhattan. And it built the World Trade Center's Twin Towers. The Port Authority is governed by twelve commissioners. The governors of New York and New Jersey each appoint six and retain the authority to veto the actions of the authority. The mayor has no formal input into decisions made by the authority. Most of the Port Authority's budget is obtained from revenues it receives from projects it has built or developed. Unlike the MTA or the ESDC, the Port Authority receives no direct tax revenue. Although the Port Authority has been an advocate for regional cooperation and regional economic development, it has never assumed a leadership position in the region. The leadership of the Port Authority has preferred to stay out of politics as much as possible, retaining their political neutrality. This does not protect them from criticism. As discussed in chapter 2, Mayor Giuliani wanted to lease New York City's two airports to a private entity because he felt that the Port Authority was doing a poor job and that the contract New York City signed with the Port Authority did not adequately compensate the city. The fact that the authority is not accountable to local politicians or voters and does not receive local tax monies lowers its political profile despite its impact on the metropolitan area (Berg and Kantor 1996, 40–41). To the extent that its activities have an impact on New York City, the Port Authority becomes one more manifestation of the state's control over the city.

Medicaid: A Unique Case of New York State–New York City Fiscal Relations

Medicaid is a federal program, created in 1965, which funds access to health care for low-income individuals and families. The program is jointly funded by the federal government and the states through a matching formula that varies depending on the relative wealth of the state. For wealthy states, such as New York, the matching ratio is approximately 50:50, with the federal government matching each dollar that New York spends on Medicaid. For poorer states, the matching ratio is much more lucrative, with the federal government paying as much as 80 percent of the program. New York State is one of a few states that requires its local governments to share in the cost of Medicaid; and among those states, none mandate that their local governments, including New York City, pay such a large share of the state's Medicaid costs. Twenty-two states do not require their local governments to contribute to the cost of Medicaid at all, and another twenty-seven states require local governments to pay a small portion (less than 10 percent of the cost) to cover administrative costs or a small part of certain services (Polito 2013).

Prior to 2006, New York required its local governments to finance half its share of the Medicaid-matching requirement. So while local governments in New Jersey and Connecticut paid little or nothing as part of their state's Medicaid-funding responsibilities, local governments in New York State paid one quarter of the total cost, with the state paying a quarter and the federal government paying the remaining half. Between 2009 and 2013, Medicaid expenditures were between 7.2 percent and 9.1 percent of all city expenditures (Citizens Budget Commission 2013). And this was after the state took measures to relieve the Medicaid-expenditure burden on local governments in the state. Medicaid is the most expensive single programmatic item in the city's budget. Local officials, including New York City mayors, have long called on the state to relieve this burden and many governors had promised New York's local governments some relief from the burden of paying such a large share of the cost of Medicaid, especially relative to other states. During the 1980s, the state offered the city only minimal relief from this burden. In 1983, the state legislature passed Medicaid Overburden Legislation, in which the state agreed to finance the full cost of Medicaid expenses for certain categories of mental disability (Blum and Blank 1988). Also, as part of this legislation, beginning in 1984, the state increased its share of Medicaid long-term care financing, lowering the city's percentage over three years from 25 percent to 10 percent (Green and Moore 1988, 237). Finally, in 2006, the state responded to the local governments in the state by capping the growth of county (local government) Medicaid expenditures at "3.5 percent in 2006, 3.25 percent in 2007, and 3 percent in 2008 and beyond" (New York State Department of Health 2008). In 2012, Governor Cuomo and the state legislature reduced the local Medicaid share even more. In 2013, the county share of Medicaid costs would only go up by 2 percent, with only a 1 percent increase in 2014 and 2015. After that, the county Medicaid share would remain at 2015 levels (Polito 2013).

In 2016, however, Governor Cuomo and the state legislature began to back-track on their commitment to reduce the city's Medicaid burden. In the state's attempt to streamline and reduce its own Medicaid costs, State Medicaid Director Jason Helgeson proposed that since over 50 percent of the state's Medicaid expenditures come from the city, the city should pay more. Other local governments in the state would not have their Medicaid cost share increased. The proposed state plan would have New York City's Medicaid cost share increase by 3.6 percent in fiscal year 2017 and 5.8 percent in fiscal year 2018. While Mayor de Blasio argued that such a plan would be debilitating to the city, Governor Cuomo argued that New York City could handle the increased cost because it was the only local government in the state whose property tax growth had not been limited to 2 percent a year and that would allow it to raise more revenue from its citizens (LaMantia 2016). In the face of federal Medicaid cuts with the possible repeal of the Affordable Care Act, the state decided not to pursue the proposed restructuring of the city's Medicaid share. Regardless, New York City and local governments in New York State continue to pay considerably more for Medicaid than local governments in any other state, many of whom pay nothing.

THE STATE'S INFLUENCE OVER CITY PROGRAMS AND SERVICE DELIVERY

Beyond the state's control over the city's fiscal affairs, the state exercises control over certain areas of public policy being implemented in the city and gives considerable autonomy to the city in other areas. State-local relations regarding the functional assignment of responsibilities and state control over local service delivery areas differ from state to state. There is no standard formula for which level of government has control over which area of public policy (e.g., education, housing, child protective services) and how much state control or local autonomy should exist within any program or policy area. Even in areas such as education where there is a consensus regarding local control of education, there are some states where the entire educational enterprise is administered at the state level with local governments having no role whatsoever.

New York State and New York City have a range of relationships regarding substantive areas of public policy and local service delivery issues. First, there are areas of city public policy where the city wants more autonomy but the state is unwilling to give it. This includes those areas of public policy in which the state prohibits the city from getting involved or making policy. Second, there are areas of policy where the state mandates that the city deliver a service or deliver a service in a certain way. And third, there are a number of programmatic policy areas where the state and city act cooperatively. This includes those areas where the state has taken over an area of service delivery with the city's consent.

State Control over City Public Policy

One of the particularly local policy areas over which the state maintains a level of control is rent stabilization. There are over one million apartments in New York City that are subject to some type of rent regulation, and they comprise the vast majority of rent-regulated apartments in New York State. In 1971, under the Urstadt Law, the state assumed control from the city over city rent-regulation policies. The state legislature establishes, yearly, which rental units remain eligible for rent stabilization. Currently, according to regulations established by the state legislature, units become decontrolled when the rent reaches \$2,700 a month as long as the apartment is not receiving 421-a or J-51 tax abatements and as long as the renter's annual income is less than \$200,000 (New York City Rent Guidelines Board 2016). Through vacancy decontrol, managed by the state, large numbers of New York City apartments have been removed from the rental stabilization laws, making them subject to market-rate rents over the last several decades. At the city level, the city council has the responsibility to declare a housing emergency if apartment vacancies fall below 5 percent—and they always do. The emergency declaration assures that the regulations will continue to apply. And the locally appointed Rent Guidelines Board establishes rent increases for those apartments that remain under rent regulation. Over the years, Mayors Bloomberg and de Blasio, as well as a majority of the city council and tenant advocates, have sought to have the Urstadt Law repealed, giving the city control over rent regulation in the city. They have not been successful to date (Lamport 2005; Anuta 2014).

Currently, the most controversial and politically charged aspect of state control concerns the governance of local education. From the 1970s through 2003, New York City's schools were governed via a modified version of decentralization and community control. In 1970, the state legislature created thirty-two community school districts across the city that would have control over elementary and junior high schools. These community school districts would be governed by elected school boards and superintendents appointed by those boards. At the citywide level, a seven-member Board of Education, with two members appointed by the mayor and one by each of the five borough presidents, would control the high schools in the city. The Board of Education would appoint a chancellor who had significant control over the entire system through his or her control over budgetary matters (Ment 1995).

The governing structure of the school system gave the mayor only indirect control over the policy area that comprised the largest item in the city budget. The community school boards were locally elected and the mayor only had two votes, out of seven, on the citywide Board of Education. While some mayors appreciated the fact that they were removed from immediate responsibility for delivering education to the city's children, other mayors, particularly Rudolph Giuliani and Michael Bloomberg, were frustrated by their lack of control. Mayor Giuliani wanted the state to give him direct control over the city's school

system but it was never seriously considered, in part due to the opposition of the teachers union and their power at the state level. Nevertheless, he used his influence over the Board of Education and his bully pulpit as mayor to criticize the governance of the schools and the poor leadership of the chancellors. In his eight years as mayor, there were five school chancellors, some of whom left because of Mayor Giuliani's constant criticism.

Following Mayor Giuliani's two terms of conflict with the city's school system, Mayor Bloomberg was successful in getting the state legislature to abolish the Board of Education and the community school boards, as well as hand him control of the city's schools by giving him the authority to appoint the school system's chancellor (Lauber 2010). In 2009, Mayor Bloomberg received a six-year extension of school control with only minor changes in the structure that gave the city's Independent Budget Office some additional oversight (King 2016). Mayoral school control expired in Mayor de Blasio's second term. Mayor de Blasio lobbied for mayoral control to be made permanent. But as a Democrat, he lacked the support of the New York State Senate Republicans who were opposed to another six-year extension of mayoral school control. Governor Cuomo, a Democrat, only proposed a three-year extension of mayoral control. In the end, Mayor de Blasio was given a one-year extension in 2015.

In 2017, Governor Cuomo called a special session of the state legislature, resulting in the mayor receiving a two-year extension. Yet the substantive issues regarding mayoral control remain the same. For instance, how much parental involvement in school governance should there be? Under mayoral control, there is very little and far less than there was under the former decentralized, community-based system. The other issue is oversight. Besides the city council, and to a lesser extent the Independent Budget Office, how much outside oversight should be imposed on the mayor and how should this oversight be structured? Currently, the mayor dominates the Panel for Educational Performance (PEP), the titular policymaking body under mayoral control. Critics of mayoral control want the mayor's power to appoint a majority of the PEP members to be diluted, giving it more of an outside voice, with the possibility that some of the new voices on the panel be appointed by the governor or the state legislature. As is the case with much of state-city relations, however, the substantive issues are heavily influenced by partisan issues. From a party-control perspective, Mayor Bloomberg was a unique political actor who could negotiate with both parties in Albany, given his nonpartisan, independent status. Mayor de Blasio clearly lacks that status. In addition, he has, as any good downstate Democrat would, participated in election campaigns against Republican state senators in an attempt to turn the State Senate Democratic (King 2016).

Preemption

Another way in which the state can control city policymaking and service delivery is through the legal concept of preemption. States have the ability to pass laws or

claim authority over entire areas of public policy, preempting the city from passing its own laws in these areas. Through preemption the state has the ability to prohibit the city from adopting any law that might modify the letter or intent of state law, thereby forcing the city to implement policy established by the state. Preemption can be implicit or express denial (Dalmat 2005). New York State laws that prohibit the city from levying certain types of taxes without state permission are an example of preemption that is express. Implicit preemption takes place when the state promulgates a law that attempts to be the sole legal authority in that area of public policy. When cases of alleged preemption come under the scrutiny of the courts, as they often do, the courts “typically look to legislative intent to determine whether a particular statute . . . regulates a field so comprehensively . . . that the legislature must have meant the state to exhaust all regulation of that field” (Dalmat 2005, 109).

Some of the more interesting recent cases of preemption regarding the city and the state were not so much city–state conflicts as they were conflicts between the city council and the mayor, where the mayor used the state’s preemptive authority to avoid implementing legislation passed by the city council, even when the council had overridden the mayor’s veto. The city charter revision of 1989 (to be discussed in chapter 7) gave the city council considerably more policymaking and oversight authority than they had previously. As a result, throughout the 1990s and early 2000s, the city council and the mayor occasionally clashed when the council, exercising its new powers, enacted legislation that the mayor opposed. In several of these instances, the mayor was able to ignore the council, arguing that they were involved in areas of public policy preempted by the state policy.

In 2004, the city council passed the Dignity for All Students Act, Local Law 42. The law was passed in response to several well-publicized incidents of bullying and harassment in the city schools, several against gay students; the purpose of the law was to create a protocol for administrators, teachers, students, and parents for attempting to prevent these incidents from happening through education and training, dealing with the incidents when they occurred, and properly reporting and documenting the incidents when they happened (ParentAdvocate.org 2004). The mayor vetoed the law, stating that the law was “inconsistent with State law that authorizes and directs the (Schools) Chancellor (Joel Klein) to adopt and prevent policies to prevent harassment” (quoted in Boston 2004). The city council then overrode the veto, and the mayor refused to implement the law. In April 2005, the City Council Committee on Education subpoenaed officials from the city’s Department of Education to testify as to why they had failed to implement the Dignity for All Students Act. Department of Education General Counsel Michael Best explained to the council committee that the state Safe Schools Against Violence in Education (SAVE) legislation created a “uniform statewide policy” and that it was the intent of the state legislature to preempt local legislation in this area. Mr. Best went further to explain that “when a statute such as the SAVE legislation or any other state statute so clearly evinces an intent on the part of the legislature

to completely fill the field, that is to be the last word on the subject from that legal perspective; unless there is an explicit provision in it that allows a locality to pass additional laws in that area, the local body is precluded from doing so” (Best 2005). Several years later, Mayor Bloomberg and NYC Schools Chancellor Joel Klein, using the power given to them by state law, implemented a variety of measures to respond to incidents of school bullying, many of them very similar to those in the Dignity for All Students Act.

Mandates

Just as the state can deny the city the ability to make policy in certain substantive arenas, the state also has the authority to force the city to take action in areas where the city might not want to take action. Mandates constitute a way in which a higher level of government can force a lower level of government to implement a public policy or program not enacted by the lower level of government—or not even desired by the local level of government. In some cases, it is not so much that the local government refuses, or does not want, to take action in a mandated area of policy, but they would prefer to take action in their own way and according to their own schedule. Mandates may or may not be accompanied by funding from the higher, mandating level of government. Unfunded mandates are controversial because they force local governments to readjust their budget priorities away from those that are locally determined toward those that are imposed from a higher level of government.

In the case of policy toward the homeless, it was the state courts, and not the governor or the state legislature, initiating the mandate. The litigation that produced the mandate involved three court cases. In 1979, Robert Hayes, who later became counsel to the Coalition for the Homeless, filed suit on behalf of several homeless men seeking shelter from New York City. In the suit, *Callahan v. Carey*, Hayes claimed that the New York State Constitution included an implied right to shelter that the state and the city were obligated to provide. The 1938 state constitution did include a clause that “aid, care and support of the needy are public concerns and shall be provided by the state,” but this phrase had been ignored by prior courts (Blau 1992, 100). The state court in *Callahan* chose not to ignore the clause and ruled on behalf of Hayes and his homeless clients. Although it was the state that was mandated to shelter the homeless by the courts, the state was able to shift this responsibility to local governments, with the impact falling most heavily on the city. The city was given this new function with insufficient funding from the state, so it fell on the city to finance most of the mandate’s implementation.

After several years of legal maneuvering, the city entered into a consent decree with the Coalition for the Homeless, agreeing to provide safe and decent shelter to homeless men. Prior to the *Callahan* ruling, New York City’s homeless policy consisted of an intake shelter on East Third Street in lower Manhattan that distributed vouchers to homeless men for neighboring single-room occupancy hotels.

When the vouchers ran out and the East Third Street Shelter's auditorium was filled, as was increasingly common in the late seventies, men were turned away and denied shelter (Goodwin 1983).

Not only did the state courts mandate that the city shelter the homeless, but at times the courts became directly involved in how the city carried out its mandate. The consent decree in *Callahan* did not end the conflict between the city and Hayes's group. In the years following the suit, Hayes and other homeless advocacy groups went back to court on numerous occasions to get the courts to enforce the 1981 consent decree and to pursue a comprehensive definition of "safe and decent shelter" that included clean bedding, adequate heat, a minimal amount of space per person, and health care (Tobier 1989). Since *Callahan* only applied to homeless men, Hayes and the Coalition for the Homeless filed subsequent suits to expand the right to shelter to other populations. In 1983, *Eldridge v. Koch* extended the consent decree to women, and in 1986, *McCain v. Koch* extended the right to homeless families. As a result of the court mandates and the rise in the homeless population, city spending on the homeless increased from less than \$10 million in the early 1980s, to more than \$500 million in the early 1990s, and to over \$1 billion in 2016. In the early 1990s, the Giuliani administration consolidated the various services the city was delivering to homeless individuals and families under the new Department of Homeless Services. And while the state and federal levels shared in the expense, especially for homeless families, the city bore the greatest share of the financial burden (Nix 1986; New York City Council Committee General Welfare 2015).

Political scientist Paul Peterson has suggested that higher levels of government should assume responsibility for redistributive programs, those that take money from the haves and give to the have-nots. The rationale behind Peterson's argument is that taxpayers are much less likely or able to vote with their feet and move out of a national (or state) political system because their higher taxes are going to fund redistributive programs. The same taxpayers, however, would be much more likely to consider moving out of a state or local political system with relatively higher tax rates. At the same time, Peterson is quick to note that the political incentives facing elected officials at all levels of government frequently encourage them to make dysfunctional choices by eschewing redistributive programs. Legislators at all levels seek to maximize their chances of getting reelected by taking credit for developmental programs that bring benefits to one's own tax-paying constituents while avoiding responsibility for redistributive programs that might take benefits away from those constituents. Thus, according to Peterson, while it makes sense for the national level of government to finance and administer redistributive programs, legislators at the national level are just as likely as legislators at the state and local levels to avoid redistributive programs, passing them off on another level of government (Peterson 1995).

If higher levels of government had employed Peterson's economic logic, New York City would not be so burdened with the financing of redistributive programs,

including delivering services to the homeless as well as paying for a significant share of Medicaid. Given the allocation of funding responsibilities for these programs, it appears as if Peterson's political-incentive approach better explains the behavior of the various levels of government in dealing with the functional assignment of redistributive programs. Both the federal and state governments have sought to pass off these functions to lower levels of government. As the lowest level of government, New York City gets left holding the bag.

In New York State, as in most states, a majority of state mandates imposed on local governments deal with education. There are over sixty unfunded state and federal mandates and mandatory reporting requirements that local school districts in New York State must implement or to which they must respond (Putnam Valley Central School District 2016). One of the more interesting mandates involves the state's authority to shut down failing schools. In 1989, the state created a protocol placing poorly performing schools on probation, or "registration review." Schools that failed to meet state standardized test performance levels or those that were deemed "poor learning environments" were placed on the state Schools Under Registration Review (SURR) list and given three years to improve (Bloomfield 2001). Since the implementation of SURR, New York City schools have dominated the list, although the number has declined over time. "When a school is placed on the state SURR list, it is required to develop an improvement plan and is closely monitored by the State Education Department" (Viteritti and Kosar 2001). Most schools remain on the SURR list for more than three years before they are shut down by the state, but some are eventually closed by the state. When the school is shut down, the city bears the cost of reassigning students, teachers, and staff.

In 1995, New York City Schools Chancellor Rudolph Crew was informed by the State Education Department that sixteen city schools that had been on the state SURR list for more than three years would have their registrations revoked if student performance did not improve by the end of the 1996–97 school year. Not satisfied with the schools' initial responses to the threat of being shut down, Chancellor Crew and the NYC Board of Education created the Chancellor's District, a special district over which the chancellor and his staff would have more direct control. Ten of the sixteen schools were taken from their community school district and transferred to the Chancellor's District. And over the seven years of the operation of the Chancellors District, until 2003, fifty-eight elementary and middle schools were taken from their community school districts across the city and placed into the Chancellor's District. Of the fifty-eight schools, eleven were closed and fifteen were returned to their home districts (Phenix et al. 2004). In 2003, when the mayor and his appointed chancellor were given control over the school system, there was less of a need for a special district that gave the chancellor direct control over poorly performing schools.

State–City Cooperation

Despite the existence of mandates, preemption, and areas where the state has jurisdiction over policy that the city would like to control, there are many areas of public policy where the city and state cooperate and mutually benefit. Chapter 2 referred to a number of economic development programs the state has implemented or is implementing that benefit the city. There are eight state-administered parks in the city. The newest of these parks, Hudson River Park, is administered by a board of directors selected by the governor and the mayor (Hudson River Park 2009). And in the 1980s, in the wake of the fiscal crisis, the state assumed control of the courts administered by the city and took over financial and administrative control over much of the City University system. The city was grateful to have these functions taken over by the state, especially the financing, but the city council does retain some oversight authority over the City University system (Green and Moore 1988).

One of the more fascinating areas of state–city cooperation is in response to the mandates coming from the federal Safe Water Drinking Act amendments of 1986. New York City gets approximately 90 percent of its drinking water from the Delaware/Catskill reservoirs upstate. Unless the quality of this water can be guaranteed, federal regulations require that the water be filtered (to be discussed in chapter 4). One way to avoid the very expensive water filtration process is to control land use and development around the reservoirs. The New York State Departments of Health and Environmental Conservation have been significant partners with the city in controlling development around the Delaware and Catskill watersheds. The state has assisted the city in acquiring thousands of acres of upstate land surrounding the watersheds in order to prevent development that would produce pollutants consequently requiring that the water be filtered. In those areas of the watershed where the city could not purchase the land, in order to protect the watershed from development, the state has used its own land use and management regulations and programs, both in agricultural and forested areas of the watershed, to prevent polluting runoff. These programs include storm-water and wastewater management programs, stream management programs, riparian buffer protection programs, and wetlands protection programs. As a result, to date, the city has received a “filtration avoidance determination” from the U.S. Environmental Protection Agency, saving the city billions of dollars (New York State Department of Health 2014). It would not have received the filtration avoidance determination without state help.

CITY INFLUENCE AT THE STATE LEVEL

Although New York City is just one of many units of local government in New York State, its size and overall impact on the state makes its relationship with the state very unique. New York City’s population comprises over 43 percent of the population of New York State. New York City’s fiscal impact on the state is

huge as well. For the 2015 fiscal year, New York City contributed over 46 percent of the revenue generated by the New York State Income Tax and over 42 percent of the revenue raised by the sales tax (New York City Comptroller's Office 2015a). For these reasons, state officials pay attention to New York City and will not ignore its elected officials. At the same time, the New York City–New York State relationship is not entirely one way. Given the state's far-reaching influence in city politics and government, the city and its officials have responded with a continuous effort to shape state policy. Over time, this effort has taken on both a formal institutional approach as well as a more ad hoc, informal approach. The institutional approach involves the presence of representatives of the city government in Albany on a full-time basis as well as elected state officials who represent the city and its citizens. The informal, ad hoc approach involves the periodic, but not necessarily routine, attempts by city officials to lobby for city interests at the state level. This is done either through communicating directly with state officials or by getting the city's position articulated through the media.

The mayor maintains an Office of State Legislative Affairs in Albany that is headed by a mayoral appointee. On a day-to-day basis, the office represents the city throughout the entire state government; but more importantly, the office acts as the eyes and ears of the city in the state capital. The staff reviews legislation and comments on legislative proposals. They interact with state officials on routine matters and maintain constant contact with the mayor and city agencies as to when relevant issues are being considered and deliberated at the state level. The city council also has an office in Albany. Its mission overlaps with that of the mayor's Albany office, but it also performs a more focused role in conveying the council's perspective on state issues to the legislature. This is particularly significant when the mayor and council disagree on issues being debated at the state level.

The most permanent and formal representation New York City maintains at the state level is through its elected representatives in the state senate and the state assembly. Through their electoral ties to their constituents, these legislators represent the interests of the city in the state legislature. The recent history of city representation in the state legislature is very much tied to the reapportionment revolution that came out of the U.S. Supreme Court cases of the early 1960s and the federal Voting Rights Act of 1965. Both before and after the reapportionment revolution, the primary tension behind legislative redistricting in New York State was the concern of upstate politicians in limiting the influence of the city at the state level and controlling city politics and government as well. Prior to 1966, Republican Party control of both houses of the state legislature allowed upstate Republicans to direct the redrawing of legislative district lines and maintain control despite the city's growing population relative to the rest of the state (Benjamin 1988, 129–30). Ultimately, reapportionment brought on by cases in the U.S. Supreme Court dictated that population be the primary criterion for representation in the state assembly. This stabilized city influence at the state level by giving Democrats control of the assembly. They have maintained that control ever

since. By the time equitable representation was established, however, the city was losing population to the suburbs. As a result of the demographic changes, city success in the assembly is dependent on Democratic seats in the suburbs and upstate, even though the city remains the primary stronghold for the Democratic seats in the assembly. In 1953, all but one Democratic senator and 48 of the 52 Democratic members of the assembly came from the city (Benjamin 1988, 133–37). In 2016, there were 8 Democratic state senators from outside the city, and 43 of the 107 Democrats in the state assembly were from outside the city. So although city Democrats make up the largest block of votes in the state assembly (64 out of 150), they still need help from their forty-three noncity Democratic colleagues in the assembly for majority control.

The Republican-controlled state senate has perennially been a stumbling block to city influence at the state level. In the 2008 state senate elections, the Democrats won two additional seats, giving them control of the senate, with twenty-two of the thirty-two Democrats being from the city. But several months later, two of the Democrats defected to the Republican Party, depriving the Democrats of their ability to take advantage of controlling both houses of the state legislature. In 2014, the Democrats again won control of the senate, controlling thirty-two of the sixty-three seats, with twenty-four of the seats coming from the city. This time, however, one of the Democrats caucused with the Republicans and five other Democrats formed their own independent conference, depriving the Democrats of a majority. In the 2014 senate elections, Mayor de Blasio actively campaigned for upstate Democrats in an attempt to increase the Democratic majority in the senate. Given the collapse of the Democratic majority and the subsequent resumption of the Republican control, Republican Senate Majority Leader Flanagan retaliated by using his position to deny Mayor de Blasio control of the school system for longer than a year (King 2016). The state senate is also attempting to deny the city the ability to implement a five-cent fee on plastic bag use in grocery stores.

While they are not accountable in any way to officials elected at the city level, the common constituency base that state legislators from the city share with city officials should create a common bond. In addition, the bond should be stronger when elected state officials formerly served as elected city officials. In the 2016 state senate, ten of the twenty-six members of the senate from the city and eight members of the assembly representing the city formerly served on the city council. And there has always been a significant minority of elected officials from the city at the state level who have formerly held elected city office, especially the state senate. In addition, state officials representing the city and elected city officials have for the most part shared a common party affiliation. New York City's success at the state level has been and remains tied to the Democratic Party. But party affiliation and a common constituency do not always determine behavior. In 1999, the assembly Democrats from the city, led by a Speaker of the State Assembly, Sheldon Silver, also from the city, voted to abolish the commuter tax even the

though the mayor and the Speaker of the City Council had argued that it was not in the city's interest to abolish the tax. Institutional loyalty to the state legislature and ties to party leadership in each of the two houses of the state legislature can be just as strong as party affiliation or even constituency concerns. Additionally, the decentralized, borough-based nature of Democratic Party politics in the city (see chapter 6) has sometimes created problems for the city's Democratic majority in the state assembly. City Democrats frequently have problems speaking with a unified voice.

The governor's relationship with the city is also a significant factor in state-city relations. Five of the last six governors have been Democrats from the city. But political scientist Gerald Benjamin has argued that while the governors may be from the city, they are not necessarily of the city (Benjamin 1988, 112). By this he means that New York City government has not proved to be an effective recruiting ground for governors. Governors who were from the city have not held office in New York City before becoming governor. Apparently, being closely associated with the city is not an asset when seeking office at the state level. No New York City mayor has become governor since the nineteenth century. More importantly, having a governor from the city does not guarantee that the city will be any more successful in lobbying the state. Mayors and governors rarely get along well. Former Governor Nelson Rockefeller may have explained it best by identifying the inherent conflict between the mayor and the governor. Mayors have a desire to get more from Albany in order to solve city problems, while governors have limited resources and an entire state to look after (Benjamin 1988, 113). Giving the relationship a more positive perspective, one commentator suggested that "the relationship between the governor and the mayor is marked by reluctant compromise and pragmatic cooperation" (Dearstyne 2015).

Even when the governor and the mayor are of the same party, and possibly because the mayor and governor are from the same party, a cordial relationship is not guaranteed. Mayor Koch and Governor Mario Cuomo, who ran against each other at both the state and city levels, were fierce political rivals. And although the relationship between Governor Cuomo and Mayor Dinkins was certainly more cordial than the Cuomo-Koch relationship, there was still a great deal of tension due to Dinkins's expectations about how the city would be treated by Albany. And while Governor Rockefeller recruited John Lindsay to be the Republican candidate for mayor in 1965, he later came to resent Lindsay's liberal policies and persona (Tobier and Espejo 1988). In 1994, even before Governor Pataki became governor, Republican Mayor Giuliani concluded that incumbent governor Democrat Mario Cuomo would better serve the interests of the city. Mayor Giuliani endorsed Governor Cuomo, the Democrat, over the Republican George Pataki. Pataki won, creating an icy relationship between New York City and Albany for several years.

If there is tension and/or conflict between the mayor and the governor, it usually manifests itself in not-so-subtle statements by aides. In 2015, however,

frustrated by Governor Andrew Cuomo's lack of support for the mayor's agenda, Mayor de Blasio openly criticized the governor, accusing him of ignoring the interests of New Yorkers and being more interested in game playing or even revenge (Grynbaum 2015b). The mayor accused the governor of acting "vindictively toward the city, citing cuts in state financing for public housing" and the abrupt escalation of "state inspections of city homeless shelters" (Grynbaum 2015a). A little more than a year into his mayoralty, Mayor de Blasio had already experienced a number of public disagreements with the governor over substantive areas of public policy, including the mayor's proposed financing of his universal pre-kindergarten program, the mayor's position on charter schools, and the mayor's desire for a long-term agreement on mayoral school control. As discussed in chapter 2, in 2017 the governor and mayor openly feuded over responsibility for funding the city's crumbling subway system.

Mayors go to Albany to lobby on behalf of the city, but they must be careful to choose their battles. As the representative of the city, the mayor's appearance in Albany is viewed as a sign that the issue in question is especially critical to the city. While mayoral visits to Albany or testimony in front of state legislative committees are not routine in any way, many are tied to the state budgetary cycle. As a result, mayors are frequently seen in Albany in January or February, around the time the governor's proposed budget is being deliberated.

In February 2015, Mayor de Blasio testified before the state legislature joint fiscal committees for over three hours regarding the state budget. In his testimony, the mayor identified those areas (education, affordable housing, and homelessness) where the city needed the most state funding assistance (Max 2015). In the mayor's testimony, he praised the governor in a number of areas, including juvenile justice reform and property tax relief for renters. But he was critical of the governor regarding the state's threat to take over struggling schools and too little funding for the MTA. The mayor urged the legislative committee to make good on the \$2.6 billion still owed to the city from the Campaign for Fiscal Equity suit. He also urged the state legislature to end vacancy decontrol for rent-stabilized apartments (Max 2015). The mayor was followed by the New York City Comptroller, Scott Stringer. Comptroller Stringer told the state legislative committee that between 2009 and 2014, the city had "received \$7.7 billion less than its historical share of funding" and that this revenue needed to be restored (Stringer 2015). The comptroller also complained that the city was not receiving its fair share of state infrastructure funding (Stringer 2015).

Not every mayoral or city official visit to Albany or testimony before a state legislative committee is budget related. Mayor Giuliani lobbied in Albany with regard to rent control. Mayor Bloomberg traveled to Albany to lobby for mayoral control of the schools. Mayor de Blasio also testified for a permanent continuation of mayoral control of the city school system; although, on the second day of hearings on mayoral school control, the mayor opted to send the schools chancellor to testify rather than go himself.

CONCLUSION

While issues affecting the fiscal health of the city have dominated the recent relationship between the city and the state, it is the state's legal power via Dillon's Rule and home rule that structures the relationship. Regardless of the issue, the state retains the legal authority to respond in a way that serves its interests over the city. Vague home rule legislation leaves the city little legal ground on which to contest state actions but says nothing about the city's shifting political strength at the state level. Although this chapter makes clear that the city does not always get its way at the state level, the state cannot ignore the interests of the city. The city's exercise of political influence at the state level is complex, dynamic, and depends on a number of factors, including partisanship at both the state and city levels, the policy area under discussion, and state and city economic conditions.

The most significant impact of the state upon the governance of New York City concerns the funding and delivery of public goods and services. To a great extent, the array of public goods and services delivered by the city to its citizens has been mandated by the state and is controlled at the state level. In policy areas as diverse as education, the environment, and child welfare, the city's service delivery activities are, to a considerable extent, a response to state laws and regulations. Just as important as state policy and program mandates, the city has remained dependent on state revenues, as well as state taxation and debt authority, to finance city service delivery activities. The city's dependence on state funds and state revenue-raising authority can become contentious, especially in light of the recent decline in state revenue as a percentage of total city revenue.

Although it is less visible on a day-to-day basis, the state also has a significant impact on democratic accountability within the city's political system. By giving the city home rule powers, the state has ceded to the city and its citizens the ability to structure their own procedures for the establishment and maintenance of representative government. At the same time, given the extent to which decisions affecting the city are made at the state level, democratic accountability via representative government is as important at the state level as it is at the city level. But when the state exempts large development proposals from the ULURP or when upstate legislators have direct control regarding how New York City schools are administered and government, democratic accountability suffers.

Compared to its role in the city's delivery of goods and services and its influence over democratic accountability, the state's impact on civil harmony in the city is minimal. To the extent that civil harmony is a function of leadership, governors and other state officials have rarely been perceived as being part of the city's political system. To the extent, however, that civil harmony is a function of perceptions of a just (e.g., fair) political system, those seeking justice in the city's political system have, on occasion, used the state constitution and the state courts to promote greater system equity, as in the case of the Campaign for Fiscal Equity and litigation seeking rights for the homeless.

The legal power, and accompanying political power, that the state exercises over the city has evolved over two centuries. It is slow to change and at times appears static. But large cities, such as New York, are not the same entities that they were fifty years ago, let alone two centuries ago. Globalization and the rising significance of urban areas have resulted in some calling for the state legislatures and governors to exercise less power over cities. They argue that mayors should not have to go to state capitals to “beg, wheedle, cajole and bargain” (*New York Times* 2015). The fiscal crisis was forty years ago and it now appears that New York City no longer needs the fiscal or policy stewardship of the state, especially if the city were given more control over raising its own revenue. But in order to change the structure of New York State–New York City relations, it would probably take constitutional change; and even then, greater city independence from the state is not guaranteed. So while the global influence of the city increases, it remains dependent on the state in many ways.

4 ♦ THE FEDERAL GOVERNMENT AND THE CITY

New York City's relationship with the federal government is very different from its relationship with New York State. As seen in the intergovernmental relationships surrounding the fiscal crisis of the 1970s, the federal government was not obligated to respond to the city's problems, while the state was. The federal response to the city as a result of the fiscal crisis was not based on any legal or constitutional obligation. It was solely based on political calculations by officials at the federal level as well as lobbying in Washington by New York City and New York State officials. Although New York City does not have the economic importance for the entire nation as it does for New York State, it is still difficult for the federal government to ignore the needs of the city. During the fiscal crisis, President Ford at first refused the city's request for assistance. Only after his advisors, other elected officials from his own party, and even representatives of foreign governments advised him of the possible negative impacts nationally and globally if the city declared bankruptcy did the president relent. Under President Ford, the federal government loaned New York City money and guaranteed the financial integrity of city bonds. Federal assistance to the city was critical to the city emerging from the crisis on a sound fiscal footing.

As the nation's largest city and as the center of the national, if not global, financial system, New York City's importance to the nation is both substantive and symbolic. Crises that affect the city, whether they are fiscal in nature, terrorist attacks, hurricanes, or recessions, frequently become national crises as well.

The relationship that the city has with the federal government has evolved since the 1930s. Prior to that point, it was minimal. Based primarily upon fiscal assistance (e.g., intergovernmental grants) and to a lesser extent mandates, the federal-city relationship peaked in the 1970s, declined during the 1980s, and never recovered fully regardless of which party was in control of the federal government. Despite the decline in routine federal aid since the 1970s, recently there have been at least three occasions, not including the fiscal crisis, where the

federal government has played a significant role in the city's recovery from crises. These include the terrorist attacks of 2001, the recession of 2008–10, and Superstorm Sandy in 2012. These will be discussed in detail later in this chapter. Federal intergovernmental assistance and mandates, however, do not represent the entire impact that the federal government has had on New York City and urban areas in general. Federal assistance programs—including Medicaid, Temporary Assistance to Needy Families (TANF), and the Supplemental Nutrition Assistance Program (SNAP)—benefit millions of New Yorkers. And federal programs with a broader scope such as the funding of the interstate highway system and the interest on home mortgages tax deduction were not directed specifically at urban areas, yet they had a significant impact on urban and metropolitan development—not all of it positive.

THE EVOLUTION OF FEDERAL RELATIONS WITH NEW YORK CITY

Although the federal government lacks the legal relationship with the city that the state has, there have been periods of time when the federal government has actually been more responsive to New York City's problems than the state has been. New York City's relationship with the federal government was, in large part, a result of malapportionment of state legislatures (referred to in chapter 3). During the presidencies of Franklin D. Roosevelt and Lyndon B. Johnson, the federal government responded to the needs of cities in a far more comprehensive way than state governments; and New York City was a primary beneficiary of this response. Beginning in the mid-twentieth century, large cities in the U.S. faced growing problems of poverty, in-migration, and infrastructure needs, much of which was the result of greater industrialization and urbanization. Rebuffed by unresponsive state political systems dominated by more rural interests, New York City and other large cities approached the federal government for assistance. Prior to the reapportionment of state legislatures, large cities, in many cases, were better represented in the U.S. House of Representatives than in their own state legislatures. In part as a result of the Great Depression of the 1930s, an increasingly liberal national political system, under the leadership of President Roosevelt, responded to the needs of cities with a number of federally funded programs that addressed housing, infrastructure, and poverty. Many of these programs were strengthened under President Truman. Beginning in the late 1940s and early 1950s, and increasingly in the 1960s and later, the federal government created programs that bypassed states and went directly to cities. The direct financial assistance that cities received from the federal government solidified and strengthened the federal–city relationship.

Again in the 1960s, in response to the exodus of well-paying manufacturing jobs and the White middle class from the cities, the federal government, under the leadership of President Johnson, responded to emerging city problems with a variety of social service and urban development-oriented programs. The

Roosevelt and Johnson administrations were the most responsive to urban issues, but federal–urban policy flourished for most of the five decades spanning the 1930s to the 1970s, and New York City benefitted from increased federal activity focused on urban issues. For those five decades, the federal government, regardless of which party was in power, was led by a liberal regime that believed that the federal government could play a significant and effective role in solving urban problems. New York City was also led by a liberal regime that shared the same values about the role of the federal government. The symbiotic relationship that evolved between New York City and the federal government over the five decades resulted in city officials playing a role in policymaking in Washington and programmatic transfer, where some programs initiated in the city ended up as federally funded programs implemented in many cities across the country. Even though much of the federal liberal regime has been dismantled, there are still vestiges of this relationship between New York City and the federal government today.

Although the legal/constitutional relationship is absent, there are many similarities between the city's relationship with the federal government and its relationship with New York State. Although over the past few decades, federal aid to the city has declined as a percentage of total city revenue, financial assistance is still a major component of the city's relationship with the federal government. Similarly, just as the state imposes mandates on the city forcing it to take action in various areas of public policy, the federal government also imposes mandates on the city as has already been mentioned in chapter 3.

FEDERAL FINANCIAL ASSISTANCE TO NEW YORK CITY

Table 3.1 displays federal and state aid to New York City as a percentage of total city revenue from 1970 through 2015. In the late 1970s, federal aid to the city was approximately equal to state aid. The decline in federal assistance that began in the late 1970s corresponds to the declining federal aid to cities and local governments in general that began during the Carter administration and continued during the Reagan administration. New York City's successful pursuit of federal funds increased the amount of federal revenue coming into the city. But it also increased the dependence of the city on federal revenue and made the city more vulnerable to budget disruptions and political changes at the federal level, such as those that occurred during the Reagan administration in the 1980s. Research conducted by James Fossett (1984) found that New York City was more dependent on the federal government for revenue than most large cities. More importantly, Fossett found that much of the federal aid New York was receiving (55.3 percent) was going to fund basic services such as police and fire protection, garbage collection, and infrastructure, exacerbating the city's dependence and vulnerability to cuts in federal aid.

Looking at table 3.1, note that there is no significant increase in federal aid corresponding to the Clinton or Obama presidencies. Federal aid to New York

City never recovered from its peak in the late 1970s, regardless of which party controlled the presidency or Congress. There are some notable exceptions to this trend that will be discussed later in the chapter. Also, it cannot be confirmed if a majority of the nondisaggregated aid in table 3.1 represents the federal General Revenue Sharing program that began in the early 1970s and ended in the mid-1980s. If, however, much of the nondisaggregated money was General Revenue Sharing, then there were probably a number of years in the late 1970s and early 1980s when federal aid as a percentage of total city revenue surpassed state aid.

In addition, the percentages representing federal fiscal assistance to New York in table 3.1 significantly underestimate the entire fiscal impact of federal activities on New York City. These percentages do not include a number of federal programs that provide a great deal of financial assistance to New Yorkers and, since the funds do not go directly to New York City government, they are not included in the New York City Comptrollers accounting displayed in table 3.1. The Medicaid program is a state-run program with matching federal Medicaid reimbursement dollars going to the state. Only a very small portion of federal Medicaid dollars go directly to the city, primarily to the public schools. But many of the Medicaid dollars received by the state are spent in the city by Medicaid recipients, and the money goes to Medicaid providers in the city: hospitals, clinics, physicians, and other allied medical staff eligible for Medicaid reimbursement. This includes the city's eleven public municipal hospitals administered by the Health and Hospitals Corporation, a city agency. Today, this could add as much as \$10 billion in federal spending in the city annually and would more than double the percentage of federal revenue to the city as a percentage of total city revenue. The Supplemental Nutrition Assistance Program, often referred to as food stamps, and Temporary Assistance to Needy Families, the federal government's income maintenance program for low-income families, are also not included in the comptroller's calculations of federal aid to the city. In addition to Medicaid, these two programs provide billions of additional federal dollars to the New York City economy.

Federal financial assistance to New York City takes several different structural formats. As already mentioned, from the early 1970s through the mid-1980s, the federal government gave all general-purpose governments unrestricted federal funds under the State and Local Fiscal Assistance Act. General Revenue Sharing was a formula-based grant. The primary variables in the formula were population, median family income, and tax effort. Larger jurisdictions, less wealthy jurisdictions, and those jurisdictions that raised more money via taxation relative to a standard set of tax rates received more funding. While some governments earmarked the federal General Revenue Sharing funds for special purposes, New York City placed the money in its general funds, so it is difficult to assess the impact the money had on the city. For the fifteen-year life of the program, however, the funding did account for approximately 3 percent of the city's noneducation budget annually, so the funds were not insignificant despite the difficulty of tracking their impact (Gruson 1987).

Unlike state assistance to the city that is dominated by funds that go to a wide variety of educational activities, there is no single substantive area of federal aid that dominates all others. Federal aid to city social service activities comprises the largest area of federal aid, but this accounts for less than half of all federal funds received by the city and covers a wide array of programs (New York City Comptroller's Office 2015). With the demise of General Revenue Sharing, two types of federal grants remain. Categorical grants, the most prolific of federal grant types, comprise the majority of federal aid received by the city. And block grants, which were to some extent a reaction to the problems created by categorical grants, are the other type.

Categorical Grants

There are two types of categorical grants: project categorical grants and formula categorical grants. The city receives a great deal of funding from the federal government through formula categorical grants. These grants distribute federal funding according to a preestablished formula that dictates how much each eligible jurisdiction will receive, similar to state education funding. The formulas are constructed either by Congress or by the federal agency distributing the funding. As categorical funding, the money received by the city must be used for a narrowly defined purpose dictated by the federal government and according to federally established standards.

Federal housing assistance to cities dates back to the Roosevelt and Truman administrations. The federal Section 8 Housing Choice Voucher Program is a program that assists "very low-income families, elderly and disabled individuals to afford housing on the private market" through vouchers—coupons that eligible individuals and families can use to pay rent (National Coalition for the Homeless 2007, 2). According to federal guidelines, to be eligible for Section 8, a "participant's income cannot exceed 50% of the median income" for the city and the "family must pay 30% of its monthly-adjusted gross income for rent and utilities" (National Coalition for the Homeless 2007, 2). The New York City Housing Authority (NYCHA) currently administers approximately one hundred thousand Section 8 housing-choice vouchers, but there is insufficient funding for the program, so there are many more eligible individuals and families than there are vouchers. NYCHA administers another ninety thousand Section 8 apartments in buildings where the contract is for a specific building and not a portable voucher; but even with these additional units, all who are eligible are not getting the needed housing (Metropolitan Council on Housing 2016). So even though the federal government decides who is eligible for the program and how much the city will receive relative to other cities, Congress and the president have not appropriated enough funding to meet the needs of all who are eligible.

The Elementary and Secondary Education Assistance Act of 1965 (ESEA) is another source of formula-based federal aid to New York City. The most significant piece of this program is Title I, which provides funding to schools with high

percentages of low-income families. The formula that distributes the funding is based on population, poverty levels, and the cost of education in the state (U.S. General Accounting Office 2009). In 2001, the program was reauthorized as the No Child Left Behind Program. This new version of ESEA not only required states and school systems receiving the funding to incorporate federally prescribed educational testing for accountability purposes but also mandated how the test results should be used in assessing school performance. In New York City, there was additional controversy surrounding the program since the federal law mandated that parents of children in poorly performing schools be given the right to transfer their child to a better school or receive additional tutoring. Given the number of poorly performing schools in parts of the city and school overcrowding across the entire city, city school officials determined that it was not possible to allow parents to move their child to another school of their choice; they could only provide tutoring. The city never was in complete compliance with the federal regulations attached to No Child Left Behind. In 2015, Title I was reauthorized as the Every Child Achieves Act. This reauthorization kept federal testing mandates but eliminated most of the federal accountability provisions, giving states and local school systems much more flexibility in how to deal with poorly performing schools (U.S. Senate Committee on Health, Education, Labor, and Pensions 2015).

The Metropolitan Transit Authority (MTA) is a state agency, but its impact on the city and the entire metropolitan area is significant. And it receives a great deal of federal aid, much of it formula based. The U.S. Department of Transportation administers a number of formula grants that support transportation projects, including the Urbanized Area Formula Program, “which makes federal resources available to areas with populations of 50,000 or more and to governors for transit capital and operating assistance and for transportation related planning” (U.S. General Accounting Office 2009, 16–17). The formula for cities with a population over two hundred thousand includes the following variables: bus passenger miles, fixed rail route miles, population, and population density (U.S. Federal Transit Administration 2016). Under the formula grant program, between 2010 and 2014, the federal government gave the MTA over \$5 billion, primarily for capital improvements (New York City Council Committee on Transportation 2013). The federal funds have assisted in the financing of major MTA capital projects including the Second Avenue Subway, East Side Access bringing the Long Island Rail Road into Grand Central Terminal, and the extension of the #7 subway to the Far West Side of Manhattan.

Similar to formula categorical grants, each project categorical grant funds a very narrowly defined activity. Beyond that similarity, there are many differences between formula and project categorical grants. First, there are far fewer formula categorical grants than there are project categorical grants. While there may be no more than a dozen formula categorical grants being received by New York City, there are several hundred project categorical grants being received by the city. For the most part, however, each formula categorical grant accounts for

much more money than each project categorical grant. Second, eligibility for formula categorical grants is limited to states or cities, while eligibility for project categorical grants can be much broader and may include states, cities, and nonprofit groups. Third, while formula categorical grant funds are distributed according to a preestablished formula, most project categorical grant funds are distributed via a competitive application process. Federal bureaucrats in the agency administering the grant program assess the applications and make a determination about which applications merit funding. The application format for project categorical grants created a process whereby cities wanting federal funds had to demonstrate that there was a need for the money and also that the city had the bureaucratic infrastructure and expertise to spend the money wisely once it was received. This skill became known as “grantsmanship.” Cities such as New York, seeking to maximize federal assistance, hired good grant writers and aggressively went after large numbers of federal grants. But some cities decided not to apply for the funding because they believed that their application would not be successful or they concluded that the federal requirements attached to the grant were too burdensome and not worth the funding.

The number of project categorical grants grew significantly during the 1960s and early 1970s. Over time the amount of federal aid available to cities through these grants and the variety of programs being funded became too much for most large cities to ignore. And although categorical grants were accompanied by narrowly defined categories and tight spending restrictions, the variety of grants across policy and program areas gave city officials a large number of grant programs from which to choose. In the case of New York City, the program areas being funded by federal categorical grants corresponded to problems being experienced by the city; and in a few cases, the federal government offered grant funding for programs the city was already implementing.

One of the more famous, or infamous, project categorical grants was Title I of the 1949 Federal Housing Act, known as “urban renewal.” According to the program, the federal government would give money to local urban renewal authorities for the purpose of condemning and clearing slum neighborhoods. While the hope was that for every deteriorating housing unit cleared, a new unit of low- or moderate-income housing would be built to replace it, this did not occur. Since the federal program gave local urban renewal authorities discretion in replacing dilapidated slums with commercial or residential developments, many local authorities opted for commercial redevelopment. As a result, many more housing units were destroyed than replaced (Smith and Klemanski 1990). In the 1954 Federal Housing Act, local governments were given even greater discretion to use urban renewal areas to promote economic development rather than replace demolished housing (Flanagan 1997). Throughout the first fifteen years of the urban renewal program, New York State accounted for almost a third of all urban renewal construction, and virtually all of this was in New York City (Anderson 1964).

The one project that best represents both the positive and negative aspects of urban renewal was the city's leveling of the San Juan Hill area of the Upper West Side and the building of Lincoln Center for the Performing Arts. In 1956, Robert Moses, head of Mayor Wagner's Committee on Slum Clearance, began to plan for the development of the Upper West Side. When the San Juan Hill planning began in the mid-1950s, Moses had already been instrumental in obtaining urban renewal funds for the clearing of land and the construction of the New York Coliseum, situated near present-day Columbus Circle. Moses's plan was to raze eighteen square blocks of the neighborhood and replace it with a new cultural center for the city. The area would also include luxury housing, some low- and moderate-income housing, and some other educational and cultural institutions (Salwen 1989). In the 1950s, San Juan Hill was a low-income neighborhood populated predominantly by Blacks and Puerto Ricans (Jackson 1995). To make way for urban renewal, residents were moved out and tenement buildings in the neighborhood were demolished, in part through the use of eminent domain. In 1959, President Dwight Eisenhower presided over the groundbreaking for the Lincoln Center for the Performing Arts. By 1966, the project was completed. While the project demonstrated what could be done to renew the city with federal help, the project also demonstrated the costs of urban renewal. Low-income neighborhoods realized the necessity and possibility of organizing to resist the loss of their homes, and some federal officials were made aware of the need to include local residents in redevelopment planning. As a federal categorical grant, urban renewal monies were restricted to slum-land purchase and clearance. The grant gave the city sufficient discretion to determine what land would be cleared and what would be done with it once it was cleared. The indigenous businesses and residents of the area were not included in the process (Frieden 1966).

Project categorical grant growth was at its peak during President Lyndon Johnson's War on Poverty. At the center of the Johnson effort was a group of project categorical grants created by the Federal Economic Opportunity Act of 1964. There were two unique aspects of the Economic Opportunity/War on Poverty categorical grants. First, some of the grants were modeled after experimental programs that were being implemented in New York City in the early 1960s. Mobilization for Youth was a project operating on Manhattan's Lower East Side and was partially funded by the federal government. It was jointly administered by the Henry Street Settlement House, Columbia University's School of Social Work, the Ford Foundation, the National Institute of Mental Health, and President Kennedy's Commission on Juvenile Delinquency. The goal of the project was to develop strategies for preventing juvenile delinquency by improving the economic opportunities of those at risk. One of the strategies explored by Mobilization for Youth (MFY) was the organization of the poor for political action and the "maximum feasible participation" of community residents in the administration of social service programs being delivered to the community, something that was clearly missing from the urban renewal program (Clarke and Hopkins

1968; Jackson 1995). The Harlem Youth Opportunities Unlimited (HARYOU) program, partially funded by the federal government, went one step further by arguing that the primary reason for the predicament of the poor was not a lack of services but political powerlessness. For HARYOU, the purpose of community action was to obtain and use political power on behalf of the community (Clarke and Hopkins 1968). This strategy gave birth to the second unique aspect of the categorical grants that were created under the War on Poverty. Unlike previous grants targeted to urban areas, these new federally funded grants would be administered by community residents, not by government officials.

The 1964 Economic Opportunity Act (EOA) created a cluster of categorical grants designed to create economic opportunities in part through greater community involvement and control of grant funds. Among the categorical grants established were Project Head Start, the Job Corps, the Neighborhood Youth Corps, and Volunteers in Service to America (VISTA). The most controversial of the programs funded through the EOA was the Community Action Program. This program funded the creation of local community action agencies that would administer the federal grants at the community level and mobilize communities for political action. It was the goal of these agencies to encourage the "maximum feasible participation" of residents in those targeted communities.

Community control of the programs created an initial tension between the federal government and the mayors of most large cities, including New York. Mayors wanted control over the War on Poverty monies, but federal program planners opted for community control. Just as urban renewal and prior categorical grants had bypassed states and gone directly to cities, War on Poverty monies were designed to bypass city governments. Federal War on Poverty officials viewed mayors as not acting in the interests of the poor, as witnessed by what many city officials had done with urban renewal funds, destroying many low-income communities and not including residents in decision-making. Testifying before a congressional committee in 1964, New York Mayor Wagner argued, "Mayors should have the power of approval over the make up of the (community action program) planning group, over the structure of the planning group, over the plan" (Donovan 1967, 55).

The War on Poverty programs affected the city in several ways. The federal requirements for low-income community participation fostered the further development of Black and Puerto Rican leadership. Some have argued that New York City, unlike many other large cities, already had an indigenous community leadership developing in impoverished neighborhoods prior to the War on Poverty. To some extent, the existence of organizations such as MFY and HARYOU prior to the War on Poverty served as incubators for low-income community leadership. At the same time, however, the prior existence of community groups created greater competition among these groups for the new federal money coming into the community. These community-based groups in East Harlem, Bedford-Stuyvesant (Brooklyn), and Manhattan's Lower West Side not only fought with

city hall over control of community action agency funding, they fought among themselves as well. In some low-income communities, conflict broke out between Black and Puerto Rican groups over control of community action agencies (Greenstone and Peterson 1973).

Over the short history of the War on Poverty federal grants, complaints by mayors about their lack of control over federal money coming into their cities, evidence that some of the federal money was being misspent at the community level, and the perception that the programs were doing little to decrease poverty, resulted in Congress taking some control away from community groups and giving it to mayors. Ultimately, Congress and President Nixon defunded much of the program. The urban-oriented project categorical grants that followed the War on Poverty, such as the Model Cities Program, limited community participation in how the federal monies were to be spent and administered and returned power over federal monies to the mayor.

By the mid-1970s, categorical grants began to decline as the primary mechanism for federal assistance to state and local governments. State and local officials complained about the lack of flexibility in categorical grant requirements. And the mood in the country was moving away from federal funding as the solution to urban problems. The decline in the number of categorical grants and the decreased funding for others in part explains the declining percentages of federal assistance to New York in table 3.1. New York City aggressively pursued federal project categorical grants and was successful in getting many of them, more so than many other cities. So as this type of grant declined, the city lost more funding, relative to other cities.

One of the last urban-oriented categorical grants was created during the Carter administration in the late 1970s. The goal of the Urban Development Action Grant (UDAG) was to use federal funds and local funds to leverage private investment in deteriorating areas of the city. UDAG funds were targeted to cities that met minimum standards of economic and physical distress as determined by the U.S. Department of Housing and Urban Development (HUD; Rich 1982). HUD regulations required that funded projects be accompanied by a firm commitment of private resources, with UDAG funds being used to leverage the private funding. UDAG funds could go directly to a private developer to assist in a wide range of development activities as long as the developer committed their own funds to the project as well (Webman 1981).

In New York City, UDAG funds had a role in two significant development projects in the 1980s. In the early 1980s, funds were joined with city and state monies to subsidize the Rouse Corporation's rebuilding and commercialization of the South Street Seaport in Lower Manhattan. In the late 1980s, UDAG monies were significant in the building of the Metrotech Center, a commercial office complex built by the Forest City Ratner Corporation in downtown Brooklyn. Metrotech, an urban business campus, is another economic development tool cities can employ to attract businesses to the city, but it is not often used. Metrotech

eventually became the home for companies such as Brooklyn Union Gas, Bear Stearns, and major operations of Chase Manhattan Bank (now JP Morgan Chase). As federal funding declined, UDAG served as a model for how state and local governments could attract private development dollars.

Not all federal project categorical grants received by the city have a specific urban orientation. In 2009, Mayor Bloomberg held a press conference together with the U.S. Secretary of Agriculture, Tom Vilsack, and U.S. Forest Service Chief, Abigail Kimball. They were in the Bronx, standing in a vacant lot in the shadow of the Bruckner Expressway, in order to announce New York City's receipt of \$2 million to support the Million Trees Program, the mayor's initiative to plant a million new trees in the city before the end of his mayoralty. The program was part of the mayor's PlaNYC, a comprehensive plan to address urban environmental and climate change issues. The federal funding specifically would go to the training and employment of fifty individuals who would be involved in the planting and maintenance of the trees over the next ten years. Forest Service Chief Kimball noted that while few people associate the Forest Service with urban areas, the urban environment is as vital to human health as the national forests (New York City Mayor's Office 2009).

The Healthy Food Financing Initiative, also administered by the U.S. Department of Agriculture, is a grant program created in 2010, partly in conjunction with Michelle Obama's Let's Move anti-obesity campaign. The program funds the location of full-service grocery stores in food deserts, communities that are underserved by grocery stores or green markets and where it is difficult to purchase fresh fruits and vegetables and low-fat milk (Berg 2015). Since the program's inception in 2010–11, New York City has received over \$6 million in funding for this program, but the money does not go to a city government agency. Instead, the money is received by the New York City Local Initiative Support Corporation, a non-profit consortium of banks and civic organizations who also assist in the financing of the new grocery stores (Local Initiative Support Corporation New York City 2016; Healthy Food Access Portal 2012, 2013, 2014). Together with state funding and city zoning incentives, eleven grocery stores have been completed in underserved communities, and several others are under construction (New York City Economic Development Corporation 2016).

Block Grants

As the number of categorical grants increased throughout the 1960s and early 1970s, mayors and other local officials complained to federal officials about the burdensome and repetitive application and reporting requirements that accompanied each grant. They also complained about the lack of flexibility in tailoring the use of categorical grants to local needs, due to the specific and detailed federal requirements regarding how the money was to be spent. Mayors, in particular, were concerned that since much of the categorical grant money was distributed from a federal agency to a local bureaucracy that had applied for the money,

elected officials were left out of the process. The Johnson administration and Congress responded to the complaints of mayors by creating the Model Cities program in 1966. Model Cities was a project categorical grant, but it gave elected officials broad spending discretion across a wide range of community development activities, including slum clearance, crime and poverty reduction, housing improvements, and job training. The Nixon administration was not committed to strengthening project categorical grant programs created by Democratic presidents. As part of the Nixon administration's concept of New Federalism, they opted to create a new mode of federal funding, the block grant, which would give greater discretion and flexibility to state and local governments.

Block grants occupied a middle ground between General Revenue Sharing and categorical grants. Like General Revenue Sharing and formula categorical grants, block grants distributed funds according to a congressionally established formula, so there was no competitive application process. But block grants gave recipients considerable flexibility within a programmatic area such as community development or public health—but not as much discretion as General Revenue Sharing. Block grants were established in one of two ways. Some were established by collapsing existing project categorical grants in a related area into one large block grant. This type of block grant gave cities the ability to fill in programmatic gaps that existed between related categorical grants and gave them greater discretion over federal funds within a given policy area. A second group of block grants was established simply by legislating broad recipient discretion over federal funds in a new policy area that was not previously occupied by categorical grants.

Of the approximately twenty-three block grants in existence today, the Community Development Block Grant (CDBG) is the one that is most targeted to large cities. The CDBG eliminated seven project categorical grants that had been administered by the Department of Housing and Urban Development and created one larger grant oriented toward community development. Central cities in standard metropolitan statistical areas (SMSAs), other noncentral cities with populations over fifty thousand, and urban counties were eligible to receive CDBG funding. Recipients would no longer apply and compete for each grant. Instead, they would submit one simplified application. Funding would be allocated according to a formula established by Congress. Recipients would have broad yet limited discretion in spending CDBG funds in all activities allowed under the seven collapsed categorical grants (U.S. Congressional Budget Office 1980). The one controversial regulation included in the program requirements was that activities funded by the program be “planned to actively benefit low and moderate income families or blighted areas,” but the requirement was too vague to be enforced in all but the most egregious cases (U.S. Advisory Commission on Intergovernmental Relations 1977).

One issue raised by the CDBG was the funding formula established by Congress. The 1974 legislation created a three-variable formula that included the number of overcrowded housing units, population, and population living below

the poverty line. Within the formula, the third variable, population living below the poverty line, had twice the weight of the two other variables. Studies done in the early years of CDBG discovered that, according to the 1974 formula, cities in the Northeast and Midwest were getting less CDBG money because they were losing population, creating less overcrowded housing, relative to cities with growing populations in the South and West. As a result, after intense lobbying by congresspersons from the North and Midwest, in 1977 a new funding formula was added to respond to the needs of older declining cities. The newer formula also had three variables: number of housing units built before 1940, population growth relative to that in all cities entitled to CDBG funds, and population living in poverty. The relative weights assigned to the variables in the 1977 formula were 50 percent, 20 percent, and 30 percent, respectively. The use of the variable reflecting the age of the housing stock was an attempt to simplistically measure the needs of aging urban areas. Cities were able to choose either the old (1974) or the new (1977) formula, under the assumption that they would choose the one that gave them the most funding (U.S. Congressional Budget Office 1980).

One of the concerns of New York City officials was the amount of money that the city would receive under the CDBG formula compared to the amount of categorical grant funding the city received before the grants were collapsed to create the block grant. Since New York had so aggressively and successfully pursued categorical grant funding, city officials were concerned that a block grant formula that gave all cities funding according to a preestablished formula would shortchange the city. City officials discovered that the city actually received more funding according to the 1977 formula than the city had received under the categorical grant format (Savitch 1999).

In the early years of CDBG, the impact of the grant on city programs was minimal. New York had prior experience with most of the categorical grants that were collapsed into the block grant. As a result, the organization of political interests outside of government and the organization of bureaucratic interests inside government created a bias toward continuing the funding of those programs and projects previously funded by the collapsed categorical grants. The city's Model Cities and urban renewal experiences, as well as the entrenched interests and professional staffs defending these programs, shaped CDBG funding decisions (Van Horn 1979). Throughout the 1980s and 1990s, however, the city used more of its CDBG funding for the rehabilitation and maintenance of its increased stock of *in rem* housing. *In rem* housing or property is that which a government obtains due to tax foreclosure. In New York City in the mid-1970s, approximately forty thousand units of housing were abandoned each year. Owners unable to make a profit off their buildings, primarily in low-income communities, abandoned their properties in record numbers (Smith and Klemanski 1990). Since there was little or no market for these properties, the New York City government became the largest landlord in the city. Through the late 1970s and 1980s, the budget demands for dealing with *in rem* properties grew, and

the CDBG funds became a source of meeting these needs. In the mid-1980s, the CDBG funds became part of Mayor Koch's campaign to create more housing in the city. By the mid-1990s, the national average for CDBG spending on housing was 32 percent. New York City's percentage for CDBG spending on housing was 69 percent (New York City Independent Budget Office 1998).

The block grants that were created by the Nixon and Ford administrations had the primary goal of giving states and localities more flexibility in spending federal funds. The block grants that were created during the Reagan years had the additional goal of cutting federal domestic spending. As categorical grants were collapsed into block grants by President Reagan and Congress, the amount of money allocated to the block grant was significantly reduced compared to the prior categorical grant funding. This was the format by which federal aid to city declined during the 1980s (see table 3.1). In addition, some of the Reagan block grants reorganized intergovernmental funding by giving the states control over funds in block grant form that had previously gone to cities when they were in categorical form. So not only did the city lose funding because less money was appropriated to the new block grants, but in some cases, they lost control of the funding because the money was going to states in formula form rather than going directly to cities (Randall 1986). At the city level, and among those nonprofit groups who received categorical grant funding prior to block grant formation, this was referred to as "shift and shaft." The categorical grant monies got shifted to the state level when they were collapsed into block grant form, and city or recipient groups at the local level got "shafted" by getting less money than they previously received.

For example, prior to the Reagan block grant conversion, there was a project categorical grant that had funded community mental health centers. Community mental health centers across the city applied for the funds on a competitive basis directly from the U.S. National Institute of Mental Health, and they were very successful. The grant funded the formation and maintenance of outpatient mental health clinics that would treat individuals in the communities where they lived rather than in large state inpatient institutions. Under the Reagan block grant conversion, Congress collapsed this categorical grant into a larger block grant that included funding for alcohol and drug abuse programs and sent this money to states via a formula. So the community mental health officials in the city who had been successful in competing for project grant funding each year, and who had established a relationship with federal officials in the National Institute of Mental Health, now had to go to Albany and lobby for the funding, competing with their counterparts in alcohol and drug abuse programs across the state.

Empowerment Zones: Combining Funding with Tax Incentives

The Clinton presidency (1993), the first Democratic presidency in twelve years, only saw a slight increase in federal aid to New York City. Moreover, the welfare reform legislation signed by President Clinton in 1996, which converted the federal government's primary income maintenance program (Aid to Families With

Dependent Children) for low-income families from an entitlement to a temporary grant (Temporary Assistance to Needy Families), may have done much more harm to the city (and state) than the minimal increase in federal aid displayed in table 3.1.

But for New York City, possibly the most interesting program created during the Clinton years was the 1993 Empowerment Zone and Enterprise Community Act. The empowerment zone concept was based on the assumption that private sector business location and expansion decisions could be affected by offering generous tax incentives that would promote movement or expansion of businesses into economically depressed areas of the city. There was little or no direct subsidy or “up-front” capital involved in the program. The federal empowerment zone legislation included wage and tax credits as well as tax-exempt bond financing for businesses that moved into the designated zones. The 1993 legislation created a ten-year pilot project for a limited number of cities. As a result, competition for urban empowerment zone status was intense. Cities wanting empowerment zone status had to document, in their application, the high probability that jobs for low-income residents of the empowerment zone communities would be generated by the program (Riposa 1996).

Six cities, including New York, were granted empowerment zone status. New York City’s empowerment zone application included a commitment by both the city and state to match the one hundred million dollars in federal funds over the ten-year life of the program. The federal government also committed itself to provide \$250 million in tax incentives to businesses located within the zone. New York City’s empowerment zone, the Upper Manhattan Empowerment Zone (UMEZ), included parts of Harlem and Washington Heights in Manhattan and a small section of the South Bronx. UMEZ began with a \$300 million development fund and \$250 million in tax incentives to distribute over ten years (*New York Times* 2001). UMEZ also took advantage of city and state “as-of-right” economic development tax incentives such as those offered through the Commercial Expansion Program (see chapter 2) (New York City Department of Finance n.d.). Although the federal empowerment zone designation ended in 2009, some of the federal tax benefits continued through the end of 2014 (U.S. Department of Housing and Urban Development 2016).

During its short life, the UMEZ financed a number of projects, including the restoration of the Apollo Theater in Harlem, the relocation of Fulton Fish Market to the Hunts Point section of the Bronx, the Dance Theater of Harlem, and the East River Plaza, a large indoor shopping complex in East Harlem. UMEZ officials claimed credit for the creation of over twenty-five thousand permanent and construction jobs (Empire State Development 2016). It is difficult to assess how successful the empowerment zone concept has been to the development of Harlem. Given the health of the national and local economies in the mid to late 1990s, development in Harlem was beginning to take off at the same time that the Upper Manhattan Empowerment Zone got its start. In addition, New York

State had attempted a similar program, Empire Zones, across the state in the mid-1980s, and it had only limited success. The UMEZ was criticized for supporting national businesses over local, more indigenous businesses and ignoring small businesses as well (Pristin 2001; Shipp 2006).

MANDATES AND PREEMPTION

Although the federal government does not have legal authority over New York City as New York State does, the federal government still has the ability to mandate local (and state) action in various areas of public policy and preempt local activity in selected areas of public policy. The sources of federal authority include the U.S. Constitution, which gives the federal government jurisdiction over a limited number of policy areas in Article I, Section 8, and the rarely used “supremacy clause.” In addition, the federal government has used intergovernmental grants and the regulations attached to federal assistance as a mechanism to mandate that states and local governments take certain action. Similar to state–city relations, what makes these mandates controversial is that rarely are the activities mandated by the federal government fully funded. As a result, not only is the city directed to engage in activities in which it might not otherwise engage, but it is also being asked to fund these activities as well. This forces the city to move city revenue from programs or activities that were selected by its own democratically elected officials to those selected by officials at a higher level of government. And similar to state mandates, in many cases of federal mandates, the issue is not that the city disagrees with the intent of the mandate but that the city would prefer to address the issue in question in its own way and according to its own schedule. Federal mandates cut across a number of policy areas but are most visible in the areas of education, environmental policy, civil rights, and transportation.

Although Mayor Koch, while a congressman, had been involved in the creation of many mandates, as mayor he adopted a very different perspective. Koch demanded that the federal government become sensitive to the fiscal burden being placed on cities by the proliferation of unfunded mandates. Mayor Koch argued for waiver provisions that would give local governments greater flexibility in meeting the mandates’ objectives (Koch 1980). As an example, Koch argued that the regulations created by the Department of Transportation in response to Section 504 of the 1974 Rehabilitation Services Act, which required the city to provide access to public transportation for disabled persons, did not give the city the flexibility to achieve the goal within its fiscal capacity. Not only was the federal government mandating that disabled individuals be given access to public transportation, but it was also mandating how the city should go about doing it. Mayor Koch (in 1980) noted that the U.S. Department of Transportation requirements mandated that, over the next thirty years, over 50 percent of the subway stations should be made wheelchair accessible. He cited a Congressional Budget Office study that concluded it would be less expensive for the city to

pay for a taxi ride or paratransit service door to door, for all disabled individuals, than it would be to retrofit the subway system to accommodate wheelchair-bound individuals. Moreover, Koch argued that in addition to being ignorant of the cost, the federal government frequently mandated local government activity without knowing whether the technology was available to fulfill the mandate (Koch 1980).

While the Reagan administration was cutting federal assistance to cities via the creation of block grants and the defunding of other categorical grants, they also engaged in regulatory/mandate relief. The reduction of federal mandates was an integral part of the Reagan strategy to reduce the federal domestic policy role and return policymaking authority to the states and their localities. At one point, President-elect Reagan said he “believed that if the federal government mandated a locality to do something, it should pay for it” (Morehouse 1980). Although the Reagan administration did impose some new mandates on New York City, it also engaged in some mandate relief. Many of the disabled access to public transportation regulations that Koch criticized were eliminated and replaced by vague requirements that local transportation operators make “special efforts” to assist the disabled (Nathan and Doolittle 1983). As of 2015, fewer than 25 percent of subway stations were wheelchair accessible, but all city buses were accessible.

Federal environmental laws produce some of the most expensive unfunded, or partially funded, mandates. In chapter 3, the city and state’s response to the Safe Water Drinking Act mandates was discussed. With state assistance, the city was able to receive a “filtration avoidance determination” from the U.S. Environmental Protection Agency for the drinking water coming from the Delaware and Catskill watersheds, comprising 90 percent of the city’s drinking water. The other 10 percent comes from the Croton reservoirs in northern Westchester County and Putnam and Dutchess counties. Because some of the Croton reservoirs are surrounded by suburban housing developments, the city was not going to receive a “filtration avoidance determination” from the EPA regarding this water. Instead, in 1998, the city reached an agreement with EPA to build a water filtration plant to ensure the water would meet federal drinking-water standards. While the city already filtered the water, the technology being used was not up to federal standards. As a result, EPA officials mandated that the water had to be exposed to ultraviolet light in order to eliminate microscopic organisms, which could be a source of illness. In 2016, eighteen years after the agreement with EPA, the filtration plant began operations. Had the city not built the plant, they would have faced millions of dollars in fines and the city might have lost the ability to use the water at all. The plant cost \$3.2 billion to construct, and the politics surrounding the siting of the plant, underneath the Van Cortlandt Park golf course in the Bronx, were highly contentious (Dunlap 2015). Since no one wanted the plant located in their community, it took six years to find a site that was both environmentally and politically suitable (Schwartz 2004).

Federal environmental standards not only are a source of mandates, but they can also be a source of preemption. In 2007, as part of Mayor Bloomberg’s

comprehensive environmental plan for the city, PlaNYC, the commissioner of the city's Taxi and Limousine Commission issued regulations mandating new mileage-per-gallon requirements for city taxis with the goal of creating a "greener" taxi fleet. The mileage standards were more stringent than existing federal standards. The taxi industry successfully sued the city in federal court, arguing that the federal Energy Policy and Conservation Act and possibly the federal Clean Air Act preempted state and local governments from making policy in this area. The federal judge in the case noted, "Congress's undoubted intent was to make the setting of fuel economy standards exclusively a federal concern" (quoted in Fuchs 2008). Following the court case, at Mayor Bloomberg's request, Senator Gillibrand (D-NY) and Congressman Jerrold Nadler (D-NY) introduced legislation at the federal level, the Green Taxis Act of 2011, which would have given city governments the ability to override federal mileage standards in regulating the fuel efficiency standards of taxis. The legislation never came to a vote in Congress (New York City Mayor's Office 2011). As a result, the city had to find other ways to achieve a greener taxi fleet.

The U.S. Constitution and federal civil rights regulations have also been sources of mandates to which the city has had to adhere. Civil rights regulations related to race and racial discrimination will be discussed in chapter 5. In 2011, the Legal Aid Society's Prisoners' Rights Project filed a class-action lawsuit in federal court on behalf of a group of inmates at New York City's Rikers Island correctional facility (*Nunez v. City of New York et al.*). The suit was filed against New York City's Department of Corrections (DOC), alleging a violation of the inmates' civil rights. The complaint alleged that the DOC had engaged in a "pattern and practice of unnecessary and excessive force" against the inmates (Nunez Monitoring Team 2016, 1). Almost simultaneous to the *Nunez* litigation, the U.S. Attorney for the Southern District of New York, Preet Bharara, conducted an investigation of the treatment of young males by the DOC. In 2014, his study concluded, similar to the allegations in *Nunez*, that the DOC had engaged in "unnecessary and excessive use of force," that they had failed to "adequately protect inmates from inmate-on-inmate violence," and that they had inappropriately placed "16 to 18 year old inmates in punitive segregation for excessive periods of time" (Nunez Monitoring Team 2016, 1). In 2015, all the parties reached an agreement rather than continue to litigate or contest the findings of Mr. Bharara's study. The agreement, which had to be approved by both the mayor and the U.S. Department of Justice, mandated that the DOC had to develop "clear directions on when force may be used" as well as create regulations "expressly limiting certain categories of force" (Legal Aid Society 2015). The agreement also mandated that the DOC would revamp its training of staff so that they could more effectively "defuse conflicts without force and avoid unnecessary injury to anyone when force is necessary" (Legal Aid Society 2015). Finally, the agreement involved the selection of an independent monitor who would report to the federal court and the U.S. Attorney

for the Southern District on the DOC's progress in meeting the measures outlined in the agreement (Legal Aid Society 2015).

THE FEDERAL GOVERNMENT TO THE RESCUE

Federal assistance to New York City was critical to the city emerging from the fiscal crisis in the mid-1970s. Since that time, federal aid to the city has slowly declined. At the same time, however, the city has experienced three crises in the past two decades: the terrorist attacks of 2001, the recessions of 2008–10, and Superstorm Sandy in 2012. In each of these instances, additional federal aid to the city has been indispensable to the city's dealing with each crisis.

The 9/11 Terrorist Attacks and the Federal Response

The September 11, 2011, terrorist attacks altered the agenda of the Bush administration, placing increased emphasis on foreign policy and domestic security. In the wake of the terrorist attacks, the Bush administration made available to New York City over \$20 billion in federal aid for the cleanup and rebuilding of Lower Manhattan; although much of the aid went to state agencies, including the Lower Manhattan Development Corporation, the MTA, and the Port Authority. In addition, the federal government began distributing aid to governments to deal with increased antiterror security responsibilities. Much of this was done in an environment of intense lobbying by the city and considerable controversy over the amount and type of funding.

Of the over \$20 billion of the Federal Disaster Relief Program appropriated for New York City, the largest piece of the funding was administered through the Federal Emergency Management Administration (FEMA). FEMA funding responded to claims related to the cleanup and recovery effort. This included "overtime and personnel expenses, and replacement costs of lost equipment such as fire and police vehicles" (New York City Comptroller's Office 2002). In addition to the financial assistance, the federal government also relaxed regulations in order to ease the city reconstruction and recovery efforts. FEMA usually required local governments to provide a 25 percent match to its aid for rebuilding public facilities. Less than two weeks after the attacks, FEMA announced that New York was being relieved of this requirement (Barstow 2001). A significant portion of the FEMA funds was used to pay for insurance, since New York City and its contractors were unable to obtain insurance to cover debris removal on the private market (New York City Independent Budget Office 2011).

Another portion of the funds administered through the Federal Transit Administration (FTA) supported the construction of a major transportation hub in Lower Manhattan (New York City Comptroller's Office 2002, 46). Lower Manhattan had long been a commuting nightmare, and the destruction of the World Trade Center offered infrastructure planners a chance to improve a chaotic transit

system. At the center of the transportation hub concept was the integration of the PATH trains that connect New Jersey and Lower Manhattan with the city's subway system. Most of the FTA funds went to the Port Authority and the Metropolitan Transit Authority, not the city, since they have responsibility for and jurisdiction over most transportation infrastructure and operations in the city (New York City Independent Budget Office 2011). The Community Development Block Grant was also a source of federal assistance for the rebuilding of Lower Manhattan, but much of these funds were administered through the Empire State Development Corporation and its subsidiary Lower Manhattan Development Corporation, not the city. Some of the CDBG funding went to business recovery activities. The LMDC was given the discretion to negotiate job retention and creation agreements in Lower Manhattan with the only stipulation being that businesses first agree to stay in Lower Manhattan for seven years (New York City Comptroller's Office 2002, 46–47). Some of the employers that received CDBG-funded grants had never considered leaving Manhattan, but both city and state officials believed that it was important to secure long-term commitments from a critical mass of major employers before approaching those employers who were less sure about staying in Lower Manhattan (Bagli 2002). Also, a significant portion of CDBG funding went to the planning and funding of the September 11 Memorial and Museum (New York City Independent Budget Office 2011).

In addition to direct funding, a second piece of the Federal Disaster Relief package was the establishment of the "Liberty Zone" in Lower Manhattan. This created tax incentives and subsidies to promote economic development and the retention of business in the area. The program included tax breaks for capital improvements and the issuance of tax-exempt bonds to finance new housing, offices, and public utility improvements. The program also included a Work Opportunity Tax Credit for businesses with two hundred or fewer employees. The program gave a tax credit of \$2,400 per employee for two years to any business that moved into the area (New York City Comptroller's Office 2002, 46–47). Less than a year after the program was created, it was criticized by city officials because much of the aid was dependent on development in Lower Manhattan. At that point, there was little demand for new offices in Lower Manhattan and very few businesses were expanding. In late 2002, less than half a billion of the \$5.5 billion allocated to the Liberty Zone fund had been utilized and most of that had gone to support residential, not commercial, development (Wyatt et al. 2002; New York City Independent Budget Office 2003). As of 2010, there was still \$2.9 billion of unspent Liberty Zone incentives. In 2007, realizing that these incentives probably would not be used prior to their expiration, Mayor Bloomberg and Governor Pataki attempted to get the federal government to convert the tax breaks to funding that could be used for transportation projects, but they never received approval (New York City Independent Budget Office 2011).

In the aftermath of the September 11 attacks, counterterrorism and terrorism preparedness became major concerns in the city's relationship with the federal

government. At a meeting of mayors in late October 2001, Mayor Giuliani joined other mayors in asking the Bush administration for additional federal aid to cover the cost of additional policing and security responsibilities (Becker 2001). Late in 2002, NYPD Commissioner Raymond Kelly went to Washington to lobby federal officials for additional aid for the city's police department. Kelly argued that, since September 11, the NYPD had redeployed a thousand officers to deal with counterterrorism and that the federal government needed to recognize this and reimburse the city accordingly (Rashbaum 2002).

When the Bush administration and Congress initiated the funding of local antiterror activities, Mayor Bloomberg and other city officials expressed frustration with the amount the city was receiving, particularly in comparison to other states and cities perceived to be less-likely terror targets. Testifying at a city council hearing in 2004, the city's Commissioner of the Office of Emergency Management noted that while Wyoming received \$38 per capita in antiterror aid, New York City received \$5 per capita according to the funding formula established by Congress (McIntire 2004). After Congress rejected an amendment that would have given high-risk cities additional antiterror aid, Mayor Bloomberg complained, "Everybody can always say, 'Well we have security issues' . . . You know one guy said to me that 'Yeah, the corn and soybean crops are our food supply and therefore this country needs a food supply, we've got to protect it.' You know, I've never seen a terrorist with a map of a cornfield in his pocket. Come on. Let's get serious to what this is about, why this money should be going to places like New York City" (Hernandez 2004).

The Urban Areas Security Initiative, the federal program that distributes money based on a site's probability of being a terror target, allocated aid to seven states in 2003, with New York City receiving a quarter of its funding. By 2004, over eighty sites had been added to the list of possible terror targets, and New York received less than 7 percent of the funds (Lizza 2004). Similar to many federal programs that start out targeted to specific areas to respond to specific problems, federal antiterror aid became a victim of distributive politics, where every jurisdiction attempts to get a piece. In 2016, the Obama administration proposed cutting the entire Urban Areas Security Initiative budget almost in half, which would mean New York City's funding would be decreased from \$180 million to \$90 million (Destefano 2016). In March, Mayor de Blasio testified before the U.S. House of Representatives Committee on Homeland Security, chaired by Republican Congressman Daniel Donovan from Staten Island. In his testimony, the mayor itemized the programs being funded by the federal money, including eight thousand cameras placed around the city, radiation detectors, NYPD intelligence research specialists, a counterterrorism-equipped helicopter, bomb-neutralization technology used by the NYPD bomb squad, training and deployment of bomb-sniffing dogs, and the deployment of the five-hundred-officer NYPD Critical Response Command. Implicit in the mayor's testimony was the message that without federal funding, the city would not be able to afford many

of the above-listed counterterrorism measures and the city, the most likely terrorist target in the country, would not be as safe (New York City Mayor's Office 2016). The mayor's concerns and criticism of the proposed cuts were echoed by Police Commissioner Bratton and Senator Schumer. The White House responded to the criticism by noting that the city had \$600 million in unspent federal anti-terror funds in an account and that another \$255 million was going to be added shortly. City officials countered that although the money had not been spent, it already been obligated for spending (Destefano 2016).

In addition to antiterrorism aid, the city also sought to establish better ties with federal intelligence agencies regarding terrorist threats but has had little success given legal constraints at the federal level. The New York City Joint Terrorist Task Force, in cooperation with the Federal Bureau of Investigation, was established years before 2001. In the aftermath of September 11, however, Mayor Giuliani expressed concerns that there was not sufficient information sharing between federal intelligence agencies and the city. In 2001, Senators Schumer and Clinton introduced legislation that would have permitted federal intelligence agencies to share information with the NYPD, but it did not pass (Clymer 2001). Under NYPD Commissioner Raymond Kelly, the city began to establish its own intelligence capacity, including agents in foreign countries.

The Recession of 2008–10

The recession that occurred in the U.S. in late 2007 affected the city, the country, and most of the world. Between December 2007 and late 2010, New York City lost almost a quarter of a million jobs (Kirwan Institute 2010). In February 2008, the city's unemployment rate was 4.5 percent. By the end of 2009, it was 10.3 percent (Center for an Urban Future 2011). In 2009, Congress and the Obama administration passed the American Recovery and Reinvestment Act (ARRA) as a means of quickly injecting funds into the ailing American economy. Between 2009–11, New York City and its residents received over \$9 billion in ARRA funding (Kirwan Institute 2010, 14). Most the ARRA funds went to a wide variety of programs and policies, including struggling schools, infrastructure, an enhanced community development block grant, a short-term enhanced federal match for Medicaid, food stamps, extended unemployment benefits, and workforce development (Center for an Urban Future 2011). New York City received most of its ARRA money via funding formulas established by Congress, but there were a small number of competitive project grants that the city received in addition to the ARRA money that was given to New York State and passed through to the city (New York City Mayor's Office of Operations 2010).

Because ARRA was targeted at the recession and its impacts, job creation and retention were the primary objectives of the program. Similar to the reporting requirements attached to project categorical grants, the Obama administration and Congress demanded that recipients of ARRA funding submit quarterly reports to the federal government documenting jobs created and retained. The

federal government provided ARRA fund recipients, including the city, with instructions on how to calculate a created or a retained job. Testifying before the city council, an official from the Mayor's Office of Operations noted the specificity of the federal guidance in calculating jobs: "For example, someone who worked half time through the whole quarter would count as half a job, as would someone who worked full-time for only half of the quarter. Because this calculation provides a snapshot of jobs during a single reporting quarter, jobs created or retained in any given quarter may not be summed with jobs created during previous or subsequent quarters" (Light 2010). Just as challenging as the reporting requirements, ARRA regulations required that the city and all recipients had to spend the money within two years. The funding for infrastructure had to be spent on projects that were "shovel ready" so the money could be spent immediately or soon after it was received (Center for an Urban Future 2011, 3).

Most of the ARRA funding went to extend or expand existing programs, but a small amount went specifically to job creation and retention programs. Some of the ARRA funds went to the city's Department of Small Business Services (SBS), which "contracted with community based organizations to provide job training, job placement and counseling" (Center for an Urban Future 2011, 10). This program served over 2,500 participants. Another SBS program funded by ARRA worked through the federal Workforce Initiative Act, providing vouchers that individuals could use to pursue job training on their own in the private sector. This program served over 5,500 participants. The largest job-related program went to the city Department of Youth and Community Development to fund the city's Summer Youth Employment Program, which created approximately 28,000 jobs over the two-year period (Center for an Urban Future 2011, 10).

Superstorm Sandy

On October 29, 2012, Superstorm Sandy hit the New York region. Sections of Lower Manhattan, Staten Island, Brooklyn, and Queens suffered unprecedented flooding due to a fourteen-foot storm surge. Residences, offices, and critical infrastructure were severely damaged. By the end of 2012, the city Department of Buildings had identified "approximately 800 buildings as damaged or destroyed and 70,000 housing units had registered with the United State Federal Emergency Management Administration" with some level of damage (New York City Council Committee on Recovery and Resiliency 2016). Forty-three city residents died as a result of the storm. The operations of several major hospitals and major sections of the New York City subway system were disrupted.

A little more than a month later, Mayor Bloomberg gave a press conference at the U.S. Capitol. The mayor stated that he and Governor Cuomo had met with the New York State congressional delegation, as well as with Republican and Democratic leaders in both the House of Representatives and the Senate, to discuss the need for federal relief given the impact of Sandy on the city and the region. In

addition, he met with Shaun Donovan, the Secretary of the U.S. Department of Housing and Urban Development, who was serving as President Obama's "point person" on posthurricane reconstruction; coincidentally, HUD Secretary Donovan was a former New York City Commissioner of Housing, Preservation, and Development under Mayor Bloomberg. Stating that the city had already committed \$1.2 billion of its own funding to start the recovery, the mayor thanked FEMA and the Department of Homeland Security for their rapid response to the city after the storm. But he stressed the need for significant federal assistance in the coming months: "In New York City, the public and private losses caused by Hurricane Sandy not covered by private insurance comes to about \$15 billion . . . There's every reason for Congress to provide us with the assistance we need, given New York City's importance to the health of the entire nation . . . We're just 2.6 percent of the nation's population but we do generate 4.3 percent of America's gross annual domestic product" (Bloomberg 2012).

In the months following the storm, the federal government committed billions of dollars to New York City for relief and rebuilding. Most of the money came to the city through either the Disaster Relief Appropriations Act, which funded city recovery activities through the Community Development Block Grant-Disaster Relief (CDBG-DR), or the FEMA Public Assistance program (New York City Council Committee on Recovery and Resiliency 2016). The city also received assistance from the Army Corps of Engineers, the U.S. Small Business Administration, and the National Park Service (New York City Sandy Tracker 2016). In addition to the city, the federal government gave the Metropolitan Transit Authority almost \$4 billion in aid through both the Federal Transit Administration and FEMA. Some of this funding went to MTA infrastructure outside the city, including the Long Island Rail Road and the Metro-North Railroad, but much of it went to infrastructure assets in the city, including the city subway system that was severely damaged by the storm (Metropolitan Transit Authority 2013).

In March 2015, Mayor de Blasio, together with U.S. Senator Charles Schumer, announced that the city was going to receive a \$3 billion grant from FEMA to repair thirty-three public housing projects administered by the New York City Housing Authority (NYCHA) damaged by Sandy. The funding would also go to fortify these projects to protect them from future storms. The three-billion-dollar grant represented the largest grant given by FEMA in the history of the agency. Sandy's storm surge had flooded the basements and first floors of many of these buildings, damaging, if not completely destroying, critical building infrastructure, including boilers, electrical systems, and elevator mechanisms. In order to protect the buildings from future storms, boilers needed to be elevated, stand-by generators needed to be purchased, and flood-barrier systems needed to be installed (New York City Mayor's Office 2015a). Senator Kristen Gillibrand (D-NY) and Congresspersons Velazquez, Meeks, Clarke, Jeffries, and Maloney, all representing New York City, were also in attendance (New York City Mayor's Office 2015a).

Over the past decades, the federal government has been inconsistent in its monitoring and scrutiny of how recipients spend federal grant monies. Much of the Sandy CDBG-DR funds went to housing rehabilitation, and a HUD study found multiple problems in how the city was managing the money. In July 2014, an audit conducted by HUD found a number of problems, particularly with the city's Build-It-Back program, the primary post-Sandy housing rehabilitation program being funded by CDBG-DR. The federal government had committed over half a billion dollars to the program. Of the almost fourteen thousand applications filed for assistance, only eight had progressed to the grant-signing stage and only three more were close. The report criticized the city for poor record keeping with regard to how the funds were being spent and noted that it was difficult for the HUD monitors to assess whether the city was in compliance with HUD regulations or not, given the poor record keeping. Overall the report expressed concern over the city's lack of progress in spending the money given to it by the federal government (U.S. Department of Housing and Urban Development 2014). The report was published early in the de Blasio administration. To address the problems cited by the HUD audit, Mayor de Blasio immediately announced an overhaul of the program; and by October 15, 2015, the city announced that the Build-It-Back program had seen over two thousand construction starts with over a thousand completions. In addition, the Mayor noted that over five thousand reimbursement checks had been sent out to recipients (New York City Mayor's Office 2015b).

NEW YORK CITY LOBBYING AT THE FEDERAL LEVEL

The growth in federal government relations with urban areas, especially in regard to fiscal assistance but also in regard to mandates, has necessitated an urban presence in Washington, D.C. And while New York does not have the influence at the federal level that it has in Albany, New York is still a significant actor at the federal level. And as the mayor of the largest city in the country, the mayor of New York City can be an influential actor on the national political stage if he chooses to exercise that role. New York City has attempted to influence federal policy in several ways. First, as in the cases of the fiscal crisis, the aftermath of the terrorist attacks, and Superstorm Sandy, the mayor has lobbied both Congress and the White House as the representative of the city. In times of crisis, the mayor is often joined by the governor in his lobbying efforts. Mayors also testify before Congress to articulate the city's interest. In 2006, Mayor Bloomberg testified before a Senate committee on immigration policy. And as mentioned above, in 2016, Mayor de Blasio testified before a congressional committee on proposed cuts to the Urban Areas Security Initiative.

In lobbying the federal government, party affiliation may make a difference. The fiscal crisis of the 1970s occurred as a presidential election was approaching.

President Ford's initial negative reaction to the city's request for aid was, in part, campaign posturing; a Republican president denied aid to a Democratic mayor and governor. Although Mayor Bloomberg was first elected mayor as a Republican, his partisan credentials were always in doubt. Nevertheless, early in his term when he was seeking additional federal aid for the city, he reached out to Republican Senator Alphonse D'Amato, seeking to use the senator's contacts to influence Republican party leaders (Steinhauer 2001). Several years later, Mayor Bloomberg, hoping that Democratic control of the House of Representatives would help New York get additional federal aid, welcomed newly elected Speaker of the House Nancy Pelosi to City Hall. And although he was a Democrat, Mayor Koch lobbied the Reagan administration and Republicans in Congress by publishing an article in the Republican-oriented neoconservative journal, *The Public Interest*, criticizing unfunded mandates.

As national political figures, mayors of New York also have the ability to use their "bully pulpit" to speak to the nation, the federal government, or various constituencies outside the city. There may be no better example than Mayor Bloomberg, who used his office and his wealth to campaign for more comprehensive gun control laws at all levels of government. Shortly after the election of Bill Clinton, Mayor David Dinkins wrote President-elect Clinton a letter and released a copy of it to the news media. Dinkins's letter, based on the assumption that the first Democratic president in twelve years would be a friend of cities and New York in particular, laid out the mayor's urban policy agenda with the hopes that it would be adopted by the Clinton administration (McKinley 1992).

Since 1970, the mayor has been assisted in his lobbying efforts at the federal level by the New York City Federal Affairs Office in Washington, D.C. Similar to the Mayor's Office in Albany, this office is part of the Office of the Mayor, which monitors federal government activity in all three branches and lobbies the federal legislative and executive branches on those issues where the mayor's presence is not needed (Lizza 2004).

The second mechanism through which the city attempts to influence the federal level, often working in tandem with lobbying by the mayor, is the city's congressional delegation. In 2016, in addition to New York State's two senators, New York City has twelve members in the House of Representatives. One of these members represents Westchester County, north of the city, and a small part of the Bronx as well. The city used to have more than twelve members in the House of Representatives, but redistricting due to the decennial census, and the fact that the city has lost population relative to other parts of the country, has reduced the number of seats the city has in the House of Representatives. Of the twelve representatives, all but one is a Democrat. The fact that many of the New York City congressional seats are safely Democratic means that in periods when the Democrats control the House of Representatives, legislators from New York City enjoy considerable seniority and play major roles on some of Congress's most important committees. For many years, Representative Charles Rangel, Democrat

from Manhattan, chaired the powerful House Ways and Means Committee. He was partly responsible for the creation and passage of the Federal Empowerment Zone Program during the Clinton administration.

Congressional activity on behalf of the city frequently has a constituency orientation. In the aftermath of the September 11 terrorist attacks, the city's congressional delegation was extremely active in getting the federal government to help the city. Senators Schumer and Clinton lobbied the Bush administration and sponsored legislation. But Jerrold Nadler, the congressperson who represents Lower Manhattan, was particularly active in articulating the interests of his constituents. The 2015 renewal of the James Zadroga 9/11 Health and Compensation Act (Zadroga Act) produced one of the more interesting lobbying efforts by New York City's congressional delegation. The legislation provides health monitoring and care to first responders and those who participated in the recovery efforts immediately after the September 11 terrorist attacks. First responders and those who assisted in the recovery do not just live in New York City. So in getting the legislation passed through a Republican-controlled House and Senate, New York City's Democratic congressional delegation was assisted by congresspersons, Democrats and Republicans, from across the New York metropolitan area, including New Jersey. Many members of Congress from New York City were also active in getting FEMA's \$3 billion grant to assist New York City's Housing Authority in addressing public housing problems post-Superstorm Sandy because those projects that needed assistance were located in their districts (New York City Mayor's Office 2015a).

The third way in which the city has attempted to influence federal policy is through interest groups or associations that represent cities at the national level. As influential as the mayor of New York can be on his own, he is that much more influential when he is part of a group of mayors from across the country. Two groups, the National League of Cities (NLC) and the United States Conference of Mayors (USCM), provide cities with a collective voice at the federal level. Since the National League of Cities is dominated by small- and medium-sized cities, larger cities such as New York have found more of a voice in the USCM. In 2007, Mayor Bloomberg addressed the USCM on the issue of climate change. The mayor's goal was not only to get mayors to do more in their own cities to address climate change, but he wanted also to get the mayors behind his own national agenda to get the federal government to do more to address the issue (New York City Mayor's Office 2007). In 2015, Mayor de Blasio and several other big-city mayors used the USMC to urge Congress to pass a transportation bill with more "locally directed funding" (U.S. Conference of Mayors 2015). More informally, in 2006, Mayor Bloomberg was instrumental in creating a coalition of big-city mayors in an attempt to decrease the level of illegal gun trafficking across the country. The Federal Bureau of Alcohol, Tobacco, and Firearms agreed to join the mayors in this effort (Baker 2006).

CONCLUSION

New York City's relationship with the federal government is considerably different from its relationship with New York State. There is no direct constitutional linkage between the city and the federal government. The city's ability to govern has its roots in state law; and unlike the state, the federal government is in no way legally responsible for financing and monitoring the city's governing functions or basic service delivery. But if city activities violate federal laws or the U.S. Constitution, the federal government has the authority to intervene, as in the case of the mistreatment of those incarcerated by the New York City Department of Corrections.

During the mid-twentieth century, the federal government established a strong fiscal relationship with the cities. At its peak, federal government revenue accounted for almost a quarter of the money being spent by New York City across a broad range of policy and program areas. In part, this relationship was reflective of the emerging power of urban interests at the federal level, as well as the fiscal resources of the federal government and the liberal regimes at both the federal level and in many large cities.

The federal impact on the governance of the city, while significant, does not equal the impact of the state on the city. Since the 1970s, federal aid to the city, as a percentage of total city spending, has declined and so has federal influence on city governance. At its peak in the late 1970s, federal aid to the city greatly affected the city's ability to deliver basic public goods and services. In addition, federal grants, such as urban renewal, provided the city with significant capital funding to pursue large-scale economic development projects. With the exception of transportation infrastructure via federal aid to the MTA, this is much less the case now. But although federal influence on city governance has declined, it is still significant in a number of areas. There are areas of service delivery such as welfare, health, and social services where federal funding and regulations continue to play a critical role in city policy. And in many areas where the federal government provides minimal funding, such as environmental policy and education, federal mandates influence both what the city does and how it does it.

Although routine federal aid to New York City declined during the 1980s and never increased back to its late 1970s percentages, in the past twenty years, the federal government has responded to three city crises with large infusions of funding. The number of policy and program areas in which the federal government has an impact on New York City, and most large cities, has not declined proportionately to the decline in funding. A 1998 document published by the Mayor's Office listed over one hundred areas of federal policy where New York City officials believed they had an interest (Mastro 1998). In 2015, federal aid to New York City comprised only 9 percent of total city revenue, but this did not include Medicaid, Temporary Assistance to Needy Family, the Supplemental Nutrition Assistance Program (food stamps), or most of the federal government's aid to the MTA. Nor did it include federal mandates that span across a number of policy areas as well.

Just as important as service delivery, the federal government has influenced the governance of the city through the maintenance of democratic accountability and, indirectly, civil harmony. Throughout the 1960s and 1970s, many federal grant programs and mandates, such as those related to the War on Poverty, pushed the city to include communities and citizens in decisions regarding economic development and the delivery of social services, thereby opening up the local policymaking process to citizens and groups who had theretofore been excluded. And although some of these requirements were watered down in the late 1960s and 1970s, the legacy of community involvement remained. On its own, the city's political system probably would have achieved similar procedural reforms eventually, but the federal government served as a catalyst in this area.

As will be discussed in the next chapter, federal mandates via the Voting Rights Act guarantee the city's residents a level of fair representation through redistricting and U.S. Department of Justice oversight. These mandates and procedures also promote civil harmony by allowing minorities and disadvantaged groups access to processes that they previously lacked, as well as an alternate venue at the federal level to seek redress if they feel they have been unfairly treated at the city and state levels. Federal procedures and the ability of all groups to appeal to the federal level lend legitimacy to the city's political system.

5 ♦ RACIAL AND ETHNIC DIVERSITY

New York City may be the most ethnically and racially diverse city in the world. But with the benefits of that label, there are also challenges. Throughout New York City's history, racial and ethnic groups have looked to advance themselves up the economic and political ladders. For reasons of discrimination, the choices made by a group's members, or the circumstances connected to the economic and the political system when they arrived in the city, advancement up those ladders has not occurred at the same rate for each group. Groups assess their own socioeconomic and political status against the success or failure of other groups. Social relations among groups in the city are based in part on a group's relative position in the economic and political system. Where they live, where they work, and their ability to influence political outcomes all serve as indicators of this status.

The role of the political system in the city's social relations is complex and subtle. Groups want to be treated fairly and justly by the political system. This concept of fairness includes all the constitutional rights of participation in the political process. Beyond issues of procedural fairness, justice and fairness mean being treated equally by the political system in a relative sense. If one group is being singled out by the police more than another group, then the victimized group might not perceive the political system as fair. In addition, if a group perceives that other groups are improving their economic or political status because of assistance from the political system, then the political system also will not be perceived as being fair. With some exceptions, procedural democracy and due process for all citizens has been achieved. What issues remain concern the specific treatment of groups by the city's political system and how that treatment affects relative group advancement up the economic and political ladders.

In August 1991, Blacks and Hasidic Jews faced off against one another in Crown Heights, Brooklyn, in what was quite possibly one of the low points of interethnic/racial relations in the city's recent history. The rioting that occurred was touched off when a Hasidic driver ran over a Black child, resulting in the boy's death and

the subsequent stabbing of a Hasidic Jew in the same neighborhood. The Blacks and Hasidim rioted against each other as well as against the New York City police, who were sent in to quell the disturbance. One of the perplexing aspects of the Crown Heights conflict was that both groups perceived that they were being treated unfairly by the political system. At various points during the conflict, each group perceived that the other group was receiving preferential treatment. In 1996, several years after the rioting, some Crown Heights Hasidic security patrol members were arrested by the New York City police. The Hasidim complained of being treated “worse than criminals” by the police (Gonzalez 1996). A local Black resident responded to the complaints by the Hasidim: “We’ve been crying out police brutality for years and nobody ever listens . . . It’s nothing new. It happens to everybody except them. Things are equaling out” (Gonzalez 1996).

One of the more controversial issues in discussions of race and ethnicity in New York City is whether the politics of race and the politics of ethnicity are similar. In their first edition of *Beyond the Melting Pot*, Nathan Glazer and Daniel Moynihan argued that Blacks in New York were merely the latest group in a long line of new immigrant groups who started out at the bottom and would slowly work their way up the socioeconomic and political ladders, as other immigrant groups had done. By 1970, however, the authors’ second edition admitted that Blacks were not following the same pattern of assimilation and upward mobility as other immigrant groups had. They argued that race had “exploded to swallow up all other distinctions” (Glazer and Moynihan 1970). Blacks had not overcome poverty as fast as other groups. Glazer and Moynihan noted that when they published the first edition of their work in 1963, their beliefs about Black entry into New York City politics assumed that assimilation was possible; but by 1970, their discussion of Black involvement in city politics was centered more on concepts of separatism (Glazer and Moynihan 1970). At the same time, though, the authors noted that the primary ethnic patterns in city politics had not changed. Ethnic identity was still the primary grouping by which New Yorkers defined themselves, more so than class or occupation. But they also argued that religion had declined as a focus of ethnic identification. Of course, in the wake of the 2001 terrorist attacks in New York—and other terrorist attacks around the world—by radical Islamic groups, the focus on religion as an identifying characteristic has reemerged.

Congressman Charles Rangel (D-New York) agreed with Glazer’s and Moynihan’s perspective of race and ethnicity as discussed in the second edition of *Beyond the Melting Pot*. Rangel shared Moynihan’s perspective on the political system’s treatment of the early waves of immigrants, but he disagreed with Moynihan on the issue of Black political ascendance. According to Rangel, when Blacks were ready to assume their position in the city’s political system, “they threw away the old rule book because of who was up next” (Roberts 1993). Rangel saw Blacks, unlike ethnic groups who arrived in the city earlier, as being denied their rightful place in the city’s political system even though

they had waited their turn. Rangel saw the politics of race as more visible and indelible than ethnic politics.

Interviewed in the early 1990s, Moynihan seemed to retreat to the view of race and ethnicity he had in 1963. Looking back, he noted that “ethnicity was the organizing unit of New York politics” and that “race had acquired the pattern of an ethnic group interest” (Roberts 1993). According to Moynihan’s perspective, the reaction on the part of some Whites to the rise of Black political power in the city during the latter half of the twentieth century was no different from the Anglo-Saxon response to the rise of Irish political power in the mid-nineteenth century.

HOW DIVERSE IS NEW YORK CITY?

New York City’s label as a majority-minority city, where Whites are in the minority and no single group makes up the majority of the city’s population, has been the case since the 1990 census. As the city’s percentage of White residents declined during the latter half of the twentieth century, it was not replaced by a single ethnic or racial group. Just as important, the White residents of New York City are far from a homogeneous group, but this can be said for all the large census groupings: Blacks, Hispanics, and Asians.

Table 5.1 examines the racial composition of New York City’s population from 1980 through 2010. During this period, New York City’s population grew from slightly over seven million in 1980 to over 8.1 million in 2010 (New York City Department of City Planning 1992, 2002, 2012). Between 1980 and 2010, the White non-Hispanic population of New York City declined from 52.4 percent to 33.3 percent of the total. Two major White non-Hispanic subgroups, Italian and Irish residents, declined as well, although no data were available for 2010. The percentage of Black residents remained relatively stable during this time period, although a subgroup, Black West Indians, grew as a percentage of this population. Again, no data are available for 2010. Hispanics increased significantly over the thirty-year period from less than 20 percent of the city’s population to almost 30 percent. During this thirty-year period, the Puerto Rican subgroup decreased while the Dominican subgroup increased significantly. Although not displayed in table 5.1, by 2010 the NYC Department of City Planning began counting the number of Mexican residents in the city as another Hispanic subgroup. In 2011, Mexicans were the third largest immigrant group, behind the Chinese and Dominicans, although Mexicans numbered fewer than two hundred thousand (New York City Department of City Planning 2013). Asian groups experienced the greatest rate of growth over the thirty years. Chinese residents make up the largest share of Asian residents in the city, but they do not comprise a majority of Asian residents. They are joined by Koreans, Asian Indians, Filipinos, and Vietnamese who are not shown in table 5.1 (New York City Department of City Planning 1992, 2002, 2012).

The racial and ethnic diversity of New York City’s population was and continues to be affected by several factors, including birthrates, death rates, out-migration,

TABLE 5.1 New York City Population Composition by Race/Ethnicity 1980–2010

	1980 population composition (%)	1990 population composition (%)	% Change 1980–90	2000 population composition (%)	% Change 1990–2000	Population 2010	2010 population composition (%)	% Change 2000–2010
Total population						8,175,133		
White non-Hispanic	52.4	43.2	-14.6	35.0	-11.4	2,722,904	33.3	-2.8
Italian ancestry	14.2	11.5	-16.6	8.7	-17.4			
Irish ancestry	9.2	7.3	-17.3	5.3	-21.3			
Black non-Hispanic	24.0	25.2	9.0	24.5	6.2	1,861,295	22.8	-5.1
West Indian		5.3		6.9	40.3			
Hispanic origin	19.9	24.4	26.8	27.0	21.1	2,336,076	28.6	8.1
Puerto Rican	12.1	12.2	5.3	9.8	-12.1		8.9	
Other	7.8	12.1	60.2					
Dominican	1.8	4.5	165.4	5.0	22.3			
Asian and Pacific Islander	3.4	6.7	104.7	9.8	59.9	1,028,119	12.6	31.8
Chinese	1.8	3.3	92.1	4.5	51.3		6.0	
Asian Indian	0.7	1.3	102.5	2.1	80.7		2.4	
Korean	0.4	1.0	215.9	1.1	24.0		1.2	
Filipino	0.1	0.6	70.3	0.7	27.2		0.8	
American Indian non-Hispanic	0.1	0.2	80.4	0.2	-3.1		0.2	0.6
Other non-Hispanic	0.3	0.3	15.6	0.7	177.8			

SOURCE: Data from New York City Department of City Planning, *Demographic Profiles*, 1992, 2002; New York City Department of City Planning, *NYC 2010: Results from the 2010 Census*, 2011.

and in-migration. For the years 2011–2013, non-Hispanic White and Black New Yorkers had birth rates that were lower than the overall city average while Hispanics and Asians had birthrates that were higher than the overall average (New York City Department of Health and Mental Hygiene 2016).

Although birthrates, death rates, and out-migration have certainly affected the city's racial and ethnic mix, immigration has had the largest impact on the composition of the city's population. The waves of immigration experienced by the city in the nineteenth and early twentieth centuries were predominantly White European. In the latter half of the twentieth century, the city experienced immigration from over a hundred different nationalities, including immigrants from Asia, the Caribbean, Latin America, and Africa. Immigrants from Western Europe comprised less than 12 percent of the immigrant population during the 1970s and less than 5 percent by the 1990s (New York City Department of City Planning 1996). Since 1965, the share of the city's immigrant (foreign-born) population doubled to 37 percent of the population. During the 1990s, the city experienced immigration that averaged close to two hundred thousand people per year (New York City Department of City Planning 2013; Forman 2002). By 1999, half of the city's population were either foreign born or the offspring of immigrants (Kraly and Miyares 2001, 33; New York City Department of City Planning 1999, 27). Although these figures are not as high as they were in the nineteenth and early twentieth centuries, when the composition of foreign-born residents topped 40 percent, the percentage of foreign born in the city in 1999 was higher than it had been in fifty years (Kraly and Miyares 2001, 33). But since 2000, the immigrant growth rate in the city has been small, with immigrants increasing from 2.9 million to just over three million. Immigrants from the Dominican Republic and China led this growth (New York City Department of City Planning 2013).

Shifts in immigration patterns can be explained in part by conditions in the countries and regions of origin. Many immigrants come to the United States to seek economic security or escape political repression. Conditions in the United States and New York City also explain some of the immigrant shifts. As discussed in chapter 2, beginning in the 1970s and continuing throughout the 1980s and 1990s, New York experienced growth in low-paid, low-skilled service sector jobs. And while job growth in the city was not greater than the national average, immigrants were assisted by a significant number of Whites leaving the city's labor force and by shifts in the structure of the city's economy (Wright and Ellis 2001, 89).

United States immigration laws also account for a great deal of change in immigration patterns. In 1965, Congress passed the Immigration and Nationality Act. The legislation abolished the immigration quotas dating back to the 1920s that favored European immigrants and replaced those quotas with immigration regulations that favored family reunification, occupation skills needed in the United States, and political refugees. By emphasizing family reunification, the 1965 immigration laws favored immigrants from Latin America and Asia. Europeans who

had lost their familial link with the United States found it more difficult to immigrate. Immigrants from the former Soviet Union were the only major immigrant group in the city who used the political refugee status. New immigration legislation in 1990 established three tracks for immigrant status: family, employment, and diversity. While the new law maintained the principle of family reunification, it placed greater emphasis on occupational skills by increasing the number of visas granted to several groups of immigrants, including professionals, those with advanced degrees, skilled workers, unskilled workers, and those willing to invest at least \$500,000 in businesses that would employ a minimum number of persons. The 1990 law also introduced regulations that would create greater diversity among immigrants. The diversity visa program was developed for those wishing to immigrate who had no relatives in the United States. The increase in immigration from Bangladesh as well as Africa was through the use of the diversity visas (New York City Department of City Planning 1999, 23).

New York is attractive to immigrants not only because of the economic opportunity or political sanctuary that the city provides but also because the city has a tradition of accepting immigrants. In New York, as in most gateway cities, ethnic communities survive long after the initial waves of immigrants arrive (Salins 1997). This means that, in some cases, new immigrants will find preexisting social networks where they can get assistance with housing and employment from family members or fellow countrymen. In addition, upon immigrating, they might find a community that is not completely alien from their country of origin. Some have suggested that immigration movements can become “self-perpetuating, as established social networks in the country of destination lower the costs and reduce the risks of immigration” (Foner 2001, 4).

Peter Salins (1997) has noted that as the population of ethnic enclaves grows, either through increased immigration or birth rate, the community’s geographic shape takes on one of three patterns. Some groups simply move to adjacent neighborhoods, displacing other ethnic groups. In Washington Heights and the South Bronx, for example, the expanding Dominican community displaced Puerto Ricans, who several decades earlier had displaced Jews. In a second pattern of diffusion, some immigrants establish new communities in outer boroughs or the suburbs. The Chinese community centered in Manhattan established a second large community in Flushing, Queens, to handle its rapid growth.

Although Salins (1997) suggests that ethnic community expansion occurs usually without substantial interethnic conflict, there are examples of tension—the third pattern. In a 1996 *New York Times* interview, city council member Julia Harrison (D-Queens) expressed open hostility toward the influx of Asian residents into Flushing: “They were more like colonizers than immigrants. They sure as hell had a lot of money and they knew how to buy property and jack up rents of retail shops and drive people out” (Dugger 1996). In Bensonhurst, Brooklyn, longtime Italian residents spoke similarly of the influx of Russian immigrants into their neighborhood. The president of a local community council stated, “No one indoctrinated

the Russians before they got here . . . They don't understand the American ways and consequently they are rubbing people the wrong way" (Pierre-Pierre 1993). Another longtime resident of Bensonhurst expressed resentment of the number of Russian immigrants on welfare: "They come here and get it like that . . . They all have food stamps. That's my money and I resent it" (Pierre-Pierre 1993). In the 1980s, there was tension between Blacks and Koreans in Bedford-Stuyvesant (Brooklyn) over increased Korean ownership of stores in the community. Black residents resented their relative inability to start-up businesses due to a lack of capital, while many Koreans were able to get capital from their relatives and their community.

Some have noted that ethnic/racial enclaves develop for very different reasons. For some groups, it is a matter of preference. Immigrants seek the advantage and comfort of living among people who are similar. The community's social networks and nonprofit groups oriented toward specific ethnic and racial groups are valued (Foner 2001, 8). For other groups, the development of enclaves may be as much a matter of discrimination in the housing market as preference. Individual members of a group may not be able to find affordable housing in a nonhostile environment outside the enclave (Scott 2001). One individual's enclave may be another's ghetto. In addition, while enclaves offer comfort to new immigrants, they may also retard assimilation and produce isolation. A 2015 *New York Times* article by Kirk Semple noted the problems facing immigrant women from Bangladesh: "Depression is widespread . . . often born of cultural and geographic isolation worsened by economic hardship and financial dependence on spouses" (Semple 2015). The article also noted that "the emergence of social service organizations to help Bangladeshi immigrants, particularly women, has lagged . . . one of the most glaring shortfalls . . . is in the availability of mental health services provided by practitioners fluent in Bengali and Bangladeshi culture" (Semple 2015).

While enclaves offer a place of ethnic/racial identity and mobilization that may produce increased political awareness and participation, the enclave can also delay a group's entry into the city's political arena. The enclave as a community may keep the immigrant's focus on the politics of their country of origin rather than on city politics. The enclave may also reinforce political attitudes and practices from the country of origin rather than encouraging assimilation into the city's political system.

What may also make the city attractive to ethnic and racial group enclave formation and maintenance is its degree of political decentralization and the resulting opportunities for political participation. This is enhanced by the fact that, for the past several decades, no single racial or ethnic group has been able to amass sufficient resources to control the city's political system on its own. As a result, New York City's political system can offer benefits to many groups simultaneously. Roger Waldinger (1995) suggests that the system offers "many prizes" simply because of the number of elected and appointed official positions that must be

filled, including city council seats and community board seats. These multiple positions not only create a means of access into the political system, but they also provide a means by which groups can pursue recognition and benefits for their communities (Foner 1987).

Groups compare their success in the political system against the success of other groups and assess their degree of progress and if they are being treated fairly. This assessment closely parallels two of the governing functions: democratic accountability and service delivery. Democratically accountable political systems must offer individuals and groups representation inside the system. Representation guarantees access to the process by which the benefits produced by the political system are distributed. The concept of group representation also contains a constitutional component, as courts continue to address the meaning of equal protection as it relates to electoral outcomes. This includes decisions regarding who is allowed to participate in the political system and its processes as well as the drawing and redrawing of legislative district boundary lines that determine the patterns of representation in a political system. The service delivery function of government is also critical to a group's assessment of their status within the political system. Equal service delivery treatment addresses how the city is responding to the demands of the group on the political system and how the group perceives it is being treated by the political system and the service delivery agencies that are a part of it. At the very least, groups seek equity in service delivery. Does one group perceive that other groups are being treated better? Do groups believe that they are getting the same quality of city services that all other citizens are getting?

DEMOCRATIC ACCOUNTABILITY: REPRESENTATION

In examining the issue of racial and ethnic group representation in New York City politics, three types of representation can be identified. Formal representation addresses the processes and procedures by which a political system chooses its representatives, primarily in a legislative capacity. Do ethnic and racial minority group members, by virtue of the established legal procedures, have a fair opportunity to attain positions of authority in the political system? Descriptive representation addresses the issue of whether the ethnic and racial composition of those in government is equivalent to the ethnic and racial composition of the general population. This includes not only those in elected office but also those in appointed positions. And interest representation addresses whether the policies and programs produced by the political system are responsive to the demands and needs of the array of ethnic and racial groups in society (Pecorella 1994, 131). Formal representation does not guarantee descriptive representation, and neither formal nor descriptive representation guarantees interest representation. The chances, however, of a racial or ethnic group getting what it wants out of the political system are probably increased if formal and descriptive representation have

been achieved. And of course, any racial or ethnic group's success in the political system will, in part, be a function of its presence or size relative to other racial and ethnic groups in the city's population.

One way groups seek to advance the interests of their members is through formal representation in the governmental process. The most direct mechanism for succeeding in formal representation is getting group members elected to office. The ability to vote, which can only be achieved through citizenship, gives group members the potential to install their own people into elected office. It also gives them the ability to pressure government officials to recognize their group's political power by responding to group demands and placing group members in appointed positions. Of the almost 8.2 million residents of New York City, only 6.4 million are old enough to vote, but only 5.1 million of them are citizens (Mollenkopf et al. 2013). So there are 1.3 million adult New York residents who cannot vote because they are not citizens. They lack formal representation. The city council has considered giving noncitizen residents, including undocumented immigrants, the right to vote in city elections; but the proposal has never come to a vote (Campanile 2016). Among the 5.1 adult citizens, approximately 4.1 million are registered to vote. In New York City, similar to most state and local political systems in the United States, voter registration is not a complex process, but it is not automatic. The New York City Board of Elections publishes voter registration information in four languages other than English. Finally, of those registered to vote, only three-quarters voted in at least one mayoral election between 2001 and 2009 (Mollenkopf et al. 2013).

There are no data on individual voting behavior in New York City that offer an exact picture of group voting in city elections. A study by Mollenkopf et al. (2013) found that while "people living in households headed by native-born whites make up only a quarter of the overall population[,] . . . they are a third of the potential electorate of voting age citizens" (Mollenkopf et al. 2013, 15). The Mollenkopf study examined the 2009 Democratic primary vote, looking at the ethnic/racial composition of election districts in the city. Although it is an ecological fallacy to draw too definitive conclusions from their analysis, the researchers found that "45 percent of the vote came from majority or plurality white election districts (EDs), while 30.6 percent came from majority or plurality black EDs, 20.6 percent from majority or plurality Hispanic EDs, and 2.8 percent from majority or plurality Asian EDs" (Mollenkopf et al. 2013, 16). Comparing these results with the 2010 census data in table 5.1, it appears that Whites are very overrepresented in the city's electorate, Blacks are slightly overrepresented in the city's electorate, and Hispanics and Asians are underrepresented in the electorate. For a variety of reasons, including citizenship, registration, and voter turnout, formal representation for all in the city is not being achieved.

The population changes that occurred in the city throughout the later decades of the twentieth century and the first decade of the twenty-first century had a significant impact on the racial and ethnic composition of the city. To what extent

are these changes reflected in the city council's racial and ethnic composition and in the composition of the higher-level positions in the city's executive branch? Tables 5.2 and 5.3 display the racial/ethnic composition of the city council and a sample of the city's executive branch leadership since 1974. The intervals in the tables represent the years following mayoral/council elections. There was no mayoral election in 1991, but there were council elections due to redistricting that took place as a result of the 1989 charter revisions and the 1990 census. For 2006, the missing executive branch official cell is of little consequence, since Mayor Bloomberg won reelection and there was little change in his administration at that point.

Table 5.2 indicates that since 1974, White representation on the city council declined while Hispanic and Black representation increased. In addition, in 2001, the first Asian member of the council was elected. Descriptive representation has not been achieved, but minorities have made significant improvements in their presence in the city council over time. The explanation for these changes, however, goes well beyond simple increases or decreases in the city's population mix of these groups. Since 1974, the city council has gone through two structural changes in its legislative district design, not including the imposition of term limits. Both changes in the number of districts, in 1982 and 1990, result from changes in the city charter in response to suits filed against the city by groups seeking enhanced minority representation. The 1982 change, abolishing at-large, borough-based seats on the council, produced a slight increase in the percentage of minority representation on the council. The 1990 change, however, had a much greater impact on minority representation.

In 1981, in response to a suit filed by the New York Civil Liberties Union, the U.S. District Court ruled that the city charter provision allowing for two at-large

TABLE 5.2 Racial/Ethnic Composition of the New York City Council
1974–2014 in Percentages (Frequencies)

	White	Black	Hispanic	Asian
1974	87.3 (36)	9.3 (4)	6.9 (3)	
1978	79 (34)	11.6 (5)	9.3 (4)	
1982	74.2 (26)	17.1 (6)	8.5 (3)	
1986	74.2 (26)	17.1 (6)	8.5 (3)	
1992	58.8 (30)	23.5 (12)	17.6 (9)	
1994	54.9 (28)	24.4 (13)	19.6 (10)	
1998	52.9 (27)	25.4 (13)	21.5 (11)	
2002	51.0 (26)	27.4 (14)	19.6 (10)	2.0 (1)
2006	51.0 (26)	25.4 (13)	21.5 (11)	2.0 (1)
2010	47.0 (24)	25.4 (13)	21.5 (11)	4.0 (2)
2014	49.0 (25)	25.4 (13)	21.5 (11)	4.0 (2)

SOURCE: Data obtained from the New York City Council website and the New York City Municipal Archives Library.

council members per borough violated the “one person, one vote” constitutional principle, since the boroughs varied widely in size (Benjamin and Mauro 1989). In both 1974 and 1978, all city council members occupying at-large positions were White. The abolition of these positions prior to the 1981 city council elections resulted in a small decline in the percentage of Whites on the city council and a small increase in the percentage of Black members. But the shifting percentages in 1982 are more a result of declining seats for Whites as a product of the elimination of at-large seats than any real increase by minorities.

In 1989, the number of city council seats was expanded from thirty-five to fifty-one as the result of the city charter changes that abolished the Board of Estimate (chapters 7 and 8). The increase in the number of city council districts resulted in smaller districts. Combined with the increase in minority population over the previous two decades, this enabled the creation of more minority-dominated districts. The 1991 council elections produced a significant shift in the racial/ethnic composition of the city council. Table 5.2 shows that this shift toward greater minority representation increased slightly in both 1994 and 1998. By 1998, minorities had practically achieved parity with Whites on the council. More importantly, the percentage of Black and Hispanic representatives on the city council was approaching those two groups’ percentages within the city’s population. It is doubtful that the minority composition of the city council would have been close to what was achieved in 1991, 1993, and 1997 without the restructuring of the districts.

Although, as table 5.2 shows, the 1989 charter reform resulted in increased minority representation on the city council, this at times created tension between Hispanic and Black groups over redistricting in areas where a minority council member had the potential of winning one of the new seats. Hispanic groups in the city were so critical of the initial districting plan for the city council after the charter revision that, in 1991, the U.S. Justice Department was needed to referee a redrawing of the city council district boundaries. The Justice Department agreed with Hispanic groups that the initial district lines that were drawn favored Black candidates over Hispanic candidates (Roberts 1991).

The 2001 city council election was the first to incorporate two-term limits approved by city voters in 1993. Thirty-six out of fifty-one incumbents were forced out of office due to term limits. Since some of the incumbents were Whites representing minority areas, the 2001 council elections were a chance for minority groups to pick up more seats in the council. As table 5.2 displays, the minority gains due to term limits were minimal, although the election did move minorities one vote away from controlling a majority of votes on the council, assuming minority council members would vote as a block. The 2001 council elections also produced the first Asian member of the council.

The litigation that involved both the elimination of the at-large city council seats in 1981 and the 1989 charter revision that resulted in the expansion of the number of seats on the city council had its roots in federal law. The federal Voting Rights Act of 1965 and the reapportionment Supreme Court cases of the

1960s solidified the 14th Amendment's application of the concept of equal protection to voting rights. The reapportionment court cases established the principle that, within a political system, legislative districts had to contain approximately the same number of residents so as not to advantage one group of citizens over another in having a greater weight in the election of their representatives and the resulting legislative decisions made by these representatives. It also meant that legislative district lines would have to be reviewed after every census and adjusted for population shifts to ensure that the "one person, one vote" principle was upheld and maintained over time.

The 1965 Voting Rights Act was one of the major pieces of legislation produced by the civil rights movement. Past and present discrimination against minority voting rights was the major focus of the legislation. In particular, civil rights advocates, the courts, and the U.S. Justice Department were concerned with legislative district redrawing where minority groups were gerrymandered out of a representative. Gerrymandering is the practice, dating back to the early years of the American political system, in which legislative district boundaries take on strange shapes in order to enhance the electoral chances of a group or a particular legislator. Throughout the last four decades of the twentieth century and the early years of the twenty-first century, the Justice Department blocked state legislative redistricting plans if the plans were not deemed free of any racially discriminatory purpose. The Voting Rights Act produces mandates for states to follow in redrawing legislative boundary lines. Section 2 of the act bars any state electoral law or procedure that results in minority voters having "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice" (Greenhouse 1996). Sections 4 and 5 of the Voting Rights Act apply to selected states and portions of states with a history of discrimination. According to Sections 4 and 5 of the federal Voting Rights Act, jurisdictions with a record of discrimination against minority voters or poor minority voter participation, have to obtain approval, termed "preclearance," from the Justice Department before making any change in their electoral laws or procedures. Although most states subject to the preclearance requirement were southern, the Justice Department list included Manhattan, the Bronx, and Brooklyn due to poor minority participation in elections (Siegal and Marton 2013). In the 2013 court case *Shelby County v. Holder*, however, the Supreme Court struck down major portions of Section 4 of the Voting Rights Act, which had provided the formula for establishing the criteria by which jurisdictions would be subject to the preclearance mandate in Section 5.

Sections 4 and 5 were invoked several times in the 1990s when New York City Schools Chancellor Rudy Crew sought to intervene in corrupt or malfeasant community school districts being run by locally elected community school boards. In each instance of Chancellor Crew's intervention, he needed the approval of the U.S. Justice Department (DOJ) because he was overriding the authority of an elected body. Although the DOJ ultimately approved of each of

Crew's interventions, at one point they demanded that he give parents in the local school district some say in the appointment of trustees for the district (Holloway 1996). In 2002, Mayor Bloomberg needed preclearance from the DOJ when the state gave him control of the entire school system. The mayoral control proposal involved the abolition of the elected community school boards, but the DOJ ruled that the change was "not a change affecting voting," since the Bloomberg administration was abolishing the entire school board electoral process and not discriminating against any group (Goodnough 2002).

In the 1990s, Section 4 was also used several times to protect the voting rights of Asian Americans in New York. In 1994, the Asian American Legal Defense and Education Fund (AALDEF) received the assistance of the Department of Justice in blocking ballots that failed to include candidate names in Chinese. And in 1998, Section 4 was employed again when the DOJ intervened in New York City community school board elections to block a plan that would have diluted the Asian American vote (Siegal and Marton 2013). Aside from the direct intervention of the DOJ in city voting procedures, advocates for minority voting rights in the city have noted the important "deterrent principle" that Section 4 and 5 of the Voting Rights Act played in the past. Due to the court's decision in *Shelby*, groups in the city who believe their voting rights have been compromised will still have the right to formally sue in federal court, but the DOJ no longer has the ability to preclear the city's voting changes (Siegal and Marton 2013).

The Voting Rights Act has also been applied to the New York City congressional delegation. As a result of the 1990 census, New York State legislators redrew New York City's Twelfth Congressional District's lines, creating a strangely shaped district including parts of Queens, Brooklyn, and the Lower East Side of Manhattan. Their purpose, in the spirit of the Voting Rights Act, was to enhance the chances of a Hispanic being elected to Congress. When it was created, the new district was 58 percent Hispanic and about 19 percent Asian. Whites made up 14 percent of the district and Blacks 9 percent. In 1992, the district elected Nydia Velazquez, a Puerto Rican woman, to Congress. In 1995, however, the Supreme Court ruled unconstitutional a redistricting plan in Georgia in which race played a dominant factor (Hicks 1997a). Subsequent decisions regarding state redistricting plans around the country reiterated the court's antipathy toward the use of race as a dominant factor. In most cases, the rulings had the effect of invalidating those districts drawn after the 1990 census.

In February 1997, a federal district court declared the Twelfth Congressional District unconstitutional because "race and ethnicity were the dominant factors used to draw it" (Levy 1997). In its ruling, the court noted that "the number of Hispanic residents had been so important in drawing the district that a sophisticated computer program was used to find people with Hispanic surnames on voter registration lists" (Levy 1997). As a result of the new ruling, the New York State legislature redrew the boundaries of the Twelfth Congressional District with

surprisingly little controversy. The redistricting affected the boundaries of five other adjacent congressional districts. With the change, the percentage of Hispanic residents in the district dropped from 58 to 48 percent. Congresswoman Velazquez easily won reelection. Today, seven of the twelve congresspersons representing New York City are minorities, and in 2016, State Senator Adriano Espaillat became the first Dominican New Yorker elected to Congress, replacing retiring Congressman Charles Rangel.

Table 5.3 reflects changes in the composition of the city’s executive branch leadership over time. These changes, however, occurred for very different reasons, since the positions displayed in table 5.3 are all appointed, not elected. All the positions examined in table 5.3 are appointed by the mayor except for five of the seven members of the city’s Board of Education. The five borough presidents controlled these positions. The seven Board of Education positions are not included in the table after 1998 because the board was abolished by the state legislature and governor in 2002 when the mayor was given the power to appoint the chancellor of the school system. In addition, the number of deputy mayors varies by mayoral administration, with some mayors appointing as many as seven and others as few as three. According to the data displayed in table 5.3, White representation in the appointed positions in the city’s executive branch has declined. Hispanic representation increased in the 1970s, 1980s, and early 1990s but declined and then stabilized after that. Black representation has fluctuated over the forty-year period displayed in the table. Similar to representation on the city council, descriptive representation in executive branch leadership has not been achieved, but minority groups have increased their presence in key appointed positions in the city administration.

TABLE 5.3 Racial/Ethnic Composition of Selected New York City Executive Branch / Appointed Positions, 1974–2014, in Percentages (Frequencies)

	White	Black	Hispanic	Asian
1974	75.0 (22)	20.6 (6)	3.4 (1)	
1978	75.7 (25)	15.1 (5)	9.0 (3)	
1982	78.7 (26)	12.1 (4)	9.0 (3)	
1986	75 (24)	18.7 (6)	6.0 (2)	
1990	51.5 (17)	24.2 (8)	24.2 (8)	
1994	60.0 (20)	12.1 (4)	27.2 (9)	
1998	64.5 (20)	19.3 (6)	16.1 (5)	
2002	62.5 (15)	20.8 (5)	16.6 (4)	
2010	78 (29)	8 (3)	13.5 (5)	
2014	53 (36)	22 (11)	14 (7)	10 (5)

SOURCE: Data obtained from the New York City website and the New York City Municipal Archives Library.

The peak for minority representation in the executive branch occurred during the Dinkins administration. The percentage of Black officials increased slightly and the percentage of Hispanic officials increased significantly. Interestingly, the election of Rudolph Giuliani in 1993 resulted in no decrease in Hispanic representation but a marked decrease in Black representation among executive branch appointees. Mayor Giuliani's courting of the Hispanic vote might be an explanation for this. With the exception of 2010, the first year of the third—and final—term of the Bloomberg administration, minority representation in executive branch appointees is higher than it was in the 1970s and 1980s, mirroring the increased minority composition in the population and the corresponding coming-of-age of minority leadership in the city's political system. Of note, the de Blasio administration has significant representation by Asian American New Yorkers. There are significant issues regarding the democratic accountability of the municipal bureaucracy, and these will be discussed in chapter 9. At the same time, however, minority groups in the city have assigned importance to the ethnic and racial composition of some segments of the municipal bureaucracy. This, too, will be discussed in chapter 9.

SERVICE DELIVERY: THE PURSUIT OF EQUALITY

As noted earlier in the chapter, interest representation addresses whether the policies and programs produced by the political system are responsive to the demands and needs of the array of ethnic and racial groups in society (Pecorella 1994, 131). In making demands on the political system, some ethnic and racial groups have explicitly made the claim that they want to be treated as other groups are being treated. If a group perceives that it is receiving less than other groups, litigation is frequently the tactic chosen to address the inequity. The Campaign for Fiscal Equity, discussed in chapter 2, was in part a claim by minority parents that their children were not getting the same quality of education as other children in the city. On occasion, unequal treatment by the city has been the source of threats to civil harmony as some groups have chosen direct political action to demonstrate to the city's political system the need to address unequal service delivery.

Race Relations and the NYPD

Clearly the most visible example of unequal treatment by the city's service delivery bureaucracy is the relationship between minority groups and the New York City Police Department (NYPD). It was the claim of unequal treatment by the police that was, in part, at the root of the tension in Crown Heights in the early 1990s; although, at times during the Crown Heights conflict, both Blacks and Hasidics were alleging unequal treatment. The most serious instance of unequal treatment of minorities by the police is brutality. In 1996, Amnesty International, a human rights organization known for publicizing cases of human rights violations and torture—primarily in nondemocratic countries—issued a report on the practices

of the NYPD. The report concluded that “police brutality and unjustifiable force” is a “widespread problem” throughout the NYPD and that the vast majority of abuses occur in Black, Hispanic, and Asian communities (Krauss 1996). In the past, critics of the NYPD’s service delivery record in minority communities have suggested that a link exists between descriptive representation and interest representation. That is, they have argued that the NYPD’s problems in minority communities are in part due to the fact that minorities are underrepresented on the police force. In the past, this was a problem, but the NYPD has made significant progress in minority recruitment. In 2013, 41 percent of the NYPD was White, 24 percent Black, 28 percent Hispanic, and 6 percent Asian (New York City Mayor’s Office of Operations 2013). The NYPD is more descriptively representative of the city than the City Council. But greater descriptive representation has not solved the NYPD’s problems with minority communities.

In the late 1990s, NYPD–minority community relations reached a low point in the aftermath of two events: the beating and torture of Abner Louima and the shooting of Amadou Diallo. Early in the morning of August 13, 1997, police broke up a fight outside a Haitian club in the Flatbush section of Brooklyn. After a brief scuffle, several arrests were made, including Abner Louima. Mr. Louima later told police investigators that at the Seventieth Precinct station, he was beaten, subjected to racial slurs, and had the broken wooden handle of a toilet plunger shoved into his rectum and then into his mouth. Both Mayor Giuliani and Police Commissioner Howard Safir visited Louima in the hospital and met with leaders of the Haitian community to assure them that action would be taken to prosecute all police who were responsible for the beating (Barry 1997). As will be discussed later in the chapter, the Louima incident was responsible for the political mobilization of New York’s Haitian community. Less than two years after the Louima incident, on February 4, 1999, Amadou Diallo, an unarmed Black West African male, was shot to death by four members of the NYPD Street Crimes Unit. The Street Crimes Unit was a plainclothes division that focused on illegal guns and had a reputation for being aggressive. And although descriptive representation may not guarantee interest representation, in the aftermath of the Diallo shooting, many noted that the NYPD Street Crimes Unit was estimated to be less than 10 percent minority, a much lower percentage than the entire NYPD (Kocieniewski 1999).

To protest the Diallo shooting and the perceived lack of sensitivity to the issue on the part of Mayor Giuliani and the NYPD, the leadership of the minority community, led by Reverend Al Sharpton, engaged in protests and acts of civil disobedience outside of police headquarters in Manhattan. Those arrested included former Mayor David Dinkins, Manhattan Borough President Ruth Messinger, and the head of the NAACP (Barry 1999). In a *New York Times*/CBS public opinion poll in mid-March 1999, less than a quarter of those New Yorkers polled believed that the police treated Whites and minorities equally. Almost 90 percent of Blacks questioned thought that the police engaged in acts of brutality against Blacks (Barry and Connelly 1999). By late 1999, Police Commissioner

Safir had reorganized the Street Crimes Unit, returning them to uniformed patrol (Blair 1999).

Stop-and-frisk is an NYPD tactic that has been at the center of minority community claims of unequal treatment. In the late 1990s, the New York State Attorney General found that “Blacks and Hispanics are much more likely than whites to be stopped and searched by New York City police officers, even when the numbers are adjusted to reflect high crime rates in some neighborhoods where members of minority groups live” (Flynn 1999). NYPD officials claimed that the variance in stop-and-frisk rates among various racial and ethnic groups was due to the fact that most of the activity takes place in high-crime areas. But the attorney general’s study refuted the NYPD’s defense by comparing how often members of a racial/ethnic group were stopped compared to how often those stops resulted in an arrest (Flynn 1999). In 2008, the Center for Constitutional Rights (CCR) filed a class action lawsuit in federal court to end racial profiling attached to the NYPD’s practice of stop-and-frisk. The suit, *Floyd et al. v. City of New York*, represented men of color in New York who had been stopped by NYPD officers without cause. The case focused “not only on the lack of any reasonable suspicion to make these stops (90 percent of the stops result in no issuance of summons or arrest, in violation of the Fourth Amendment), but also on the obvious racial disparities in who gets stopped and searched by the NYPD—90 percent are Black and Latino, even though these two groups make up only 52 percent of the city’s population” (Center for Constitutional Rights 2008).

In her ruling, in 2013, Federal District Court Judge Shira Scheindlin noted that the purpose of the case was not to end the use of stop-and-frisk but to make sure that its use conformed to constitutional limits. These limits include that the practice of stop-and-frisk be based on “reasonable suspicion as defined by the Supreme Court of the United States” and that the “stops be conducted in a racially neutral manner” (U.S. District Court 2013, 2). The facts presented in the case showed that between 2004 and 2012, the NYPD engaged in 4.4 million stops, and a little more than half (2.3 million) of those stops resulted in frisks. In 98.5 percent of the stop-and-frisk cases, no gun was found. Six percent of all stops resulted in an arrest. Of the 4.4 million stops, 52 percent of the persons were Black and 31 percent of the persons stopped were Latino, even though those two groups comprised only 52 percent of the city’s population. Force was used in a higher percentage of stop-and-frisks involving minorities than Whites (U.S. District Court 2013, 6–7).

The facts in the case also found that “the NYPD carries out more stops where there are more black and Hispanic residents, even where other relevant variables are held constant” and that “the racial composition of a precinct or census tract predict the stop-and-frisk rate above and beyond the crime rate” (U.S. District Court 2013, 9).

Judge Scheindlin ruled that the city was responsible for violating the constitutional rights of many of those who had been stopped-and-frisked. And she noted that the city had “acted with deliberate indifference toward the NYPD’s practice

of making unconstitutional stops and conducting unconstitutional frisks . . . Both statistical and anecdotal evidence showed that minorities are indeed treated differently than whites” (U.S. District Court 2013, 13). Judge Scheindlin ordered that immediate steps be taken to reform the stop-and-frisk process, that the NYPD implement a pilot project in which body-worn cameras will be used by the police, that community input from affected communities be sought to develop long-term remedies in addition to immediate reforms, and that a monitor be appointed who will oversee the stop-and-frisk reform process and report to the federal court on the progress being made (Center for Constitutional Rights 2013).

The Bloomberg administration appealed the ruling. In late 2013, the U.S. Court of Appeals stayed Judge Scheindlin’s ruling but ordered that she be removed from the case, in part because she had given a number of public interviews responding to criticisms of her ruling. In these interviews, she was critical of Mayor Bloomberg and Police Commissioner Ray Kelly. The U.S. Court of Appeals panel ordered that the case be given to a new judge (Gabbat 2013). The Bloomberg administration, however, left office in early 2014. The new mayor, Bill de Blasio decided not to contest the case. In January 2014, he announced that his administration had reached an agreement with the plaintiffs, agreeing to implement Judge Scheindlin’s remedies, including a court-appointed monitor (New York City Mayor’s Office 2014). In July 2015, the court-appointed monitor, Peter Zimroth, issued his first report to Federal Judge Analisa Torres, who had replaced Judge Scheindlin. The Zimroth report outlined what the NYPD would need to do, including making precise changes in stop-and-frisk policies, retraining the NYPD in order to make sure these policies were understood by the police on the street, auditing by the NYPD to make sure the remedies were being implemented, and starting an NYPD body-worn-cameras pilot project (Arnold & Porter LLP 2015).

School Segregation and New York City’s Specialized High Schools

The Campaign for Fiscal Equity, discussed in chapter 3, was based on complaints by low-income minority parents in the city that their children were being denied a “sound basic education,” in large part due to inadequate state funding. The disparity in minority admissions to the city’s elite, specialized high schools displays another, and possibly related, inequity in the delivery of education to the city’s children. Despite being the most diverse city in the United States, New York City’s school system is very segregated. The “overall population of students in city schools is 40.2% Hispanic, 28.3% Black, 15.3% Asian, 14.5% White, and 1.3% other” (New York City Council Committee on Education 2014, 11). According to a 2014 City Council report, “74% of black and 80% of Latino children attend schools where the majority of students are non-white, and approximately 43% of Latino and 38% of black students are in intensely segregated schools, meaning less than 10% their classmates are white” (New York City Council Committee on Education 2014, 3–4). Charter schools in New York are extremely segregated at less than 1 percent White enrollment. Immigration patterns, birth rates, and

housing policies have all contributed to segregation across the entire school system. School choice, a practice that allows parents to move their child to a school not in their immediate neighborhood, is also seen as contributing to segregation. Better informed, usually higher-income parents are better able to take advantage of the school-choice process (New York City Council Committee on Education 2014).

New York City has eight specialized high schools for academically gifted students. Admission to these schools is based on the score attained on a single test, the Specialized High School Admissions Test (SHSAT). For three of the eight schools, the use of a single test as the sole criterion for admission is a matter of state law. Although 70 percent of the New York City student body is Black or Hispanic, in 2014, only 11 percent of offers to attend the eight specialized high schools went to Black or Hispanic students. Of those admitted to the specialized high schools in 2014, “5% are Black, 7% Hispanic, 53% are Asian, and 26% are White” (New York City Council Committee on Education 2014, 14). In 2012, “Black students comprised 21.8 percent of test takers yet they received only 4.7 percent of offers; and Latino students comprised 21.6 percent of test takers, but only 7.2 percent of offers. In contrast, white students comprised just 15.5 percent of test takers, yet received 24 percent of offers, and Asian American students comprised 27.5 percent of test takers and received 49.7 percent of offers” (Community Service Society 2013, 7).

In 2012, the NAACP Legal Defense Fund and the Latino Justice Center of the Puerto Rican Legal Defense and Education Fund, together with other advocacy groups, filed a complaint with the Office of Civil Rights of the U.S. Department of Education “alleging that the NYC Specialized High School’s admissions policy violates federal law” (Community Service Society 2013, 2). The U.S. Department of Education began an investigation but has delivered no ruling to date.

Many minority students in the city, especially low-income minorities and/or those living in highly segregated communities, do not have access to high-quality middle schools who stress preparation for the SHSAT. As a result, a much lower percentage of minority students sign up to take the SHSAT, and this creates a “cycle of disenfranchisement” (Cary 2015). The existence of the test and working to prepare for the test are never considered by many minority students who could do well on the test if given the opportunity and preparation. In addition, they are unable to afford costly, private test preparation programs that may cost several thousands of dollars (New York City Council Committee on Education 2014): “Students in specialized high schools came from census tracts where the median family income averaged \$62,457 compared with \$46,392 for students in other high schools” (New York City Independent Budget Office 2012).

To date, no comprehensive solution to this problem has been adopted by the city. Some who seek to address the racial imbalance at the specialized high schools believe that a set of programs can be adopted to get more minority students

involved in test preparation for the SHSAT. They propose that test preparation materials be made available for free online and that all eighth graders in the city be registered to take the test (United Federation of Teachers 2014). The New York City Department of Education offers a tutoring and test preparation program for disadvantaged students, but it is not a large program and requires a twenty-two-month intensive commitment by students and families. A number of critics of the specialized high school admissions process would like to supplement the SHSAT with other admissions criteria. There is little evidence that a single test can predict a student's success in school. And some studies have concluded that the scores of students who were admitted were statistically indistinguishable from the scores of students who were denied admission (Community Service Society 2013, 5). These advocates argue that admission criteria should include multiple measures such as middle school grade point average and class rank (United Federation of Teachers 2014). But, as previously noted, state law mandates that the test be used as the sole criterion for admissions at three of the eight specialized schools. The mayor and the Department of Education have the authority to change the admission criteria at the other five but have made no changes to date.

Environmental Racism and Asthma

Environmental racism involves the placement of facilities, public or private, which produce toxic or hazardous air or water quality into communities that are heavily populated by minorities, particularly low-income minorities, who lack the political power to oppose the facility or the economic ability to relocate (Berger and Chapel 1998; Weisskopf 1992). Environmental racism is premised on the hypothesis that environmentally hazardous sites are not equitably distributed across the city and therefore constitute an insidious form of service delivery inequity (Bowen et al. 1995, 641). It is as much an issue of class as it is race or ethnicity, but in urban areas, race and class are linked (Weisskopf 1992). Whether the location of hazardous facilities in low-income minority areas has been a matter of public policy or merely a function of diffuse, but systemic, values regarding race and class is the subject of debate among those who research the concept (Bowen et al. 1995, 658; Maher 1998, 360). Environmental racism has an impact not only on the health of the individuals living nearby but also on the economic development prospects for those affected communities. Labeling these areas "environmental sacrifice zones," one researcher noted that the placement of hazardous sites creates "obstacles to normal development" (Maher 1998, 360).

Environmental racism is as much an artifact of urban economic development as it is racial and ethnic politics. Pollution and the production of waste are two of the negative byproducts of economic development. Clearly, some types of economic development produce more pollution and waste than others, but there are very few types of economic development that do not create some type of negative impact on the environment. In densely populated urban areas, the management

of pollution and waste creates financial and logistical challenges for planners and politicians. Moving residential and commercial waste far away from population centers for disposal becomes expensive. Finding a place for waste disposal close to population centers reduces transportation costs but may expose populations to the disposal's harmful effects. Given the high cost involved in the transportation of waste or waste disposal, it is not surprising that a disproportionate number of waste-oriented facilities are located in communities where those who have the least amount of political power reside.

In 2006, the city council passed Mayor Bloomberg's solid-waste management plan. One of the goals of the plan was to make each borough responsible for housing its own residential solid waste prior to it being trucked or shipped out of the borough. One of the most controversial aspects of the plan was the placement of a marine waste transfer station on the East River in Manhattan, adjacent to a very affluent, primarily White, neighborhood on the Upper East Side. Councilpersons representing the Upper East Side vigorously opposed the measure on health and aesthetic grounds. At a city council meeting where the plan was being debated, Brooklyn Councilperson Charles Barron responded to these protests: "I find it interesting how now people are concerned about waste transfer stations in densely populated areas . . . Where have you been for all these years when we had 19 (waste transfer stations) in Brooklyn, 15 in the Bronx and none in Manhattan? Where were all you people of conscience . . . We've been concerned about environmental racism for decades. You have to share the burden. It is disingenuous now when you raise the issue because it is coming to your neighborhood but as long as it was in our communities, it was alright" (New York City Council Committee on Sanitation and Solid Waste Management 2006).

Even after Mayor Bloomberg's solid-waste management plan had passed, the Upper East Side community used their resources and political power to block the implementation of the plan and the building of the marine waste transfer station on the river in the East 90s. The Upper East Side opposition groups argued that, despite the transfer station's proximity to the affluent neighborhoods of the Upper East Side, the trucks lining up at the waste transfer station would harm low-income minorities at several nearby public housing projects (Giambusso 2014). Councilperson Melissa Mark-Viverito, similar to Councilperson Barron six years earlier, responded to the Upper East Side opposition:

What's disturbing is the way this group is trying to undo the hard work that actual environment justice communities have put in for decades, work aimed at achieving a fairer distribution of waste facilities that have historically been concentrated in lower income communities . . . The 91st Street marine transfer station was included in the 2006 Solid Waste Management Plan because it is integral to the plan's stated goal of borough equity. Currently Manhattan is the only borough that lacks a waste transfer station. This stands in stark contrast to the South Bronx, part of which I represent, which alone has 12 waste transfer stations. (Mark-Viverito 2012)

Ultimately, although the opposition groups were not successful in getting the waste transfer station relocated, they were successful in getting the city to move the road over which the trash trucks would travel to dump their solid waste so that they would not be so close to a local athletic center (Boone 2015).

Asthma is a multifactorial condition. Both indoor pollution (e.g., smoking, dust, roach mites) and outdoor pollution (e.g., diesel fuel-burning trucks, coal-powered furnaces) have been identified as factors contributing to asthma attacks. In the mid-1990s, childhood asthma rates were highest in many of the communities with a disproportionate number of waste transfer stations. Many of these same communities were underserved by the health and medical community, in addition to having large numbers of residents who were uninsured and lacking a primary care physician. As a result, asthma in these communities was poorly managed and asthma attacks frequently resulted in hospitalization. In the late 1990s, asthma was the leading cause of hospitalization among the city's children. It was responsible for approximately three hundred deaths in the city per year—a 50 percent increase since 1980 (Calderone 1998; Egbert and Calderone 1998). Within individual boroughs, especially the Bronx and Manhattan, there was significant divergence among childhood asthma rates across neighborhoods. In 1995, East Harlem (Manhattan) had an asthma hospitalization rate of thirty-six children per one thousand. The rate for the Upper East Side, thirty blocks south, was three per one thousand. In the Bronx, the childhood asthma hospitalization rate was twenty-three per one thousand for the Hunts Point community in the South Bronx but seven per one thousand in the central Bronx community of Kingsbridge (New York City Department of Health—Community Health Works 1999, 61).

In the late 1990s and early 2000s, the city took a number of steps to address the childhood asthma problem and disparities. Both the Giuliani and Bloomberg administrations implemented citywide campaigns educating parents on how childhood asthma could be managed. Focusing on those communities where the childhood asthma hospitalization rates were highest, they enlisted community groups, hospitals, clinics, and physicians to assist parents in playing a greater role in managing asthma to reduce hospitalizations. Community groups were particularly effective in attacking the indoor triggers to asthma. They had the ability to visit the homes of asthma sufferers and directly help families reduce those household sources that could bring on asthma attacks. The city Department of Health lacked the ability to be that intrusive at the grassroots level. The Bloomberg administration also opened a storefront asthma center in East Harlem that distributed information and made referrals for families. City buses and other vehicles switched to low-sulfur diesel fuel and natural gas that reduced pollutants, especially given the fact that most city buses were housed in northern Manhattan and low-income communities of the outer boroughs. And although a large number of waste transfer stations remained in low-income communities, by 2010, more of the city's solid waste was leaving the city by rail or barge, reducing truck traffic in parts of the city (Berg 2015). As a result of the city's efforts, childhood asthma

hospitalization rates in East Harlem dropped from 36 per 1,000 in 1995 to 11.2 per 1,000 in 2007. In the Hunts Point section of the Bronx, the rate dropped from 23 per 1,000 in 1995 to 11.5 per 1,000 in 2007 (New York City Department of Health—Community Health Works 2010). There were still significant disparities across the city's neighborhoods, but they were not as great as they were in 1995; the childhood asthma hospitalization rate had dropped significantly in almost every neighborhood.

Service Delivery and Undocumented Immigrants

Since the nineteenth century, and possibly before, New York City has served as a gateway city for immigrants. And beyond the gateway phenomenon, many immigrants have decided to stay in the city to work and raise a family, contributing to the city's diversity. The United States' ineffective and poorly implemented immigration laws have resulted in a large number of undocumented immigrants currently living in U.S., having overstayed their visas or having entered illegally. As a gateway city, New York City has served as both the point of arrival and current home to large numbers of undocumented immigrants. There are estimates that as many as five hundred thousand undocumented immigrants currently reside in the city and that as many as four hundred thousand are part of the workforce (Fiscal Policy Institute 2007, 21).

New York City's political system has always viewed immigrants in a much more favorable light than many other political systems in this country. For decades, if not longer, the contribution of immigrants to the city's vibrancy and economic health has been recognized across the political system. Throughout the 1990s and early 2000s, "immigrant entrepreneurs fueled much of the overall growth in new businesses across the city and triggered dramatic turnarounds in neighborhoods" in each of the city's five boroughs (Center for an Urban Future 2007, 4). Neighborhoods where immigrants owned a majority of the businesses experienced a greater rate of job growth than the city as a whole (Center for an Urban Future 2007). Undocumented immigrants comprise the low end of the city's economy but still play a significant role in the food service industries and construction and retail services (Fiscal Policy Institute 2007).

As discussed earlier, there has been no reform of the national immigration laws since the 1980s. Differences across the American political spectrum regarding the goals of proposed immigration reform legislation have produced a stalemate among those seeking change. The terrorist attacks of September 11, 2001, and the subsequent terrorist events in both the United States and abroad have further complicated any attempt at reform. And although there has been no comprehensive national reform of the immigration laws since the 1980s, recent positions articulated by some elected officials at the federal level have put the city's favorable views toward immigration, and even undocumented immigrants, at odds with those in Washington. In the aftermath of the 1986 federal Immigration Reform and Control Act, Mayor Koch issued an executive order "protecting the

confidentiality and encouraging them (undocumented immigrants) to use city services” (Rubin 2008–2009, 499). In 1996, as part of the federal welfare reform legislation, Congress amended federal immigration laws that “appeared to preempt the city’s authority under the executive order to prohibit city officials from transmitting information respecting aliens to the INS” (Rubin 2008–2009, 499). The Giuliani administration sued to overturn the federal regulations but lost. Even after the city lost its suit, Mayor Giuliani “made it clear that city workers did not have to cooperate” with the immigration regulations (Siegel 2005, 340). Mayor Giuliani argued that if the federal regulations were enforced, undocumented immigrants would be denied due process of law because they would be afraid to call the police if they were in trouble, for fear of exposing themselves as illegal immigrants and being turned in by city officials. The mayor also expressed the concern that with the federal regulations, immigrants would stop sending their children to school or seeking treatment for contagious diseases at public hospitals (New York City Mayor’s Office 1996; *New York Times* 1996).

The Bloomberg administration continued the practice of protecting the immigration status of city residents through the issuance of two executive orders in 2003. The purpose of Executive Orders 34 and 41 was to “ensure that all New Yorkers regardless of immigration status can access the city services that they are entitled to receive” (New York City Mayor’s Office of Immigrant Affairs 2014). Under the executive orders, city employees could not ask an individual about their immigration status unless they were required to do so by law or if it was necessary to determine eligibility for specific benefits. If individuals voluntarily informed city employees of their immigration status, the information would remain confidential and would not be reported to anyone, unless required by law. Police officers also could not ask an individual about their immigration status if that individual was seeking the assistance of the police. The police could, however, ask an individual about their immigration status if they suspected “illegal or criminal activity” (New York City Mayor’s Office of Immigrant Affairs 2014). In issuing Executive Order 41, Mayor Bloomberg stated that “open access” to services is a “top priority” for all New Yorkers and in the best interest of the entire city: “When the parent of an immigrant child forgoes vaccination for fear of being reported to the federal immigration authorities . . . we all lose.” And “we all suffer when an immigrant is afraid to tell the police that she has been the victim of a sexual assault or domestic violence . . . At its core, Executive Order 41 is a clear and unequivocal invitation to all law abiding New Yorkers to come forward without fear or apprehension and avail themselves of the services that keep us all healthy, safe, and prosperous” (New York City Mayor’s Office 2003).

In order to ease the interaction between undocumented immigrants and city institutions, Mayor de Blasio and the city council created a municipal identification card (IDNYC) program in 2014. Any New York City resident can obtain the card regardless of immigration status. All city agencies, including the NYPD, accept the IDNYC as official identification. In addition, the city has been working

with private institutions in the city, including banks, supermarkets, pharmacies, and cultural institutions, to accept the card as an official form of identification. The city conducted marketing and outreach to promote the card, including the use of public service announcements in taxis and on subways and the use of a hotline in Spanish (New York City Council Committee on Immigration 2015). The program was initiated in January 2015. By May 2015, over one hundred thousand IDNYC cards had been issued (Vasquez 2015).

President Donald Trump took office in 2017 with the goal of increased enforcement of immigration laws, especially the deportation of undocumented immigrants. Despite the very pro-immigrant policies and rhetoric of the de Blasio administration, including pronouncements about New York as a sanctuary city, Immigration and Customs Enforcement (ICE) stepped up their enforcement efforts in the city. By November 2017, there were reports that ICE agents were located in many courthouses across the state and that arrests of immigrants had increased by 900 percent, including some immigrants who were in court because of traffic violations (Brown 2017). It was not clear what the de Blasio administration would or could do to stop the ICE arrests.

RACIAL AND ETHNIC INTEREST GROUPS

Groups representing ethnic and racial minorities have been part of the city's political fabric since the nineteenth century. Benevolent associations, fraternal organizations, and immigrant aid societies have played socializing as well as mobilizing roles in the lives of the city's minorities for almost two centuries. In the twentieth century, these groups were joined by organizations seeking greater democratic accountability and service delivery equity. More recently, municipal unions, other occupational groups advocating for heavily minority constituencies, and groups representing the poor have also expressed minority concerns.

Groups: From Legal Rights to Service Delivery

The Puerto Rican Legal Defense and Education Fund (PRLDEF) was founded in the early 1970s in New York City. Although the group's activities go well beyond the borders of the city, the principal founders of the group were all New Yorkers, and some of the group's major victories have had significant impacts on New York City's politics in the areas of legal rights and service delivery equity. In addition, the group's activities have benefitted many minorities other than Puerto Rican New Yorkers. In the early 2000s, the group changed its name to Latino Justice PRLDEF. The group's first lawsuit, *Aspira v. New York City*, addressed the needs of non-English-speaking students in the New York City public schools. The consent decree resulting from the case mandated that the city Board of Education "provide transition bilingual education services to all Puerto Rican and other Spanish speaking youngsters in the system needing it" (Rappaport 2002, preface).

The decision was central to New York City's establishment of a bilingual education program throughout the school system and furthered the concept of service delivery equity in the delivery of education services.

The PRLDEF has also been involved in voting rights and democratic accountability issues. In the 1980s, the group went to the U.S. Supreme Court and succeeded in postponing the city's Democratic Party primary due to allegations that the city had violated the 1965 Voting Rights Act. The PRLDEF alleged that the city's redrawing of city council district lines after the 1980 census discriminated against Puerto Rican and other Hispanic voters by denying them equal representation. The council district lines were redrawn in response to the complaint (Puerto Rican Legal Defense and Education Fund 2006). In 1991, the PRLDEF went back to court and used the Justice Department's Voting Rights Act preclearance provision to halt the city's redrawing of city council district boundary lines. On this occasion, the PRLDEF alleged that some of the districts created favored Black candidates over Hispanic candidates and resulted in a potential imbalance in Black and Hispanic representation in the city council relative to the Black and Hispanic composition of the city's population. As a result of the group's activities, the Justice Department informed the City Districting Commission that it could not approve the city redistricting plans for the council because it "consistently disfavored" Hispanic voters (Pear 1991). The Districting Commission was forced to redraw its original plan in order to give Hispanic voters greater strength in two districts (Lee 1991).

More recently, LatinoJustice PRLDEF has focused on national political issues. They have been active in lobbying and litigation for immigration reform at the federal level and are among a number of ethnic- and race-based groups seeking reform of police activities that have resulted in the profiling of minorities. They have also been involved in voting rights cases in states where discrimination against Hispanic voters is taking place (LatinoJustice PRLDEF 2016).

Formed at about the same time as the PRLDEF, Asian Americans for Equality (AAFE) focuses much of its activity around the Asian communities in Chinatown (Manhattan) and Flushing (Queens). While its early activities dealt with discrimination against Chinese workers and employment rights, much of its activity today deals with housing and immigrant services (Asian Americans for Equality n.d.a.). The group has an economic development focus in addition to their focus on rights. In 2015, after the *New York Times* published a highly critical series of articles on the exploitation of workers in the city's nail salons, the AAFE joined with other groups to form the Healthy Nail Salon Network. The organization works with city and state agencies to inform nail salon workers of their rights, in addition to educating nail salon owners of their legal responsibilities (Asian Americans for Equality 2015). In the area of housing, the group protects the rights of tenants, but it has also become a provider of affordable housing in the Chinatown community. In the aftermath of the September 11, 2001, terrorist attacks, the AAFE

became more involved in the rebuilding of the Chinatown economy, damaged due to the neighborhood's proximity to the World Trade Center (Asian Americans for Equality n.d.b.).

As Chinatown began to experience gentrification pressures in the early twenty-first century, AAFE attorneys took on more tenant harassment cases as landlords sought to move tenants out of rent-stabilized apartment so they could charge market-rate rents (Flynn 2015). At the same time, the AAFE entered a public-private partnership to build 231 units of affordable housing in Flushing (Edmonds 2016). "Since 1986, AAFE has developed over 700 units of affordable housing" (Abello 2016). In addition to building affordable housing, AAFE's Renaissance Economic Development Corporation has provided loans to over 750 small businesses. Using regulations linked to the federal Community Reinvestment Act, the AAFE has also participated in the oversight of bank mergers in the community to ensure that mergers do not negatively affect the bank's loan policies toward the community. When New York Community Bank merged with Astoria Bank in 2015, the AAFE was a member of a group that successfully lobbied for the creation of a "community reinvestment plan" that guaranteed continued lending for multifamily housing (Abello 2016).

As immigration policies and issues received greater national attention, groups addressing the rights of immigrants have become more prominent in both New York City and national politics. The New York Immigration Coalition was formed in 1987, shortly after the passage of the 1986 federal immigration reform law, the last comprehensive piece of federal immigration legislation. The coalition has over two hundred member organizations and several hundred additional supporters among local businesses, corporations, and civic groups. Since its inception, the coalition has become the major spokesperson for immigrant issues in the city and a leading group in the national immigration reform debate. In the early 1990s, the coalition worked closely with the Dinkins administration in managing the Haitian refugee crisis. They assisted the city government in locating housing, health care, and "other resettlement services" (New York City Immigration Coalition 2016). After the terrorist attacks of 2001, the coalition organized legal support for Muslim, Arab, and South Asian immigrants being targeted by federal law enforcement agencies. The coalition has also played a role in the Campaign for Fiscal Equity suit seeking more state funding for the city's schools and Mayor Bloomberg's issuance of Executive Order 41 guaranteeing confidential access to city services for undocumented immigrants (New York City Immigration Coalition 2016).

While gay and lesbian New Yorkers are not identified as racial or ethnic minorities, they have certainly suffered discrimination in many of the same ways as other minorities and have engaged in many of the same tactics to obtain rights denied to them. In the early 1980s, the outbreak of HIV/AIDS exacerbated the already vulnerable position of the gay community. Fearful of discrimination, many gay men hid their identities from their families and the public. For the public, it was difficult to tell where bias and discrimination against homosexuals ended and fear

of HIV/AIDS began. Throughout the 1980s and beyond, HIV/AIDS forced the gay community, and many of its members, to go public in their pursuit of much-needed health care and social services and in their attempts to prevent further discrimination. The Gay Men's Health Crisis (GMHC) was founded before the disease had an official name. Initially a group of volunteers providing information and education to persons with AIDS, the GMHC rapidly evolved into an organization providing services. Prior to the outbreak of AIDS, the gay community was organized to a limited degree, primarily around its social life and its enclave in Greenwich Village in southern Manhattan. The formation of the GMHC facilitated the further political mobilization of the gay community. In the process of obtaining needed services, the organization fought discrimination as well. GMHC volunteers fought discrimination against persons with AIDS by dentists as well as the funeral industry (Chambre 2006).

Several years before the city's Department of Health began addressing the AIDS crisis, the GMHC had a paid staff of twelve and over five hundred volunteers (Dowd 1983). They ran "therapy groups for AIDS patients," partners, and families (Dowd 1983). In addition, GMHC volunteers served as "intermediaries with the city's social service agencies" (Dowd 1983). Once city agencies became fully involved in the response to AIDS, they realized that the GMHC was far more effective in addressing prevention education and service delivery to the AIDS population and the gay community than a government bureaucracy. As a result, in responding to AIDS, city agencies frequently either contracted out to or were trained by GMHC staff and volunteers. Today, the GMHC has as much of a national as a local focus. They have focused on the Obama administration's national AIDS strategy, AIDS and the aging population, and AIDS in the U.S. criminal justice system (Gay Men's Health Crisis 2016).

Municipal Unions

As the composition of the city workforce changed, including more minorities and women, the composition of municipal unions and service worker unions has changed as well. Over the last four decades, minority groups have taken control of the city's major municipal and service worker unions as their membership in these unions has increased. Municipal union leadership in the city became outspoken supporters of civil rights and programs for the poor. As minorities obtained leadership positions in these unions, some of them took broader leadership roles within the city's political system.

The Transport Workers Union (TWU) represents a majority of employees of the Metropolitan Transit Authority. Roger Toussaint, born in Trinidad, joined the MTA as a subway cleaner in 1983 and worked his way up through the union ranks. In the late 1990s, he became the leader of a militant union faction that took the position that the incumbent leadership was not aggressive enough in its negotiations with the MTA management. In 2000, Toussaint became president of the union (Greenhouse 2002). The TWU had a history of labor militancy,

having gone out on strike in the late 1960s under the leadership of Mike Quill, who was jailed during the strike. The union went out on strike again in the early 1980s. In late December 2005, Toussaint led his union in a strike against the MTA in response to management's demand for pension concessions. Toussaint and the TWU faced fines and jail due to the New York State Taylor Law, which makes public employee strikes illegal. Facing the anger of both Governor Pataki and Mayor Bloomberg, Toussaint portrayed the strike as a civil rights campaign to rally the union membership. The strike shut down the city subway system for several days, and Mayor Bloomberg referred to Toussaint and the TWU leadership as thugs (Fishman 2006).

The Service Workers International Union (SEIU) has several local affiliates in New York City. Prior to its merger with the SEIU in 1998, Local 1199 was one of the most militant unions in the city, representing over one hundred thousand health care workers. Its leader during the late 1980s and throughout the 1990s, Denis Rivera, pursued the interests of his members by working with both Democrats and Republicans. During the mid-1990s, Governor Pataki requested a waiver from the Clinton administration to move New York State's 3.5 million Medicaid recipients to managed care plans. Rivera used his contacts in the Clinton administration to block the granting of the waiver. He feared that the plan would result in many of his members losing their hospital jobs due to the reduced business from Medicaid. Given that Pataki's plan was projected to save the federal government hundreds of millions of dollars in Medicaid expenditures by moving Medicaid recipients into less expensive managed care plans, Rivera proposed that the federal government provide New York State with some of the savings in order to cushion the impact on the state's hospitals and their workers. He was able to broker a meeting between Governor Pataki and Vice President Al Gore in 1996 to discuss his proposal, and he was able to get both to agree to his plan. Kenneth Raske, executive director of the Greater New York Hospital Association, a group that is usually across the bargaining table from Rivera's union, praised Rivera's participation and leadership in the deal. Of Rivera's participation, Raske noted, "If it wasn't for Denis's persistence, this thing would have never happened" (Greenhouse 1997).

More recently, 1199SEIU was a major supporter of the Occupy Wall Street movement and has supported fair wages and gun safety at both state and national levels (1199SEIU 2011; 1199SEIU 2014).

SEIU's other local affiliate, 32BJ, is the largest property service workers union in the country with over 120,000 members, a majority of those located in New York City. The union represents janitors, handypersons, security officers, and residential building service workers. They have been very active at the city level in lobbying for legislation protecting the job security of its members. In 2002, the city council passed and Mayor Bloomberg signed the Displaced Building Service Workers Protection Act. 32BJ supported the law and lobbied for its passage. The law required new building owners, managers, and contractors "to offer employment to pre-existing employees for a 90-day period" after acquiring a

new building/property. During the ninety-day period, if employee performance is found to be satisfactory, they must be offered continued employment unless the new owner/employer “determines that fewer building service employees are required to perform building services” (Proskauer 2016). The law did not apply to tenant lessees and buildings where the city government occupied more than 50 percent of the space (Proskauer 2016). Over time, building owners exploited the loopholes in the law that allowed them to lay off union workers and reduce the wages and benefits of those remaining workers (32BJSEIU 2016a).

In March 2016, the members of 32BJ held a rally on the City Hall steps calling the city council to pass and the mayor to sign amendments to the Displaced Building Service Workers Protection Act that would fill the loopholes. The legislation had the strong support of the city council, picking up thirty-five sponsors of the fifty-one-member council (32BJSEIU 2016a). In April 2016, the city council passed the amendments to the law, and Mayor de Blasio signed the legislation in May. The law extended coverage to workers who are employed by a tenant with more than thirty-five-thousand square feet of space and where the city government was the primary tenant. The law also raised the salary cap that was established in 2002 from \$25 an hour to \$35 an hour and indexed the new cap to inflation. Finally, the law expanded remedies for workers who are harmed by violations of the law, including reinstatement and/or the awarding of back pay (Proskauer 2016).

ASSESSING RACIAL ETHNIC GROUP POLITICAL POWER

Racial and ethnic groups seek political power to enhance the democratic accountability of the political system and to ensure they are receiving adequate services from the political system. Racial and ethnic group political power is usually a function of several components. First, and most importantly, the group must have sufficient strength at the polls in order to use the electoral process to reward public officials who provide the group with benefits, punish those officials who ignore group demands, and, if possible, elect group members to office. While there is a relationship between a group's percentage of the city's population and electoral strength, it is not always direct. White New Yorkers continue to dominate city-wide elections despite their declining numbers in the population. Low voter turnout among some minorities in part explains how Whites continue to dominate New York City electoral outcomes. As discussed earlier in the chapter, Hispanic and Asian New Yorkers are underrepresented in the city's electorate, while Whites are very overrepresented and Blacks are slightly overrepresented. In the 2010 census (table 5.1), Hispanics and Asians comprised 28.6 percent and 12.6 percent of the city's population, respectively; but in the 2013 mayoral elections, they comprised 19 percent and 5 percent of the electorate, respectively, according to *New York Times* (2013) exit polls. Racial and ethnic representation on the city council approximates the 2013 voter turnout results. As noted earlier, descriptive

representation on the city council has increased significantly over the past several decades but still falls short of approximating the racial/ethnic group composition of the city's population.

There are several explanations as to why voter turnout rates for some racial/ethnic groups may be lower than population composition percentages. In the late 1990s, it was reported that for some racial/ethnic groups, immigration practices and birthrates produced large numbers of group members below the age of eighteen, the age at which voter registration is possible (Dao 1999). But as immigration has slowed, the age of the immigrant population has risen, so this is less of a factor today. For some groups who have experienced recent increases in immigration, new immigrants may not have become citizens and are therefore ineligible to vote. Since voter registration is not automatic upon becoming a citizen, some immigrants who become citizens may not have registered to vote. Some immigrants, especially those living in immigrant enclaves, are more oriented toward the political systems of their countries of origin than they are toward New York City's political system. New York's Haitian population in Brooklyn was focused much more on politics in Haiti prior to the brutalization of Abner Louima in 1997 by the NYPD. After the Louima incident, the Haitian population reoriented itself more toward city politics and mobilized. Several years after the Louima incident, the Haitian community succeeded in electing a member of the city council.

In 1997, the Dominican Republic passed a law allowing expatriate Dominicans to vote in presidential elections without having to fly back to the country. In 2012, there were over one hundred thousand Dominicans in New York registered to vote in the Dominican Republic (Balaban 2012). There are enough Dominican voters in New York that several Dominican political parties actively campaign in the Dominican enclave neighborhood of Washington Heights in northern Manhattan. In 2012, both major presidential candidates flew to New York and campaigned in Washington Heights. Voting in the Dominican elections took place in a Washington Heights city public school named after a Dominican historical figure. The Dominican Republic's lower legislative body, the Chamber of Deputies, has three seats representing Dominican New Yorkers (Wisloski 2012). But despite the significant orientation toward politics in their country of origin, Dominican New Yorkers have had significant success in New York City as well. Since the early 2000s, they have elected several members of the city council. The current member of the city council representing Washington Heights, Ydanis Rodriguez, was born in the Dominican Republic (New York City Council 2016). In 2016, Adriano Espaillat, also born in the Dominican Republic, won the Democratic congressional primary to replace Charles Rangel. He defeated an African American candidate; the seat that Rangel occupied had been held by an African American since 1945. The congressional district covers both Washington Heights and Harlem. Espaillat is the first Dominican in the U.S. Congress.

A second factor that affects a racial/ethnic group's political power is the degree of group cohesion or unity. A common group identity that stems from common

experiences or ancestry serves to create and strengthen group cohesion. It may also serve to politically mobilize a group if its past experiences are tied to political events. Racial or ethnic groups that have a history of political activity and unified political behavior, such as block voting, have a greater tendency to attract the attention of candidates running for office. Black voters in the city have been one of the most unified groups in city elections. Between 1989 and the present, they have given the Democratic candidate for mayor more than 75 percent of their vote in every election, with the exception of the 2005 mayoral election. In that election, popular incumbent Mayor Bloomberg received almost half of the Black vote while running against a weak, underfunded challenger, former Bronx Borough President Fernando Ferrer. In 1989, 1993, and 2013, the Democratic candidate received over 90 percent of the Black vote, but in two of these elections, the Democratic candidate was David Dinkins, an African American. The Dinkins candidacy mobilized Black voters more than any previous election. In 1989, candidate Dinkins was assisted by the presidential candidacy of Jesse Jackson in 1984 and 1988, which politically mobilized the Black community in the city. African Americans in the city very much see themselves as sharing a common experience of racism in America, which serves to focus their political behavior possibly more than other groups. Black West Indians, who make up a small but significant percentage of Black New Yorkers, do not share the African American experience, even though they are part of the same broad racial group. As a result, although West Indians joined with African Americans in the middle decades of the twentieth century, they have recently become more independent in their political behavior as their population in the city has increased (Kasinitz 1992; Greer 2013). Interestingly, in 2009, the Democratic candidate for mayor, William Thompson, was Black but he only received 80 percent of the Black vote, perhaps because he was running against a popular incumbent, Michael Bloomberg—even though Bloomberg was running for a somewhat controversial third term.

Unlike African Americans in the city, Hispanic New Yorkers do not share a common experience or ancestry, although they do share a common language. The two major Hispanic groups in the city, Puerto Ricans and Dominicans, see themselves as two distinct groups. Dominican immigration occurred at least a decade or more after the major waves of Puerto Rican immigration had subsided. The two groups have their own organizations, and city public officials have quickly learned to address the identities of each group. Hispanics are still grouped together for purposes of vote analysis, and it is difficult at times to assess differences in political behavior between Dominicans and Puerto Ricans. Hispanics, however, have not voted in as concentrated a block as Black voters have. In 1997, Hispanic voters gave Mayor Giuliani's challenger, Manhattan Borough President Ruth Messinger, less than 60 percent of their vote while Blacks gave Messinger almost 80 percent (CNN All Politics 1997). In the 2001 and 2009 elections, they gave Michael Bloomberg a significantly higher percentage of their vote than Blacks. But in 2005, they gave Mayor Bloomberg a lower percentage of their vote than Blacks. In that

election, Mayor Bloomberg was running against a Hispanic, former Bronx Borough President Fernando Ferrer (Mollenkopf et al. 2013).

Particularly for smaller ethnic/racial groups, settlement patterns may play a major role in the group's cohesion or political activity. As discussed earlier in the chapter, the existence of a racial or ethnic enclave gives a group a sense of place in the city. Enclaves play critical social and economic roles for new arrivals by offering immigrants familial or country-of-origin links, socialization experiences, and possibly economic opportunities. The enclave also offers a group a means of political communication and mobilization. For group leaders seeking to build a political constituency or politicians looking for a critical mass of voters, the enclave represents a political opportunity. As noted earlier, however, the enclave could also reinforce political attitudes and practices from the country of origin, possibly resulting in depressed political activity such as fewer voter registrations and less political participation in the city's political system.

A third factor in an ethnic or racial group's influence is its ability or willingness to form a coalition with other groups. Given that no racial or ethnic group can win citywide elections on their own, coalition building among racial and ethnic groups has been a necessity. According to McNickle's (2001) analysis of mayoral elections, there were three different principal racial/ethnic coalitions responsible for electing mayors throughout the twentieth century. From the early part of the century through the early 1960s, a Democratic coalition led by Irish Catholics and supported by Jewish immigrants and a minority of Italians was successful in electing the mayor in eleven out of sixteen mayoral elections. In fifteen of the sixteen elections, the candidate of this coalition was an Irish Catholic. The coalition promoted a liberal progressive social agenda. From the early 1960s through the mid-1980s, the dominant coalition was led by Jewish politicians. They ran a Jewish candidate for mayor in five out of six elections and were successful in four. The coalition relied on Democratic, borough-based organizations cooperating with each other. In addition, the relative conservatism of the coalition appealed to less liberal outerborough Irish and Italians. McNickle argues that the third coalition, comprising Blacks, Latinos, and White liberals, was only successful in electing a mayor in 1989—and 2013 if the twenty-first century is included in McNickle's analysis. In 1981 and again in 1985, this coalition was unable to unite behind a single candidate to challenge incumbent mayor Ed Koch. The Republican, or non-Democratic, coalition that was successful in electing a mayor in 1993, 1997, 2001, 2005, and 2009 was very similar to the earlier coalition of Jews and more conservative Irish and Italians, plus some Hispanics. What distinguishes this coalition from the earlier one is the obvious lack of Democratic Party backing (McNickle 2001). As McNickle points out, Republican, or non-Democratic, mayors have won when the minority/liberal coalition is unstable. Liberal-leaning ethnic and racial groups in New York have a long history of cooperation in the civil rights and labor movements, as well as in the development and delivery of social services. Coalition formation, however, for the purpose of electing a minority candidate, or even a

White liberal candidate, as mayor has been elusive, with the exception of David Dinkins and Bill de Blasio. Blacks and Hispanics have had considerable success in getting members elected to the city council, state legislature, and even the U.S. House of Representatives, in part because of legislative districts that incorporate large minority communities. At the mayoral level, however, Black and Hispanic leaders have rarely been able to coalesce around a single candidate (White 2000).

John Mollenkopf (1997) notes that although the city's Black-Hispanic coalition has failed to elect a minority mayor other than David Dinkins, New York City, as compared to other cities, still produces policies that are responsive to the demands and needs of minority groups. And even though the Koch and Giuliani administrations were not heavily supported by minority groups, they still included a significant number of minorities among mayoral appointees. These conditions served to weaken minority group cohesion and make the formation of minority group coalitions less urgent than in other cities where mayoral appointees and public policies may not be as solicitous of minority interests unless a minority or minority-supported mayor is in office.

A fourth factor contributing to ethnic/racial group power is leadership. As the city's minority population has increased as a percentage of the entire population and as the city's political system has become more descriptively representative of this increased diversity, Democratic Party politics and city elections have become the primary producer of minority leadership in the city. In 2016, twenty-six members of the city council (a majority) are minorities. The Speaker of the City Council, elected by the majority, is a minority. Two of the five borough presidents are minorities, as is the public advocate, the citywide elected official who replaces the mayor if he or she becomes incapacitated. And although a minority candidate has only been elected mayor once, minorities have been at the top of the Democratic Party ticket in four of the seven mayoral elections since 1989.

Two profiles of contemporary minority politicians illustrate the rise of elected minority leadership. Jumane Williams is a Democrat, elected to the city council in 2009, representing the Flatbush section of Brooklyn and surrounding communities. Councilperson Williams is a first-generation West Indian. His background is in housing and community development. Prior to being elected to the city council, he was Housing Director of the Flatbush Development Corporation and Executive Director of the New York State Tenants and Neighbors, a "state-wide organization that stands for tenant's rights and affordable housing through organizing and advocacy" (New York City Council 2016). On the council, Williams chairs the Committee on Housing and Buildings. He was the lead sponsor of the Community Safety Act, which created an independent Inspector General for the police department and created a legislative prohibition of bias-based profiling by the police department in response to stop-and-frisk abuses (New York City Council 2016). Rubén Diaz Jr. is the Democratic Bronx borough president, elected in 2009. Prior to becoming borough president, Diaz served seven terms in the New York State Assembly. He is a member of a powerful Bronx political

family. His father, Rubén Díaz Sr., also of the Bronx, was born in Puerto Rico. He has served in the New York State Senate since 2002 and served in the New York City Council prior to that. Although a Democrat, Díaz Sr., an ordained minister, is known for his conservative social views, including opposition to abortion and same-sex marriage. Borough President Díaz led the Bronx city council delegation in their opposition to the first iteration of the Kingsbridge Armory redevelopment (chapter 1), due to the developer's refusal/inability to guarantee a living wage to all who participated in the construction phase or who work in the "Shops at the Armory." Díaz then played a leading role in obtaining approval for the National Ice Center at Kingsbridge Armory several years later.

The emergence of the electoral process as the source of minority group leadership has eclipsed, but not entirely eliminated, other sources of leadership that were far more important prior to the ascendance of elected minority political leaders. Similar to minority leaders coming out of Democratic Party politics, union leaders, including Denis Rivera and Roger Toussaint, had an organizational constituency behind them. During the 1990s, Rivera was at times a major political actor in both the Democratic Party at the local and national level and the Republican Party at the state level. For the Black and Hispanic communities, churches have been a major source of leadership as well. When Forest City Ratner was seeking to gain support for their Atlantic Yards proposal in the early 2000s, they reached out to minority clergy in Brooklyn. And in the past, a small number of minority members of the city council have had affiliations with or leadership positions within local religious institutions. Community organizing and activism have been another source of leadership in minority communities. As in the case of Councilperson Jumane Williams, community organizing is a source of minority candidates for elected positions in the city and state governments.

Minority leadership, with its base in community organizing and/or local churches, has the advantage of working both inside and outside the political system. Probably no individual illustrates this flexibility better than Reverend Al Sharpton. A visible figure in the city's political system since the 1980s, Rev. Sharpton was frequently the leading critic of the political system's treatment of low-income minorities in the city. Sharpton was frequently criticized for his militant rhetoric, in some instances by more moderate members of the minority community. During the Crown Heights riots in 1991, Sharpton was accused of promoting Black anti-Semitism (Gottlieb and Baquet 1991). He was the most visible spokesperson against police profiling of minorities and police brutality toward minorities during both the Koch and Giuliani administrations and led marches and protests, effectively using the media to publicize incidents of police aggression. At the same time, however, Rev. Sharpton occasionally moderated his demeanor and ran for elected office. In 1992, Sharpton ran for U.S. Senate in New York. During the race, Sharpton moderated his rhetoric and, unlike his White opponents, who engaged in bitter personal attacks on each other, he addressed the issues and ran a credible campaign. He received 15 percent of the vote and 70 percent of the Black

vote, finishing ahead of one of his White opponents. Two years later, Sharpton ran against incumbent Senator Daniel Patrick Moynihan and received 26 percent of the vote statewide (Hicks 1997b).

In 1997, Sharpton ran in the Democratic primary for mayor against Manhattan Borough President Ruth Messinger. He ran an issue-oriented campaign in which he tried to escape some of the more controversial aspects of his past. Sharpton received 32 percent of the vote in the primary, losing to Messinger who received slightly over 40 percent of the vote (*New York Times* 1997). After the shooting of Amadou Diallo in 1999, Sharpton was again at the center of the protests in front of NYPD headquarters, playing a major organizational role as well as assisting the Diallo family (Nagourney 1999). Commenting on his leadership, former Congressman Floyd Flake stated, "He just stepped in and began the process of trying to move the agenda, as he does in all these cases. I like to tell people this is his career. When you look at this situation in relation to Los Angeles and Rodney King, regardless of what anybody says about him, his presence and his finding a way to give people a means to vent probably saved this city from having some kind of rioting . . . I don't know if anybody else could have done that" (quoted in Nagourney 1999). Mayor Giuliani refused to meet with Rev. Sharpton during his two terms as mayor. Sharpton and Mayor Bloomberg had a much more cordial relationship, even though Sharpton led protests after NYPD shootings during the Bloomberg administration. Sharpton and Mayor de Blasio also appear to have a cordial relationship. They have appeared together at press conferences to discuss police behavior toward the minority community.

CONCLUSION

Once described as a melting pot in reference to the evolution of individual racial and ethnic cultures, New York City is now more often described as a tossed salad or, to use former Mayor David Dinkins's term, a beautiful mosaic. It is difficult to assess the degree to which the melting pot was ever achieved in New York City. Clearly, some immigrant groups assimilated and acculturated rapidly. Second and third generations moved up the economic ladder and moved out of their ethnic enclaves into more heterogeneous communities that were distinguished more by similarities of socioeconomic status than by ethnic/racial group membership. Societal institutions, including schools, churches, and the media, served as engines of socialization, assisting these groups in adapting to the dominant culture. Other groups, however, were slower to assimilate. They had less success moving up the economic ladder and out of the enclaves. While this inability might be attributed to ethnic/racial group decisions to develop an inward perspective, in as many if not more cases, the inability to assimilate was due to discrimination on the part of those groups who had already arrived. Simply stated, failures of the melting pot are due to the fact that some groups were not allowed into the pot until long after they arrived.

Race and ethnicity have been recurring themes throughout American political history. For New York City politics, however, race and ethnicity have been more than recurring themes. They have been two of the driving forces. What makes race and ethnicity more intense and constant factors in the city's political system than the national political system? First, the city's political tradition and culture are anchored in ethnic and racial politics. New York City's social history is defined by the arrival of wave after wave of immigrant groups. Immigration accounts for approximately five times more of the population growth in the city than the country. In 2000, over half the families in Brooklyn, the city's largest borough, had parents who were foreign born. In part, immigrant groups defined their success through access to the political system as a societal rite of passage. Successful participation in the political system became a symbol of group success, but it also provided substantive benefits in most cases. Second, the city's continued status as a gateway city means that newly arriving groups still find the same type of enclave settlements that other groups found well over a century ago. While ethnic/racial enclaves assist the assimilation process by translating and interpreting the new political and social culture for the immigrant, the same enclave may frustrate assimilation by fostering an inward, parochial perspective, isolating the group from the city's political system. This can inhibit political mobilization; but as in the case of the Haitian community in Brooklyn, catalytic events such as the brutalization of Abner Louima can shake a group out of its isolated, county-of-origin orientation. Third, as was stated earlier in this chapter, the city's diversity is complemented by the fact that no group comprises a majority of the population or has sufficient resources to control the political system on its own. White non-Hispanics no longer make up a majority of the population, and they haven't since 1990, yet they still comprise close to a majority of the voting population in the city. But White non-Hispanics are by no means unified in their political views and political behavior. As a result, on those public issues where race and ethnicity are critical factors, groups must coalesce if they want to advance their positions.

Much of this chapter has discussed the impact of racial and ethnic diversity on democratic accountability and service delivery in the city, two of the dimensions of city governance. The third dimension, civil harmony is maintained primarily when democratic accountability is achieved across the political system and city services are delivered effectively and equitably. The Crown Heights riots of 1991, the low point in civil harmony in the city's recent history, were triggered by a pedestrian traffic fatality and a stabbing. But underlying the riots were years of resentment and hostility between two very different racial/ethnic groups living in close proximity to each other. Part of the resentment was the perception, on the part of both groups, that the other was receiving preferential treatment from the political system. Not only did the political system fail to quell the riots, but it also failed to proactively deal with the growing resentment over time. At the time of this writing (2016), civil harmony is again being challenged across the country and in the city. Police shootings in Ferguson (Missouri) and Charleston

and other acts of brutality have frayed minority-police relations. There have also been two incidents of police being shot and killed in Dallas and Baton Rouge. On Staten Island, in July 2014, the police approached Eric Garner under suspicion that he was selling “loosies,” or single cigarettes. When Garner resisted questioning and arrest, several police officers wrestled him to the ground and one placed him in a chokehold. Garner stated that he could not breathe, but the police did not stop the chokehold. Garner died at the scene (Murray et al. 2014).

The Garner death on Staten Island together with the Ferguson (Missouri) police shooting of Michael Brown have given rise to the Black Lives Matter movement. The movement has held rallies and marches all over the country, including New York City, demanding fairness in the treatment of minorities by law enforcement authorities. Earlier in 2014, Mayor de Blasio and NYPD Commissioner Bratton chose not to appeal the federal district court stop-and-frisk decision, courting favor with the minority community. And Mayor de Blasio and Commissioner Bratton appear to be in compliance with the directives of the federal monitor appointed to address changes in police practice resulting from the stop-and-frisk ruling. Nevertheless, the Garner death and national events have overtaken much of the goodwill achieved in the aftermath of the stop-and-frisk decision and the city’s response to it. Compared to other cities, New York City’s diversity and its welcoming of immigrants, for the most part, throughout its history creates a picture of the city as a most integrated and tolerant society. But the city’s political system will have to continue to address issues of democratic accountability and service delivery inequities if civil harmony is to be maintained. And the political system may have to proactively address civil harmony issues directly by not only examining and changing the behavior of some in the political system but also tackling intergroup relations outside the political system.

6 ♦ POLITICAL PARTIES IN NEW YORK CITY GOVERNANCE

Political parties structure the electoral process and foster political competition across alternate views of governance—the most important aspects of achieving democratic accountability in the governance of the city. If political parties are performing their functions well, they also serve to bolster civil harmony as they structure political conflict and give citizens a legitimate outlet for the articulation of interests and political participation. But in New York City, the impact of political parties on democratic accountability and other governance functions is complicated. This is due to the fact that party organizations in the city have, at times, sought to promote control much more than competition. In addition, although no longer the case today, political parties in New York City in the nineteenth and early twentieth centuries also had a significant role in service delivery. Political parties have helped to manage the entry of new racial and ethnic groups into the political system, although they have occasionally inhibited this entry. To a lesser extent, inter- and intraparty politics explains the city's economic development imperative as well as the city's relationship with the state and federal governments.

Party politics are usually most visible just before and during election campaigns. Primary and general election campaigns become the battlegrounds where the values or ideologies that control the direction of the political system are debated. But some of the most important decisions that political parties and their organizations make, such as candidate recruitment and selection, are made in years when there is no election and when they are out of the public and media spotlight. This is significant since political parties at times play a significant role in how the city will address the major forces of economic development, intergovernmental relations, and racial and ethnic diversity. As the stewards of electoral politics, political parties have a role in the debates that seek to address these forces. Party competition, or the lack of party competition, may affect the quality of these debates.

NEW YORK CITY: A ONE-PARTY TOWN?

With the exception of the mayoralty, the Democratic Party has dominated electoral politics in New York City for the last five decades, if not longer. Registered Democrats outnumber registered Republicans by a factor of more than six to one (New York State Board of Elections 2016). For the past several decades, the Democrats have occupied most of the elected positions in the city's political system. How did the party come to enjoy this advantage? In many parts of the city, the Democratic Party has a superior organization that reaches down to the community level. In some cases, this organization dates back to the nineteenth century. As a result, Democrats have been and continue to be capable of responding to wave after wave of new immigrants. Beginning in the 1930s, the national Democratic Party began to address urban problems and build a coalition that included urban residents: urban White ethnics and later minorities. Through President Roosevelt's New Deal, President Truman's Fair Deal, Democratic Party leadership in the civil rights movement, and President Johnson's Great Society, city Democrats took credit for and advantage of the national party's response to the demands of the rising urban voting populace. Finally, the Democratic Party has benefitted from the collapse of third parties situated to the ideological left of the Democrats at the same time the national Republican Party was moving to the right.

Despite its dominance, the Democratic Party is far from unified. It is organized on the borough/county level, not citywide. There is no party hierarchy that spans the city. The city's Democratic Party is no more than a loose confederation of borough- and neighborhood-based organizations. In addition, some of the borough party organizations have experienced intraparty conflict over the last half century as entrenched party organizations have been challenged by reformers or insurgents. The power of the Democratic Party machines in the boroughs was based on a rigid hierarchy dependent on the dispensation of patronage (e.g., jobs), benefits, and services in return for support of those at the top. Early in the machine's existence, it was incredibly adept at service delivery to its constituents but very weak at achieving democratic accountability. At the top of the hierarchy was the county Democratic Party leader. In part, the success of the Democratic machine in New York was due to the continuous waves of immigrants who needed the patronage and services the machine had to offer. Immigrants were willing to trade political support (votes) for jobs and a modicum of social services dispensed through the party organization. Reformers resented the closed decision-making process by which the party organization made public decisions. They also opposed the material patronage upon which the party sought and obtained support from the mass electorate. And they also sought to expose the corrupt, or at the very least unethical, ways in which the party conducted the business of government that were profitable to the Democratic Party organization leaders personally and helped them to keep the party in power. Reformers favored open membership of political clubs, control of leadership by the club members, complete and open

disclosure of club finances, and a free and open flow of ideas and debates on current issues (Costikyan 1966, 35).

In the 1950s, the base of the party machine's organization was the local Democratic club. Each state assembly district had at least one club that served as the headquarters of party activity in that area. Each assembly district also had one vote in the election of the county leader. Whoever had control of the party organization in the assembly district also had the ability to participate in the election of the county party leaders. Assembly districts were made up of smaller electoral districts. Every electoral district had two leaders, a man and a woman, and every electoral district had a captain who reported to the district leaders. At the end of World War II, clubs were controlled by Democratic regulars. They were viewed as closed groups. Prospective members were closely scrutinized and went through a lengthy probation period before being accepted (Costikyan 1966, 23–24): “Local politicians weren’t accountable to the citizenry largely because the labyrinthine system of rules and regulations governing political participation seemed designed to generate apathy and de facto disenfranchisement” (Juravich 2011).

After World War II, however, returning veterans, such as Ed Koch, were not satisfied to remain passive until they were invited to participate in the political system via the Democratic clubs. The war had piqued their interest in politics and they resented the fact that many clubs were controlled by nonveterans (Costikyan 1966, 24). The reformers, initially labeled insurgents, began to form their own clubs and compete with indigenous “regular” party clubs for control of the assembly district organizations. Most of the early conflicts between reformers and regulars took place within the New York County (Manhattan) Democratic Party organization, otherwise known as Tammany Hall. The Bronx, Queens, and Brooklyn Democratic Party organizations were much slower to change than Manhattan’s.

The reform movement’s success in democratizing Democratic Party politics compromised, but did not completely eliminate, the power of county organizations. Writing on the eve of the 2001 city elections, one commentator listed the following powers of the county leaders: endorsement by a county organization can mean help from loyalists who go into the streets and door to door to gather signatures on nominating petitions; party leaders also provide lawyers to make sure those petitions comply with all the technical rules that can trip up unsuspecting candidates; those same party leaders also help kick unblessed challengers off the ballot in cases that are argued before judges who owe their seats to the very party organizations whose lawyers are appearing before them; picking judges remains the one power that party leaders retain virtually unchecked control over; with term limits clearing all three citywide elected officials and multiple members of the city council regularly, party leaders can lend credibility to first-time candidates who may be well known to party elites but not to the public at large; and party leaders, by the weight of their endorsements, can clear the field of wannabe

elected officials, who figure “stepping aside in the short run stands them in good stead for future possibilities” (Liff 2001).

In 2005, a study by a local good-government group, Grassroots Initiative, concluded that there was a crisis of political representation in local political party committees, both Democratic and Republican (Grassroots Initiative 2005). The study found that “over half the seats in local political party committees are vacant” and that “97% of elected committee persons run uncontested” (Grassroots Initiative 2005, 5). In addition, the report found that there were over five thousand election districts in the city that had no party representation. The study concluded that there is “a lack of public awareness about how political parties function and the role of citizens” in the process (Grassroots Initiative 2005, 5). Other criticisms of political party operations in the city might suggest that not only is the party leadership satisfied with the public ignorance and apathy regarding party governance, but they are also doing little to change the status quo.

What remains of the county Democratic Party organizations varies by county. As organizations weaken, regardless of the cause, party politics will become more competitive and democratic accountability will be enhanced. As noted above, Manhattan’s (New York County) Democratic Party organization, historically referred to as Tammany Hall, fell apart in the early 1960s, primarily due to the growing strength of reformers. What remains is a very loose confederation of over thirty Democratic clubs, some with a legacy going back to the Tammany organization and others with more of a reform orientation (Manhattan Democratic Party 2016). The fact that the clubs are autonomous and leadership decentralized makes Democratic Party politics in Manhattan very competitive. The decline of the Brooklyn organization is due to not only emerging reform candidates but also corruption. Over the last several decades, several of Brooklyn’s Democratic Party leaders have been indicted or have had to resign amid some scandal. This includes Meade Esposito, Clarence Norman, and, most recently, Vito Lopez. At the same time, over the last several decades, reform-minded politicians have had greater success challenging the Brooklyn machine, including Mayor Bill de Blasio, who got his start as a reform politician in Brooklyn’s Park Slope community. While the success of reformers is in part due to the corruption of the old organizations and the growing power of reformers in Brooklyn, it is also due to the changing demographics of Brooklyn. The New Kings Democrats is a reform Democratic club operating out of Williamsburg and Greenpoint, major areas of gentrification in Brooklyn (Juravich 2011).

In 2013, having resigned from the New York State Assembly and leadership of the county Democratic organization due to allegations that he had sexually harassed members of his staff, Vito Lopez ran for a city council seat but lost to insurgent candidate Anthony Reynoso, who was backed by the New Kings reform group. Lopez’s predecessor as county leader, Clarence Norman, was indicted for accepting illegal campaign contributions and sentenced to several years in jail

(Waldroupe 2013). Although he was a protégé of Vito Lopez, the new leader of the Brooklyn Democratic organization, Frank Seddio, appears more willing to include reform and insurgent elements into the county organization (Campbell 2012). Under pressure from reformers, the Kings County organization changed a number of its rules in 2013. The county committee will meet more than once every two years, and they will create a website, which will include important documents such as the committee's "budget, governing documents and announcements of public meetings" (Waldroupe 2013). Seddio also eliminated the at-large district leader positions that had, in the past, been filled by those loyal to the party leader. And he opened up the process determining how the party picks candidates for judgeships (Lentz 2015).

The Bronx organization suffered intraparty divisions in the early 2000s. The dissent from within the organization was targeted at county Democratic Party leader and New York State Assemblyperson Jose Rivera. Rivera's opposition dubbed themselves the Rainbow Rebels due to their Puerto Rican, African American, and Jewish membership (Gonzalez 2008). The contested leadership battle between Jose Rivera and the Rainbow Rebels ended up in court, and the insurgents won. State Assemblyperson Carl Heastie became the new Bronx County leader (Hicks 2008). In 2014, Heastie was unanimously reelected as Democratic County leader, but he soon resigned to become Speaker of the New York State Assembly. His successor is another assemblyperson, Marcos Crespo (Rivieccio 2015). Although the leader of the county organization still has power, the ability of the organization "to turn out voters and repel challengers like it did three or four decades ago" has been weakened due to all the recent changes in leadership (Barkan 2015).

Although the Queens Democratic Party is not without its insurgents, it remains the strongest and most centralized of the city's county party organizations. Congressman Joseph Crowley has served as the county party leader since 2006. Although viewed by some as autocratic, resembling other Democratic Party county leaders in the city, Crowley has shown greater flexibility by integrating more immigrant groups and leaders into his organization. He appointed an Ecuadorian, Francisco Moya, to an at-large district leadership position. Moya later became the first Ecuadorian elected to the New York State Assembly (Trangle 2015). In 2013, Crowley endorsed Reshma Saujani, a South Asian, for Public Advocate (Orovic 2013). Similar to other county leaders, however, Crowley has sought to punish those disloyal to the organization. In 2014, attorneys for the party organization successfully challenged the petitions of a former district leader, ostensibly because she supported Melissa Mark-Viverito for Speaker of the City Council before the Crowley and the organization had decided to endorse her (Trangle 2015).

Republicans

The Republican Party competes in New York City with some significant disadvantages and this adds to problems in achieving democratic accountability

across the political system. The party is small and, in parts of the city, has little or no organization. Only on Staten Island do the Republicans have an organizational base that equals the Democrats. In addition, the party has suffered from ideological differences. The more moderate wing of the party centered in Manhattan has frequently disagreed with the more conservative wing centered in the outer boroughs. The weakness of the Republican Party in New York City is most visible in the city council. Since 1991, when the council was expanded from thirty-five to fifty-one seats, the Republicans have never occupied more than six seats. In the 2013 City Council elections, the Democrats running for the council seats ran unopposed or received over 90 percent of the vote in twenty-four of the fifty-one council district elections. The Republicans have never held the Public Advocate's or City Comptroller's office, and the only borough presidency they have won is Staten Island, a Republican stronghold.

Yet despite these weaknesses and the obvious strengths of the Democrats in the city, from 1993 through 2009, the Democrats lost five consecutive mayoral elections. And although Rudolph Giuliani needed votes on the Liberal Party line to defeat David Dinkins in 1993, and Michael Bloomberg ran as an Independent, as well as a Republican, in 2005 and 2009, their victories were viewed as Republican Party wins. Divided by borough-based organizations and a large number of candidates who believe that they have earned the right to run for mayor based in part on their political experience, the Democratic Party has found it difficult to coalesce around a single candidate for mayor. At times, these problems have been further exacerbated by racial and ethnic divisions. The Republican Party, given its lack of hierarchy and few potential candidates, has been able to seek out popular candidates who can run a credible campaign and draw votes away from the Democratic nominee. In the case of Michael Bloomberg, the Republican Party's ability to find a very much self-funded candidate enhanced the party's advantage at the mayoral level. Unlike the Democrats, the Republicans are not tied to candidates who arise from a decentralized and sometimes protracted recruitment and apprenticeship process at the county level. At the same time, however, both Rudolph Giuliani and Michael Bloomberg were far more moderate, if not liberal, than the typical Republican candidate, and this made them far more acceptable to Democratic voters. They were both pro-choice, pro-gun control, and pro-immigration. And Mayor Bloomberg had been a Democrat before switching party affiliations to run for mayor of New York. The 2013 mayoral election results illustrate what happens when the Democrats are united behind a candidate and the Republicans cannot find a popular, well-funded candidate. Bill de Blasio, the Democratic candidate, received over 70 percent of the vote in the general election.

Third Parties

While there is a long history of third (and sometimes fourth) parties running candidates for office in New York City elections, the role of these parties has declined over the last three decades. In 1969, John Lindsay was elected mayor while

running on the Liberal Party line. In 1977 and again in 1985, the Republican candidate running for mayor came in third with the Liberal Party candidate coming in second. But since 1985, third-party candidates running only under their party's label have fared very poorly in mayoral elections, and major third parties, such as the Liberal Party, have chosen to cross-endorse one of the major-party candidates rather than run a candidate of their own. The most successful of the third parties recently is the Liberal Party. It was founded in the mid-1940s by a splinter group of American Labor Party (ALP) members who disagreed with the radical left-wing positions of the ALP in the final days of World War II. This splinter group was concerned about the communist influences within the ALP, so they split from that party and created the Liberal Party. Throughout the 1950s and 1960s, the Liberal Party was a significant force in city politics, culminating in the election of John Lindsay in 1969 (Luddington 1995).

The New York City Democratic Party's most recent third-party nemesis, the Working Families Party, was created by liberal union leaders and grassroots activists in the late 1990s. Bill de Blasio participated in the party's founding (Fund 2014). As the Democratic Party, particularly at the national level, became more of a moderate-centrist party, the founders of the Working Families Party, frustrated with national politics, developed an agenda based on social and economic equality (Ball 2016). In 2001, the Working Families Party endorsed the most liberal of the Democrats running for mayor, Mark Green, along with twenty-nine candidates running for city council. In 2003, Letitia James, now public advocate, was elected to the city council, beating the Democratic Party's candidate that was running as the Working Families Party candidate. She became the first third-party candidate elected to city office in over thirty years. In 2009, the Working Families Party (WFP) helped several challengers defeat incumbents in the Democratic Party city council primaries. The WFP also supported Bill de Blasio's primary victory for public advocate (Ball 2016). In 2013, the WFP was successful in supporting the election of a number of members of the city council, Letitia James as public advocate, and Bill de Blasio as mayor. But all of these candidates were running as Democrats as well. The council members endorsed by the WFP became the core of the council's progressive caucus.

Strong, viable third parties enhance democratic accountability in political systems in at least two ways. First, by running candidates in elections, they offer voters an additional choice. When the county Democratic Parties in each of the city's boroughs were run by highly centralized political machines, the goal of those machines was to maintain control more than it was to offer voters a consistent agenda of policy positions based in a political ideology. Third parties, such as the Liberal and Working Families parties, offer voters a choice based more on a political ideology than what the Democratic regulars were offering. Second, by expanding the field of available candidates, third parties force the two major parties to examine their own positions and become more accountable to the voters.

Recently, however, third parties have chosen to cross-endorse candidates of one of the two major parties rather than run a candidate of their own. There have been very few elections, and none recently, where a third-party candidate played the role of spoiler, taking votes away from the nearest major-party candidate to deprive them of a victory. Cross-endorsement neither gives voters an additional choice nor forces the two major parties to examine their positions relative to the positions of other parties. In addition, third parties do not hold primaries. Instead, they hold conventions or smaller meetings where party leaders decide whether the party is going to cross-endorse a major-party candidate or nominate another individual to run in the general election.

New York State election law encourages third-party involvement by allowing parties to cross-endorse candidates. That is, parties may “nominate candidates already endorsed by other parties” (Spitzer 1994). The Liberal Party’s cross-endorsing of Rudolph Giuliani in 1993 played a significant role in Giuliani’s electoral success. While third parties can cross-endorse anyone, even individuals who are not members of their party, only members of the third party can challenge the leadership-endorsed candidate in a primary. In response to this legal predicament, a *New York Times* editorial stated, “Parties that endorse non-members should not be able to keep other non-members out of their primaries. Parties that endorse non-members should not be rewarded with an automatic position on the state (or city) ballots, while other third parties that field their own candidates have to go through the difficult process of collecting signatures. Election laws should be directed at encouraging competition, not rewarding tiny political cliques that regard their line on the election ballot as so much real estate, to be rented out to the highest bidder” (*New York Times* 1997).

One of the primary goals of third parties is ballot access. New York State election law ensures them a place on the ballot if they receive at least fifty thousand votes in the previous election. If they do not receive fifty thousand votes, they have to go out and get signatures on petitions in order to appear on the ballot. Continued ballot access is best achieved by cross-endorsing a major-party candidate. In addition to ballot access, what do third parties seek in exchange for their support of major-party candidates? The Liberal Party, the most successful of the third parties, sought and received patronage for its support of Rudolph Giuliani. Two sons of the Liberal Party leader, Ray Harding, as well as other Liberal Party officials, received important positions in the Giuliani administration (Chou 2000). The Working Families Party has cross-endorsed only those candidates who agree with its progressive agenda. However, in 2014, after a contested party convention, the party endorsed Democratic incumbent Governor Andrew Cuomo over a candidate who was much more aligned with their own agenda. Governor Cuomo agreed to support and pursue some of the WFP’s major policy goals in exchange for the party’s endorsement. Once endorsed, however, Governor Cuomo not only abandoned some of his pledges to the WFP but he created his own third party, the

Women's Equality Party, in an attempt to deny the WFP its fifty thousand votes in the general election, which would have eliminated its automatic spot on the ballot in the next election (Ball 2016).

But as some third parties become more flexible in whom they cross-endorse, they lose their cache for challenging the major parties. The demise of the Liberal Party is due in part to its cross-endorsing of candidates who were viewed by many as being too far from the party's core principles. Once a haven for very liberal reform Democrats who would not support the Democratic Party regulars, the Liberal Party lost its liberal cache after endorsing Rudolph Giuliani in three consecutive elections. In the 2001 Democratic primary for mayor, the two most liberal candidates, Public Advocate Mark Green and Bronx Borough President Fernando Ferrer, did not even seek the Liberal Party nomination. Former Democratic Mayor David Dinkins claimed that he would not support any Democrat who sought the endorsement of the Liberal Party (Nagourney 2001). City Comptroller Alan Hevesi, the recipient of the Liberal Party endorsement in the 2001 mayoral election, believed that the endorsement was important in his appeal to centrist "middle of the road Democrats who voted for Giuliani in recent elections" (Lentz 2001). Beginning in the 1990s, the popular joke about the Liberal Party was that it was neither liberal nor a party. It was no longer perceived as "pursuing a left of center agenda," and it no longer held primaries or conventions, having become the vehicle of a small number of individuals (Kolbert 1998). By the early 2000s, the weakened Liberal Party was being challenged by the newly formed Working Families Party. In the 2001 mayoral elections, the newly formed WFP endorsed liberal Mark Green rather than running its own candidate. While expressing the new party's loyalty to the Democratic Party, one WFP official stated, "We felt it would be useful to have a force to keep the Democrats honest" (McCarthy 1998). They have not yet run their own candidate for mayor, choosing instead to cross-endorse the Democratic Party candidate.

PARTY POLITICS AND THE POLITICS OF RACE

As the city's minority population has grown over the last six decades, minority leadership has sought to control more of the city's elected positions, with the ultimate prize being the mayoralty. And although the control of Democratic Party county political organizations and elected city offices are not the only mechanisms by which minorities have sought to exercise their emerging power in the city's political system, they are clearly the most important avenues. Minorities have been significant candidates in Democratic mayoral primaries in every election since 1985. But a minority has only been the Democratic Party's candidate for mayor in four of the eight mayoral elections since 1985, and they have only won one of those elections. As of 2016, minorities control the leadership of two of the five county Democratic Party organizations, Manhattan and the Bronx. And although minorities do not occupy the top leadership positions in the Queens

County and Kings County (Brooklyn) Democratic Party organizations, in both cases, their emerging voting power is beginning to be recognized by the existing leadership. Minorities also occupy two of the five borough presidencies, but this was the case as far back as the late 1980s.

The 1977 Democratic primary for mayor was a watershed election for minorities in New York City. Two minorities, African American Manhattan Borough President Percy Sutton and Hispanic Congressman Herman Badillo ran for office and together received over a quarter of the primary vote in a crowded field. Edward Koch, winner of the 1977 Democratic primary, worked to include minority groups in his coalition and won the mayoralty with minority support. But his policies, and inability to manage racial/ethnic relations in the city, estranged him from minority groups in his 1981, 1985, and 1989 elections; although he won in 1981 and 1985. David Dinkins, formerly the Manhattan borough president, ran for mayor twice, winning in 1989 after defeating incumbent Mayor Ed Koch in the Democratic Party primary. Dinkins lost to Rudolph Giuliani in the 1993 mayoral election. Former Bronx Borough President Fernando Ferrer ran against incumbent Mayor Michael Bloomberg in 2005, and former City Comptroller William Thompson ran against Mayor Bloomberg in 2009—both lost.

A number of factors explain minorities' mixed, if not poor, performance in mayoral elections despite their increasing percentage of the city's population and the city Democratic Party electorate. First, as stated previously, no single minority group makes up a majority of the city's electorate. Minority voting power includes Blacks, Hispanics, and the emerging Asian population in the city. And there are divisions within each of these groups as well. In 1981 and 1985, despite their dissatisfaction with incumbent Democratic Mayor Edward Koch, the minority communities could not coalesce around a candidate to challenge Mayor Koch in the Democratic primary. It was not until 1989, when Koch was running for a fourth term, that minority groups and White liberals joined forces to elect David Dinkins. Second, divisions between minority groups are exacerbated by the fact that the Democratic Party in the city comprises five county-based (the boroughs) party organizations. Many elected officials, including minority elected officials, owe their loyalty—and political careers—to the county party organizations that helped them get elected and reelected. In many cases, loyalty to the county party organization supersedes loyalty to a racial or ethnic group. This is illustrated best by the behavior of many minority members of the city council. Despite the fact that minorities have constituted a majority of the city council for two election cycles, and held a significant plurality prior to that, efforts to build an effective minority caucus on the city council have been thwarted not only by divisions across minority groups but also by membership in and loyalty to different party organizations. Third, as noted in chapter 5, as a result of immigration status, age, and orientation toward the American political system, a much lower percentage of minority voters are able to vote, or are registered to vote, in New York City than White New Yorkers. As a result, although White New Yorkers comprise only a

little more than 30 percent of the city's population, they comprised almost half of the city's electorate in the 2013 mayoral election. The one minority group for whom this is not the case is Blacks, who show up at the polls in numbers commensurate with their composition in the city's population.

PARTY POLITICS AND THE ECONOMIC DEVELOPMENT IMPERATIVE

The recent history of city politics suggests that there has been considerable convergence in party attitudes regarding the necessity of promoting economic development. Two events played a critical role in this convergence. First, the fiscal crisis of the mid-1970s forced city governing elites to think creatively about maintaining a positive fiscal flow through the promotion of economic development versus other means (e.g., raising taxes). Second, beginning in the late 1970s, the slow but steady decline in federal aid to the city also encouraged governing elites to seek new revenue streams. Throughout the middle of the twentieth century, federal aid had funded, or at the very least subsidized, some of the city's largest economic development projects, including the Lincoln Center for the Performing Arts, the city's acquisition and maintenance of *in rem* housing via the Community Development Block Grant, and the building of the South Street Seaport and the Metrotech business campus in Brooklyn via the Urban Development Action Grant. The impact of the fiscal crisis and the decline in federal aid was exacerbated nationally by a "tax revolt" in the late 1970s and early 1980s. Either through referenda or legislative action, popular pressure to lower taxes inhibited elected officials, even in New York City, from raising revenue via tax increases.

Prior to the fiscal crisis, a liberal, mostly Democratic regime governed economic development decisions. Liberal economic development programs have both a developmental and redistributive component. They seek to contribute to the city's overall tax base yet also seek to advance the city's low-income citizens. The liberal Democratic economic development agenda was directed primarily by governing elites, not the private sector. These elected officials maintained control over economic development through public funding via tax revenues and intergovernmental assistance. The fiscal crisis and the decline in federal intergovernmental assistance were major factors in the city turning away from these liberal roots. At this point, it is difficult to assess the precise impact an increasingly globalized economy had on the city's transition, but globalization clearly played a role as well. These changes in orientation occurred simultaneously with the rise of neoliberalism and the increased attention given to the significance of a market-driven, private-sector approach to economic development. Unlike liberalism's approach toward economic development, neoliberals view a more limited role for government, including targeted tax incentives.

The Koch administration represents the transition from a liberal to a neoliberal, if not neoconservative, approach toward economic development in the city. In

the aftermath of the fiscal crisis, the Koch administration responded to the city's sagging revenue base, promoting economic growth via tax incentives, cutting services, and increasing taxes only when necessary. The major shifts in emphasis were a growing reliance on the market to guide economic growth and limiting the role of city government, primarily because the city government no longer had the type of capital to invest in economic development. The service cuts, such as the controversial closing of Sydenham Hospital in Harlem and the corporate tax incentives, were opposed by many in New York City's liberal establishment who supported Mayor Koch's initial election in 1977 (Mollenkopf 1992).

John Mollenkopf (1992) argues that the constituencies to which the Koch administration responded shifted between Koch's initial election in 1977 and his first reelection bid in 1981. As a result of the fiscal crisis and declining inter-governmental revenues, the Koch administration's new constituencies included the real estate, financial, and corporate sectors of the city. While these groups were traditionally viewed as core Republican constituents, neoliberal Democrats made a pitch to attract these groups as well. These sectors wanted the city to "reduce its tax burden on the private economy, shrink its functions and employment base, reduce seemingly unchecked claims for social services, and increase services relevant to the private sector and middle class" (Mollenkopf 1992, 63–64). They also wanted the city to concentrate its capital investment activities on infrastructure as opposed to other more redistributive programs (Mollenkopf 1992). Using political scientists Wallace Sayre and Herbert Kaufman's concepts, Charles Brecher and Ray Horton (1993, 77) suggest that Koch's core constituents between 1977 and 1981 shifted from those demanding services from the city to those providing revenue to the city. The policy changes that occurred due to Koch's relationship with the financial services and real estate sectors, and the fact that these policy changes were part of a broader shift by Koch away from service demanders and toward revenue providers, are compatible with a shift from a liberal to a neoliberal ideology.

Mayor David Dinkins, elected in 1989, attempted to return New York City to the liberalism of the pre-Koch years. Yet the Dinkins administration may only have been successful in returning New York City to a more liberal orientation in his rhetoric, goals, and the electoral coalition that was gathered to support the Dinkins candidacy. The Dinkins administration was constrained by depressed economic growth both nationally and locally. The lack of additional city revenue and the fact that the Dinkins administration had to address budget deficits for his four years in office prohibited his administration from pursuing a more liberal policy agenda. In fact, Mayor Dinkins angered many of his supporters by pursuing an economic development agenda fueled by corporate tax incentives during the later years of his administration. Most significant, the Dinkins administration only lasted four years.

The economic development strategy pursued by Mayor Rudolph Giuliani was remarkably similar to the strategies pursued by Mayor Koch, despite Giuliani's

Republican Party affiliation. One of the policy areas that clearly distinguished the two administrations was taxation. This may be the result of their differing partisan roots and the fact that Giuliani's orientation toward government was more neo-conservative than neoliberal. The Giuliani administration was able to decrease several different taxation instruments during its two terms. Mayor Giuliani believed that tax decreases would spur investment and economic growth (Giuliani 1999a). Unlike the Koch or Dinkins administrations, the Giuliani administration was able to take advantage of one of the longest periods of sustained economic growth in the nation's and the city's recent histories. During this period, the city realized increased tax revenues and returns on its investments while lowering taxes. For example, the Giuliani administration reduced the hotel occupancy tax but was able to realize increased revenue from the tax because of the increase in tourism in the city (Giuliani 1999a).

Another area of policy that distinguished Koch's neoliberalism from Giuliani's neoconservatism was welfare. Koch, a Democrat, had attacked welfare programs in the city, but his attacks were targeted primarily at the administration of War on Poverty categorical grant programs, not at the federal government's income-maintenance program for low-income families, Aid to Families with Dependent Children (AFDC). In his 1984 State of the City Address, Koch stated, "New York has always been a haven for the poor—our harbor beckoned them, our residents embraced them, our government and social agencies fed and clothed them. We have and we will continue to maintain this tradition" (*New York Times* 1984). Moreover, in those years when the fiscal constraints on city revenues and spending were not as burdensome, the Koch administration made efforts to restore some of the social programs that had been cut since the fiscal crisis of the 1970s. Probably the most notable Koch administration policy in this effort was a set of programs designed to increase housing availability for low- and moderate-income New Yorkers.

In contrast to Koch, Rudolph Giuliani's critique of the welfare state, and its impact on economic development, was far more severe and in line with neoconservative critiques of government social policy. With regard to the social programs of the Great Society, Giuliani stated, "I believe that the welfare programs of the sixties and seventies, although well intentioned, were a terrible social mistake that created serious personal problems for people, for families . . ." (Giuliani 1999b). At the core of Rudolph Giuliani's perspective on welfare was the belief that income-maintenance programs should not be an entitlement. He believed that the receipt of welfare should be temporary at best (Giuliani 1999c). Whereas liberals and the Democratic Party defined a progressive society by how it treated those in need, Giuliani and Republican neoconservative critics suggested that a society was progressive when "an increasing number of people are able to take care of themselves" (Giuliani 1999c). Mayor Giuliani believed that many government social programs created dependency and asked nothing in return from welfare recipients, many of whom were capable of work. In accordance with neoconservative views of the

growth of the state, Giuliani criticized the social welfare bureaucracy in New York City for seeking to increase the welfare rolls, making more people dependent (Giuliani 1999c). In the early 1990s, when Giuliani became mayor, approximately 1.1 million people out of a total city population of 7.3 million were on welfare. The Giuliani administration was at the forefront of the movement to require welfare recipients to work. New York City's transition to workfare, under Mayor Giuliani, preceded the national welfare reform workfare regulations ushered in by Republican House Speaker Newt Gingrich and Democratic President Clinton. In the later days of the Giuliani administration, welfare offices were converted into "job centers" and welfare workers were encouraged to become employment agents for their clientele.

In the 1990s, at the base of both the Democratic Party's neoliberal ideology and the Republican Party's neoconservative ideology was a trust in the value of a market economy to advance society and its individuals. Neoliberals and neoconservatives did disagree on the degree of state guidance needed to make the market work for all, but both ideologies' focus toward economic growth and development assumed that a rising tide would lift all boats. Economic growth would benefit all regardless of their positions on the socioeconomic ladder.

Michael Bloomberg, a career Democrat but with a Wall Street background, was elected as a Republican in 2001 and was reelected twice as an independent. From a partisan perspective, he seemed to fall somewhere between the neoliberal and neoconservative viewpoints on the role of economic growth in advancing society. The Bloomberg administration's use of tax incentives to promote economic growth differed from prior administrations in two significant ways. First, the Bloomberg administration was not as Manhattan-centered as prior administrations in its offering of incentives to businesses. A higher percentage of discretionary tax incentives went to outer borough development projects than in the past (New York City Independent Budget Office 2011). Second, the Bloomberg administration used tax incentives almost exclusively when businesses committed to increasing their number of jobs, whereas prior administrations had given businesses discretionary incentives to maintain their current number of jobs in the city as well. At the same time, however, Mayor Bloomberg promoted New York as a city that was going to pursue high-end businesses that did not necessarily cater to the creation of low- and middle-income jobs. In a 2003 speech, Mayor Bloomberg stated, "If New York City is a business, it isn't Walmart—it isn't trying to be the lowest priced product in the market . . . It's a high end product, maybe even a luxury product" (Cardwell 2003). Coinciding with the tone of this statement, the Bloomberg administration supported a number of rezonings that converted land previously reserved for manufacturing into mixed-use corporate/residential uses (Council for Economic and Community Research 2014).

Despite Mayor Bloomberg's "city as a luxury product" speech and all the attention it received, poverty in New York did not behave similarly to other cities during the Bloomberg years. Between 2000 and 2013, the approximate dates of the

Bloomberg administration, the rate of poverty in New York decreased, while it increased in every other large U.S. city and the nation as a whole (Gibbs and Doar 2016). Is it possible that a mayoral administration can guide economic development in a way that differentiates itself from the behavior/performance of mayoral administrations in other cities? At the same time, however, New York City remained on the list of cities ranking high (10th) in terms of economic inequality, defined as the difference between incomes of the 95th percentile and the 20th percentile (Holmes and Berube 2016).

In 2014, the de Blasio administration, going back to pre-Koch liberal Democratic tenets, committed itself to attacking economic inequality. In a 2015 statement, Mayor de Blasio linked his administration's attempts to decrease income inequality with the Bloomberg administration's policies addressing climate change, PlaNYC (New York City Office of the Mayor 2015): "So, for the very first time, New York City will commit to reducing income inequality and reducing poverty . . . you cannot have a successful city if more and more people are falling behind . . . Just as PlaNYC literally asked the question, what would a successful city look like in the future in terms of sustainability, resiliency and economic growth? We ask all those questions, but one more—what will the city look like in the future in terms of economic inclusion?" (New York City Office of the Mayor 2015, 4) Universal pre-kindergarten and affordable housing were two of the programs upon which the de Blasio attack on inequality was based. In some ways, the de Blasio administration's tone was similar to the Dinkins administration. But the de Blasio administration was far more pronounced in its attempts to return the city to liberal Democratic governance.

The transition from a pre-Koch liberal approach toward economic development to a neoliberal approach, the similarities between a neoliberal and a neo-conservative approach to economic development policy despite their other differences, and the apparent attempt by the de Blasio administration to break with the economic development approach of the Bloomberg administration raise a number of interesting questions about regime theory: Is a mayoral administration's approach toward economic development the single most important piece of evidence in assessing regime change? Are there enough similarities among the Koch, Giuliani, and Bloomberg economic development approaches to support the notion that a single regime was present across those administrations? If so, then the significance of changes in party control of the political system is decreased. Does the Dinkins administration represent a failed attempt at regime change, a return to pre-Koch liberal economic development policies? Does the de Blasio administration represent a much more substantive attempt at regime change? And do regime theorists assess the degree of regime change by what a mayoral administration attempts to accomplish or what they actually accomplish? This discussion will be continued in chapter 7.

PARTY POLITICS AND INTERGOVERNMENTAL RELATIONS

While the two-party system spans all three levels of government, given the dominance of the Democratic Party in New York City, there are differing expectations by governing elites in the city when Democratic or Republican administrations control the state and/or federal levels. But there are occasions when these expectations are not met. Although Mayors Giuliani and Bloomberg were not Democrats, their orientation toward the national level—and federal aid to the city in particular—was frequently indistinguishable from Democratic mayors who came before them. Also, as alluded to above, the fact that the national Democratic Party has adopted a more neoliberal orientation toward the role of government while a majority of the city's Democratic Party elites remain committed to traditional liberal Democratic principles has at times created a chasm between the city's Democrats and the party at the national level.

As noted in chapter 3, partisanship is an influential factor in the city's relationship with the state. These partisan differences at the state level are at times exacerbated by upstate-downstate differences. The Republicans dominate upstate politics and their interests are usually represented best in the State Senate, while the Democratic Party-dominated city interests are most influential in the State Assembly. At the federal level, partisanship is just as intense, but the impact on the city is not as great since the city does not depend on the federal government as much as it does on the state. Since Democrats dominate the city's federal congressional delegation, there is an expectation that city interests will get a positive response when the Democrats control Congress. Moreover, since New York normally gives its electoral votes to the Democratic candidate for president, and since New York City is the Democratic Party stronghold in the state, there is the expectation that the city's interests will be better served if there is a Democratic president.

As noted, expectations that elected officials of the same party at the state and city level will be beneficial for the city have not always been met. While Democratic governors and Democratic state legislators all claim allegiance to a similar core set of values as the elected Democrats in the city, having a Democrat in the statehouse and a Democrat-controlled assembly has not always produced the optimal results for the city's interests. Democratic governors, although heavily dependent on Democratic voters in the city, have to look to other parts of the state to complete their winning electoral coalition. Democratic support from New York City alone is not sufficient to elect a governor. Similarly, the expectation that a Republican governor will ignore city interests is equally erroneous. Governors, regardless of party affiliation, cannot totally ignore the city. There may not be enough city voters to elect a governor, but there are clearly too many city voters for a gubernatorial candidate to ignore. Even within the assembly, one cannot always assume that a Democratic majority will respond to the interests of city officials. Differences between upstate and city Democrats, differences between Democrats

linked to a county organization and more reform- or independent-minded Democrats, and occasionally differences of race and ethnicity have inhibited the unity and resulting effectiveness of the Democratic Party in Albany. As noted in chapter 3, in 2016, there are as many Democrats in the state senate as Republicans, with one independent who caucuses with the Democrats; but Democratic disunity has resulted in Republican control of that body.

Chapter 3 discussed the tension between Governor Cuomo and Mayor de Blasio. While tension between the two was highly publicized, in part due to Mayor de Blasio's public statements, tension between a governor and mayor of the same party is nothing new. Mayor Dinkins was disappointed in the lack of assistance he received from Governor Andrew Cuomo's father, Governor Mario Cuomo. Not only does common party affiliation between the governor and mayor from the same party not guarantee cordial relations, it may in fact be a recipe for problems. Even though the gubernatorial election and mayoral election never occur in the same year, both a Democratic mayoral and a Democratic gubernatorial candidate are competing for the attention of the same Democratic Party constituency. And while the mayor is pursuing an agenda based, in part, on the promises he made to the city's electorate, the governor is attempting to demonstrate to the same electorate that he can govern the state, and part of this involves controlling the city's pursuit of state funds.

Just as a common party affiliation between the governor and mayor has not guaranteed cordial relations, having a mayor from one party and a governor from another party has not necessarily created tension. In the early 1960s, Democratic Mayor Robert Wagner and Republican Governor Nelson Rockefeller got along so well that Wagner reported better relations with Governor Rockefeller than with Democratic Governor Averill Harriman (Benjamin 1988, 113–14). In the 1994 gubernatorial election, Mayor Giuliani crossed party lines and endorsed Democratic incumbent Mario Cuomo in his race against Republican challenger George Pataki. Pataki was an ally of New York Republican Senator Alphonse D'Amato, who Giuliani viewed as a political adversary dating back to Giuliani's time as a U.S. Attorney (Purdum 1994). In addition, Giuliani believed that Cuomo had done all he could as governor to help the city, while Republican candidate Pataki was promising state budget cuts that would ultimately decrease state aid to the city. Pataki won the election.

Mayor Giuliani made no budget trip to Albany in January 1995, possibly figuring his endorsement of Governor Cuomo in the 1994 gubernatorial election would gain him little from the new Pataki administration (Sack 1995). In retrospect, even though George Pataki won the election, the mayor and the city did not appear to suffer unduly as a result. Shortly after his election, Governor Pataki was instrumental in settling a dispute between the city and some upstate communities over the city's watershed. And in 1996, Governor Pataki vetoed a piece of legislation dealing with NYPD promotions. Mayor Giuliani opposed the legislation, arguing that the state legislation would have compromised his ability, as chief

executive, to manage the city's workforce (*New York Times* 1996). In early 1998, shortly after endorsing Governor Pataki's bid for reelection, Mayor Giuliani publicly recognized both the governor's valuable support in assisting the city's management of its workforce by vetoing a number of pieces of legislation passed by the state legislature and the governor's help to the city in general (Giuliani 1998).

Expectations on the part of the mayor for help from his party at the federal level have produced disappointment on occasion as well. As discussed in chapter 4, Mayor Dinkins expressed disappointment that the city did not receive more assistance from Democratic President Clinton and a Democrat-controlled Congress. And in 2006, Mayor Bloomberg was openly critical of the Bush administration and the Republican-controlled Congress when they cut the city's counterterrorism budget by 40 percent. Some of these funds were reinstated when the Democrats retook control of the House of Representatives in the 2006 midterm congressional elections. Also discussed in chapter 4, Mayor de Blasio and Obama administration officials traded criticisms over the federal government's cuts to the city's homeland security funding. At the same time, however, the renewal of the Zadroga legislation providing federal assistance to 9/11 first responders was a bipartisan effort on the part of both Democratic and Republican congresspersons from the entire New York metropolitan area. It demonstrated that constituency connections may be just as strong as partisan politics in some instances.

There is also a link in intergovernmental legislative relations. Members of the city council, members of the state legislature, and members of Congress from the city not only share a common constituency, they frequently have their political roots in the same local party organizations. In addition, it is not uncommon, especially with the advent of term limits in elected city offices, to find members of Congress and members of the state legislature who formerly served on the city council. This gives these members an affinity for city issues and further strengthens the intergovernmental partisan connection. In 2016, ten members of the sixty-three-member New York State Senate formerly served in the New York City Council: eight Democrats and two Republicans. And three of the twelve congresspersons representing New York City in the House of Representatives formerly served on the city council; all are Democrats. As noted above, the implementation of term limits in New York City in the early 1990s has increased the number of city council members seeking higher political office, strengthening the intergovernmental legislative link.

CONCLUSION

Similar to most other democratic political systems, political parties in New York City play a significant role in the governance of the city. As the institutions that structure elections, parties are closely linked to the maintenance of the system's democratic accountability. But the absence of competition between the two major parties in most elections decreases their impact. With the exception of the

election for mayor and a very small number of city council races, the Republican Party is not competitive. Of the combined city council races that occurred in 2009 and 2013, Democratic candidates won those races with 80 percent or more of the votes cast in 66 of the 102 elections. In 13 of those elections, the Democratic candidate ran unopposed (New York City Board of Elections 2016a, 2016b). Although lack of interparty competition remains, the degree of intraparty competition has increased, due to the larger number of open-seat Democratic primaries where the incumbent Democratic officeholder has been term-limited out of office. As opposed to the general election, in the combined 2009 and 2013 Democratic primaries for city council, there were only 33 races where the winning candidate ran unopposed or received over 80 percent of the vote, and in all but one case, these candidates were incumbents. In 45 of the Democratic primary races for city council, the winning candidate received less than 60 percent of the votes cast. In the 2009 and 2013 general elections for city council, the winning candidate received less than 60 percent of the vote in only 11 of the 102 elections, and the Republican candidate won only 4 of those races (New York City Board of Elections 2016a; New York City Board of Elections 2016b). Chapter 8, discussing the City Council, will further examine the impact of term limits on the city's political system.

It is unclear what impact the lack of interparty competition has had on the role of race and ethnicity in the city's political system. In a city as diverse as New York, would a more vibrant two-party system result in both parties competing vigorously for the minority vote? In the late 1960s, the policies of Republican Mayor John Lindsay made the Republican Party very competitive for the minority vote; although Lindsay lost the Republican primary in 1969 and won a second term as mayor on the Liberal Party line. If City Council membership is any indication, minorities have fared well within the Democratic Party. The city's Democratic Party organizations have played a significant role in bringing minorities into the political system as their population has increased. As noted in chapter 5, minorities now comprise a majority of the city council. They also now occupy other key city and borough elected positions. This has certainly contributed to greater civil harmony in the city's political system and across the entire city. There have been very few Republican officeholders in the city at the citywide, borough, or city council levels, and none of them have been minorities.

7 ♦ THE CHARTER, THE MAYOR, AND THE OTHER GUYS

The New York City Charter revision of 1989 so significantly changed the structure of the city's political system that it, in effect, created an entirely new political system. Chapter 3 discussed the control that the state can exercise over New York City. It discussed the concept of home rule whereby states give local governments limited authority to govern themselves. Home rule includes, in most cases, the power of the local entity to "frame, adopt and amend charters for their government and to exercise powers of local self government, subject to the constitution and general laws of the state" (Adrian and Fine 1991, 86). Charters are not constitutions. They are similar to constitutions in that they normally determine the basic structures of the government and its significant processes. Charters lay out how the institutions of government function as well as the roles and responsibilities of each government official. Charters may also describe basic governmental procedures, such as how a municipal budget gets approved or how decisions get made about land use (Goodwin 1982). As such, charters will structure how democratic accountability will be achieved, who is responsible for service delivery, and which city officials might be responsible for maintaining civil harmony. Charters do not, however, structure the rights of citizens inside the political system, as most constitutions do. This power is reserved to states and their constitutions.

New York State did not give New York City the power to define and modify its own charter until 1924 (Benjamin 1995, 208). From 1924 to 1989, New York City had a modified strong mayor–council structure of government as described in the charter. Since 1989, the New York City governmental structure has had a strong-mayor model without the modification. This model of municipal government has several key characteristics. First, the administrative function of government is controlled by a mayor elected by the citizens of the political system. The mayor, as chief executive, is responsible for the implementation of policy. In this capacity, the mayor has the ability to appoint the heads of all administrative agencies as well as prepare the government's budget. Second, the mayor and an

elected legislative body, the city council, share the law-making function. The city council, in its legislative capacity, is responsible for the passage of laws, but the mayor has veto power. The city council also has the power to adopt the budget once it is prepared and presented by the mayor.

In what way is this a strong-mayor system? "The mayor's legal position allows for both powerful political and administration leadership. Not only does the mayor have the veto power and the right to recommend legislative policy to the council . . . but complete control over administration also allows for constant oversight of the needs of the city as a whole and furnishes a vantage point from which to recommend policy" (Adrian and Fine 1991, 195). The strong-mayor model makes the mayor the focal point of the political system. The mayor is the spokesperson for the political system and is accorded the media attention and scrutiny that accompany this role (Adrian and Fine 1991, 195).

What made the structure of city government a modified strong mayor-council model prior to 1989 was the existence of the Board of Estimate. Although the structure of this body changed over time, its establishment in 1873 was supposed to inject greater fiscal responsibility into the exercise of government (Hammack 1998). The board was given significant control over the city's fiscal decision making. In 1873, the Board was composed of the mayor, comptroller, president of the Board of Aldermen, and the head of the Department of Taxes and Assessment. In 1924, the composition of the Board of Estimate included the mayor, comptroller, the president of the Board of Aldermen (later the president of the City Council), and the five borough presidents (Benjamin 1995). This composition remained until the board was abolished in 1990 as a result of the 1989 charter revision.

No event in recent New York City political history better illustrated the impact that race and intergovernmental relations have on city public decision making than the 1989 charter revision. In 1981, the New York Civil Liberties Union filed a suit in the federal district court in Brooklyn claiming that the Board of Estimate's voting system was unconstitutional because it violated the "one person, one vote" principle established in several 1960s U.S. Supreme Court cases. Each of the borough presidents on the Board had one vote. The other three members of the board—the mayor, the comptroller, and the president of the City Council—each had two votes. The borough presidents' vote apportionment gave the fewer than four hundred thousand residents of Staten Island as much representation on the board as the more than two million residents of Brooklyn. Minorities and all citizens in the boroughs other than Staten Island were being denied equal protection because of the board's voting system. If the Board of Estimate had little or no substantive power, it is possible that few would have noticed or cared about the malapportionment of votes; but this was not the case. According to the city charter, the Board of Estimate had "exclusive power on behalf of the city to grant franchises or rights or make contracts providing for or involving the occupation or use of any of the streets of the city, whether on, under or over the surface thereof,

for railroads, pipes or other conduits or ways, or otherwise for transportation of gas, electric, steam, light, heat or power" (Kivelson 1990, 35). The board also had authority over the disposition of the city land and final authority on most land use issues. Moreover, it shared budgetary approval authority with the city council. Next to the mayor, the Board of Estimate was the second most powerful governing institution in the city's political system, the mayor being a member of that body as well.

In the federal litigation regarding the Board's discriminatory malapportionment, New York City had initially defended the existence of the Board of Estimate and its voting system by arguing that it was not a legislative body and was therefore not subject to the "one person, one vote" principle. None of the individuals on the board had been elected as legislators, except for the president of the City Council, who could vote in the council only in the case of a tie by the regular members. The court's response was that the principle of "one person, one vote" applied to all elected officials. The court also noted that, given the functions assigned to the Board of Estimate by the charter, it was difficult to argue that the board was not acting in a legislative capacity. The case alleging the unconstitutionality of the Board of Estimate, *Board of Estimate v. Morris*, was ruled on by the U.S. Supreme Court in March 1989. Affirming the decision of the U.S. Court of Appeals, the Supreme Court ruled that the voting structure of the board was "inconsistent with the Equal Protection Clause of the Fourteenth Amendment" (Mauro and Benjamin 1989, 53–55). A federal court responding to a suit filed in the interest of the city's minority citizens had mandated that the structure of city governance be changed in order to make it more democratically accountable and less discriminatory.

In responding to the ruling in *Board of Estimate v. Morris*, the Charter Revision Commission appointed by Mayor Koch had to deal with a number of issues regarding the future of governance in New York City. First, the commission had to decide whether the Board of Estimate should be retained. The ruling in *Board of Estimate v. Morris* had not mandated the elimination of the Board of Estimate but only its voting system. Some within the city's political system, and in particular the borough presidents from the largest boroughs, proposed that the Board of Estimate be retained with a different voting system that weighted the votes of the borough presidents based on population (Purdum 1989b). The commission ultimately decided to eliminate the board. While a weighted voting system was considered, there were fears that it would violate the Federal Voting Rights Act due to the fact that at-large elections, such as those for borough presidents, suppress the chances of minorities being elected. A second issue the commission had to grapple with was how to reallocate the powers that had previously belonged to the Board of Estimate. As previously noted, the board's powers were considerable. The two likely recipients of board powers were the mayor and the city council. The commission sought to strike a balance of power

between these two institutions. They did not want to give the city council too much power, for fear of promoting gridlock via the council's ability to frustrate the mayor's agenda.

The third issue facing the commission was how to enhance the participation of minorities in the city's governing structures. The litigation that resulted in the court mandate for charter revision was initiated by those claiming that the city's governing structures had been biased against minority representation and participation. Interestingly, at the time of the board's elimination, it had two minority members, David Dinkins, the borough president of Manhattan, and Fernando Ferrer, the borough president of the Bronx. Despite the court ruling in the *Morris* decision, Dinkins believed the Board of Estimate could effectively represent minority interests (Purdum 1989a). Much of the commission's discussion of these issues focused on expanding the size of the city council so that more minority legislators could be elected. A fourth and related issue was procedural. Once the commission had created a set of proposals for charter revision, the proposals had to be approved not only by the voters of New York City but also by the U.S. Department of Justice. The federal Voting Rights Act mandated that any modification of election procedures in New York City would have to be scrutinized by the Justice Department to certify that they were not discriminatory.

The final recommendations of the 1989 Charter Revision Commission included

- the elimination of the Board of Estimate;
- a city council expanded in size from thirty-five to fifty-one members (with no at-large members);
- the city council has power over the municipal budget, proposed by the mayor, and authority over zoning, land use, and franchises;
- a new City Planning Commission has the power to recommend zoning changes, make decisions on the use of city-owned land, and grant special land use permits (zoning variances);
- the mayor will appoint seven of the thirteen members of the City Planning Commission, with the city council president (now public advocate) and the five borough presidents each appointing one member;
- borough presidents will have the power to propose capital improvements equal to 5 percent of the city's capital budget;
- the city council president, now public advocate, will serve as a municipal watchdog or ombudsman, responding to complaints by citizens and making sure that executive branch agencies supply the public with information as requested;
- a new Independent Budget Office will be established to evaluate the mayor's budget proposals and revenue estimates;
- the mayor, through the executive branch, has the power to approve contracts, subject to guidelines set by a board appointed by the mayor and the comptroller (Benjamin 1995, 207; Finder 1989b; Purdum 1989c).

On November 7, 1989, New York City voters went to the polls and approved the proposed charter revisions by a margin of 55 to 45 percent (Finder 1989c). On the same day, city voters narrowly voted for David Dinkins over Rudolph Giuliani in the mayoral election. The U.S. Justice Department approved the charter revisions approximately five weeks later, noting that each of the major changes in the structure of New York City's government would not reduce the voting power of minorities (Finder 1989d). Although the minority community in New York City was split over the charter revisions, most saw the changes as positive, particularly the expanded city council that would allow for greater minority representation. Clearly the biggest losers in the charter revision were the borough presidents and the president of the City Council, now called the public advocate. They lost much of their power in city government when they lost their vote on the Board of Estimate. The city comptroller also lost its vote on the Board of Estimate but retained its ability to perform financial and performance audits on city agencies.

The 1989 charter revision created a new political system for the city. Prior to the revision, the mayor and the Board of Estimate were the major policymakers in the city's political system, with the city council playing a very minor role. After the abolition of the Board of Estimate, the city council became a significant actor in city policymaking; and the political system changed dramatically with fifty-one council members—each representing a small constituency, each having a major say in budget and land use issues—instead of the eight members of the Board of Estimate. This will be discussed further in chapter 8. Since the 1989 charter revision, the only significant charter revision was the 1993 adoption of term limits for all elected city offices (chapter 8).

THE MAYOR

The mayor of New York City is the most powerful political figure in the city's political system. No one else comes close. He is also the most visible figure in the political system, and at times, he is the only visible political figure in the system. As such, the mayor has great influence over, and is greatly influenced by, the three governing functions: democratic accountability, service delivery, and civil harmony. There may be no better example of the mayor's leadership roles in the governance of the city than Mayor Giuliani's behavior on, and immediately after, September 11, 2001. Upon hearing that a plane had crashed into the World Trade Center, the mayor and his aides headed for the scene of the disaster. He was at the scene when a plane hit the second tower. The New York City Office of Emergency Management center located in 7 World Trade Center was evacuated because it was too close to the site. In the early hours after the collapse of the World Trade Center towers, the mayor and his staff attempted, amid the chaos of Lower Manhattan, to set up a new emergency command center in the vicinity. The mayor established three goals: "First, I had to communicate with the public, to do whatever I could to calm people down and contribute to an orderly and safe evacuation (of

Lower Manhattan). Second, I wanted to prepare for the injured . . . The third track I was considering was, 'What will happen next?'" (Giuliani 2002, 16–17).

The mayor spoke to the governor and the White House, and by late afternoon, a makeshift command center had been set up at New York City's Police Academy (Giuliani 2002). In the days and hours following the attack, Mayor Giuliani was the most visible public figure in the city and possibly the nation. In the words of one reporter, "He seems to realize that New Yorkers need a symbol of stability and need to know someone is in control when everything is out of control" (Purnick 2001).

What made the mayor so visible in the days following the attack was the fact that he was performing multiple roles. As chief executive, he directed and monitored the cleanup of the site as well as looked after the continued safety and security of the city. As chief spokesperson for the city, he led the city and the nation in mourning for those lives lost and in comforting the victims' families (Steinhauer 2001). After reports that some New Yorkers of Arab descent had been harassed, the mayor admonished those who engaged in acts of hatred (Purnick 2001). Throughout all of this, the mayor maintained daily meetings with his staff to address the orderly running of the city, held daily press conferences to communicate with the public through the media about progress being made at the site, and met with state and federal officials who were assisting the city.

In part, what made Mayor Giuliani so effective in the days following the attacks was not only the multiple roles that he was playing but also the fact that the public recognized that the mayor had played many of these roles prior to the crisis—maybe not all at once, and maybe not in as intense and crisis-ridden a situation as September 11. Moreover, he brought the same personal style to these roles that he had previously. As one reporter noted, "Mr. Giuliani's flaws are some of the same qualities that make him so attractive in a crisis: confidence, authority, intransigence" (Tierney 2001).

Mayoral Roles

In governing the city, the mayor is both enabled and constrained by the formal and informal roles attached to the mayoral office. The city charter lays out the formal and official roles for the mayor. Similar to other chief executives, however, the mayor of New York City has over time acquired more informal roles not specifically discussed in the charter. But while it is impossible for the mayor to not exercise the power given to him by the formal roles discussed in the charter, the mayor's desire and ability to use the informal roles to enhance his influence over the political system are much more matters of personal style and the political environment. Nevertheless, the combination and conjunction of the various roles of the mayor, both formal and informal, give his office considerably more power than any other office in the city's political system.

As noted earlier, the city charter created a strong-mayor form of municipal government. One primary aspect of this governmental structure is that the mayor

is popularly elected; and this makes him, *de facto*, the head of the city's political system. So while the city charter does not specifically mention the role of chief of state or a ceremonial head of state, the strong-mayor form of government gives this role to the elected mayor. The mayor is the spokesperson for the city at a wide variety of events and in a broad array of venues—whenever the city needs representation. When Mayor Giuliani admonished his fellow New Yorkers not to engage in acts of hatred against Muslim New Yorkers after the September 11 attacks, he was acting as chief of state. When Mayor Bloomberg spoke to federal officials about the needs of New York City in the wake of Superstorm Sandy, he was also acting as the chief of state. Similarly, when Mayor de Blasio complained that Governor Cuomo was not doing enough for the city, he was also acting in his chief-of-state role.

It is the chief-of-state role that makes the mayor the most visible actor in the political system and, as a result, the most significant figure in the promotion of democratic accountability. The citizenry sees the mayor more than any other official and therefore holds him responsible for the performance of the entire municipal government, and the political system in general, whether the mayor is actually responsible or not. This serves the mayor well when citizens are satisfied with the performance of government, but citizens blame the mayor when they perceive the government is not acting on their behalf and when their interests are not being served.

A second role given to the mayor by the city charter, and a major piece of the strong-mayor structure of government, is chief executive. The mayor directs, and is responsible for, the executive branch of the city government. He is the chief administrative officer of the city, directing and monitoring the entire city bureaucracy. He is responsible for the implementation and execution of city laws and programs, in addition to state laws and programs that are administered at the local level. There are a number of significant powers that accompany this role. The mayor has the power to appoint, and remove, the heads of all city executive branch agencies. Unlike the president of the United States, who needs the approval of the U.S. Senate for cabinet appointments, the mayor does not need city council approval for most of his appointments. To control the activities of the entire executive branch, the mayor needs the support of a large staff. The charter revision created an Office of Operations to assist the mayor in his duties as chief executive. The mayor also has the ability to appoint deputy mayors who assist in directing the activities of the executive branch. Unless the city council disapproves within ninety days, the mayor has the ability to reorganize the executive branch, transferring functions from one agency to another or effectively eliminating and/or establishing new agencies (New York City Charter 2004, Chapter 1). Under Mayor Giuliani, when the Child Welfare Administration—an agency within the Human Resources Administration—was experiencing difficulty monitoring child abuse and foster care, the mayor removed the agency from Human Resources. He made it a new, freestanding agency, the Administration for Children's Services, reporting directly to the mayor.

As chief executive, the mayor has the responsibility to propose a budget for the executive branch for each fiscal year. The budget, however, must be approved by the city council. The mayor can use his budgetary authority to change the policy direction of the city government, as long as the city council concurs. In 1989, the new city charter also gave the mayor the power to approve contracts with private citizens and/or companies performing services for the city (New York City Charter 2004, Chapter 1). This further enhanced the mayor's power as chief executive. The mayor's role as chief executive enhances his role as chief of state. In speaking for the city, those listening know not only that the mayor is the symbolic spokesperson for the city but that the mayor has the substantive power to implement policy. When Mayor Bloomberg requested funding from the federal government after Superstorm Sandy or when Mayor de Blasio criticized the federal government for not giving the city sufficient funding to conduct counterterrorism activities, federal officials were aware that they were hearing from the individual who had the responsibility to spend the funds once they were given. As chief executive, the mayor's authority over the municipal bureaucracy together with his budgetary authority makes him the principal actor in service delivery issues.

In addition to the official roles given to the mayor by the charter, there are unofficial, or less formal, roles played by the mayor that enhance the power of the office. The decision by the mayor to perform these less official roles is optional and may very much depend on the mayor's own perspective on the office as well as the political environment. One such role is agenda setter, or chief legislator. Over time, the combined roles of chief of state and chief executive have created an expectation that the mayor will lead the political system by setting an agenda of policy choices and engaging the city council, or on occasion the state legislature, to assist him in the pursuit of his desired policy goals. Recently, mayors have vigorously pursued their agendas, but this is a function of not only their own styles but also the resources, both political and fiscal, they have when elected. Mayors who win an election by the narrowest of margins or assume control over the city during a fiscal crisis or economic downturn may not have the ability to establish and pursue an agenda, even if they have one. Those mayors may need to perform more of a "caretaker" role until they gain the resources to actively pursue new policy initiatives.

In his second term, Mayor Bloomberg released PlaNYC, a comprehensive set of proposals addressing climate change, sustainability, aging infrastructure, and the prediction that by 2030 the city would have 9.1 million residents (New York City Office of Recovery and Resiliency 2016). In conjunction with the mayor's initiative, the city council passed legislation creating the Office of Long-Term Planning and Sustainability. In the years following, the mayor issued and implemented dozens of proposals, primarily using his power as chief executive. These included the converting of many buildings in the city to burning cleaner oil for heating, the Million Trees Initiative, the Parks to Playgrounds program—where school playgrounds were upgraded for use as parks when school was not in session—and the

issuance of active design regulations for new city buildings that would encourage building users to use the stairs rather than the elevators.

In 2014, shortly after taking office, Mayor de Blasio issued his Housing New York (2014) plan, a comprehensive strategy to increase the number of affordable housing units in the city. The goal of the program was both to “secure the new construction of undersupplied low income and mixed income housing” and also to “preserve existing low and mixed income housing” (Been 2015). The program involved new legislation, tweaking existing tax incentives at the state level to make them more focused on affordable housing, and shifting resources within the executive branch. As part of the program the mayor proposed, and the city council passed, was the Mandatory Inclusionary Housing initiative, which would require every residential rezoning proposal above a certain size to include at least 20 percent affordable housing units. In addition, as chief executive, the mayor bolstered the legal services programs within the city’s Human Resources Administration to help prevent low-income citizens from being evicted in the city’s housing courts (New York City Office of the Mayor 2015a).

In pursuing their agendas, both Mayor Bloomberg’s PlaNYC and Mayor de Blasio’s affordable housing initiative combined the mayors’ roles as chief of state and chief executive. But they also required the mayors to go beyond these roles in proactively engaging the political system to move in directions it had not moved before. Major pieces of the political system, including the city council, the municipal bureaucracy, and the state and federal governments and private groups outside the formal governmental structure, were employed to achieve these goals. In the case of the municipal bureaucracy, the activities of multiple city agencies were subordinated to help achieve the mayors’ agendas. And while the specifics of each plan certainly had its critics, no one questioned the mayors’ power and authority to reorganize the political system in pursuit of their goals.

Another unofficial role for the mayor is opinion leader (Pohlman 1993, 239). As spokesperson for the city, citizens look to the mayor to respond to problems or public concerns. In his position, the mayor can pick and choose which public concerns to address and which to ignore. Throughout their terms in office, mayors Giuliani, Bloomberg, and de Blasio held frequent press conferences. This gave them the ability to address the media and public on any topic of their choosing. According to Mayor Giuliani, “One of the great advantages of being New York City mayor was that I could communicate directly. Because it was such a visible job, I didn’t have to be a slave to press coverage. A leader who cannot access the airwaves or draw people to a meeting risks having the media shape the public’s impression of him. Someone with as high a profile as the mayor of a big city can create his own impressions, and can ensure that the press becomes just another element that factors into decisions” (quoted in Giuliani 2002, 188).

The literature on the presidency speaks of a “bully pulpit” that presidents can command on any issue or problem because of his status, visibility, and the media attention he receives. Within New York City’s political system, and possibly

beyond, the mayor is in a similar position. The mayor has the ability to define problems as being worthy of public/mayoral attention merely by informing the citizens of the city that a problem exists. Similarly, with his bully pulpit, the mayor has the ability to address any issue. But similar to the role of agenda setter, the individual occupying the mayoral office has to have a style and personality that encourages the use of this role. In 2005, when the Transit Workers Union went on strike against the Metropolitan Transit Authority, shutting down the city subways, buses, and commuter railroads, Mayor Bloomberg, in an uncharacteristic loss of temper and display of partisanship, referred to the “thuggish” behavior of TWU leadership. The mayor’s attempt to sway public opinion against the strikers elicited a response from Roger Toussaint, President of the TWU, that the “thugs were not on this side of the podium” (Donohue and Siemaszko 2005). Throughout his two terms in office, Mayor Giuliani used his bully pulpit to criticize New York City’s Board of Education, the city’s educational bureaucracy, and the way in which the city schools were being administered. The Giuliani criticisms certainly helped his predecessor, Michael Bloomberg, gain control of the school system. In 2015, Mayor de Blasio was critical of his own ability to communicate with the public on major policy initiatives, including affordable housing and homelessness. Using the bully pulpit to defend his role as chief executive, the mayor stated, “I’ve got to do a better job of . . . communicating the solutions we’re working on, and show how we move forward” (Nahmias 2015).

Mayors can use their bully pulpit to address issues that may not be directly related to their administration or city policy. In 2015, after New York State Assembly Speaker Sheldon Silver was indicted on federal corruption charges, Mayor de Blasio noted that he had “always known Shelly Silver to be a man of integrity” (Bredderman 2015). In 2016, after a gunman in Orlando, Florida, killed fifty people in a nightclub, Mayor de Blasio went on several radio programs criticizing lax gun laws and easy access to guns. The mayor noted that, while New York State and City have strict guns laws, many of the gun crimes that are committed in the city are committed with guns purchased in those states with lax gun control laws (Nahmias 2016). In one of the more noteworthy examples of the use of the bully pulpit, in 1999 and again in 2001, Mayor Giuliani brought to public attention art exhibits at the Brooklyn Museum of Art that he found anti-Catholic and offensive. In 1999, the mayor followed up his public indignation with an unsuccessful attempt to cut public funding from the Brooklyn Museum of Art (Barstow 2000).

Political scientist Marcus Pohlman suggests that an additional unofficial role for the mayor might be leader of his or her political party (Pohlman 1993, 240). While this might be a role that mayors of some large cities play, and may have been a role that New York City’s mayors may have played many decades ago, it does not appear to be accurate in the city’s current political system. As discussed in chapter 6, the Democratic Party in New York City is decentralized to the borough/county level, and in some cases to the neighborhood level. The mayor may be a product of one county’s political organization, as was the case with Abe Beame (Brooklyn)

and David Dinkins (Manhattan), but their election as mayor in no way made them the leader of the other county organizations. A unified, citywide Democratic Party would rally around their incumbent mayor as opposed to seeking to unseat him (or her) in a primary. In early 2016, incumbent mayor Bill de Blasio, a product of the Brooklyn Democratic Party reform movement, was looking at a 2017 Democratic Party primary with a number of possible serious competitors, including Bronx Borough President Rubén Díaz Jr. and City Comptroller Scott Stringer (Manhattan). Both never became candidates and ended up endorsing the mayor. But with a unified, citywide Democratic Party, little consideration would have been given by other leading Democrats to challenging a popular incumbent mayor of the same party. Mayor Koch may be the best recent example of a Democratic mayor who was able to unify the city's various Democratic parties, if only for a short time. In his 1977 run for mayor, Ed Koch obtained the support of the Bronx, Brooklyn, and Queens Democratic Party organizations. But even in this case, Koch was acting more as a broker than a leader.

The Republican mayors of the city illustrate even better than the Democrats the inability of the mayor to play a party leadership role. Given the large number of Democrats in the city, it is difficult, if not impossible, for someone with mainstream Republican Party views to win a citywide election. To win, a Republican will have to adopt positions that take him or her close to mainstream Democrats. Rudolph Giuliani, a former appointee of President Reagan, had little or no experience in New York City Republican Party activities prior to his first run for mayor. Even during his administration, his relationship with the city's Republican Party organizations was minimal, if not strained. As mayor, his positions on gun control, reproductive rights, campaign finance reform, and immigration were much closer to mainstream Democrats than Republicans. Later when he ran for President, he had to modify his positions on a number of these issues in order to be acceptable to national Republicans. The more he tried to accommodate mainstream Republican Party policy positions, the less he looked like the Rudolph Giuliani who served as mayor. Michael Bloomberg was a Democrat approximately one year before running for mayor, but he ran under the Republican Party because he would have had difficulty competing in a crowded Democratic primary for mayor. But most Republicans never believed Bloomberg to be a true Republican. As noted in chapter 6, knowing that a candidate with orthodox Republican views cannot win a mayoral election, the Republican parties in New York City are satisfied to see the Democrats lose. Republican leaders cannot win citywide elections and non-Democrats who are elected as mayors are not viewed as party leaders just because they ran on the Republican Party label.

Mayoral Behavior as a Function of Economic Development Needs, Racial and Ethnic Diversity, and Intergovernmental Relations

It is the primary thesis of this book that the city's political system and the public policy decisions it produces are constrained and/or significantly influenced by

the need to engage in economic development activities, racial and ethnic diversity, and the influence of the state and federal levels of government on the city. As the most important single actor in the governance of the city, the mayor is affected by these forces more than any other official. The tensions within the political system created by the simultaneous influence of these forces should be most discernible through the behavior of the mayor. At the same time, however, the mayor—using the roles that he has been given—has the ability to manage, if not influence, the way in which these forces affect the city. In the case of the mayor, the relationship between the city and the three factors that influence the city's political system is not one way.

Most mayors are driven by several rather simplistic goals. First, once in office, they want to be reelected. For the last sixty years, there has not been an individual who served as mayor who did not seek a second term—and occasionally a third or fourth. In addition to reelection, some mayors have sought higher elected office, including president, governor, and senator, although recently none have been successful in obtaining these offices. A second goal of most mayors is to maintain a level of popularity among the citizenry. A mayor's level of popularity is usually gauged through one of several polls that include questions regarding the mayor's performance. Mayor Koch used to ask people, "How'm I doing?" There is a strong relationship between a mayor's popularity and being reelected. But popularity and performance are measured much more frequently than the occurrence of elections, and an unpopular mayor may look much better or worse once electoral opponents have been identified. Third, and much less immediate, mayors want to be remembered as effective and dynamic leaders long after they have left office. They want to leave a legacy that will be remembered as positive and valuable for the city. This may include a specific policy or program agenda.

The Economic Development Imperative. How much credit should a mayor take for economic development that occurs in the city and for the city's overall fiscal health during his tenure as mayor? And how much blame should a mayor receive if the city's economy declines? National economic conditions significantly influence how successful a mayor can be in promoting economic development, as was the case during the recession that began in 2008. Although it is difficult for mayors to buck national trends, they can take advantage of healthy national economies by enacting policies that enhance growth and development, or they can enact policies that inhibit growth. Mayors have control over some, but certainly not all, of the variables that affect economic development. This gives them the ability to affect economic development in the city, even if only at the margins. Given that the mayor's performance in office will be measured in part by the economic health of the city, the mayor must act to promote economic development. Regardless of whether the actions taken produce positive results, he is expected to

take affirmative steps to promote economic development. The appearance of inaction may be worse than action that produces poor results.

The actions of Mayor Koch in the late 1970s and early 1980s are often credited with the city's emergence from the fiscal crisis he inherited, but improving national economic conditions also appeared to be responsible. And Mayor Dinkins's inability to improve the city's economy in the midst of a severe economic downturn in the early 1990s may speak to mayors' inability to counteract major national economic trends.

In the opinion of many, given the set of economic circumstances presented to the Giuliani administration in the mid-1990s, Mayor Giuliani was able to enact a set of complementary policies and programs that enhanced the city's ability to take advantage of national economic growth. These programs included tax decreases that promoted tourism and decreased taxes on businesses, targeted tax breaks to corporations, as well as law enforcement policies that decreased the city's crime rate much faster than the national average and consequently made the city a more attractive place to visit and to conduct business (Bagli 2001). The results were economic development and job growth. A good example of the confluence of national economic health and mayoral policies combining to produce economic development was tourism during the Giuliani years. According to Mayor Giuliani, "In the year before the hotel occupancy tax was cut, the city received \$127 million in hotel tax revenue. This year (1997), the city is projected to receive \$172 million in tax revenue, clearly showing how a reduction of this tax has been good for the city as well as good for business. Between 1994 and 1996, we gained almost 21,000 jobs in the tourism and restaurant industries" (Giuliani 1997b). Mayor Giuliani took credit for the increase in tourism in New York City, as he should. In the statement cited above, he neglected to mention that his law enforcement policies also played a significant role in attracting tourists to the city, given the reduced crime rates. Neither, however, did he mention the role that national economic growth had played in the city's own economic health and the growth of tourism nationwide.

Similar to Mayor Giuliani, Mayor Bloomberg also believed that the mayor could have a major impact on economic development and the city's economy. In October 2008, at the outset of one of the worst economic downturns in the country's (and city's) recent history, Mayor Bloomberg asked the city council to amend the city's term limits law and allow him to run for a third term as mayor. Citing both his experience managing financial crises, as he had when he took office in 2002, as well as his experience as a businessman, the mayor stated that the city's economic situation had become unstable and that he should be allowed to run for a third term in 2009 and "finish the job the voters elected me to do" (New York City Office of the Mayor 2008).

One way in which the Bloomberg administration sought to have an impact on economic development in the city was an attempt to reduce the city's dependence

on Wall Street and the finance industries by further diversifying the city's economy. Mayor Bloomberg hoped to achieve this by attracting more biotech and science-oriented industries to the city. In 2011, the Bloomberg administration released its NYC Bioscience Incentives Guide (New York City Economic Development Corporation 2011). The guide presented an array of tax incentives, financing assistance, and energy cost savings targeted primarily at bioscience firms. The first major project to be produced by the initiative was the Alexandria Center for Life Science located along Manhattan's East Side "medical corridor." The center provides 1.1 million square feet of laboratory space for tenants in the bioscience industries (New York City Bioscience Initiative 2016). In a related effort, in 2013, the Bloomberg administration executed an agreement leasing twelve acres of land on Roosevelt Island for the creation of an applied science/technology university run by Cornell University and the Technion-Israel Institute.

But while the Bloomberg administration received praise for its bioscience-technology initiatives, they were criticized for their impact on the manufacturing sector. According to a study in 2015, "The Bloomberg administration's aggressive program of rezoning manufacturing areas for market rate housing resulted in a significant loss of industrial land across the city" (Pratt Center for Community Development 2015). Another study by the city council concluded that, although a significant amount of land had been set aside for manufacturing and industrial uses, the zoning code for manufacturing districts allowed a very broad range of as-of-right nonmanufacturing development in these districts. As a result, big-box stores, self-storage facilities, restaurants, bars, and health clubs have been moving into districts originally zoned for manufacturing (New York City Council 2014). It is not clear how aggressive the Bloomberg administration was in seeking to use land zoned for manufacturing for other purposes. It is also unclear what impact this had on overall economic development in the city. But once land zoned for manufacturing is utilized for some other purpose, there is little chance that it will return to manufacturing at some later date. And for the districts zoned for manufacturing that allowed other types of as-of-right uses, the city council's complacency is just as much an issue as the mayor's.

Mayor de Blasio campaigned for mayor promising to rectify problems associated with past attempts to promote economic development. As discussed in chapter 6, his 2015 "One New York" speech emphasized that his administration was going to address the problems of "a tale of two cities," focusing on the inequality and lack of fairness produced by twenty years of mayors who had concentrated on the promotion of economic growth but not on addressing growing inequality in the city (New York City Office of the Mayor 2015b). The intent of the de Blasio approach toward economic development was similar to that of Mayor Dinkins. When Mayor Dinkins took office in 1990, there were very low expectations on the part of the business community as to what his administration would do to promote economic development. Some perceived the attitude of the Dinkins administration to be antibusiness and antidevelopment (Lipper 1989). The constituencies

who supported Dinkins's candidacy were certainly not pushing the mayor to promote economic development similar to his predecessor, Mayor Koch, and were hoping for an administration that would focus more on social policies targeting the working class and lower-income New Yorkers. Yet early in his term, a national recession forced Mayor Dinkins to refocus his agenda on promoting economic growth in an attempt to counter the city's loss of jobs and tax revenue.

The business community's attitude toward Mayor de Blasio was similar to its attitude toward Mayor Dinkins. One of Mayor de Blasio's campaign proposals was to levy a tax on wealthy New Yorkers to help the city fund its universal pre-kindergarten program. A de Blasio deputy mayor claimed she heard a member of the business community say, "They're going to ruin the economy," referring to the de Blasio agenda (McGeehan 2016). One investment banker stated, "The mayor is gratuitously attacking the people who have the ability to invest capital. He's threatening higher taxes and more regulation . . . It's a conscious strategy to separate people by class and by race" (quoted in Dawsey 2015). And the fact that the de Blasio administration inherited a city economy that had already begun recovering from a national recession in the later years of the Bloomberg administration concerned the business community further (McGeehan 2016). Would his policies retard the city's recovery?

Yet almost four years into the de Blasio administration, the city continued its recovery. From Mayor de Blasio's initial election in November 2013 through fall 2017, the city added approximately 350,000 jobs, according to the U.S. Bureau of Labor Statistics (Khurshid 2017). A business leader noted that Mayor de Blasio "still scares corporate executives with some of his liberal ideas," but that the business community had gotten used to the mayor's rhetoric (McGeehan 2016). Kathryn Wylde, CEO of the Partnership for New York City, which represents some of the city's largest employers, stated, "What we expect from mayors is they encourage private sector economic activity and they don't screw it up" (McGeehan 2016). And referring to Mayor de Blasio, she added, "It's obvious he has not screwed it up" (McGeehan 2016). Although the de Blasio administration ingratiated itself to the business community by lowering tax rates on small businesses and providing additional incentives for job creation in the outer boroughs, many of those same businesses remain concerned about the mayor's push, supported by Governor Cuomo, to raise the minimum wage to \$15 an hour (McGeehan 2016).

There are several ways in which economic development and the need for political systems to promote it influences mayoral decision making. First, the city's economic performance has become a major political issue with which mayors must contend. The primary way that this performance is gauged is through job creation and job loss, particularly private-sector jobs. While economic development elites monitor what the mayor's pronouncements and policies say about where economic development is on his agenda, the entire political system is focused on job creation. Up until the 1960s, most in the political system assumed that new jobs would be created as the city expanded and the population increased. When

manufacturing jobs began to leave the city and it began to experience a decline in total employment, job creation became a significant political issue. Recently, mayors have taken credit for job growth that occurs during their administration whether they were responsible for it or not. As he approaches his campaign for a second term as mayor, Mayor de Blasio will certainly point to the jobs that were created while he was mayor. At the very least, as noted above, he can claim that his policies toward economic development did not inhibit the city's economic development progress. At the same time, mayors will attempt to blame others for job loss. Few blamed Mayor Bloomberg for the job losses that occurred as a result of the 2008–2010 recession. Mayors can also attempt to explain job losses. In July 1997, the Swingline Stapler Company announced their intention to leave their Queens home and move their four hundred and fifty jobs to Nogales, Mexico. At a press conference the same week, Mayor Giuliani noted that although the city had made an attempt through the offering of tax incentives to keep Swingline in Queens, negotiations had broken off. In emphasizing his mild disappointment that Swingline was leaving, the mayor pointed out that that most of the Swingline jobs were low paying, and that while negotiations between the city and the Queens-based company had been unsuccessful, that same week the city had negotiated a deal with the Mercantile Exchange to keep over eight thousand jobs in the city (Giuliani 1997a).

Public-sector job creation does not get the same reaction from the public as private-sector job creation. In 2015, the city increased the uniformed NYPD by over a thousand patrolmen. While this was viewed as a major gain for public safety, it was not viewed as an economic development gain. Private-sector job creation is viewed as contributing to the city's economy not only by employing more people but also by increasing taxable revenue. Public-sector job creation may increase total city employment but subtracts city revenue for the new city government salaries. Some in the city have viewed increased public-sector employment as an inhibitor or deterrent to private-sector economic development, arguing that funds being spent on more or better-paid public bureaucrats cannot be spent on economic development activities or tax decreases. Given that rationale, some mayors have taken pride in decreasing the size of the public sector.

Another measure of the economic health of the city is done through the bond-rating agencies. Bond ratings are not as clear an indication to the public of the economic health of the city. Yet those in city government and the investment industry believe that bond ratings have more to do with the performance of the mayor and his administration than the number of jobs the city loses or gains in a year. Corporations such as Standard and Poor and Moody produce assessments of the city's ability to manage debt. The ratings of these corporations significantly affect the city's ability to borrow money to finance capital spending. Cities with lower-rated bonds frequently must offer investors higher interest rates on their debt.

In the years following the fiscal crisis, New York City had a "below investment-grade" rating. In 1981, the city's bond rating was finally raised. The Koch

administration claimed credit, but critics argued that improvements in the national economy were more responsible than the Koch administration policies (Haberman 1981). In 1995, when Standard and Poor lowered the city's rating from A- to BBB+, Mayor Giuliani publicly criticized Standard and Poor for not recognizing that his administration had decreased the municipal workforce and decreased the city's budget (Gasparino and Perez-Rivas 1995). In 2003, Standard and Poor gave city bonds an A rating and raised the "city's bond rating outlook to stable from negative" (Saul 2003). This was significant given the impact of the 2001 terrorist attacks on the city economy as well as the recession the city was experiencing before the attacks. In response to the new rating, a Bloomberg administration official stated that the mayor was grateful that Standard and Poor had "recognized the extraordinary efforts the mayor had made in guiding the city through its fiscal crisis" (quoted in Saul 2003). Despite the business community's fears about Mayor de Blasio's agenda, in 2016, almost three years into the de Blasio mayoralty, Moody's Investor Service (2016) maintained the city's high Aa2 bond rating. In their rating announcement, Moody's noted the city's "large and resilient economy, its extraordinary large tax base, its institutionalized budgetary and financial management controls, its proactive responses to budget strain during economic downturns" and "the key but diminishing role of the volatile financial services sector" (Moody's Investor Service 2016). But the press release did state a concern about the city's budgetary burden due to the "debt service, pension, and employee and retiree health care costs" (Moody's Investor Service 2016).

Racial and Ethnic Diversity. As leader of the political system, the mayor is both influenced by the degree of racial and ethnic diversity as well as has the ability to affect racial and ethnic relations in the city. The mayor has a significant impact on racial and ethnic relations through the various roles that he plays within the city's political system. As a citywide elected official, the mayor is, or should be, most cognizant of the changes in the racial and ethnic composition of the electorate. As chief executive, he is expected to deliver services to a diverse array of city residents in a fair and equitable manner. And most importantly, as chief of state, the mayor is the manager of civil harmony in the city.

Mayoral elections provide one of the most significant means by which race and ethnicity influence mayoral decision making. In New York City mayoral elections, candidates in the past have sought to build coalitions of voters sufficient to create an electoral majority. To some extent, the blocks of voters that make up a coalition are defined by their race and ethnicity. Mayoral candidates construct a strategy to put together a winning coalition by focusing on issues that appeal to specific groups, by campaigning with and being endorsed by racial and ethnic group leaders, and by focusing their campaign on certain neighborhoods and parts of the city. The racial and/or ethnic identity of the candidate may also be a crucial element in constructing a winning coalition. During mayoral campaigns, racial and ethnic

groups develop a set of expectations about what the candidate will do (for them) if he or she is victorious. These expectations include areas of public policy that the mayor will emphasize once in office as well as mayoral appointments. Any promises or commitments made by the candidate during the campaign influence these expectations further. And while the vast majority of voters lose interest in tracking the mayor's accomplishments after the election, racial and ethnic group leaders will closely watch the chief executive. Through the actions and pronouncements of their leaders, racial and ethnic constituencies that are disappointed by a mayor's performance will seek to publicly remind him of his previous commitments.

In 1977, Ed Koch became mayor by putting together a broad coalition of Democratic regulars, minorities, and White liberals. In the general election, he received the endorsement of former congressman and mayoral candidate Herman Badillo, which helped him with Hispanic voters. Badillo later became a deputy mayor under Koch (Arian et al. 1991, 25–27). He also received the support of a majority of the city's Black leadership as a result of a meeting with Congressman Charles Rangel. In the meeting, Koch agreed to appoint minorities to his administration and pledged that he would not close Sydenham Hospital in Harlem (Arian et al. 1991, 24–29). During his first term as mayor, he did close Sydenham Hospital and so angered minority leadership and communities by cutting social programs and courting the business community. He received no endorsements from minority leaders in 1981 when he ran for reelection. At the same time, however, groups that did not support him in 1977, outerborough White ethnics and especially White Catholics, supported him in 1981 (Mollenkopf 1994, 4–10). As noted in chapter 6, the tenor of the Koch administration was conservative enough that he received the Republican nomination for mayor in 1981, in addition to the Democratic nomination.

In 1989, Manhattan Borough President David Dinkins beat Mayor Koch in the Democratic primary for mayor, defeating him by over eight percentage points and depriving Mayor Koch of running for a fourth term. Although Mayor Koch's third term was damaged by a corruption scandal, one of the primary reasons for Koch's loss was due to racial issues. First, the Reverend Jesse Jackson's presidential candidacy in 1988 had mobilized minority voters in higher numbers than ever before. In the 1988 Democratic primary for president, Jesse Jackson carried New York City with a plurality of the vote, defeating Massachusetts Governor Michael Dukakis and Senator Al Gore. The extent to which Mayor Koch criticized Reverend Jackson during the primary angered the Black community. Second, several weeks before the Democratic primary, a Black youth, Yusef Hawkins, was surrounded, shot, and killed by a group of Whites in Bensonhurst, Brooklyn. The incident itself and Mayor Koch's handling of it served to underscore the degree of racial tension in the city and level of dissatisfaction with the mayor's handling of racial issues (Mollenkopf 1994, 178).

In the 1989 mayoral election, David Dinkins beat Rudolph Giuliani, becoming the first Black, minority mayor of New York City. Dinkins had less than

a 50,000-vote margin out of 1.8 million votes cast (Arian et al. 1991, 94). He received 97 percent of the Black vote and 71 percent of the Hispanic vote but only 31 percent of the White vote (Guttenplan 1989). In their analysis of the 1989 mayoral election, Arian et al. (1991) concluded that race played a major role in Dinkins's narrow victory. While few voters said that they voted for Giuliani because Dinkins was Black, Arian et al. encountered an attitude among 39 percent of the electorate that they labeled "racial anxiety—mistrust of what the other fellow will do" (Arian et al. 1991, 113). In addition, Arian et al. (1991) identified a number of "racially correlated agenda items," policy issues on which Blacks and Hispanics differed from Whites. These issues included homelessness, housing, education, crime, and corruption (Arian et al. 1991, 112–13). They also concluded that Giuliani's defeat in 1989 was in part due to the fact that the Giuliani campaign viewed Black and Hispanic voters similarly, when in fact Hispanic voters are a far more politically diverse group. In 1989, Hispanic voters were twice as likely to vote for a Republican candidate as Black voters (Arian et al. 1991, 117). The Giuliani campaign did not make this mistake in 1993.

When Mayor Dinkins took office, there was an expectation by his supporters that a Dinkins administration would focus on social issues much more than the Koch administration had. Mayor Dinkins took office, however, in the middle of a recession with projected budget deficits, rising crime, and a drug epidemic (Finder 1993a). One union leader commented, "The challenge for Mayor Dinkins was to maintain his coalition at the same time he made overtures to the financial community" (Preston 1991). But another liberal interest group leader charged, "He sure is changing his political base" (Preston 1991). A Black leader suggested that the mayor had to do something "demonstrable . . . to show that he's not just cutting everything to satisfy Wall Street people" (Roberts 1991). Mayor Dinkins was able to balance the budget and stem the rising crime rate, but this did not please many of his supporters, who expected more (Finder 1993a). In an interview, Dinkins himself admitted, "Given that I care so much about children and those that are disabled and homeless . . . it has been very frustrating, not to have the ability to do all the things that I wish . . . We have had to cut some of these areas. It is painful to say nothing about health and hospitals and the Board of Education" (quoted in Preston 1991).

In 1993, Rudolph Giuliani defeated incumbent David Dinkins by a margin as narrow as the one Dinkins received in defeating Giuliani in 1989. One significant factor in the Dinkins defeat was his two most supportive constituencies, Black and Hispanic voters, not showing up at the polls as strongly as they had in 1989. Unlike 1989, there was no Black presidential candidate the year before that might have served to mobilize minority voters. Similar to Arian et al.'s (1991) discussion of "race correlated agenda items," those voters who saw crime and quality of life as the most important issues were more likely to defect from Dinkins to Giuliani than were other voters (Mollenkopf 1994, 218). These are issues that traditionally concern White and middle-class voters more than minority and poor voters.

John Mollenkopf suggests that the coalition of voters who supported Rudolph Giuliani in 1993 and again in 1997 was similar to the coalition that supported Ed Koch in his reelection bids for mayor in 1981, 1985, and his losing effort in 1989. Mayor Giuliani made few overtures to the Black community. In the early days of his administration, he canceled a program that set aside city contracts for minorities and women and “he stopped advertising for (city) jobs and contracts in Black and Latino newspapers” (Cottman 1995).

Michael Bloomberg got elected in 2001 with the endorsement of Mayor Giuliani but also in the wake of the 2001 terrorist attacks. Race was not a major issue in the 2001 general election. The Democratic primary between Public Advocate Mark Green and Bronx Borough President Fernando Ferrer had created some ethnic/racial tension when the Green campaign was accused of courting outerborough White ethnics’ racial fears. This may have cost Green some Hispanic votes in a very close election. Mayor Bloomberg’s approach to race relations in the city was considerably different from Mayor Giuliani’s. Giuliani had refused to meet with Reverend Al Sharpton during his two terms as mayor. Mayor-elect Bloomberg met with Reverend Sharpton before taking office and they met occasionally while Bloomberg was mayor. Early in his second term, Mayor Bloomberg dealt with the shooting and death of an unarmed African American individual in Queens by plainclothes police. The level of outrage and protest from the minority community was far less than it had been for similar events during the Giuliani administration. This can be attributed to the swift and measured response by Mayor Bloomberg following the shooting but also to the fact that the Bloomberg administration had, since its inception, established effective lines of communication with minority communities, something the Giuliani administration had failed to do. During Mayor Bloomberg’s third term, however, his relationship with the minority community suffered when his administration strongly supported the NYPD practice of stop-and-frisk, even in the face of evidence that it was discriminatory.

Unlike Mayors Giuliani and Bloomberg, Bill de Blasio was elected with heavy minority support, receiving 96 percent of the Black vote. With that support, however, came a set of expectations on the part of the electorate similar to those that accompanied the election of David Dinkins. Facing a much better local and national economy than Mayor Dinkins, Mayor de Blasio was able to deliver on much of his agenda that focused toward inequality and the needs of low-income New Yorkers. Early in his administration, he implemented the beginnings of a universal pre-kindergarten program across the city. He also initiated an affordable housing program by getting the city council to pass Mandatory Inclusionary Housing (MIH), discussed in chapter 2, requiring large residential developers, going through ULURP, to include affordable housing in their buildings. The program did suffer a setback with the temporary suspension of 421-a, a major state tax incentive in support of affordable housing. Most importantly, when the federal district court ruled against the city in the litigation regarding the discriminatory nature of NYPD stop-and-frisk activities, the de Blasio administration decided

not to appeal the decision. Mayor de Blasio and the police commissioner accepted the decision that the practice was discriminatory and they accepted the presence of a court-appointed monitor who was charged with changing the training and culture of the NYPD rank-and-file officers to eliminate stop-and-frisk as it was currently being practiced. As discussed in chapter 5, early in Mayor de Blasio's tenure as mayor, Eric Garner, a Black man, died due to being placed in a chokehold by an NYPD officer. The day after the event, the mayor held a press conference with Police Commissioner William Bratton. The mayor expressed his condolences to the family, called on the NYPD to conduct a thorough investigation, and stated that "like so many New Yorkers I was very troubled by the video (of the chokehold death)" (New York City Office of the Mayor 2014a). Several months later, a Staten Island grand jury refused to indict the police officer who had placed Eric Garner in the chokehold. In response, Mayor de Blasio held another press conference where he addressed "the frustration and pain" of the minority community as well as the challenges facing police-minority relations in the future (New York City Office of the Mayor 2014b). Mayor de Blasio's support for the minority community, particularly in their relationship with the police, resulted in many police officers showing their displeasure toward the mayor by turning their back on him at several events he attended, including funerals of police officers. Promoting civil harmony by displaying support for the minority community cost the mayor support among the rank-and-file NYPD.

Less than two years into the de Blasio administration, however, some members of the Black community were showing signs of dissatisfaction with the mayor. Although the mayor's approval rating among Blacks was 68 percent, considerably higher than the mayor's approval rating among Whites, it had declined by ten points since the mayor took office (Stewart and Burns 2015). Minority leaders complained that the mayor had "eased up on his commitment to police reform" (Stewart and Burns 2015). There was also dissatisfaction regarding the mayor's reaction to the chokehold death of a Staten Island Black man by members of the NYPD. And leaders from the Black clergy complained that the mayor had failed to communicate with the leadership of the Black community on a regular basis. One member of the clergy noted, "The mayor has never met with us about his affordable housing plan. Not once" (Stewart and Burns 2015).

As chief executives, mayors have responded to the demands of racial and ethnic minorities by tailoring services to meet the needs of their respective communities. Mayor Giuliani implemented an asthma initiative to address disparate childhood asthma hospitalization rates across the city, which were affecting low-income minority communities much more than White communities. Mayor Bloomberg issued an executive order that the city bureaucracy develop multilingual translation capabilities in order to respond to the city's diversity. The city's website, <http://www.nyc.gov>, has the capacity to be translated into over one hundred different languages. In addition, Mayor Bloomberg initiated a reform of the city's solid waste management system with the goal of making each borough

responsible for storing its trash before it is taken out of the city. The effect of this initiative is to reduce the amount of trash going from Manhattan to waste transfer stations in low-income minority neighborhoods in the outer borough, producing less truck traffic, less rodent infestation, and possibly less asthma in those communities. Some areas of municipal service delivery, however, are more visible and receive more media attention than others. So despite the accomplishments of both the Giuliani and Bloomberg administrations in responding to the needs of an increasingly diverse city, both of their service delivery records became closely tied to the activities of the NYPD and, in particular, those activities involving the NYPD's poor relations with minority communities.

As was mentioned earlier in the chapter, the mayor's dual roles as chief of state and chief executive make him responsible for civil harmony in the city, as well as give him the tools to address problems with civil harmony, if he so chooses. At the root of civil harmony is the perceived legitimacy of the political system on the part of all citizens. In more homogeneous political systems, where citizens have a common heritage and have had a common socialization experience, civil harmony can be an issue when citizens are asked to accept an unpopular, controversial public decision. In highly diverse, heterogeneous political systems, there may be greater dissatisfaction with some public decisions and even conflict among groups sharing the same space. In those political systems, leaders may have to be much more proactive in building social capital across the political system. One way in which New York City mayors have promoted civil harmony is in the city's constant celebration of diversity as one of the strengths of the city, as well as the city's welcoming attitude toward immigrants. The promotion of ethnic enclave tourism by the city's official and unofficial tourism agencies, the support and promotion of ethnic parades and public proclamations by the mayor on ethnic and religious holidays—all convey a positive message about diversity in the city. Yet in the past several decades, civil harmony in New York City has been closely associated with race relations, both among groups of citizens and between citizen groups and government agencies—particularly the police—as well as with the mayor's response to these issues.

The mayor's inability to manage civil harmony has played a major role in some elections. As noted earlier, Mayor Koch lost his bid for reelection in 1989 not only because the minority communities and White liberals were finally able to coalesce around a single candidate but also because many perceived that the mayor had lost the confidence of the electorate in being able to handle race relations in the city. Those who supported the Dinkins candidacy in 1989 had high hopes the mayor would be proactive in healing the city's racial wounds left during the Koch administration. But Mayor Dinkins was accused of being too passive during the Crown Heights riots between Blacks and Hasidic Jews in 1991; and when Blacks boycotted a Korean grocery store in Brooklyn in 1990, the mayor was also accused of doing too little to intervene. These actions, or failures to act, disappointed many

of Dinkins's 1989 supporters (Mollenkopf 1994, 213–17). Counter to expectations, Mayor Dinkins was viewed as a poor manager of civil harmony.

There was little or no expectation on the part of the electorate that Mayor Giuliani would address race relations in the city. He ran for mayor as a “law-and-order” candidate, defeating the city’s only Black mayor. His focus on crime and his tough demeanor made him popular among middle-class homeowners and outer-borough White ethnic voters. While he was able to take a great deal of credit for the decline in the city’s crime rate, the aggressive police tactics that were employed occasionally resulted in incidents of the police using excessive force. Many viewed Mayor Giuliani’s behavior in the wake of these events as exacerbating racial tension in the city. During Mayor Giuliani’s two terms in office, there were several incidents where NYPD officers brutalized or mistakenly shot and killed Black citizens. Mayor Giuliani and his administration were viewed as being sympathetic toward the police in the wake of these incidents and this further alienated the Giuliani administration from the Black and other minority communities. In 1997, however, Mayor Giuliani received very high praise for his statements and actions after several police officers assaulted Haitian Abner Louima in a police station bathroom. Commenting on the mayor’s reaction to the Louima attack, Black Congressman Floyd Flake of Brooklyn stated, “I would say that the level of racial tension is the lowest now that it’s been in the twenty-one years that I’ve lived in the city” (Siegal 1997). Mayor Giuliani also received praise for his leadership of the city after the September 11, 2001, terrorist attacks and, in particular, for his admonishing New Yorkers not to take out their fear or anger on their Muslim neighbors. Mayor Giuliani’s post-9/11 leadership entirely changed his legacy, which would have been significantly influenced by his inability, if not reluctance, to manage race relations and address issues of civil harmony during his mayoralty. As noted earlier, Mayor Bloomberg’s reaching out to the minority community even before he took office set a very different tone for his administration among minority leaders. And Mayor de Blasio’s past record as a New York City politician earned him significant minority support, but it also created a set of expectations, as noted earlier. Both Mayors Bloomberg and de Blasio weathered events involving the behavior of the NYPD toward the minority communities that tested civil harmony in the city, but both established political capital with the minority communities that kept the level of tension much lower than it had been for other mayors facing similar events.

Intergovernmental Relations. As chief of state, and with the added responsibility as chief executive, the mayor represents the city’s political system when it communicates with other levels of government. The impact that the state and federal levels of government have on mayoral decision making is primarily fiscal. Mayors and the city’s political system look to the other, higher levels of government as major

sources of revenue. And as discussed in chapters 3 and 4, mayors make occasional trips to Washington and more frequent trips to Albany to lobby state and federal officials for assistance. However, over time the decline in federal aid to the city has resulted in significantly reduced expectations on the part of the mayor for aid from Washington. Crises such as major disasters and terrorism are the exceptions to these lowered expectations. On those occasions, the city still expects major assistance from the federal level and usually it is forthcoming. There have been no lessened expectations regarding the city's relationship with the state.

David Dinkins became mayor of the city at a time when expectations of federal aid were still in flux. Taking office during a Republican administration in Washington, the mayor worked through the city's congressional delegation and the U.S. Conference of Mayors, but with little success (Walsh 1990). Shortly after the election of Bill Clinton in 1992, the Dinkins administration began to construct a budget for the fiscal year beginning in July 1993, based on an assumption that there would be an increase in federal aid (Powell and Moreno 1992). As mentioned in chapter 4, Mayor Dinkins even wrote President-elect Clinton a letter outlining a new urban policy agenda and released a copy to the news media (McKinley 1992). He and his advisors assumed that after twelve years of Republican presidents, a Democratic president would begin to address city needs via increased federal aid. With a Democratic president, rather than work through the city's congressional delegation, Mayor Dinkins and other big-city mayors lobbied Vernon Jordan, the chair of President-elect Bill Clinton's transition team (Sirica 1992). But there was no increase in federal aid to the city. The mayor was similarly disappointed in lobbying for additional funds from Democratic Governor Cuomo at the state level (Finder 1993b). When no additional state or federal aid was forthcoming, Mayor Dinkins was forced to cut his budget for day care programs, the homeless, and parks and playgrounds maintenance (Mouat 1993).

Similar to the actions of David Dinkins, Michael Bloomberg was in Washington before his inauguration lobbying for federal aid, particularly in light of the financial impact of the September 11, 2001, attacks on the city. He made other trips to Washington early in his administration and even attended a Republican Policy Conference retreat, attempting to become more familiar with national Republican leaders. He appointed a former aide to Senator Moynihan to advise him on dealing with the federal government and to reorganize the city's lobbying office in Washington (Steinhauer 2002). According to Joseph Lhota, a deputy mayor in the Giuliani administration and later Republican candidate for mayor in 2013, Mayor Giuliani's lobbyists in Washington concentrated more on dealing with the Justice Department than on pursuing fiscal assistance (Steinhauer 2002). Due to the strong economy during much of the Giuliani administration, there was much less of a need for the city to pursue federal assistance.

With the administrations of Presidents Clinton and Obama, the realization that Democratic presidents were not going to increase aid to cities altered expectations about the future of federal-city relations. Only in cases of disasters

and terrorism did the city see an increase in federal aid; and even then, the increased federal aid required intensive lobbying on the part of the city. Both Mayors Bloomberg and de Blasio lobbied in Washington for increased aid to address the damage from Superstorm Sandy. And as noted in chapter 4, under Mayor de Blasio the city received a \$3 billion grant from the Federal Emergency Management Administration, the largest in FEMA's history, to address Sandy's damage to the city's public housing stock and prevent damage from future storms. With federal counterterrorism aid, while the city receives more funding than any other city, the amount of funding has declined over time. Both Mayors Bloomberg and de Blasio lobbied fiercely in Washington, arguing that the city was not getting enough. Rarely has this lobbying been successful.

The city's relationship with the state has been far more stable than its relationship with the federal level, but that relationship has not been without disagreements, if not conflict, between the mayor and state officials. Chapter 2 discussed Mayor de Blasio's disagreement with Governor Andrew Cuomo over the renewal of the 421-a tax exemption. Chapter 3 discussed Mayor de Blasio's disagreement with the governor over mayoral control of schools. In 2012, as part of Mayor de Blasio's agenda attacking inequality, he campaigned for mayor promising to implement universal, free pre-kindergarten in the city if elected. Before his election, approximately half of the city's three- to four-year-olds were not in a pre-school program (Goldstein 2016). If implemented, the program would address inequality by giving many low-income children an additional year of education that many affluent children in the city were already getting, and it would provide their parents with a year of free childcare. Some low-income parents did not have access to childcare or were paying for care of questionable quality. What made the de Blasio pre-kindergarten proposal even more a part of his agenda to address "the tale of two cities" was his proposal to fund the pre-kindergarten program by levying an additional 1 percent income tax on those earning above \$500,000. But for this, he needed approval in Albany. Governor Andrew Cuomo, with a reputation for cutting taxes, decided to fund the program out of the current state budget, \$340 million a year for five years, rather than go along with the de Blasio funding proposal (Goldstein 2016). But Mayor de Blasio saw the tax on the wealthy as important, in his war on inequality, as the pre-kindergarten program itself (Grynbaum and Kaplan 2014). The state legislature could have intervened in the dispute over funding but did not, and the de Blasio tax increase did not take place. In 2015, adding animus to the disagreement, Governor Cuomo took credit for the city's pre-kindergarten program, stating, "Last legislative session, we made pre-k possible" (quoted in Barkan 2015).

The governor is not the only state official with whom a mayor might have disagreements or might attempt to influence. Given the centralization of power in both houses of the New York State legislature, both the Speaker of the State Assembly and the Majority Leader of the State Senate have sufficient influence over state policy that a mayor would need their support as much as the

governor's. The Democrats have controlled the New York State Assembly since 1975, and the speaker's position has been occupied by an assemblyperson from New York City since the 1970s. And while having one of the most powerful politicians in the state from your city might give a New York City mayor an advantage at the state level, similar to the governor, the Speaker of the State Assembly presides over a coalition that includes many Democrats from outside the city. In the late 1990s, the state eliminated the city's nonresident (commuter) income tax without the city's approval and over the protestations of Mayor Giuliani. A majority of the Democratic assemblypersons in the Democrat-controlled state assembly were from New York City. But Speaker of the Assembly Sheldon Silver, also from New York City, went along with the tax elimination in deference to the suburban Democratic assemblypersons whose constituents would benefit from the elimination of the tax and whose political careers might be endangered if the Democrats in the assembly upheld the tax while everyone else at the state level was supporting its elimination.

During his twelve years as mayor, Michael Bloomberg's relationship with Assembly Speaker Silver fluctuated depending on Silver's support for Bloomberg's agenda in Albany. Early in the Bloomberg administration, Silver angered the mayor by blocking the proposed Olympic stadium on Manhattan's Far West Side. There was enough opposition to the stadium by other Democrats that Speaker Silver was not acting alone, and all understood that Silver viewed the stadium as competition for the rebuilding of Lower Manhattan, which is his district, in the wake of the September 11 attacks (Purnick 2007). But Mayor Bloomberg blamed Speaker Silver for "depriving the city of a convention center and the opportunity to host the 2012 Olympics" (Gershman 2008). Prior to that, however, Silver had supported Mayor Bloomberg's request to give the mayor of New York City control over the city's schools, abolishing the Board of Education. And in 2009, when mayoral control was up for renewal, Speaker Silver supported the mayor's proposal, making only minor adjustments in the original mayoral control policy. During the Albany debate over the renewal of mayoral control, Mayor Bloomberg commented on Speaker Silver's support: "Shelly is trying the address the issues seriously. I think he understands we have made enormous amounts of progress and we're not going to go back" (quoted in Campanile 2009). But the year prior to the renewal of mayoral control, Mayor Bloomberg had been openly critical of Speaker Silver when the speaker failed to support the mayor's congestion pricing scheme that would have charged drivers a toll for entering the Manhattan central business district south of Seventy-Second Street during rush hour. The proposal was one of the centerpieces of PlaNYC, a program to increase environmental quality in the city and make it more sustainable. In criticizing Speaker Silver, the mayor stated, "It takes true leadership and courage to embrace new concepts and ideas and to be willing to try something . . . Unfortunately, both are lacking in the Assembly today" (Lisberg 2008). One of the mayor's aides even suggested that the mayor might use his money and prestige to support an opponent in the

upcoming 2008 Democratic primary for the state assembly, where Speaker Silver was facing some opposition (Gershman 2008). Similar to the commuter tax eliminated in the 1990s, Speaker Silver was thinking about the impact that congestion pricing might have on residents in the outer boroughs as well as suburbanites, many of whom were represented by Democrats in the state assembly.

CONCLUSION

Mayors are the dominant political actors in the city's political system. Their combination of roles and accompanying resources and tools gives them the ability to take part in every major political decision. Just as important, they have the ability to set the city's public agenda; that is, they have the ability to decide which and what types of decisions they will be making. But there are liabilities that accompany these powers. As the most visible elected official, the mayor is accountable to the electorate. And given his visibility, the mayor may be the only elected official in the city who runs for reelection on their record, where there is a good chance that much of the public is knowledgeable about some piece of that record. And although the mayor has more influence than any other official regarding what appears on the city's policy agenda, mayors are sometimes faced with issues placed on the agenda by events beyond their control. In 2012, Mayor Bloomberg and his administration responded to the aftermath of Superstorm Sandy but used it as an opportunity to further pursue the city's need to adapt to climate change. And early in his administration, Mayor de Blasio was presented with a significant spike in the number of homeless, which placed it on the public agenda. Although the mayor was not responsible for creating the crisis, as mayor he was responsible for addressing it. In addition, mayoral discretion in influencing the policy agenda is hampered by public expectations about what areas of public policy the mayor should be pursuing. In response to his mayoral campaign, the public expects Mayor de Blasio to address inequality in the city. It remains to be seen whether the mayor can accomplish this.

As the political system's chief executive, the mayor plays a leading role in the decisions regarding the delivery of public goods and services. Through the responsibility to create a budget for the city government, the mayor influences the mix of goods and services being delivered, dominating discussions as to how the city's budget will stay in balance. But even here, the mayor and his budget are constrained by macroeconomic trends and fiscal assistance from other levels of government. These are significant elements of the city's fiscal health over which the mayor has little control. After the budget has been approved, the mayor, as chief executive, has the power to move his bureaucracy in a desired direction, but even here the mayor is constrained. As will be discussed in chapter 9, the bureaucracy is large and often difficult to control except on a case-by-case, or crisis, basis. Mayors who want to move the municipal bureaucracy in a desired direction frequently find the bureaucrats reluctant to move. Finally, as the political system's

chief of state, the mayor is expected to lead. Citizens look to the mayor in times of conflict or if disaster hits the city. Mayors must decide not only if they are going to respond but how. Mayors have the “bully pulpit” and sufficient media attention, but they have a great deal of discretion over how they are going to use these tools. Mayor Dinkins disappointed his supporters by not taking a more proactive role in addressing the city’s racial tensions. Mayor Giuliani’s leadership in the wake of the terrorist attacks saved his legacy as mayor. And Mayor Bloomberg’s seeking a third term was seen as very controversial but allowed him to preside over the city’s economic recovery as well as lead the city in the aftermath of Superstorm Sandy.

THE OTHER CITYWIDE AND BOROUGH-WIDE ELECTED OFFICIALS

In 1989, once the decision was made by the Charter Revision Commission to eliminate the Board of Estimate, one issue that arose was what to do with those city officials who in the past had gotten most of their power from their seats on the board. Although the City Charter gives these officials responsibilities beyond the votes that they had on the Board of Estimate, it was their membership on the Board of Estimate that gave them significant influence within the city’s political system. Each of the borough presidents had a single vote, while the comptroller, president of the city council (now public advocate), and the mayor each had two votes. Realizing how diminished the political role of the city council president and the borough presidents would be, the 1989 Charter Revision Commission seriously considered eliminating the city council president’s position and also gave some thought to abolishing the borough presidents (Lane 1998; Schwarz 1998). Intense lobbying by Andrew Stein, the city council president in 1989, to save his position was successful, and the charter revision commission appeared reluctant to take on the meaning of borough identity, so the borough presidents’ positions were retained as well (*New York Times* 1989). After 1989, subsequent charter revision commissions raised the issue of whether these positions should continue to exist, but eliminating them was never seriously addressed. In 2003, borough presidents were dealt another blow to their power when the state abolished the Board of Education as part of giving the mayor control of the city’s schools. Borough presidents had appointed five of the seven members of the Board prior to mayoral control.

Due to its fiscal and accounting responsibilities, the comptroller never experienced the same scrutiny as the other positions during charter revisions. Nevertheless, the loss of visibility the comptroller suffered when the Board of Estimate was abolished forced the comptroller, as a politician, to make the position more visible.

With the onset of term limits in 2001, these offices fulfill a new role within the political system. They may provide former council members, or others, with a way to remain in the political system and the public eye, gaining additional years

of visibility in another elected position before running for mayor or some other office at the state or federal level. Since 2002, six of eleven persons who have occupied the position of borough president have been former members of the city council, and two of the four public advocates have been former members of the city council. In addition, a number of term-limited city council members have run for these positions and lost.

The Comptroller

Similar to the public advocate and the borough presidents, the office of the Comptroller of the City of New York lost most of its political clout when the Board of Estimate was abolished. Unlike the other offices, however, the city charter gives the comptroller a substantive role in the governance of the city. The comptroller is the city's chief financial officer. The office has the responsibility to perform both fiscal and performance audits on any aspect of city government. Not only is the office responsible for assessing whether the city's money is being spent in appropriate ways, but it is also responsible for assessing the extent to which city agency program goals are being met. As one of the city's fiscal monitors, the comptroller reviews the mayor's revenue estimates, the executive budget, and is expected to issue reports on the state of the city's economy. The comptroller also reviews all city contracts and has the power to temporarily suspend the awarding of any contracts he or she believes to be corrupt. The comptroller participates in the awarding of city franchises and appoints two of the five members who serve on the city's contracts policy board. In addition, the comptroller manages the city's money, including billions of dollars in pension funds for city employees (Finder 1989b; New York City Charter 2004, Chapter 5, Section 93). In order to carry out these functions, the comptroller has a staff of over seven hundred—more than the five borough presidents and public advocate combined (New York City Comptroller's Office 2016a).

Most importantly, comptrollers are politicians. With the exception of the current comptroller, Scott Stringer, eight out of the last nine individuals who have held the position have run for mayor after holding the office; but only one, Abraham Beame was successful. Comptrollers frequently see the office as a stepping stone to becoming mayor and therefore use the office to achieve a degree of visibility prior to running for mayor. Public advocates, however, also view their position as a stepping stone to running for mayor; and public advocates have had far more conflicts with the mayor than comptrollers have had since the 1989 charter revision. Given the formal roles granted to the comptroller, he can do much of his work, and maintain a degree of visibility, without confronting the mayor.

In 1997, Alan Hevesi used his role as manager of the city's pension funds to influence Swiss banks to expedite their establishment of a fund for Holocaust survivors. He did this in response to reports by the federal government that the banks had frustrated efforts by Holocaust survivors to recover money placed in Swiss banks by their families in the 1930s (Sanger 1997). William Thompson, elected

comptroller in 2001, played a key role in the city's recovery after the terrorist attacks of September 11, 2001. His reports, "One Year Later: The Fiscal Impact of 9/11 on New York City" and "911: Three Years Later—Securing the Federal Pledge," established benchmark calculations on the impact of the World Trade Center attacks on the city's budget and the city's economy, as well as the role that federal aid played in the recovery (New York City Comptroller's Office 2002a; 2004). Thompson also examined the increase in commercial insurance premiums in the city after September 11, 2001, as well as their impact on business health (New York City Comptroller's Office 2002b).

One of the areas over which mayors and comptrollers have disagreed is contracts. In March 2000, Comptroller Hevesi refused to approve a city contract with a Virginia-based company, Maximus, as part of the city's welfare-to-work program. The company was being hired by the Giuliani administration to run job training and employment programs for the city's welfare recipients. Comptroller Hevesi alleged that in awarding the contract, the Giuliani administration had not engaged in the required competitive bidding process. The state courts ultimately ruled in the mayor's favor and the comptroller decided not to appeal the decision, noting, "Because the charter provision regarding the mayor's discretion was poorly drafted, we were not certain of winning on appeal" (Lipton 2000). In 2003, Comptroller William Thompson clashed with the Bloomberg administration over a contract the city signed with the Snapple beverage company. The contract gave Snapple "exclusive rights to sell beverages in city schools and other municipal properties," as well as the right to market itself as the city's official beverage (Herszenhorn 2003; Peterson 2004). Comptroller Thompson questioned whether the Bloomberg administration had followed city regulations regarding the approval of the city Franchise and Concession Review Committee. Thompson also expressed the concern that a potential conflict of interest existed because Octagon, the marketing firm that served as a consultant to the city on the contract, was also under contract to Cadbury-Schweppes, the parent company of Snapple (Gootman 2004). The comptroller argued that some of the companies competing with Snapple for the contract were not given complete information and that Snapple "was the only company given an opportunity to improve its offer after final bids had been submitted" (Gootman 2004). In July 2004, a state court upheld the city's contract with Snapple but ruled that the city Franchise and Concession Review Committee should have reviewed the entire contract, especially in regards to giving Snapple the right to market itself as the city's official beverage (Peterson 2004).

One of the comptroller's key roles is lending his expertise to the mayor's budget proposals. On April 26, 2016, shortly after the release of Mayor de Blasio's executive budget, Comptroller Scott Stringer issued a statement applauding the mayor "for including additional funding to provide security at homeless shelters, improve the operations of the Board of Elections, and expand access to physical education in the public schools" (New York City Comptroller's Office 2016c). A

month later, Comptroller Stringer was more cautious about the mayor's budget, recommending to the mayor that given the prospect of an economic slowdown, it would be wise for the city to find more savings in the current budget and put more money into its reserve fund in order to address projected future budget gaps (New York City Comptroller's Office 2016d). As noted above, in addition to their economic and financial analysis of city affairs, comptrollers often undertake performance audits of city agencies and their programs. In the April 2016 primary elections, over 125,000 voters in Brooklyn were left off the voter rolls. Almost immediately after the primary, Comptroller Stringer announced that he would "undertake an audit of the operations and management of the Board of Elections" (New York City Comptroller's Office 2016b). Later that same year, Comptroller Stringer issued an audit of the city's Administration for Children's Services (ACS). In the audit, the comptroller reported that the ACS "is potentially putting thousands of children at risk by violating its own requirements on how to properly investigate allegations of abuse" (New York City Comptroller's Office 2016e). The report stated that over the last decade there had been thirty instances in which children known to be at risk by the ACS had died due to "shoddy investigations and poor oversight" (New York City Comptroller's Office 2016e).

Similar to former comptrollers' relationships with the mayor, at times Comptroller Stringer's relationship with Mayor de Blasio has been less than cordial. What makes the conflict between these two somewhat unique is that in the cases of both Comptroller Hevesi and Thompson, and their respective relationships with Mayors Giuliani and Bloomberg, the comptroller and the mayor were from different political parties. Some partisan conflict is to be expected when officials have different partisan affiliations. But both Comptroller Stringer and Mayor de Blasio are Democrats, and both are from the liberal wing of the party. They are, however, from different boroughs, and as discussed in chapter 6, there is no citywide party that might bring them together quietly to address differences. In addition, Comptroller Stringer is considering running for mayor against Mayor de Blasio in 2017. In September 2016, in addressing Mayor de Blasio's campaign theme of addressing inequality, Comptroller Stringer stated, "No one politician owns that theme because it is fundamental to the future of the city . . . I think my record shows that I've actually been able to make a difference on these issues" (Mays 2016a). Discussing the mayor's programs to address homelessness and affordable housing, the comptroller added, "The city is not moving fast enough to deal with a crisis like this" (Mays 2016a). The next day, responding to Comptroller Stringer's comments, Mayor de Blasio stated, "It's breathtaking how little the comptroller understands about this issue" (Mays 2016b). Continuing the feud, two days later, Comptroller Stringer called the mayor's computer science program for the public schools "ridiculous" and "lackadaisical" (Durkin 2016).

Borough Presidents

During the 1989 charter revision discussion, one of the ideas to strengthen the role of the borough presidents, given the elimination of the Board of Estimate, was to give them a vote on the city council, letting them in effect act as at-large members. The idea was rejected. Aside from questioning the need for borough presidents, some on the commission went so far as to question the need for boroughs (Finder 1989a). Past and present borough presidents testified before the commission that, despite the increasing diversity of the city, borough identities were real. One borough president expressed fear that if the borough presidents disappeared, the outer boroughs would become colonies of Manhattan (Finder 1989a). The charter revision commission did not eliminate the borough presidents. When term limits were implemented in 2001, borough presidency took on another role. It now serves as a position where term-limited members of the city council can continue their political careers and possibly run for higher office after serving as borough president. Of the ten individuals who occupied the five borough presidencies since the onset of term limits in 2001, five are former members of the city council. But of those ten, to date, only two have attempted to run for higher office.

Within the larger political system, borough presidents do play a minimal representation role, but without the Board of Estimate, they have no venue other than the media or informal meetings with city officials through which they can influence city politics. Informally, borough presidents have served as boosters for their boroughs, using whatever attention and visibility they can to promote economic development and tourism in their boroughs. The best example of a borough president performing this role was Marty Markowitz, Brooklyn borough president from 2002–2013. Markowitz combined his energetic and at times charismatic personality with the fact that Brooklyn was experiencing significant residential and commercial growth to promote the borough. Borough presidents participate in the budgetary process, but their role is consultative at best. They and their offices also perform a minimal ombudsman function for the citizens and businesses of their boroughs, who encounter difficulty dealing with the municipal bureaucracy (Serant 1999). The public advocate and the individual city council members also perform this function. In the area of land use and zoning, borough presidents have the power to appoint one member of the City Planning Commission, and they also chair the Borough Board, which is part of ULURP. They chair the board, but they only have one vote, and the board's vote is not determinative. But Bronx Borough President Rubén Díaz used his role on the board, as well as his power as a Democratic Party leader in the Bronx, to organize and lead the opposition to the Kingsbridge Armory "Shops at the Armory" proposal. As noted earlier, prior to the reform of the school system creating mayoral control, borough presidents also had the power to appoint one member each to the seven-member school board, but the state legislature eliminated the city school board when it gave the mayor control in 2002.

Public Advocate

The 1989 charter revision elimination of the Board of Estimate significantly decreased the power of the president of the city council. Aside from the two votes on the Board of Estimate, the office of city council president never had any substantive responsibilities. The public advocate's position was created in 1993 as an afterthought to what should happen to the now powerless president of the city council. The primary responsibility of the president of the city council, now public advocate, was to preside over council meetings, but this minimal responsibility was taken away from the public advocate in the charter revision of 2002. The public advocate can still attend city council meetings as well as introduce and cosponsor legislation. The public advocate is the first in line to replace the mayor if he or she cannot fulfill his or her term of office. Frederick A. O. Schwarz, the chairman of the 1989 Charter Revision Commission, explained, "With a strong mayor, which the City Charter creates, it was particularly important to have a number of checks and balances to that mayoral power. And we thought the Public Advocate was and would be an important element of the checks on that power" (Herbert 1998). Examining the short history of the public advocate and the four individuals who have served in that office, it is difficult to understand how the Charter Revision Commission envisioned a position with little or no power serving as an effective check on the mayor. In its endorsement of Mark Green for the position in 1993, the editorial board of *Newsday* suggested that if Mr. Green was so concerned with efficiency in government, he should consider abolishing the position for which he was running (*Newsday* 1993).

The city charter gives the public advocate the ability to oversee the workings of the city's executive branch and gives the position access to all documents and records of the city agencies he or she is examining. The charter also gives the public advocate the ability to receive public complaints about city agencies, in effect acting as an ombudsman for the entire city government (New York City Charter 2004, Chapter 2). But overall authority of the position is defined so poorly that those who have occupied the position have been left to define the position for themselves. One candidate running for the office said of the position, "This office is what you make of it" (Spencer 2009).

Mark Green, who won the election for public advocate in 1993 and again in 1997, was able to define the position primarily because of his experience as Mayor Dinkins's Commissioner of Consumer Affairs, his early experience working with consumer advocate Ralph Nader, and his very liberal ideology (Hicks 1993). Green initially defined his role as an ombudsman for citizens and a government abuse watchdog (Carroll 1994). Green described his position as a "quality of life cop patrolling the bureaucracy beat, no matter whose toes we may have to step on" (Hicks 1994). As public advocate, Green and his staff shed light on managed care abuses, nursing home issues, homeless shelter food purchases, toxic chemicals used by dry cleaners, and the city's administration of foster care. He was one of the

first government officials to look into the impact of pharmaceutical prices on the elderly (Lueck 2000).

Although Green performed the role of consumer advocate and government watchdog, within a year of taking office, he also became the in-house critic of the Giuliani administration. The issue that Green and the Giuliani administration fought over most frequently was the police. Green constantly sought information that would enable him to monitor how police misconduct cases were being handled by the NYPD. The Giuliani administration made multiple attempts to block Public Advocate Green's access to this information. On more than one occasion, the public advocate and the mayor ended up in court litigating over the mayor's ability to withhold this information. The public advocate won most of the cases (*New York Times* 1998). Green's lawsuits against the Giuliani administration established the precedent that when acting as ombudsman, the public advocate has standing to sue (Khurshid 2016). For its part, the Giuliani administration did little to establish an amicable relationship with the public advocate. In Green's first year in office, Mayor Giuliani proposed cutting the public advocate's budget by 23 percent (Perez-Rivas 1994). The cut was eventually decreased to 11 percent (Herbert 1998). In the late 1990s, Giuliani-appointed charter revision commissions undertook several attempts to abolish the public advocate's position through a charter revision referendum. Short of abolishing the position, Mayor Giuliani sought to minimize its role in succeeding the mayor if the chief executive could no longer serve, something the Bloomberg administration was able to do in 2002.

Green's successor, Betsy Gotbaum, was also a former commissioner under David Dinkins. But Gotbaum lacked the consumer advocacy experience as well as the aggressive political style of Mark Green. As a result, she struggled throughout her tenure to define the public advocate's role in the political system. After watching Public Advocate Gotbaum for eight years, Mayor Bloomberg, similar to Mayor Giuliani, recommended that the position be abolished: "Nobody needs another gadfly and we have an aggressive enough press" (quoted in Spencer 2009). The mayor added, "I think a public advocate's office should be looked at by a commission to see whether or not it really provides enough value for the public dollars that we spend" (quoted in Spencer 2009). Looking back on their years as public advocate, Betsy Gotbaum and Mark Green differed in their perspectives over the public advocate's relationship with the mayor. Betsy Gotbaum stated that "it was better for the city" if the public advocate had a positive relationship with the mayor (Edmondson 2015): "I thought it was better for the city that if I found out there was a problem and I called an agency or the mayor himself and it was solved quickly, then I wouldn't have to have a press conference and I wouldn't have to jump all over the mayor" (quoted in Edmondson 2015). Green, on the other hand, believed that the public advocate's role was far more valuable to the political system when the position did not always publicly agree with the mayor (Edmondson 2015).

Bill de Blasio served as public advocate for four years prior to becoming mayor in 2014. As a member of the city council, de Blasio led the opposition to Mayor Bloomberg's amending the term limits law to run for a third term. But as public advocate during Mayor Bloomberg's third term, relations between de Blasio and Bloomberg were, for the most part, cordial. Public Advocate de Blasio supported Mayor Bloomberg's public health policy initiatives, including the controversial cap on sugary drinks that was ultimately struck down by the state courts. Once de Blasio began his campaign for mayor, his campaign theme of "the two New Yorks" and the need to address growing inequality in the city distanced him from the Bloomberg administration. As mayor, Bill de Blasio restored funds to the public advocate's budget that had been cut by the Bloomberg administration (Edmondson 2015).

In 2014, Letitia James became the first African American woman to be elected to citywide office, becoming the fourth public advocate. James was also the first public advocate to have the same party affiliation as the mayor, but this in no way inhibited her from criticizing the mayor. Less than three years into her term of office, Public Advocate James rediscovered the aggressive advocacy style that Mark Green created. James's preferred tactic in advancing her agenda is litigation. In three years as public advocate, she filed more than nine suits against the city, as well as filing amicus briefs in several other suits. James has sued the Department of Education for not appropriately tracking the needs of school students with disabilities and again for a lack of adequate air conditioning on school buses carrying mentally disabled students. She has sued the city Administration for Children's Services over the treatment of children in foster care, arguing that ACS, through poor supervision of caseworkers, has allowed many children to stay in foster care too long (Stewart 2016). And she also filed a brief in support of the release of grand jury transcripts regarding the chokehold death of Eric Garner by the NYPD on Staten Island (Khurshid 2015). The de Blasio administration has argued successfully in some cases that the public advocate lacks standing to sue; but in some of these cases, Public Advocate James has sued successfully to reestablish her standing (Khurshid 2016).

8 ♦ THE CITY COUNCIL

TERM LIMITS: INCREASING DEMOCRATIC ACCOUNTABILITY, OR NOT

In 1993, Ronald Lauder, millionaire and cosmetics heir, initiated a campaign to place a charter amendment before the voters in November calling for term limits for all elected city officials. In 1989, Lauder had unsuccessfully run for mayor, losing to Rudolph Giuliani in the Republican primary even though he had spent approximately fourteen million dollars, four times more than Giuliani (Roberts 1993a). In his campaign for term limits, Lauder was seeking to limit all elected city officials (mayor, comptroller, public advocate, borough presidents, city council members) to two four-year terms. In a letter to the *New York Times* in September 1993, Lauder argued that term limits would “return citizen legislators to office, remove much of the incentive for incumbents to manipulate the rules to insure lifetime incumbency, provide a safeguard to eliminate the multiple abuses that can come with unlimited tenure in office, bring fresh views and opinions to political office, and provide a wider choice of candidates” (Lauder 1993).

The supporters of term limits focused on the advantages of incumbency. In recent city council elections, incumbents had won over 90 percent of the time, and some members had been on the city council since the 1970s. Some believed that term limits would “reinvigorate the political grassroots and involve more citizens in government” (Roberts 1993b).

Opponents argued that if citizens wanted elected officials out of office, they could always vote them out by choosing another candidate. Term limits would deprive the voters of electing an effective legislator to a third term. Opponents were also concerned about who would serve on a term-limited city council. Although term limit supporters claimed that one of the benefits of term limits is that they would get rid of career politicians, opponents wondered who would be motivated or aspire to become a candidate if he or she could only spend eight years in office. Would only the wealthy or those who could afford to interrupt their careers temporarily decide to run (Barry 2001)? And some opponents of term limits extolled the virtue, if not the necessity, of career politicians. Most

importantly, the opponents of term limits believed that a term-limited city council would give the mayor much more power within the political system. The mayor has a large staff and the entire executive branch supporting him. The city council has staff, but it does not compare to the mayor's. A non-term-limited city council can counter the power of the mayor with its experience and institutional memory. Frederick A. O. Schwarz, the chairperson of the 1989 Charter Revision Commission, expressed concern that term limits would destroy the balance of power between the executive and the legislative branches that his commission's charter revision had created (Roberts 1993b). Speaker of the City Council Peter Vallone, the leading opponent of term limits, echoed Schwarz's opinion: "You can make a good argument for term limits on a mayor, a governor, a president, but in a legislature individuals only become powerful as they gain seniority . . . All of a sudden, in one fell swoop, they're saying a Council member is as powerful as a chief executive from the moment you're elected and that is absurd . . . You're facing a chief executive who's the head of everything and has 300,000 people working for him" (quoted in Roberts 1993b). Vallone was concerned that a term-limited city council that was full of inexperienced legislators would become too dependent on legislative staff or even the mayor (Liff 1993). Other opponents argued that term limits would strengthen lobbyists and interest groups in the legislative process (*Newsday* 1993).

The council and term-limit opponents tried to block Lauder's attempt to get term limits on the November 1993 ballot, so supporters were forced to go to court. The court had to decide whether the voters of New York City could amend the city charter to include term limits under the state's home rule provision. Since the city appealed the decision of the state courts at every level, it was not until October 19, two weeks before the November election, that the state's highest court, the Court of Appeals, ordered the City Clerk to let the voters decide on term limits (Roberts 1993b). Good government groups had urged Vallone to provide an alternative to the Lauder proposal or at the very least hold hearings on the issue of term limits to better educate the media and the public. But Speaker Vallone and the opponents of term limits believed they could stop Lauder in court (Collins 1993). In the two weeks between the favorable court ruling and the election, Lauder used his wealth to blanket the airwaves with pro-term-limits advertisements. One ad depicted politicians sitting around a legislative chamber with one member chomping on a cigar, several members asleep, and one "cutting a paper chain of dollar signs" (Lueck 1993). In November 1993, the voters amended the city charter, approving the term limits law with 60 percent voting in favor (Bunch 1993). Under the new law, anyone in a city elected position in 1993 could serve until January 2002. They would be unable to run in the 2001 city elections for the same position (Bunch and Mangaliman 1993).

The November 2001 city council elections produced thirty-eight new legislators out of fifty-one total members. Given the number of open seats in the council, the Democratic primary in September 2001 had been a free-for-all. In

some districts, there were as many as four or five candidates running. The winners in eighteen of the districts won with less than 40 percent of the vote, and in only six council districts was there no Democratic primary. Did Ronald Lauder and the pro-term-limits forces get the citizen legislature for which they fought? Of the thirty-eight new members of the city council in January 2002, below is a brief summary of some of their political backgrounds:

- seven of the new members of the council were former council staff members, most of them serving as chiefs of staff for the council member they replaced;
- four members served on other legislative staffs either at the state or federal level;
- four members had served in elective office before, all of them in the two legislative bodies in Albany;
- four members were the children of outgoing council members, each then having been elected to replace their parents;
- three members were the children of elected legislators at the state or federal levels;
- one member was a former mayoral appointee to a city agency;
- one member managed a statewide campaign for the U.S. Senate (Hicks 2001c; New York City Council 2002a).

Twenty-four of the thirty-eight new members took office with considerable political experience. Many of them were as much career politicians as the council members they replaced. Those who supported term limits could not be satisfied with the results of the first term-limited elections. At the same time, the opponents of term limits cannot bemoan the absence of legislative experience or institutional memory, although the voters' right to choose had still been abridged. As mentioned in chapter 7, in 2008, as a result of the impact of the recession on New York City, Mayor Bloomberg asked the city council to amend the term limits law to allow him to run for a third term. To many, the fact that the city council could overturn the will of the people on this issue via a referendum appeared to be a flaw. The city council approved the mayor's proposal. As a result, all elected city officials—including council members, whose two four-year term limits would have expired in 2009—were able to run for a third term, and many did. But in 2010, with Mayor Bloomberg's support, the voters of the city reimposed the two-four year term limits on elected city officials.

What has been the impact of terms limits on the city council? As mentioned earlier, the most visible impact of term limits on the council is the fact that council members are seeking higher office at the city or state levels in much greater numbers. And this has increased the number of competitive Democratic primaries for city council seats. Has the composition or the behavior of the city council changed as a result of term limits? As was mentioned in chapter 5, the city council is the most descriptively representative body in city government. It is possible

that term limits hastened the increase in descriptive representation by moving out White city council members, but table 5.2 illustrates that there was no significant change in minority composition on the city council between the 1997 and 2001 elections. However, term limits may have had a role in the changing structure of leadership in the council. As will be discussed later in the chapter, the transitions from Peter Vallone to C. Gifford Miller and then from Christine Quinn to Melissa Mark-Viverito as Speaker of the Council were accompanied by a decrease in the power of the speaker. Without term limits, it is quite possible that incumbents would have kept Vallone in power and there would have been little change in the power of the speaker.

Did term limits have an impact on the legislation being produced by the city council? It is difficult to assess changes in the quality of legislation over time. Mayor Bloomberg, whose tenure as mayor began simultaneously with the first group of council members produced by term limits, vetoed many more pieces of legislation than his predecessor, Mayor Giuliani; even factoring in Mayor Bloomberg's three terms as mayor versus Mayor Giuliani's two terms. Could term limits have produced a more activist, left-leaning city council eager to produce legislation, given that they only had two four-year terms to do so? And could that legislation be so liberal in substance that the mayor would veto it? Term limits did produce more candidates as a result of primaries, and activists and ultraliberals tend to vote in Democratic primaries more frequently than more moderate Democrats. But Mayor Bloomberg was more liberal than Mayor Giuliani. So if the city council was becoming more liberal over time, so was the mayoralty.

One possible example of a more activist council was the 2003 lead paint law passed by the city council. The mayor vetoed the law and then the council overrode the mayor's veto. Unlike prior lead paint legislation passed by the council, this legislation placed a greater burden on the city and landlords for rapidly addressing peeling or chipping lead paint and even the presence of lead dust in residences. It also expanded the definition of liability, making both the city and landlords liable for child lead poisoning even if they had performed all the required inspections and testing. Mayor Bloomberg and the commissioner of the Department of Health and Mental Hygiene believed that the law would result in landlords refusing to rent to families with children and an increase in the amount of litigation without any improvement in the abatement of lead paint hazards. The city council believed that it was responding to inadequacies in legislation passed during the Giuliani administration (Berg 2015).

1989 CHARTER CHANGES

The 1989 charter revision increased the size of the city council from thirty-five to fifty-one members. More important, the revision abolished the Board of Estimate, dividing the board's power between the mayor and the council. Prior to the 1989 charter revision, the city council had little or no role in land use and zoning

decisions. The new charter gave the council a major role in this policy area. In addition, while it existed, the Board of Estimate played the leading role in reviewing the mayor's budget. The city council's role in the budgetary process was minor compared to the board's. With the board's departure, the city council assumed the major legislative role in the revision and passage of the budget. With the abolition of the Board of Estimate, mayor-council relations became the new focus of the city's political system and conflict in the city government.

Prior the board's abolition, the city council was viewed as a representative body with little or no substantive power. Until 1974, members of the city council were not even required to show up at City Hall and vote. They could simply give the leadership their proxy and they would get paid (Finder 1988; Vallone 2002a). In the 1960s, Henry Stern, then member of the city council but later Commissioner of Parks and Recreation under both Mayors Koch and Giuliani, suggested that the city council was "less than a rubber stamp, because a rubber stamp at least leaves an impression" (quoted in Hicks 2001a). Speaking of the status of the city council within the city's governing structures, Councilman Edward Sadowsky, a twenty-four-year member of the council and chair of the council's Finance Committee during the 1980s stated, "There is really one elected official in the city and that's the Mayor . . . We have divided the traditional legislative power between the City Council and the Board of Estimate, and that makes it very difficult to take legislative initiatives" (quoted in Purnick 1985).

In their 1990 book on New York City politics, Jewell Bellush and Dick Netzer devoted an entire chapter to the mayor and another to the municipal bureaucracy but placed the city council and the Board of Estimate in the chapter titled "The Other Elected Officials" (Bellush and Netzer 1990). In that chapter, author David Eichenthal spent considerably more time discussing the Board of Estimate than the city council. After a very brief discussion, Eichenthal concluded that "despite . . . efforts to enhance its power, the council has never emerged as a potent legislative body" (Eichenthal 1990, 89). Moreover, Eichenthal noted that the city council's legislative power was further constrained by the state's legislative ability to intervene in local affairs using its own lawmaking powers (Eichenthal 1990, 90). State policymakers have control over policymaking in education, labor relations, rent regulation, and much of the transportation arena (Eichenthal 1990, 82).

CITY COUNCIL ROLES

The 1989 charter revision had a significant impact not only on who performed the primary roles of a legislature—representation and lawmaking—but also on how these functions were performed. Legislatures are lawmaking bodies. There is an expectation that legislators as a group will seek to address the significant problems of society through the formulation and passage of laws. According to the City Charter, Chapter 2, Section 28, "The council in addition to all enumerated powers

shall have the power to adopt local laws which it deems appropriate, which are not inconsistent with the provisions of this charter or with the constitution or laws of the United States or this state, for the good rule and government of the city; for the order, preservation of the public health, comfort, peace and prosperity of the city and its inhabitants; and to effectuate the purposes and provisions of this charter or of the other laws relating to the city” (New York City Charter 2004).

While it is the responsibility of the legislature as an institution to formulate and pass laws for the good of the city, it is also the responsibility of each individual legislator to represent the constituents/citizens from the legislator’s home district. Representation is one of the key concepts that supports the democratic accountability function of governance. Although the mayor may be more visible within the political system, no relationship in the political system is more intimate than a citizen’s connection to the legislator who represents him or her. Legislators are expected to look out for local interests and to represent the opinions and perspectives of those in their home district. This frequently results in a conflict between the representation and lawmaking functions of the legislature (Barbour and Wright 2001, 244). Those who study the U.S. Congress speak of its “dual nature” when referring to the “unresolved dichotomy” between the legislature’s lawmaking and representation functions (Davidson and Oleszek 2002, 2–5). Citizens expect legislators to look after local interests, but what is good for the district may not be what is good for the entire political system. In their representative capacity, legislators are supposed to defend parochial interests and points of view, but the lawmaking function of the legislature requires that, at some point, legislators set aside their parochial concerns and compromise for the good of the city. If legislators refuse to bend from representing their districts, then the potential for law responding to societal problems is compromised. At the same time, too much compromise for the sake of enacting legislation in the interest of the entire city results in poor representation. And legislators who represent their constituents poorly frequently lose reelections.

In 2015, the city council passed Mayor de Blasio’s Mandatory Inclusionary Housing program, which amended the zoning code to require developers going through ULURP to include affordable housing in their projects. The council shared the mayor’s goal of increasing the number of affordable housing units in the city and overwhelmingly supported the proposal with only a few minor modifications. In 2016, a developer proposed a project in the northern Manhattan Inwood neighborhood. The project would have added over 170 affordable units to the city, but it also included an equal amount of market-rate housing and the construction of a building that was significantly taller and out of scale, relative to the rest of the neighborhood. The community overwhelmingly opposed the project and testified at the city council hearing on the project. The indigenous member of the city council, Ydanis Rodriguez was faced with a dilemma. He was very supportive of the mayor’s Mandatory Inclusionary Housing program and its goal of increasing the number of affordable housing units across the city, but he was well

aware of the strong opposition to the project among his constituents. In the face of this opposition, Council Member Rodriguez made the decision to be a good representative and voted against the law. The entire council, in deference to Council Member Rodriguez's opposition and their own roles as representatives, rejected the project.

In light of the conflict between lawmaking and representation, the existence of both the Board of Estimate and the city council, prior to the board's abolition, was a creative institutional method for addressing the lawmaking and representation functions. The board had a number of strengths as a lawmaking body. It had only eight members, resulting in extremely low decision-making costs. Given the apportionment of votes on the board, with each of the three citywide elected officials having two votes and the borough presidents having only one vote, those board members with a citywide perspective could outvote those members with a more parochial, borough-wide perspective. Representation was present on the board, but not to the extent where it would inhibit lawmaking in the interest of the entire city. Moreover, given the board's structural emphasis on lawmaking, the former thirty-five-member city council could use what power it had for parochial representative purposes. What made the board such an attractive lawmaking institution was partly responsible for it being such a poor representative body.

The transfer of power from the Board of Estimate to the city council illustrates the challenges of enhancing democratic accountability while at the same time maintaining an emphasis on other key political system values. In 1989, much of the lawmaking power of the board was transferred to the city council. At the same time, the size of the council was increased from thirty-five to fifty-one members to expand its ability to represent emerging minority groups in the city. This created quite a challenge for the individual members of the city council, the city council as an institution, and the city's political system. The council was being asked to become the primary lawmaking body in the city's political system, something it had never been before. Simultaneously, the council's representational function was being enhanced through the addition of more members. Given the city's increasing racial and ethnic diversity, more city council members increased the probability that the representatives would more closely resemble their constituents, at the very least maximizing descriptive representation and adding greater democratic accountability (Muzzio and Tompkins 1989, 84). In their article on finding the optimum size for the city council, Muzzio and Tompkins (1989) cited the 1988 Charter Revision Commission's "core values" in assessing the size of the legislative body: "representativeness; responsiveness; public participation and confidence in government; limiting the concentration of governmental power; attracting quality people to public service; accountability; increasing the ability of officials to make difficult and wise decision for the public good; and enhanced efficiency and effectiveness" (Muzzio and Tompkins 1989, 90). The authors claimed that increasing the size of the council enhanced the representation, public

participation, and accountability values. With regard to responsiveness, Muzzio and Tompkins (1989) stated that while larger legislative bodies made legislators more responsive to their constituents, similar to the accountability value, they may exacerbate the legislators' lawmaking function. One of the ways to address this dilemma, suggested by Muzzio and Tompkins, would be to streamline the lawmaking function through council leadership positions with a more hierarchical structure. This is what has occurred, and it will be discussed in greater detail later in the chapter. The establishment of leadership and hierarchy, however, requires a centralization of power that may make the council a less democratic body.

Although it is difficult to compare the lawmaking function of the fifty-one-member city council with the old Board of Estimate, consider how the Board of Estimate might have dealt with the Inwood affordable housing project referred to earlier in this chapter. It is possible that the Manhattan borough president might have been the only vote against the project if he had been representing the citizens of Inwood. But even if some or all of the other borough presidents, sympathetic to the concerns of their colleague from Manhattan, had voted with him against the project, they still could have been outvoted by the three citywide officials, each with two votes. Another example is also illustrative of the difference. In 1996, Mayor Giuliani proposed a plan to allow megastores to locate in New York City as of right. The Giuliani administration saw megastores (or big-box stores) bringing jobs to the city as well as keeping city residents from going out to the suburbs to do their shopping. The plan would have required the city council to amend the city's zoning laws to create areas where megastores could locate without going through ULURP, a potentially long and expensive process. The council rejected the mayor's plan, arguing that it did not give the neighborhoods where megastores might locate sufficient control over their "quality of life" (Holloway 1997). The council's decision represented a victory for representation. Most council members did not want to be held responsible for megastores locating in their districts. At the very least, they wanted to control the location process to the extent that they were not willing to amend the zoning code to allow megastores to locate in their districts as of right even if the land was predesignated as being appropriate for that use. What would the Board of Estimate have done with Mayor Giuliani's megastore plan? Was the city council's rejection of the plan an example of good representation, bad lawmaking, or both? In the absence of any plan on the part of the city to locate megastores, these stores continue to locate in the city but must go through ULURP first (Pristin 1999).

Aside from the passage of local laws, the city council's lawmaking function includes three key roles. First, the council has jurisdiction over the passage of the city's expense and capital budgets. Related to this, when the mayor wants to modify the budget during the fiscal year, if the modification varies from the original authorization by more than 5 percent or fifty thousand dollars, council approval is needed (Kivelson 1991, 36). The budgetary process will be discussed in greater

detail later in this chapter. Second, the city council has jurisdiction over the property tax rates. The council can levy other taxes, but only if the state legislature gives its permission. This is done after the council passes a home rule message, asking the state to enable the city to levy or raise the tax (Kivelson 1991, 35). Third, the council has jurisdiction over most land use decisions. Land use decisions coming out of the City Planning Commission (CPC) related to zoning, as well as most decisions regarding the use of city-owned residential property, must be approved by the council. Other land use decisions such as special zoning permits and non-residential city-owned property go to the council if the relevant borough president or community board has disapproved of the project or if the council votes to consider it (Kivelson 1991, 37).

The representation function that council members perform involves more than including the district's perspective in the discussions and debates over the formulation and passage of prospective legislation. Representation involves performing a considerable amount of constituency service or casework for the residents of the legislator's district. Every council member maintains an office in his or her district. This helps the councilperson maintain a presence, and it makes the council member accessible to constituents. To a great extent, casework or constituency service involves acting as a liaison or ombudsman between the constituents and the agencies that make up the executive branch. New York City's bureaucracy is so vast that citizens may not know where they need to go in the executive branch to get what they want. For example, if a local group wants a parade permit, do they go to the police, the Department of Transportation, or the Department of Parks and Recreation? If a homeowner wants to renovate his single family home and rent out the basement as an income-producing apartment, should he go to the Department of City Planning, the Department of Buildings, the local community board, or all three? The city council member and his or her staff can obtain that information. On other occasions, the citizens may know where to go but will not be successful in getting what they want from the relevant agency. At that point, they may ask the council member to intervene on their behalf. For example, what if residents are upset about a bar on their block that is noisy at very late hours, and the several visits by the police over the past months have not been effective? Or what should a senior citizen who is unhappy with the delivery of Meals on Wheels (administered by a local nonprofit group but contracted through the city's Department of Aging) do if calls to the nonprofit group and the Department of Aging have not produced satisfactory service? In both cases, a member of the city council may be able to get results that the citizens could not get on their own.

Not all constituents are equal. Council members interact with community activists, leaders of community organizations, and participants on community boards much more frequently than with other citizens. The relationship that the councilperson establishes with these groups is reciprocal. Council members spend a great deal of their time responding to the needs of these individuals, including using some of their discretionary budgets to fund community projects. In exchange,

these groups become the councilperson's eyes and ears in the district (Eristoff 2001, 4).

In addition to lawmaking and representation, a third significant function of the city council is oversight of the executive branch agencies and the complementary function of investigation. The city charter distinguishes the oversight function from the investigation function, but they are very much related (New York City Charter 2004, Chapter 2, Section 29). From the charter's perspective, oversight implies a routine and periodic examination of the activities of an agency or agencies in the executive branch by the council and its relevant committees. This is usually conducted through a public hearing in the council chambers where agency heads (e.g., commissioners) come to testify about the actions of their agencies. Other interested parties may be invited to testify or ask to be included. The budgetary process and the publication of the Mayor's Management Report (MMR) provide the council with the opportunity for a regular annual review of agency activities, although discussions of the MMR have been deemphasized and merged with budget hearings. Beyond these reviews, the council does not usually conduct systematic hearings on the activities of the executive branch agencies (see chapter 9) but rather holds hearings on selected activities of agencies as the need arises. The city charter also gives the council the power to "investigate any matters within its jurisdiction relating to the property, affairs, or government of this city or of any county within the city, or to any other powers of the council, or to the effectuation of the purposes or provisions of this charter or any laws relating to the city or to any county within the city" (New York City Charter 2004, Chapter 2, Section 29). This very broad, open-ended mandate allows the council to investigate and hold a hearing on practically any matter it wants. Since much of the council's oversight activities are not routine or periodic, they are practically indistinguishable from council investigations. Recently, the Council Committee on Housing and Buildings held a hearing on tenant harassment as a result of media reports and complaints from constituents in communities experiencing gentrification. In the wake of several natural gas explosions in the city, the same committee held a hearing on plumbers' licensing and qualifications for dealing with gas leaks. Given the rise in the number of for-hire vehicles, such as Uber, the Council Committee on Transportation has held hearings on the ability of the city's Taxi and Limousine Commission to regulate new for-hire vehicle companies. And the Council Committees on Education and General Welfare held a joint hearing on what could be done to support students who are homeless. At that hearing, officials from both the Department of Education and the Department of Homeless Services testified.

Finally, the city charter gives the council the power of "advice and consent" over a small number of mayoral appointees including members of the Board of Health, the CPC, the Landmarks Preservation Commission, the Taxi and Limousine Commission, the Board of Standards and Appeals, and the Art Commission (New York City Charter 2004, Chapter 2, Section 31). This gives the council the power to approve or reject mayoral nominations to these bodies within thirty days

after the nomination is made. If the council fails to act within that time, the nomination is considered to be confirmed (New York City Charter 2004, Chapter 2, Section 31).

CITY COUNCIL ORGANIZATION AND LEADERSHIP

The city charter allows the council to elect a speaker or majority leader from among its members and to establish its own rules and procedures for internal operations and governance (New York City Charter 2004, Chapter 2, Sections 44 and 45). Since the Democrats have held—and continue to hold—the vast majority of seats in the council, the Democratic Party caucus, comprised of all Democratic council members, controls all major positions within the council. Although the speaker's responsibilities are not discussed in any detail in the charter, he or she has a considerable amount of power, although their power has declined over the last fifteen years. The speaker is the operational and symbolic leader of the council and is responsible for hiring much of its staff and has the power to appoint the chairs and members of the council's committees, but these decisions are ratified by the entire council (Kivelson 1991, 35). Formerly the speaker also had a discretionary fund of several million dollars that he or she could distribute to council members for chairing committees or for doing good works in their home districts (Hicks 1995c). But these powers have been reduced significantly.

Similar to most large legislative bodies, the city council does most of its substantive work in committees, with each member of the council serving on at least three committees. Committee work allows the council to address a wide variety of issues simultaneously by dividing up jurisdiction over those areas of public policy and city government that the council deems important. Members seek positions on those committees that will allow them to get benefits for their districts, advocate for significant issues and programs, or exploit their expertise in a specific policy or program area. Committees hold hearings on proposed legislation and hold oversight and investigative hearings on those areas of public policy and the agencies of the executive branch that fall under their jurisdiction. Those hearings may involve testimony from representatives of the mayor, officials from executive branch agencies, interest groups, and the general public. Proposed legislation receiving a favorable vote at the committee level will then go to the entire council for a vote. The most important committee is the Finance Committee. It coordinates the council's review, modification, and approval of the mayor's budget and has jurisdiction over all taxation issues. Over time, the number of committees and committee jurisdiction may change to reflect the council's new areas of interest or changing emphasis. Prior to the 1989 charter revision, the council had no committees that dealt with land use issues, since land use policy and zoning was under the control of the Board of Estimate. After the charter revision, the council added a Committee on Land Use, the second most important committee, as well as a Subcommittee on Landmarks, Public Siting and Maritime Uses; a Subcommittee

on Planning, Dispositions and Concessions; and a Subcommittee on Zoning and Franchises. In the aftermath of the terrorist attacks on the World Trade Center in September 2001, the council taking office in January 2002 added a Committee on Lower Manhattan Development. And after Superstorm Sandy damaged major parts of the city, the council created a Committee on Recovery and Resiliency.

Speakers customarily give the most important committee chairs to members of the council who supported their candidacy for speaker. Prior to 2016, aside from the status and power of being a committee chair, there were also financial implications, as committee chairs received additional stipends that could significantly boost their salaries. In 2016, however, the council raised its salary by \$36,000 to \$148,500. In doing so, the council eliminated stipends for leadership positions and placed a ban on council members' ability to earn outside income. The council salary had not been increased since 2006. The speaker's salary was increased to \$164,000 (Chayes 2016).

Peter Vallone was speaker from 1986 until he was term-limited out of office in 2001. He was speaker in 1989 when the powers of the council were significantly increased. During that time, he took a number of steps to increase the visibility and power of the council as well. During his first year in office, he increased the size of the council's staff by more than 50 percent (Daley 1986). By the mid-1990s, the council's staff had quadrupled under Vallone's leadership and been given their new land use and budgetary responsibilities (Hicks 1995c). Vallone also hired lobbyists to represent the council both in Albany and in Washington, independent of the mayor's lobbyists, and he established the council's first investigative unit. Despite this growth, which continued into the new century, the mayor's staff is still many times larger than the council's staff (Daley 1986; Finder 1988).

The increased power given to the council by the 1989 charter revision also increased the power and importance of the speaker. Although the mayor is clearly the most visible actor in the city's political system, the council speaker is the second most visible actor. At the same time, however, term limits force the council to change speakers at least every eight years. This has given council members an opportunity to constrain the power of the speaker each time a new speaker is chosen. As a result, the power of the council speaker has slowly been reduced with the election of each new speaker since Vallone left the council in 2001. When he was speaker, Vallone had a large discretionary fund that he distributed to members for projects in their districts. Although the average grant was \$80,000, those out of favor with the speaker received as little as \$50,000. One council member reported that she was told by the speaker's staff that her district "would suffer" if she did not vote for a budget supported by Vallone despite the fact that she thought the budget's social service cuts were too high (Hicks 1995c). Since Vallone's retirement, speakers have lost most of their discretionary powers with the exception of appointing committee chairs. Some speakers have used their status to form political action committees and have supported others running for office with the funds from those committees. And those who criticized Speaker Vallone for sometimes

using his centralized power at times in a heavy-handed manner have admitted that he succeeded in elevating the status of the council while he was speaker and that the centralization of power was necessary (Cardwell 2001).

The first election for speaker after the term-limited retirement of Vallone was unique for two reasons. First, the new speaker would be the first to serve under an entirely term-limited council. Vallone had been speaker for fifteen years, since 1986. The next speaker would serve in the position a maximum of eight years. Second, given that the rest of the council had been term-limited as well, the new speaker was elected by a council of fifty-one members, thirty-eight of whom were new. This added some uncertainty to the process by which the new speaker would be elected. One of the constants in the election of the new speaker in 2002, however, and one that would remain in subsequent speaker elections, was the role played by county party organizations and their leaders. Democratic Party organizations in the boroughs had been weakened over time. And term limits demonstrated the constraints on borough and county party leaderships' abilities to manage and control the election of large numbers of new council members. Many of the new council members were insurgents who had defeated organization-nominated candidates in the Democratic primary (Hicks 2001b). Despite their declining power, county party organizations in at least three of the boroughs still controlled a sufficient number of votes on the council to be influential in the election for council speaker.

In 2001, twenty-one of the new and more independent council candidates began meeting even before the November general election. Calling themselves the Fresh Democracy Council, they initiated discussions regarding the operations of the city council. Their primary focus was on decentralizing the power within the legislative body, taking authority away from the speaker by inhibiting his or her ability to reward and punish members (Cardwell 2002a). They also wanted council committee chairs to be able to hire their own staffs, something that had been done previously by Speaker Vallone (Hicks 2001b). And they wanted a rule that "bills considered favorably by committees come to the full council for a vote" within six weeks of their proposal (Cardwell 2002a).

The race for speaker began almost immediately after the 2001 general election, with as many as eight candidates. Gifford Miller, a councilman from Manhattan's Upper East Side, won because he received the support of some of the county Democratic Party organizations. Thomas Manton, leader of the Queens Democratic Party, and Roberto Ramirez of the Bronx Democratic Party gave their support to Miller (Cooper 2002). He also won because he used his political action committee to support the election of many of the new candidates running for the council for the first time (Cooper 2002). The relationships that Miller established while supporting some of the outerborough candidates helped deflate any concern that he might be too Manhattan-centric (Hicks 2002). In addition, Miller received the support of several large labor unions, including Denis Rivera's Service Employees International Union (1999), which were interested in the council

leadership (Cardwell 2002a). Upon becoming speaker, Miller rewarded the Bronx and Queens Democratic Parties for their support by giving their members of the council key leadership positions and committee chairpersonships. Since stipends had not yet been eliminated, many of those leadership and committee positions came with significant salary increases (Cardwell 2002b; Citizens Union 2002).

Although the Fresh Democracy Council played only a small role in the selection of the speaker, Gifford Miller did support most of their reforms. In January 2002, the council approved a number of reforms that significantly weakened the power of the speaker and made him more accountable to the members. To prevent the speaker from using his power to punish or reward members, council rules were changed to require the speaker to equitably allocate discretionary funds for district projects. The speaker's powers to control legislation were also weakened. The sponsor of a piece of legislation can call for his or her bill's consideration by the entire council if it has not appeared on the council's stated meeting agenda forty-five days after it receives approval from the relevant committee (Chester 2002). This meant that the speaker could no longer delay legislation with which he or she disagreed. Under the new rules, committee chairs, and not the speaker, were able to hire some of the committee staff, and the legislative drafting (bill writing) staff under the control of the speaker would be shared with committees as well (Chester 2002). These reforms weakened the power of the speaker but did not leave the position powerless. In the aftermath of the 2001 terrorist attacks, the mayor and the council sought to raise property taxes to address the city's budgetary needs. Recognizing that tax increases were an unpopular political move, Speaker Miller demanded that all Democrats on the council vote in favor of the increase. Three Democrats on the council voted against the 18.5 percent property tax increase proposed by Speaker Miller. Miller responded by taking away their committee chairmanships. He was supported in this move by all but four Democrats on the council (Steinhauer 2003).

Gifford Miller was term-limited out of the council in 2005. Councilwoman Christine Quinn of Manhattan replaced him as speaker, with the support of the Queens, Bronx, and Brooklyn Democratic Party organizations. As with Miller, the county party organizations preferred a councilperson from Manhattan, a borough with a very decentralized party organization, over a councilperson from a borough with one of the more centralized party organizations. Similar to Miller as well, city labor unions also had a role in Quinn's election, lobbying for her election (Bragg 2013a). As in the past, Speaker Quinn rewarded council members who were loyal to their county party organizations and supported her candidacy with committee chairpersonships (Hu 2006).

Vallone, Miller, and Quinn all ran for mayor following their years as council speaker. All were unsuccessful. Quinn was term-limited out of the city council in 2013, the year she ran for mayor. Similar to Vallone, who enjoyed a sound working relationship with Mayor Giuliani, Quinn had a good relationship with Mayor Bloomberg. But this may have hindered her run for the mayoralty. Within

the council, Quinn was the principal sponsor of Mayor Bloomberg's successful attempt in 2008–9 to change the term limits law and run for a third term. Despite her liberal credentials and her visibility, her alliance with Mayor Bloomberg compromised her ability to win the support of the city's Democratic base, especially running in a primary against candidates who were equally as liberal but had no connection to the non-Democratic mayor.

Similar to previous races for speaker, the 2013–14 race began almost immediately after the November 2013 election. There were seven candidates—three from Manhattan, two from the Bronx, one from Queens, and one from Brooklyn (Barkan 2013). Unlike prior races for speaker, a bloc of council members—the Progressive Caucus, not connected to county party organizations—played a significant role in the speaker's election, much more than the Fresh Democracy Council had in 2001–2. The caucus, approximately twenty members, shared Mayor de Blasio's goal of addressing inequality and social justice issues. And they had the support of some of the city's major public employee unions as well (Bragg 2013a; Taylor 2013). By December, Melissa Mark-Viverito, a councilwoman from East Harlem in Manhattan, appeared to be the front-runner. The remaining competition came from Councilman Daniel Garodnick, also from Manhattan, who had the backing of the Bronx and Queens Democratic Party organizations (Bragg 2013b). Mark-Viverito had the support of both the Progressive Caucus and the Brooklyn Democratic Party organization. In addition, Mayor-elect de Blasio openly supported her candidacy and was instrumental in getting Mark-Viverito the support of the Brooklyn Democrats (Campbell 2013). This appears to have been enough to give her the necessary twenty-six votes to become speaker and was the first time the mayor played a role in the election of the city council speaker. De Blasio and Mark-Viverito had been longtime political allies. And Mark-Viverito had been an early supporter of de Blasio's mayoral campaign (Taylor and Chen 2013). For some, however, the close relationship between Mark-Viverito and de Blasio raised the issue of whether the speaker of the city council would be able to stand up to the mayor after he was so helpful in her getting the speaker's position (*New York Times* 2014).

In January, Mark-Viverito became the first Puerto Rican woman and the first member of the council's Black, Latino, and Asian Caucus to be elected speaker. She was elected with the support of only one of the major county Democratic Party organizations. Similar to other speakers, however, Mark-Viverito organized the leadership of the new council relying primarily on those councilpersons who had supported her candidacy. Councilperson Brad Lander from Brooklyn, one of the leaders of the Progressive Caucus and an early supporter of Mark-Viverito's bid for speaker was given control of the council's Rules Committee. Two councilpersons from Queens who broke with their county organization to support Mark-Viverito, Julissa Ferreras and Daniel Dromm, received chairpersonships of two of the most important council committees, Finance and Education, respectively (Goldenberg 2014). Another Queens council member, James Van Bramer, who

also supported Mark-Viverito, was given the post of majority leader. Given the large number of available committee chair positions, even some of Mark-Viverito's opponents received positions. Councilman Garodnick, her primary opponent in the speaker's race, was given the chairpersonship of the Council Committee on Economic Development. But the small number of councilpersons left without committee chairpersonships were those who opposed Mark-Viverito's candidacy (Bragg 2014). Mark-Viverito was term-limited out of the council in 2018. After the November 2017 council elections, new candidates for speaker began to identify themselves. Would the Queens, Bronx, and Brooklyn Democratic Party organizations continue to play influential roles in the speaker's selection? And what part would the mayor play, given his role in the selection of Mark-Viverito four years earlier?

Similar to former Speaker Miller, several months after taking office, Speaker Mark-Viverito and the council leadership proposed reforms that further decreased the power of the speaker. One of the reforms dealt with "member items," the ability of the speaker to dole out funding for each city council member to support projects in their districts. The reform being proposed by Mark-Viverito would equalize payments to council members and give additional funding to council members representing poverty-impacted districts (Stewart 2014). Speaking in favor of the reforms, one council member stated, "I know firsthand what it is to suffer under rules that make no sense . . . If you look at the allocations I was receiving because I was speaking out on certain issues that differed with the previous speaker, I was penalized. Actually it wasn't me who was penalized, it was the constituents" (Meriwether 2014). In keeping with her commitment to addressing inequality issues, Mark-Viverito also formed a new committee, the Council Committee on Courts and Legal Services, which was charged with "promoting access to free or accessible legal representation" (Pazmino 2014a).

THE BUDGETARY PROCESS

The city's annual budget directs how the resources of the political system are to be allocated and who is going to pay for them. In most democratic political systems, budgets are constructed on an annual basis as part of a process that involves the legislative and executive branches. For urban and most local political systems, budgets establish the parameters within which services will be delivered as well as how those services will be financed. It is the single most important document that describes the service delivery priorities of the city government. As a result, the annual budgetary process at times can become very visible and highly conflictual, especially if the budget under discussion deviates significantly from the previous year's budget or the political system is experiencing fiscal stress.

Much of the city's budgetary process is mandated by the city charter. The new fiscal year begins on July 1. The budgetary process formally begins in January or early February with the mayor's publication of his preliminary budget for the

coming fiscal year. Prior to January, the mayor and his or her staff collect information on projected revenues and needed expenses for the coming fiscal year. In conjunction with the executive branch agencies, they construct a preliminary budget that reflects how the mayor wants to use the city's resources within the limits of available revenues and spending needs. The city council then examines the budget, holds public hearings that attempt to examine the service delivery and program impacts of the mayor's proposed budget, and produces its own set of recommendations by late March. Frequently during these hearings, interest groups representing those who deliver or receive city services lobby the city council in an attempt to restore any cuts in their programs or to increase their program's budget. The mayor then submits an executive budget to the council by late April based on updated estimates and any revisions in the preliminary budget. By this time, the state *should* have finalized its budget so the mayor and his staff will have a better estimate of how much funding the city is going to receive from the state. The council holds public hearings again and enters into a period of negotiations with the Mayor's Office of Management and Budget to work out any differences between the proposed executive budget and the council's own spending and revenue priorities. While the mayor has the power to reject a budget passed by the council and the council has the power to override that veto, both the mayor and council have found it to be in their interests to reach a mutual agreement on the budget before the new fiscal year begins.

There are three pieces to the city's budget. The expense budget includes the city's annual operating expenses. The capital budget includes spending on facility construction, such as new schools, and improvements, such as buildings, roads, or very expensive equipment. The revenue budget lists the resources the city is using to pay for the expense and capital budgets. It includes taxes, fees, intergovernmental fiscal assistance, and debt. According to state law, the city's budget must be balanced; that is, all expenditures must be accounted for by equivalent revenue (New York City Council 2002b). During the budgetary process, state, city, and private fiscal monitors issue reports and statements assessing the accuracy of the city's revenue projections for the coming fiscal year and issue their opinions as to whether the proposed budget is balanced. At the city level, these monitors included the Independent Budget Office and the city comptroller. And in the private sector, the bond rating agencies, as well as a small number of "good government" groups and fiscal watchdog groups, publish their opinions of the city's budget.

The New York City budget process has traditionally provided an illustration of the city council in its representation role. The mayor submits a budget, including reduced expenditures, to the council, and the council proceeds to restore some of the cuts in response to constituent and group demands. The mayor's budget represents a citywide perspective, although one that is biased toward the mayor's own ideology and policy choices. The council's perspective on the budget is more parochial, but the council can have its own citywide perspective that differs from

the mayor's. The council's perspective on city spending is usually supported by interest and advocacy groups who lobby the council, seeking restoration of cuts or enhancements to specific programs. Many of these groups are equipped with the information to educate council members on the impact that the budget cuts will have on their districts. For instance, in 2016, groups delivering services to senior citizens lobbied the council for additional funding, but they did not get all the funding desired. One representative of the service delivery groups complained, "The inability and unwillingness of the de Blasio administration and City Council to reach an agreement to fully fund these programs creates a hardship and a dangerous reality for seniors who so desperately need and rely on support" (quoted in Khurshid 2016). Mayor Giuliani admitted that his budget staff purposefully subjected programs to budget cuts in anticipation that some, if not all, of the cuts would be restored by the council. The former mayor noted, "This is a game we play every year . . . We take things out of the budget, we put them back . . . In order to make sure the budget does not grow by 7 percent, 8 percent, 10, 12 percent, that is what you do" (quoted in Lipton 2001).

Although the budgetary process gives the city's political system the opportunity to periodically review and reshape its priorities, some areas of city public policy go unaddressed by the budget. The budgetary process has traditionally not provided a mechanism through which a political system can review tax expenditures; that is, the use of tax forgiveness as a means to subsidize actions valued by the political system. This includes most of the tax incentives discussed in chapter 2. Simply stated, the budget does not consider uncollected revenue as a cost. While budgets could include tax expenditures as expenses or forgone revenue, most public budgets do not do this. This does not mean that the council, or other fiscal watchdogs, do not review these programs. The council has held hearings on economic development tax expenditures in the past but does not routinely consider them as part of the budgetary process even though they are clearly expenditures.

In first few years following the 1989 charter revision, there was tension between the mayor and the city council over the budget due to both institutions jockeying for position under a new process and rules. During the Dinkins administration and in the early Giuliani years, the tension was exacerbated by a poor economy forcing the city to make significant budget cuts, raise taxes, or both. In 1994–95, Mayor Giuliani and the city council went to court over control of the budgetary process when there was a need to modify the budget midyear and the council attempted to pass a modified budget over the mayor's objection. The courts voided both the mayor's and the council's budget modifications. In the end, the mayor was able to use his chief executive impoundment power and achieve the spending cuts he initially wanted (Mitchell 1994).

Although mayors and councils always disagree to some extent over the specifics of the budget, a cordial working relationship has evolved over time that has resulted in bargaining and compromises in June. Both the mayor and council

understand the necessity of agreeing on a budget in advance of the beginnings of the new fiscal year. In 2014, the council wanted to increase the city's budget in order to add a thousand uniformed police officers to the NYPD's ranks, but both the mayor and police commissioner rejected the demand arguing that the city could "make do" with existing resources (Hamilton 2014). Disagreeing with the mayor, Speaker Mark-Viverito argued that more police were needed due to the mayor's initiative to crack down on dangerous driving and pedestrian traffic accidents in the city. But NYPD Commissioner Bratton responded that the NYPD could successfully use overtime to address whatever "manpower" issues occurred. Moreover, Commissioner Bratton argued that pay raises for police officers should come before increasing the size of the force (Durkin 2014). In June 2014, the council's budget agreement with the mayor did not include funding for additional police. The council acceded to the mayor's wishes.

In 2015, the council renewed its demand for a thousand new police officers, this time calling for cuts in the NYPD's overtime budget in order to fund the new positions (Durkin 2015). In the wake of the Staten Island police chokehold death of Eric Garner, council members demanded that there be more police in local precincts in order to implement community policing that would improve community-police relations (Jorgensen 2015). Each precinct had lost between sixty and seventy-five officers since 2001. Mayor de Blasio had not included funding for more police in his preliminary budget, but the previous year's budget negotiations NYPD Commissioner Bratton had indicated that his department could use additional officers (Jorgensen 2015). Some groups, such as the NAACP Legal Defense and Education Fund, were critical of the council's request, arguing that the money going to additional police would be better spent on community services such as summer jobs for teens, which might increase community safety even more than the additional police (Stewart 2015). As late as May, the mayor was stating that there would be no new funding for additional police. But by late June, close to the budget deadline, the mayor agreed to hire over a one thousand new police officers. The mayor's change of position was possibly due to a number of factors, including persuasion by NYPD Commissioner Bratton, a slight uptick in violent crime in the city in the months leading up to the budget agreement, a projected cap on NYPD overtime that would help fund the new positions, and the resolve of Speaker Mark-Viverito—backed up by the city council—not to compromise on this issue for a second year (Associated Press 2015). Whatever doubts there were about the new speaker having the ability to stand up to the mayor were gone.

THE LEGISLATIVE PROCESS

The council is at the center of the process through which proposed legislation becomes law. The legislature is the political system's legitimizing body in the production of law and public policy. But legislators on the New York City Council

are only one of the many actors participating in the production of law and public policy. The legislative process is initiated in one of several ways. The mayor can initiate it by finding legislators to introduce and sponsor legislation for him or her. When Mayor Bloomberg wanted to revise the city's term-limit law so he could run for a third term, Christine Quinn was the prime sponsor of the legislation giving the mayor the ability to run for a third term. Interest groups can lobby members of the city council and have them introduce legislation on their behalf. When the city was inundated with new for-hire vehicle options such as Uber and Lyft, the taxi industry lobbied the city council to pass legislation that would impose regulations on these new companies, taking away their competitive advantage. And of course, legislators can introduce legislation on their own.

After legislation has been introduced, the speaker assigns it to a relevant committee or committees that hold public hearings. At that point, interest groups, citizens, and any other interested individuals can come and testify either in favor of or in opposition to the legislation. Most substantive debate and discussion of the legislation takes place in these hearings. The committee then modifies the legislation if they believe changes are necessary. This precedes a vote by the committee on the legislation. If the vote is positive, the legislation is then scheduled by the speaker for a vote by the full council.

In early October 2013, Avonte Oquendo, a fourteen-year-old autistic boy wandered away from his public school in Long Island City, Queens. No one noticed he was gone for almost twenty minutes. A massive citywide search ensued, involving both the Department of Education and the NYPD, but Avonte was not found. In January, several months later, his body was found in the East River (Kolker 2014). In June 2014, several members of the city council introduced legislation regulating, if not requiring, the placement of security cameras, door alarms, and other security systems in all New York City public schools. At the City Council Committee on Education public hearing on the proposed legislation, Department of Education Deputy Chancellor Kathleen Grimm, representing the de Blasio administration, testified that in response to the Oquendo incident the Department of Education was revising their protocols to prevent and address missing students. She also stated that any new legislation dealing with this issue should give school principals some degree of flexibility in responding to the problem. Other groups testifying at the hearing, or submitting testimony, included the United Federation of Teachers, the Council of School Supervisors and Administrators (representing school principals), a number of groups advocating for autistic children, school-parent associations, individual parents of autistic children, and Avonte Oquendo's grandmother (New York City Council Committee on Education 2014a; New York City Council Committee on Education 2014b). The piece of legislation, passed by the city council and signed by the mayor in August, was a somewhat watered-down version from what some council members had initially wanted. The legislation stated that "the New York City department of education, in consultation with the New York City police department, shall install security

cameras and *door alarm systems* at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the New York City police department deems such cameras and *door alarm systems* appropriate for safety purposes” (New York City Council 2014).

As with “Avonte’s Law,” the discussion over and modification of the legislation took place in the committee, not with the entire council. There is rarely debate or discussion of the legislation by the entire council, although each council member is entitled to explain his or her vote. Speaker Vallone had the power to schedule full council votes, delaying a vote indefinitely if necessary. One of the rules changed after the 2001 council elections eliminated the power of the speaker to indefinitely delay committee-approved legislation from coming to the full council for a vote. Once the full council considers and passes a piece of legislation, it goes to the mayor for signing. If the mayor “takes no action” after thirty days of receiving it from the council, the legislation becomes law. If the mayor vetoes the legislation, it is returned to the council, which then has thirty days to override the veto by a two-thirds majority vote (Kivelson 1991, 36).

As noted earlier in the chapter, the legislative process often illustrates the tension between the legislator’s roles as lawmaker and representative. On occasion, the council deals with legislation that, if passed, would benefit the entire city but at the same time might have a negative impact on a neighborhood or borough. Legislators in their representative role defend their constituencies and oppose legislation that in their opinions might harm their communities, or they sacrifice the parochial interest of their constituents for the greater good of the city. In 2006, the council debated and passed Mayor Bloomberg’s Solid Waste Management Plan. In the spirit of environmental justice, the plan attempted to allocate the burden of waste transfer stations across all five boroughs. Although the plan passed overwhelmingly, several members of the council from Manhattan’s Upper East Side opposed the plan, since their community was slated to be the site of a new waste transfer station. In 2016, as part of its initiative to create more affordable housing across the city, the de Blasio administration and the city council passed a comprehensive rezoning of the East New York section of Brooklyn. As is the custom in the city council, Councilman Raphael Espinal, the representative from East New York, took the lead in negotiating the specifics of the rezoning with the de Blasio administration. Many in the community feared that although the goal of the rezoning was to create more affordable housing, the ultimate impact of the rezoning would be more market-rate housing and increased gentrification of East New York. Council Member Espinal was able to negotiate greater affordability into the rezoning plan with the hope that if residents were displaced by new developments, they would have the new affordable housing as a backup. Council Member Espinal supported the plan and voted for it (Soultanian-Braunstein 2016). Despite his efforts to represent his community yet support the city goal of creating more affordable housing, groups in his community vowed to defeat him

in his 2017 bid for reelection, in effect punishing him for forsaking his representation role (Goldensohn 2016).

Since the 1989 charter revision and the increase in the number of seats on the city council, the council has been virtually veto-proof. There have been fifty-one seats on the city council since 1991. Since that time, the greatest number of seats the Republicans have occupied on the council is seven. Under Speakers Vallone, Miller, and Quinn, most votes on legislation taken by the full council passed with a veto-proof (more than two-thirds) majority. During Speaker Vallone's tenure, there were a small number of votes, including a controversial piece of legislation on lead paint regulations, in which the most liberal Democrats rather than the few Republicans on the council found themselves on the losing side. Due to Speaker Vallone's moderate position on most policy issues, Mayor Giuliani vetoed council legislation only about a dozen times during his eight years as mayor, and a majority of those were overridden. Under Speakers Miller and Quinn, Mayor Bloomberg vetoed many more laws—over three dozen. As discussed earlier in this chapter, the increased number of vetoes may be a function of term limits and the fact that the city council, after 2001, became not only more liberal but also more activist because council members now had only two terms on the council. In a small number of cases, including an instance where the council passed legislation mandating that the city schools adopt protocols to address school bullying, the substance of legislation vetoed by Mayor Bloomberg was incorporated into policy by the Bloomberg administration several years after the veto. Under Mayor de Blasio and Speaker Mark-Viverito, there have been no vetoes to date, and since the two are both Democrats and close political allies, no conflicts that will result in vetoes are expected.

The most significant area of city public policy where mayoral vetoes have been involved is the oversight and monitoring of the NYPD. In 1994, the council voted to create an independent agency to monitor police corruption. Mayor Giuliani did not like the legislation because the council and the mayor shared power over the selection process of the five-member monitoring panel. The mayor vetoed the legislation, and the council overrode the veto (Hicks 1995a). The mayor then filed suit against the council in state court arguing that the council's action infringed on his powers as chief executive (Hicks 1995b). In June 1995, a State Supreme Court judge ruled that the council had gone beyond its authority and that the creation of the independent commission to monitor the police would "curtail the Mayor's executive prerogatives" (quoted in Hicks 1995c). In 2013, Mayor Bloomberg vetoed council legislation dealing with police behavior and monitoring, and the council overrode the mayor's veto. The council passed two pieces of legislation: one placing a ban on police racial profiling and the second establishing an independent inspector general for the police department (Jaffee 2013). Mayor Bloomberg promised to go to court to overturn the legislation, but his mayoralty ran out before the cases could be heard.

THE CITY COUNCIL AND ECONOMIC DEVELOPMENT

The city council as an institution and individual council members are not constrained or influenced by economic development issues or concerns like the mayor is. The council is not held responsible for the city's economic performance, and there are few expectations on the part of the electorate that the council will act to promote economic development. In most areas of economic development, the council has been far more adept at playing its representative role than its lawmaking role. Due to each council member's desire to protect the interests of his or her district, the council rarely, if ever, initiates economic development programs that have a citywide perspective. It is the executive branch with its superior resources and citywide focus that initiates these types of proposals, while the council's role is more reactive. The previously discussed megastore zoning proposal of the Giuliani administration illustrates the way in which the council can either thwart economic development attempts by the mayor or force him or her to accommodate the council's representative role before a policy is approved.

When the Board of Estimate was abolished, the council took on much of the board's land use policy functions. The 1989 charter revision established a land use approval process in which the council and the mayor share responsibility. Prior to that point, the council played little or no role in land use policy and zoning. Due to the impact that land use modifications and policy could have on individual districts, the council took its new responsibility very seriously. The committee structure of the council was reorganized with multiple subcommittees feeding into the council's new committee on land use. The Uniform Land Use Review Process (ULURP), discussed at length in chapter 2, allows the council to play its representative role in influencing city economic development policy. Reciprocity is a key value in supporting the representative role within ULURP. Each council member wants control over development in his or her district. In order to achieve and maintain that control within ULURP, council members, for the most part, defer to each other regarding development in their districts. Earlier in this chapter, Councilman Rodriguez's role in defeating an out-of-scale development with affordable housing in his Inwood community was discussed. Despite the fact that the proposal would have produced almost two hundred units of affordable housing, Councilman Rodriguez's colleagues deferred to his position and rejected the proposal. In the council that served for the four years, 2014–2018, there was not one instance of the council going against a member's preference on a ULURP application in his/her district (Spectrum News 1 2017). Chapter 2 discussed the role of the Bronx city council delegation in defeating the Related Companies' plans for the Kingsbridge Armory due to the company's refusal or inability to ensure that all working on or in the armory would receive a living wage. Chapter 2 also discussed the deal that Councilwoman Sara Gonzales brokered with the Ikea company before she would support the rezoning that would allow it to locate on the waterfront in Red Hook, Brooklyn.

While the city council plays its representation role incredibly well when dealing with economic development issues, it is not incapable of adopting a more citywide focus. In 2015, Mayor de Blasio released his Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) proposals designed to increase affordable housing across the entire city. As the plans incorporated zoning changes, they went through ULURP, arriving at the city council in early 2016. The council negotiated with the mayor and modified the citywide plans in several ways. First, they added the possibility that developers building market-rate housing with included affordable housing might offer the housing to families with incomes as low as 40 percent of the area median incomes (AMI; Mays 2016). The ZQA plan modified by the council also reduced the possible height limits in some parts of the city (Bredderman 2016). Earlier in his administration, Mayor de Blasio had suggested that ULURP might be modified to expedite the entire process by giving the city council more input earlier in the process and less input at the end. The purpose of this suggestion was in part to limit the representative role that councilpersons play toward the end of ULURP negotiating with developers for benefits for their districts. The council made it clear to the mayor that this type of ULURP reform was unacceptable, and he backed off (Pazmino and Goldenberg 2014).

As noted in chapter 2, the city council has no role in economic development projects that are exempt from ULURP due to state involvement or the fact that the development is taking place on state-owned land. Both the Atlantic Yards/Barclays Arena project and the redevelopment of Lower Manhattan after the 2001 terrorist attacks were exempt from ULURP. As a result, the city council had no formal role. In the case of Lower Manhattan redevelopment, the Lower Manhattan Development Corporation was a state agency. The council created a committee in 2002 that monitored the Lower Manhattan redevelopment, and the committee held a variety of oversight and informational hearings over the redevelopment. But the city council did not pass a single piece of legislation that influenced the redevelopment.

While the council plays a major role in land use issues, its role in tax incentives supporting economic development is much more constrained. In 2016, the city council was still trying to figure out what role it should be playing in evaluating the cost and benefit of these incentives and how it would go about doing it (New York City Council Committee on Finance 2016). In a small number of cases, the council (and mayor) created the incentives via the legislative process, but other incentives such as 421-a were created at the state level or by city executive branch agencies as part of their charter-mandated authority. But even in those cases where the council created the incentive, tax revenue not paid to the city because of an incentive never appears in a budget document. The council is dependent on executive branch agencies or other groups to calculate the cost of these benefits, and this is not done on a routine basis. In addition, the council plays no role in discretionary tax incentives negotiated by the city's Economic

Development Corporation. They have held hearings on the use of firm-specific, discretionary incentives as an economic policy tool and have certainly criticized the overutilization of these incentives by some mayoral administrations (New York City Council Committee on Economic Development 2002). The city council has not attempted to abridge the power of the mayor to negotiate these deals or even participate in or oversee the negotiations. The city charter would limit their involvement in any way. The Bloomberg administration used these incentives less frequently than the Giuliani administration, and the de Blasio administration appears to be using them even less, so at least in the short term, the problem of discretionary tax incentives is decreasing.

THE CITY COUNCIL AND INTERGOVERNMENTAL RELATIONS

The city council's role as an intergovernmental actor is hampered by a number of factors. First, the mayor, in his chief of state role, is viewed as the official spokesperson for the city at the federal and state levels. As a result, any council action directed at the state and federal levels is viewed as secondary to the actions of the mayor. Second, both the state and federal levels have their own legislative bodies with elected officials who represent the citizens of New York City.

The council does not have a long history or experience lobbying at the federal level. At this level, the council is much more likely to follow the mayor's lead. On occasion, council members communicate and cooperate with members of Congress. The most frequent and routine way that the council as a body communicates with Congress or federal agencies is through resolutions passed by city council calling on Congress to take some action. The resolutions carry no weight. They are simply a mechanism by which the city council expresses its opinions to Congress. Since the terrorist attacks of September 11, 2001, the council has passed a number of resolutions calling on Congress to increase aid to the city as well as pass specific pieces of legislation. In 2013, the council passed a resolution calling on Congress to extend the 2007 Terrorism Risk Insurance Program (New York City Council 2013). In 2016, in the wake of the earthquake in Ecuador, the council sent a resolution to the U.S. Department of Homeland Security, calling on the secretary to designate Ecuador for Temporary Protected Status. This would have allowed eligible Ecuadorian nationals to receive relief from the immigration laws so that they could return home and then return to the U.S. (New York City Council Committee on Immigration 2016).

On occasion, members of Congress will assist the city council in addressing problems with federal policy that could negatively affect the city. In 2016, the city became aware that the U.S. Department of Housing and Urban Development (HUD) was planning on changing regulations regarding the calculation of "fair market rents" and that this would affect some of the New York City's Section 8 (low income) housing voucher recipients (New York City Council Committee on Public Housing 2016a). In tandem with the city council issuing a resolution

calling on the HUD Secretary to exempt New York City from the new regulations, six members of Congress from New York, including New York State's two U.S. Senators cosigned a letter to the HUD Secretary calling on him to address the needs of Section 8 recipients in New York City (New York City Council Committee on Public Housing 2016b). Members of Congress occasionally testify at city council hearings, but these appearances are usually more symbolic than substantive. Since the events of September 11, 2001, members of Congress have testified at city council hearings or appeared with members of the city council at press conferences to discuss federal funding issues regarding both the Urban Areas Security Initiative, which funds the city's counterterrorism activity, and the Zadroga Compensation Act, which funds health care monitoring and assistance to the 9-1-1 first responders and those who worked on the World Trade Center cleanup.

Members of the federal executive branch also testify at council hearings on occasion. Federal officials not only lend their expertise to these hearings but also participate in oversight hearings where the city and federal governments are cooperating, or should be cooperating, to address a specific issue or problems. Over the last two decades, officials from the regional office of the Environmental Protection Agency have testified before city council committees regarding federal water quality mandates. Representatives from the U.S. Army Corps of Engineers have also participated in some of these hearings. Officials from the U.S. Centers for Disease Control and Prevention have also testified at city council hearings dealing with subjects like childhood lead paint poisoning and West Nile Virus.

Given that the bond between the city and the state is much stronger than the city's relationship with the federal government, the council's intergovernmental focus is much more oriented toward the state level. However, there was not much council activity at the state level prior to Peter Vallone's becoming council speaker and the abolition of the Board of Estimate. After he became speaker, Vallone established a permanent presence in Albany with a full-time representative. This established the custom of the city council having an independent voice in Albany. Vallone made numerous trips to Albany, although not as many as the mayor. In 1999, when the state was considering abolishing the commuter tax, both Vallone and the mayor went to Albany in an attempt to convince state legislators and the governor not to repeal the tax (Vallone 2002b). In January 2014, Speaker Mark-Viverito and several members of the council accompanied Mayor de Blasio to Albany to convince state legislators to allow the city to raise the income tax on the wealthiest New Yorkers to pay for the universal pre-kindergarten program. Interestingly, there was one member of the council delegation to Albany, Republican Vincent Ignizio of Staten Island, who disagreed with the increased tax (Paybarah 2014).

Council Speaker Mark-Viverito and the leadership of the council have issued a list of legislative priorities for the state level each year. In 2014, in addition to assisting Mayor de Blasio in getting a tax increase on wealthy New Yorkers, the speaker lobbied the state legislature to abolish runoff voting for citywide positions. In the

2013 primary for Public Advocate, no Democratic candidate received 40 percent of the vote. This forced a runoff vote in early October that cost the city \$13 million, more than the public advocate's annual budget. Speaker Mark-Viverito hoped to replace the runoff system with instant runoff voting where voters would state their ordered preferences for candidates rather than casting a vote for a single candidate (Saul 2014). In 2016, the council's list of priorities included the reinstatement of the nonresident income (commuter) tax, as well as the expansion of the childcare income tax credit to include households that are taking care of adult dependents. The council's 2016 state legislative priority list also included a proposal for congestion pricing to decrease traffic in parts of Manhattan (Pazmino 2016).

As discussed in chapter 3, members of the city council frequently run for state legislative office, and the advent of term limits has increased the rate at which this occurs. The number of former members of the city council serving in legislative positions at the state level is significant. But although this obviously increases the affinity for the city by those in the state legislature, it has produced no tangible results. The hierarchical structure of partisan politics in Albany overrides whatever advantage the city might achieve by having a significant number of former city council members serving at the state level.

In addition to lobbying by the council speaker, the city council communicates with the state level through the use of resolutions and home rule messages. Similar to resolutions that the council sends to Congress or federal agencies, resolutions sent to the state level carry no official weight. They are simply requests by the council that a specific action at the state level be taken. Council resolutions to the state in the recent past have included a request that the state legislature cap the maximum rent paid by homeless persons entering public housing, that the state raise the minimum wage, and that the state create higher education assistance for immigrants (New York City Council Committee on General Welfare 2009; New York City Council Committee on Civil Service and Labor 2012; New York City Council Committee on Immigration 2012). None of these resolutions resulted in state action being taken.

Home rule messages are more formal resolutions by the council asking the state to give the city the ability to act in an area where the city has no authority under the state's home rule provisions. The most significant use of the home rule message is in the area of taxation. Under the city charter, governed by the state's home rule provisions, the only tax the city can levy without state approval is the property (real estate) tax. For any other tax, the city needs state approval. Elected state officials do not want to be held responsible for raising the taxes of city residents. As a result, if the city wants to raise a tax over which they have no authority, the council and mayor will send the state legislature a home rule message asking it for the ability to raise the tax (Altman 2002). Mayor de Blasio's attempt to tax wealthy New Yorkers and the city council's attempt to reinstate the commuter tax both would have required home rule messages. In addition to taxation, increasing fines, such as by the Taxi and Limousine Commission and the sale of some

city property, also require home rule messages (New York City Council Committee on Federal and State Legislation 2010).

THE CITY COUNCIL AND RACIAL/ETHNIC DIVERSITY

As the political system's institution of representative governance, the city council is influenced by racial and ethnic diversity. The ethnic and racial composition of the city council has changed significantly over time, giving minorities a greater role in the governance of the city's political system as their share of the city's population has increased. Although the U.S. Supreme Court case *Shelby v. Holder* decreased the impact of the Voting Rights Act mandate, the city is still required to redraw its legislative districts lines after the decennial census. This mandate, combined with the 1989 charter revision that increased the size of the city council from thirty-five to fifty-one members, has produced a council that is far more descriptively representative of the city's diverse population than previous ones.

As displayed in table 5.2 in chapter 5, as of 2010, minorities comprised a slight majority of the city council. That same year, at a hearing of the City Council Committee on Land Use, Brooklyn Councilman Charles Barron urged minorities on the committee, and on the council, to vote down a proposed development because it would provide no benefits to minorities in the city. Barron urged,

But our committee members, Blacks and Latinos and Asians in particular, we can't just be upset. You have the power to vote it down . . . We have to learn to use the power we have in our hands. We're representing the majority of people in this city. 65% of this city is Black, Latino, and Asian, and we're supposed to have a progressive caucus looking out for working class families, but we continue to complain about these projects, and give them your vote . . . Once you give up your power, it is over . . . I encourage my colleagues to not get upset, but to get strong and vote it down. (New York City Council Committee on Land Use 2010)

But to Councilman Barron's disappointment, he was consistently in a very small group opposing large development projects, with most of his minority colleagues voting in favor.

There are two caucuses that focus on minority issues. The Black, Latino, and Asian Caucus has been in existence in some form for several decades. And while they focus on issues that affect minority New Yorkers, they have always been joined by a group of White liberal council members who share their perspective on all issues. Given the number of White members of the city council who view discrimination as problematic and value diversity in the city just as much as minority council members do, there has never been an issue in the council that has divided the council purely along racial and ethnic lines. In fact, many of the minority members of the council remain much more closely associated with their county party organization, which helped them get elected, than to the minority caucus.

In the votes for speaker in 2002, 2006, and even 2013, there was no evidence that race or ethnicity had any impact on a council member's voting behavior. In 2016, three minority members of the council resigned from the Black, Latino, and Asian Caucus citing the "'less than equitable voting process' for selecting the caucuses fiscal year 2017 budget priorities" (Trangle 2016). All three of these council members had not supported Melissa Mark-Viverito for speaker and were not members of the Progressive Caucus, the other group of council members aggressively pursuing minority issues such as nondiscrimination and greater equality. The major difference between the Progressive Caucus and the Black, Latino, and Asian Caucus is that the Progressive Caucus members have little or no affiliation with their county party organization. Their loyalty is more to an ideology or a policy agenda than to a party organization. The Progressive Caucus benefits from having the speaker as a member. But they still on occasion act independently of the speaker and the council. In 2015, when Mayor de Blasio issued his executive budget, the caucus sent a separate letter to the mayor praising various aspects of his budget but requesting additional funding for other programs (Khurshid 2015).

The council has examined a number of issues that affect minority citizens. The city's Minority, Women, Business Enterprise (MWBE) gets routine scrutiny by several different council committees. The council has expressed concerns that the city is not doing enough to promote or employ minority and women-owned businesses in the city's own business practices. And the council has on occasion used ULURP to get developers to employ more minority and women-owned businesses in their projects. The council has also examined the minority composition in the city's workforce, including the fire department and the faculty in the city university system. Recently, the council has examined the issue of parks equity, focusing on the imbalance of private funding going to parks in wealthier, Whiter parts of the city and the impact that these inequities have on the park quality. And, as discussed in chapter 5, the council has also examined school segregation, especially as it relates to the city's most selective high schools and some of the city's gifted and talented programs in elementary schools. In 2014, the council passed a resolution calling on the New York State legislature and governor to change the admissions criteria at the three of the city's most selective high schools, with the goal that the change would result in more Black and Latino students at the three schools (New York City Council Committee on Education 2014c). The state never acted on the resolution.

The one issue, however, that affects minorities to which the council pays the most attention is minority-police relations. Over the last several years, the city council has been one of the centers of criticism of police-minority community relations, including complaints about police brutality, racial profiling, stop and frisk, and in general the discriminatory ways in which minorities are treated by the law enforcement community. The council uses the public hearings attached to the budgetary process to speak directly to the NYPD commissioner. And although police-community relations are not always the primary topic of discussion at

budget hearings, the subject is always raised at some point. Whenever there has been a police shooting or action involving the death of an unarmed minority citizen, the council usually holds public hearings scrutinizing the event and sometimes proposes legislation in an attempt to better monitor or regulate police activities. The shooting of Sean Bell by members of the NYPD in 2005 resulted in series of council hearings focusing on the training that the NYPD receives regarding actions in minority communities. In the wake of the police-chokehold death of Eric Garner on Staten Island, members of the council introduced two pieces of legislation. One would have prohibited the police from using chokeholds and the other would have forced police to get consent from an individual before a search is conducted (Burton 2014). In 2015, the NYPD “narrowed its definition of a chokehold, adopting language” from the city council proposed legislation (Goodman 2015). In 2016, after the resignation of NYPD Commissioner William Bratton, who had occasionally clashed with the council over proposed police reforms, Council Speaker Mark-Viverito agreed to defer to the new police commissioner and the mayor and not bring a series of police reform bills to the floor of the council for a vote. The police department, in exchange, agreed to adopt most of the changes suggested by the legislation as part of police training and protocol (Goodman 2016).

For the most part, minority members of the city council work together regardless of their race or ethnicity. On occasion, however, they do act alone, and on rare occasions, they compete. In 2014, when newly elected Speaker Mark-Viverito put together her council leadership team, some Black members of the council complained that out of the ten leadership positions, there were only two Black council members (Barkan 2014). Also in 2014, when the only ranking Latino police officer was removed from the NYPD executive command, eight Latino council members, along with several national Hispanic and Latino organizations, wrote a letter to NYPD Commissioner Bratton demanding more Hispanic representation within the NYPD’s leadership (Pazmino 2014b).

In 1990, after the charter revision expanding the number of seats on the city council from thirty-five to fifty-one, a redistricting commission was created by Mayor Dinkins and the city council to redraw the council’s district boundaries. Since the explicit purpose of the council expansion was to give minorities increased representation, minority groups across the city were intensely involved in this process. One of the splits on the commission was between Black and Hispanic members of the commission. Early in the process, Hispanic leaders accused several Black members of the commission of pursuing an agenda that would produce more Black council districts at the expense of Hispanic council districts (Gray 1991). Throughout the process, Black and Hispanic representatives on the commission sparred over the placement of council district boundary lines that might favor one group over another. Frustrated by the results of the process, the Puerto Rican Legal Defense Fund filed suit in federal court demanding the new districts and pending elections be held up until U.S. Justice Department, under

the Voting Rights Act, certified the districting plan as nondiscriminatory. In response, the Justice Department ruled that the districting plan had “consistently disfavored” Hispanic voters and that the city could not hold a city council election until the problems with the plan were addressed (*New York Times* 1991). The commission was forced to go back and redraw the council district lines. In three council districts, lines were redrawn to increase the number of Hispanic registered voters, giving them a better chance of winning the council seat. In one Queens district, the Lefrak City apartment complex was removed from the district, giving Hispanics a larger share of registered voters and overall population (Lee 1991a). Incumbent Black Councilwoman Helen Marshall, whose chances of getting reelected were harmed by the changes, called the move “racial gerrymandering” (Lee 1991b).

In the September 1991 Democratic primary, only one-fifth of the primaries had candidates of a different race or ethnicity competing against one another. To the extent that the commission and the Justice Department were seeking a balkanized city council where there was very little interethnic/racial competition, they appeared to have been successful (Roberts 1991). Critiquing the result of the districting commission’s efforts, Henry Stern, a former member of the city council, noted, “Race is now being made the principal characteristic, abetted by race based districting . . . Multi-racial districts foster accommodation. Narrow based districts encourage candidates of racial polarization” (quoted in Roberts 1991). By creating council districts that virtually guaranteed the election of a Black, Hispanic, and later Asian council members, was the overall interest of the political system well served?

CONCLUSION

Most would agree that over the last twenty-five years, the city council has evolved into a significant institution of governance in New York City. The abolition of the Board of Estimate along with the leadership of Peter Vallone elevated the role that the council plays in policymaking relative to where it was in the early 1980s. From the perspective of democratic accountability, the mayor remains the most visible and accountable actor in the political system. But as a result of the 1989 charter revision, the city council has raised the much needed value of representation within the political system—a value that was missing, for the most part, when the Board of Estimate participated in budgetary and land use matters. The council and the mayor, however, are not equal partners. As chief executive, the mayor has vastly superior staff and resources to collect, process, and analyze information regarding city issues and problems, in addition to the chief executive’s ability to mold policy as it is being implemented. As chief of state, he commands public and media attention well beyond what the city council and its leadership can mobilize.

In other areas of governance, the mayor remains the dominant actor despite the council’s growth. As a deliberative legislative body, the council is slow to react

to crises. They have the skill to scrutinize events and actions after the fact, but the council's representative and deliberative nature hinders its ability to be proactive, similar to any legislative body. As a result, while the diversity of council members enhances political system's civil harmony, the mayor is far more able and adept at responding to threats to civil harmony if and when they occur. Similarly, the council has the ability to oversee the delivery of services to the city's residents and others. But council attempts to modify service delivery via legislation or the budgetary process require the cooperation of the mayor. Ultimately, the mayor as chief executive has much more control over service delivery than the council.

Although the speaker of the city council cannot match the mayor's powers or visibility, as a result of the charter revision and the behavior the four speakers of the city council since the revision, the speaker is now the second most politically powerful actor in the political system. Some of this power is dependent on the speaker's ability to maintain and control a working majority in the council that is sufficient to override a mayor's veto. A council that is highly factionalized would limit its ability to stand up to the mayor when the two institutions disagree. And while the veto override is rarely used, it serves to remind both the mayor and the council of the need to work together rather than have a political system based on conflict and/or stalemate.

9 ♦ THE MUNICIPAL BUREAUCRACY

BUREAUCRATS AND THE EXERCISE OF DISCRETION

The primary role of the city's executive branch is to implement the laws and programs created by the legislative branch in conjunction with the chief executive and exercise responsibilities granted in the city charter. Since New York City is a unit of local government, some of the laws and programs being implemented or administered by its executive branch are created by the state legislature and governor. Bureaucrats (whose function is to implement and administer the law), particularly those at the street level who interact with the public in the process of delivering a service, exercise considerable discretion in their implementation activities. Due to the choices that bureaucrats can make in the process of implementing the laws and programs of the city's political system, they can greatly influence the direction and shape—as well as the success or failure—of public policy. The concept of bureaucratic discretion has received considerable attention among those who study public administration and public policy because of its relationship to the issues of bureaucratic accountability and control. In democratic political systems, there is an expectation that important policy decisions will be made by elected officials who are accountable to the people. There is an additional concern about governmental power being applied in a “nondiscretionary manner so that the coercive powers of government cannot be exercised arbitrarily” or in a discriminatory way (Bryner 1987, 2). At the local level, political systems need their bureaucrats (e.g., police officers, school teachers, park maintenance workers) to have some discretion, but the same political system does not want these bureaucrats making policy. Therein lies the challenge for democratic political systems. Bureaucrats need discretion to do their jobs (e.g., service delivery) well, but democratic accountability demands that they not exercise so much discretion that they can formulate, or alter the direction of, public policy.

Most studies of governmental institutions in democratic political systems would contain one chapter on the executive branch, which would include the

chief executive as well as the bureaucrats who staff the executive branch. Although from an institutional perspective the mayor and his bureaucracy should be examined together, their functions are so different and issues that arise as a result of these functional differences are so distinct that these two entities need to be examined separately.

The Roots of Bureaucratic Discretion

Bureaucrats have discretion because they are responsible for the implementation and administration of the laws and programs of the political system. The implementation function not only gives bureaucrats choices to make; it demands that they make choices. Classical theories of public administration were less concerned with the discretion that bureaucrats exercised as part of the implementation process because those theories suggested that discretion was tied to how policy was implemented, not that it could influence the end result of policy itself (Rourke 1984, 36). Toward the middle of the twentieth century, those who studied bureaucracy, as well as chief executives and legislators, realized that the process of implementation gave bureaucrats a significant role not only in the means by which the policy would be implemented but in the ends of the policy as well. The choices that bureaucrats make while implementing a program or delivering a service can influence the impact of the program or the quality of the service being delivered. This can happen regardless of how specifically articulated the program or law has been described in the enabling legislation or the city charter. The second half of the twentieth century saw an increased reliance on bureaucrats by the legislative branch and the chief executive as the functions of government expanded and became more complex. Political systems became more dependent on specialists and experts for their implementation skills regardless of the influence they were being given over the ends of public policy. And while this could be viewed as a necessary evil within the scope of a democratic political system, others viewed the expansion of bureaucratic power as entirely functional.

The roots of bureaucratic discretion lay in legislation and in the city charter. The charter, as revised in 1989, lays out the jurisdictional responsibilities of most agencies in the executive branch of the city government. Since 1989, most changes in executive agency/departamental structure have been codified through charter amendments. Based on the jurisdictional authority described in the charter, the mayor and the city council, as part of the legislative process, determine which agency will administer pieces of legislation as they are formulated and signed into law. Legislation usually designates the agency or agencies responsible for making sure the law is carried out.

How much discretion an agency or department has in administering a program or law is partly a function of the specificity or amount of detail in the legislation or grant of jurisdiction. The vaguer the legislation or granting of jurisdiction by the charter, the greater discretion bureaucrats have. Bureaucrats supply detail to legislation when it has not been supplied by the legislature. For example, the

charter mandates that the Department of Parks and Recreation “manage and care for all parks” and “maintain the beauty and utility of all parks” (New York City Charter 2004, Chapter 21, Section 533). Given that there is no other legislation specifically addressing how the city’s parks should be managed, the bureaucrats in the Department of Parks and Recreation who administer the city’s parks have considerable discretion in responding to the mandate. The section of the city charter describing the function and jurisdiction of the Department of Parks and Recreation says nothing about active versus passive uses of the city’s parks. It says nothing about whether athletic fields should be permitted to children over adults or baseball teams over soccer teams or whether a field should be fenced off for a season to allow the grass to grow back. Nor does the department receive any guidance regarding how it should respond to the fact that some parks in more affluent parts of the city receive a great deal of private support while parks in lower income communities get no private support at all. Since there is no charter or legislative source of rules to be followed by the bureaucrats in the Department of Parks and Recreation, they are able to make these rules themselves. They will make these decisions because the city council, the mayor, and the charter have ceded power to make policy in this area to the bureaucrats in the department. Recently, the city council has addressed concerns about the inequities in parks funding given the amount of private funding going to some parks. And Mayor de Blasio has announced additional funding for “anchor parks” in each borough, all of which do not receive private funding (New York City OverviewNewsMayor’s Bio-Officials 2016b).

Why would elected officials give nonelected officials this much discretion (i.e., power) to make policy? First, in the case of park usage, the mayor and the city council have to address a myriad of issues, of which parks is only one. As a result, they will cede their authority to make policy in this area to bureaucrats. Second, even if the mayor and council believed parks to be an issue that merited a great deal of attention and even legislative action, there would be limits as to how far the mayor and council could go in crafting legislation that would manage, or micromanage, the use of the parks. Legislation in this area could establish rules as to whom uses the parks how and when, but such a law would deprive the city of any flexibility. For most aspects of city government, elected officials as generalists prefer not to micromanage the delivery of services. As a corollary to the first two points, some have argued that in order to achieve consensus on an expanding municipal agenda, legislators cannot spend too much time on any one issue or piece of legislation. As a result, out of necessity, the legislation they produce is general and creates a broad mandate for those who are responsible for implementing and administering the law (Bryner 1987, 51). Third, the mayor and the city council view bureaucrats in the Department of Parks and Recreation as experts. They were hired to work in the department because they have knowledge and training that enables them to make decisions in the public interest regarding parks. Compared to bureaucrats, legislators and chief executives are generalists

who rarely spend an extended period of time discussing or learning about one issue or program. Bureaucrats, on the other hand, are specialists. Over time they gain experience and knowledge in making decisions regarding, in this case, how parks should be used.

No institution within New York City's political system has a greater impact on service delivery than the municipal bureaucracy, for the simple reason that in most cases, bureaucrats are delivering the service. The exercise of bureaucratic discretion and its impact on service delivery raises two issues. First, what do bureaucrats do with the discretion they are given? What kinds of choices do they make, and what influences those choices? And second, assuming bureaucratic discretion exists throughout the executive branch and that bureaucrats have a significant impact on service delivery and public policy, what tools do the elected officials, the mayor, and the council have to keep the power of the bureaucracy in check?

The Exercise of Bureaucratic Discretion

Given that bureaucrats have discretion and that the exercise of this discretion affects the direction as well as the success or failure of the policy being implemented, what influences bureaucratic decision making? Two related and very important influences upon bureaucratic decision making are training and experience. In the vast majority of cases, city bureaucrats—including teachers, health workers, sanitation workers, and parks officials—are well trained to deliver services to citizens with a degree of efficiency and effectiveness. They exercise their discretion within acceptable parameters. And when mistakes are made, in most cases, they can be corrected, and the result has little or no impact on the political system. There are some services, however, whose delivery by the municipal bureaucracy takes on much more significance.

As discussed in chapter 5, shortly after taking office, Mayor de Blasio announced that he would not appeal the decision by the federal district court in *Floyd v. City of New York*, which ordered New York City's police department to cease using its "stop, question, and frisk" technique because of its discriminatory impact. The federal court appointed a monitor, attorney Peter Zimroth, to oversee changes made by the New York Police Department (NYPD) and report back to the court. In his first report to Federal District Court Judge Analisa Torres, Mr. Zimroth noted that while the court did not change federal law regarding the stop, question, and frisk, "the orders require that the NYPD training include clearer explanations of the officer's lawful authority. With respect to profiling, the training emphasizes the difference between 'criminal profiling' based on detailed descriptions (perfectly lawful) and 'racial profiling,' which violates city, state and federal law" (Zimroth 2015a). Several months later, in a second communication with Judge Torres, Mr. Zimroth gave the judge a more detailed delineation of changes in training that would need to take place. The new "Patrol Guide" would have to address "what constitutes a stop, when a stop may be conducted, when a frisk may be conducted, and when a search may be conducted" (Zimroth 2015b). It would have to "include

a definition of ‘reasonable suspicion’” as well as “the standard needed for a stop” (Zimroth 2015b). Further, officers would be required to document each stop, and supervisors would have to oversee this documentation. Finally, supervisors would have to be able to “identify officers needing further training and/or potential discipline” (Zimroth 2015b).

With regard to racial profiling, the new procedure established by the NYPD states that “police action, including stops, frisks, arrests or other law enforcement actions, may not be motivated, even in part, by the actual or perceived color, ethnicity or national origin of an individual. Race may be used only if it is part of a reliable and specific suspect description that includes, not just race, gender and age, but other identifying characteristics or information” (Zimroth 2016). But changing behavior via training, or retraining, is sometimes a slow process. A year after his first communication with Judge Torres, Mr. Zimroth admitted, “Transformation of any large governmental organization is a difficult undertaking. It is apparent from focus group sessions and discussions with individual officers throughout the ranks that many police officers, including supervisors, are not well informed as yet about the changes underway or the reasons for them and, therefore have yet to internalize them. Many appear not to understand what is expected of them” (Zimroth 2016).

Closely related to the issue of training is experience. Although not as systematic or comprehensive as formal training, experience can provide bureaucrats with informal guidelines on the exercise of discretion for a range of situations. The role of experience in influencing the exercise of bureaucratic discretion suggests that if a choice made by street-level bureaucrats in response to a problem is viewed as effective and acceptable, it will be employed the next time the problem or a similar issue arises. Despite the discretion they have been granted, bureaucrats do not face each situation or dilemma with unlimited choices. The goal of training is to inform bureaucrats as to parameters within which they can exercise discretion. The interaction of training and experience encourages bureaucrats to develop routines. These routines are developed through trial and error and perfected because bureaucrats face similar, if not identical, problems and issues repeatedly (Allison 1969, 698). The fact that bureaucrats have responses that work for most of the situations they face makes their job easier. The problem with routines is that once there is consensus among bureaucrats about the utility of a routine, its use continues whether it constitutes effective public policy or not.

Consensus about the utility of a routine can support its continued use even if it is ineffective. And in some cases, identifying a routine that is effective may be a problem for some agencies and some aspects of municipal service delivery. To illustrate, through much of its history, the city’s child welfare caseworkers have utilized a routine that responds inconsistently to cases of abuse and neglect. At times the routine was based on the fact that caseworker caseloads were far too high, and at times the routine was further constrained by the inadequate training that caseworkers received prior to being sent into the field. The fact that the child

welfare system was performing poorly was known to many due to the intermittent reports by advocates, state agencies, and nonprofit groups that monitor child welfare in the city. In 1995, after the highly publicized child abuse death of Elisa Izquierdo, even caseworkers themselves articulated their awareness of the ineffectiveness of the routine developed to respond to cases of abuse. And although the death of Elisa and subsequent litigation resulting from other child welfare system problems resulted in reforms, problems still occurred. A little over twenty years after Elisa's death, in September 2016, six-year-old Zymere Perkins was murdered by his mother's boyfriend. At the time of his death, the fact that Zymere was at risk was known to at least three city agencies and one nonprofit social work organization. Zymere's mother had been investigated for abuse five times by the NYC Administration for Children's Services (ACS), and in some of the cases, abuse was substantiated, yet Zymere was allowed to stay with his mother (Mays 2016). While some argued that bureaucrats in the ACS were at fault, the fact that every year a small number of children known to the city's child welfare agencies are killed at the hands of a parent, a friend of a parent, or a foster caregiver suggests that the problem goes beyond bureaucratic misbehavior. Is there a routine that could inform child welfare caseworkers to more carefully scrutinize a situation involving children at risk and decide when to remove or not remove a child from a home? Is there a routine that could reduce the number of deaths or possibly eliminate them altogether? Or should the political system continue to rely on the discretion of child welfare workers with the knowledge that in a small number of cases, the exercise of this discretion may mean the life or death of a child? In the case of "stop, question, and frisk," there was little evidence that the use of the routine was contributing to the decline in crime but significant evidence that it was alienating minority communities from the police. To the extent that law enforcement and crime prevention is a coproduced good involving both citizens and police, the continued use of this routine was counterproductive.

In dealing with the police practice of "stop, question, and frisk" that had been the routine for many years, the challenge for Judge Torres, Mr. Zimroth, and the de Blasio administration was to engage in training and retraining of the city's police officers to extinguish what experience had taught police officers for well over a decade and replace it with a new routine. As difficult as that task might appear, in 2016, Mr. Zimroth reported to Judge Torres that compared to 2011 when the NYPD reported 685,724 stops, in 2014 and 2015, the police reported 45,787 and 24,000 stops, respectively (Zimroth 2016). So although Mr. Zimroth noted the challenges of changing the behavior of a large organization via training and others studying bureaucratic behavior recognize the difficulty of changing bureaucratic routines that have been ingrained over years of experience, the changes in the NYPD "stop, question, and frisk" practices over a short period of time are significant. However, in his report to Judge Torres, Mr. Zimroth reminded that the focus should not be on the number of stops but on the "lawfulness" or constitutionality of the stops (Zimroth 2016).

There are occasions when the mayor wants bureaucrats to exercise considerable discretion in performing their duties. Under Mayor Giuliani, the NYPD's Street Crimes Unit (SCU) was given the goal of getting guns off the street. Through training and experience, SCU officers learned how to "read the walk, mannerisms and subtle movements of someone carrying a concealed weapon" (Kocieniewski 1999). To accomplish their goal of getting guns off the street, SCU officers were required to make numerous judgment calls. The SCU was overwhelmingly White and worked in plainclothes. In 1999, four members of the SCU shot and killed a Black male, Amadou Diallo. Diallo was unarmed. The shooting raised questions of not only how much racial profiling had become one of the routines of the NYPD but also how much training members of the SCU had received. In the aftermath of the Diallo shooting, the police commissioner integrated the force and required them to wear uniforms (McFadden 1999). The SCU was abandoned by Mayor Bloomberg early in his first term as mayor.

In 2012, as part of his public health campaign against childhood obesity, Mayor Bloomberg enlisted the New York City Board of Health, a body within the city's Department of Health and Mental Hygiene (DOHMH), to issue a regulation that would have placed a limit of sixteen ounces on the sale of sugary drinks in the city. The city Board of Health is a unique set of bureaucrats. They are not career civil servants. They are medical and public health professionals appointed by the mayor for six-year terms. And they serve without compensation (New York City Charter 2004, Chapters 553–554). The regulation, scheduled to take effect in 2013, covered only those retail establishments in the city that received inspection grades from the DOHMH (Grynbaum 2012). According to the city charter, the Board of Health has the power to amend the city Health Code. "This includes Article 81 of the Health Code which sets forth rules regulating City 'food service establishments'" (New York State Supreme Court, Appellate Division 2013). In response to the Board of Health ruling, the beverage industry, together with several restaurant and business groups, sued the city. The New York State courts declared the rule to be invalid, ruling that the Board of Health had "failed to act within the bounds of its lawfully delegated authority"—that is, they had overstepped the discretion given to them by the city charter and state law (New York State Supreme Court, Appellate Division 2013). The ruling suggested that the sugary beverage rule constituted such a significant change in policy that the mayor needed the city council, and not the Board of Health, to address the change in policy. There are limits to what bureaucrats can do with the discretion that they have.

ELECTED OFFICIALS AND THE BUREAUCRACY

As elected officials, the mayor and the members of the city council are accountable to the citizens through the electoral process. Since bureaucrats are not elected, their accountability to the people only exists through the mayor and the city council's ability to oversee, direct, and control the activities of the executive

branch. Given the size of the city's executive branch, well over three hundred thousand people, overseeing and directing its activities has become quite a challenge. As chief executive, the mayor has formal control over the municipal bureaucracy, and the bureaucrats are accountable to the mayor. Given that perspective, the mayor, as chief executive, is responsible for all actions taken by the municipal bureaucracy. At a press conference shortly after the death of Zymere Perkins, Mayor de Blasio accepted responsibility for the behavior of the bureaucrats in the ACS, saying, "I want to be very clear, the buck stops here, and this is the reality of this government. Everything we do I take responsibility for, and I am profoundly angry that we lost this young man" (New York City OverviewNewsMayor's BioOfficials 2016c).

Throughout much of the nineteenth century, the mayor's ability to control the bureaucracy was enhanced through the existence of an executive branch based on patronage and a political party hierarchy that rewarded partisan loyalty and effort by party members with a government job. The bureaucrats who staffed the executive branch got their jobs because they were loyal members of the political party in power. The party machine model maximized accountability to the mayor and the party leaders in two ways. First, those who received positions in the executive branch had already proven their loyalty through their membership and work in the party and therefore could be trusted to perform their functions in government according to the directions of the mayor and party leader. Second, since there was no set of rules that protected bureaucrats in their positions, anyone viewed as disloyal to the chief executive could be dismissed without any recourse. Of course, while this model maximized accountability to the chief executive, there were disadvantages. Those who staffed the executive branch received their positions primarily because of their membership in and loyalty to a political party, not because they had some level of expertise in the executive position to which they were appointed. As the functions of government service delivery became more complex, this model of recruitment compromised the ability of government to carry out functions such as public health, sanitation, and civil engineering. In addition, a model of executive branch recruitment that was based on political party loyalty meant that as mayoral administrations changed, there would be significant turnover in the personnel staffing the executive branch. This interruption and lack of continuity also served to compromise the ability of the city government to deliver services effectively.

In response to the problems created by a patronage system, New York City was one of the first units of government to establish merit-based employment for public employees. This began in the city in the 1880s. In 1894, the New York State Constitution stated that municipal employees should be "appointed and promoted according to 'merit and fitness' determined in competitive examinations" (quoted in Benjamin 1995, 237). The growth of the civil service and merit-based employment in the city's executive branch marked the demise of the patronage model of executive branch recruitment, though vestiges of the model remained

throughout the twentieth century. Under the civil service model, New York City's executive branch bureaucracy was increasingly staffed by those who were hired based on a level of expertise or a set of qualifications. Further, to achieve and maintain a level of continuity and consistency in executive branch performance, the civil service system protected public employees from the whims of changing mayoral administrations. While incoming mayors could appoint commissioners and deputy commissioners to run the executive branch in his name, mayors could not replace the staff of an entire agency. Commissioners and deputy commissioners could be hired and fired based on their loyalty to the mayor, but loyalty and party membership were no longer factors in the tenure of rank-and-file bureaucrats.

The values that had been minimized by the patronage system—such as expertise, stability, and continuity—were maximized by the civil service model. However, accountability, the one positive value that was maximized by the patronage model, was sacrificed under the civil service model. Mayors could not fire and replace public employees hired under the civil service system at will, but only according to set procedures. Public employees could not be fired without a hearing and/or due process. They were protected from the whims of the chief executive, but at the same time, they were detached from the immediate control of elected officials. As a result of the civil service reforms, bureaucrats were more competent and more expert, but it became more difficult for elected officials and particularly the mayor to control them. To the extent that increased bureaucratic discretion resulted in bureaucrats playing a greater role in the quality of service delivery and public policy, the decreased ability to control bureaucratic behavior became a problem. Service delivery was enhanced, but democratic accountability suffered.

But while the civil service reforms decreased elected officials' ability to control the municipal bureaucracy, it did not leave them powerless. Both the mayor and the city council have several instruments that can be employed to move the bureaucracy in a desired direction. By using the various instruments in tandem, the mayor and the city council have the ability to influence the overall direction of the executive branch and bureaucratic behavior more specifically.

OVERSEEING THE MUNICIPAL BUREAUCRACY

Mayoral Oversight and Control of the Municipal Bureaucracy

Mayors have multiple tools to control the bureaucrats who staff the executive branch. These tools include the appointment of commissioners, the ability to reorganize agencies, budgetary controls, special investigations of individual agencies, contract negotiations with public employee unions, and the bully pulpit.

According to the public administration literature, one of the primary tools chief executives can use to control the bureaucracy is the power to appoint officials to administer the bureaucracy according to the executive's political philosophy and policy preferences (Meier 1993, 169). Mayors seek commissioners who have the

skill and experience to manage a large organization and who share the mayor's policy vision. With a few exceptions, the city charter gives the mayor the power to appoint and remove commissioners and administrators of most of the agencies that comprise the executive branch of government (New York City Charter 2004, Chapter 1, Section 6). Most of these appointments do not require confirmation by the city council. The commissioners and administrators serve as line officials in that they have the responsibility to administer an agency. The city charter also gives the mayor the ability to appoint deputy mayors to serve on his staff (New York City Charter 2004, Chapter 1, Section 6). Unlike the commissioners and other line officials who administer agencies or organizations in the city's executive branch, deputy mayors have no immediate administrative responsibilities for an agency or organization. But some mayors have organized their deputy mayors in a way that they are responsible for the activities of a functional grouping of agencies (e.g., economic development or health and human services) within the city's executive branch. Under those circumstances, commissioners and agency administrators report to the deputy mayor who has been given jurisdiction over their respective agency, rather than directly to the mayor.

The primary purposes of mayoral appointments of executive branch agency commissioners are to further the mayor's agenda in the delivery of services and the implementation of public policy and to manage the executive branch workforce. But mayoral appointments to head executive branch agencies serve at least two additional goals. First, some appointments reflect the coalition of party organizations who helped the mayor get elected. Mayor Koch claimed that he distinguished himself from his predecessor, Abraham Beame, in the appointment of agency heads since Beame had ceded control of these appointments to the county Democratic Party organizations that supported his election, while Koch stated that he only took *recommendations* from the county party organizations that supported him (Koch 1985, 18). Despite this distinction, Koch was later accused of allowing the Brooklyn and Queens Democratic Party organizations to have too much control over some of his appointments (Newfield and Barrett 1988, 143–144). Mayor Giuliani's appointment of Fran Reiter as deputy mayor, Henry Stern as Commissioner of Parks and Recreation, and two of the sons of Liberal Party leader Ray Harding to high level posts in his administration were partly in response to the Liberal Party's endorsement and support he received as a candidate for mayor (Chou 2000). Possibly offering a defense of his appointments, Mayor Giuliani wrote, "Patronage does not mean giving a job to someone who supported you politically. It means giving a job to someone only because he supported you politically. Of course I hired people who supported my campaigns. After all, the reason they did so was because they shared my beliefs—and I wanted my staff to carry out and believe in what I value . . . But I did not hire people simply because they worked for my campaign or made a donation" (Giuliani 2002, 99).

Mayor Bloomberg, a longtime Democrat who became a Republican to run for mayor and who won mostly through the use of his personal wealth, was much less

beholden to any party or group than his predecessors. In fact, a month after he won the election, Mayor-elect Bloomberg's initial appointments of four deputy mayors, corporation counsel, and the leader of his transition team were all Democrats. Commenting on this fact, one Republican Party leader commented, "It was a pretty difficult campaign, and a lot of people extended themselves . . . One way you extend yourself back is by appointing at least one Republican, that is how the book runs. I hope going forward he becomes more sensitive to that fact" (quoted in Steinhauer 2001).

Bill de Blasio was the first Democrat to be elected mayor of New York City in twenty years. There was an expectation that many of the mayor's appointments would reflect the various constituencies that had supported Democratic mayoral candidates in the past, especially the county party organizations. But over the twenty years, county Democratic Party organizations had become weaker and Mayor de Blasio was not a party regular within the Kings County Democratic Party organization. As a result, he was less beholden to party organizations than prior Democratic mayors, and his appointments reflected that independence. Many of the mayor's appointees were policy specialists. Vicki Been, the mayor's Commissioner of Housing Preservation and Development was on the faculty of New York University Law School. Commissioner Been, who was one of the principal architects of the mayor's affordable housing agenda, was a recognized expert on land use and housing issues (New York Law School 2015). Mitchell Silver, the mayor's Commissioner of Parks and Recreation, was the former president of the American Planning Association and former chief planning and development officer and planning director for Raleigh, North Carolina (New York City Parks 2016). Some of the mayor's appointees had significant experience in city government, including serving under the Bloomberg administration. First Deputy Mayor Anthony Shorris had served as Deputy Chancellor for Operations in the city's Department of Education and had experience at the state level and with the Port Authority (New York City OverviewNewsMayor's BioOfficials 2016d). Commissioner of the DOHMH, Dr. Mary Bassett, had been a deputy commissioner in the agency before being appointed commissioner (New York City Health 2016). Some of de Blasio's appointments, however, did represent the liberal Democratic establishment of the city's service providers. For instance, Steven Banks was appointed Commissioner of the Human Resources Administration (HRA), responsible for many of the city's social service programs. Prior becoming commissioner, Banks had spent thirty-three years with the Legal Aid Society representing the city's most vulnerable citizens, including homeless families, immigrants, and victims of domestic violence (New York City Human Resources Administration 2016). Under Banks's leadership, the Legal Aid Society had sued the city on many occasions to get appropriate services for their clients.

Aside from appointing someone to run an executive branch agency in accordance with the mayor's philosophy, the second goal served by mayoral appointments is ethnic and racial representation. As discussed in chapter 5, ethnic and

minority groups have attached a great deal of significance to representation in government. This applies not only to elected positions but also to appointed positions. Leaders of prominent racial and ethnic groups, supported by media scrutiny, expect a mayor to recognize their group's importance in the political composition of the city by appointing a member, or members, of their group to his administration. If the group has played a significant role in the getting the mayor elected, then the expectation would be for multiple appointments. Although women's groups have not played as much of a role in the city's political system as many ethnic and racial groups, if mayoral appointments neglected to include a significant number of women, the mayor would be open to criticism by these groups as well. According to table 5.3, in Mayor Bloomberg's last term, minorities comprised only a little over 20 percent of his major appointments. Mayor de Blasio appointments were 46 percent minorities.

A frequently cited concern about the use of mayoral appointments to control the bureaucracy is that some of the appointees to lead an agency and its bureaucrats get co-opted by the values of the agency they are appointed to lead. That is, they cease to represent the interests and values of the chief executive in administering the agency and adopt the perspective of the career employees of the agency. In effect, they become a spokesperson or advocate for the programs being implemented or services being delivered by the agency they are leading. The budgetary process can present situations that at times can challenge the loyalty of a mayor's appointee. Mayors sometimes want to cut agency budgets, and they expect their commissioners to support those cuts. But some commissioners are torn between the mayor who appointed them and the agency they lead, whose budget is being cut. And city council hearings on the budget occasionally give commissioners the opportunity to suggest that the council reinstate the funds the mayor has cut from his proposed budget. Henry Stern has served as Commissioner of the Department of Parks and Recreation both under Mayor Koch and Mayor Giuliani, so he was certainly a candidate for co-option. During the fiscal year 1998 budget hearings, Commissioner Stern informed the Council Committee on Parks and Recreation that the mayor was going to cut the Parks Enforcement Patrol (PEP) by 25 percent and transfer the employees to the Department of Transportation, where they would become traffic enforcement agents. Commissioner Stern gave the council committee the breakdown of PEP officer losses by borough. When questioned on these cuts, Stern made it clear that the proposal was coming from the mayor's office and not the Parks Department and that he believed that the PEP officers played a valuable role. But when asked if he supported the administration's (i.e., mayor's) proposed cuts, he flippantly answered that he did because "I am a member of the administration" (New York City Council 1997). Finally, one council member asked Commissioner Stern whether he wanted these positions back in the Parks Department. Stern responded, "I think the council understands the issues and will act appropriately" (New York City Council 1997). As far as the council was concerned, he had made it clear that he disagreed with the mayor,

even though he was appointed by the mayor to run the Parks Department. Commissioner Stern had been co-opted by the Parks Department, an agency in which he had served for many years and under two different mayors.

William Bratton, Commissioner of the NYPD, had also served as commissioner under two mayors. In May 2014, Commissioner Bratton testified before a joint meeting of the City Council Committees on Finance and Public Safety regarding the mayor's executive budget for fiscal year 2015. Prior to the hearing, Council Speaker Mark-Viverito had stated the council's position that the NYPD needed more officers but that this had been rejected by the mayor (Blain and Durkin 2014). In her opening statement at the budget hearing, Mark-Viverito restated the council's position that the NYPD needed a thousand new officers due to concerns about rising crime at public housing projects and an increase in reported domestic violence. In his opening statement, Commissioner Bratton did not mention any need for additional police. Later in the hearing, Commissioner Bratton was asked if he could use a thousand more officers. Bratton replied, "There's not a Police Chief or a Police Commissioner in America that's not going to tell you that they would like more personnel. My understanding is in terms of discussions with the Mayor is the funding is not there. That's the reality I deal with and so that's the reality I face" (New York City Council Committee on Finance 2014). As discussed in the previous chapter, Commissioner Bratton got his additional police the next year without sacrificing his loyalty to the mayor.

Not every mayoral appointment is successful. When he received control of the school system in 2002 via the abolition of the city's Board of Education by the state, Mayor Bloomberg appointed Joel Klein to be chancellor. Klein had no educational background, having served as assistant attorney general in the Clinton administration prior to his appointment. Since he lacked education credentials, Klein needed a waiver from the New York State Commissioner of Education in order to become chancellor. "State law is very specific in describing the experience, education, and certification necessary to become a superintendent" (Ravitch 2011). But the law permits the state Commissioner of Education to issue a waiver to candidates "whose unusual experience is equivalent to the legal requirements" (Ravitch 2011). Klein served as chancellor of the country's largest school system for eight years. And although there was significant controversy around some of his actions, when he resigned, he was recognized as one of the nation's leaders in school reform, having introduced new mechanisms for evaluating both teachers and schools (Otterman and Medina 2010). According to the chancellor of the State Board of Regents, Klein took "a dysfunctional system and gave it some management credibility" (quoted in Otterman and Medina 2010). However, Mayor Bloomberg's appointment to replace Joel Klein was Cathie Black, a well-respected magazine executive. Given her lack of experience, many groups, especially parents, opposed her nomination. Similar to Klein, Black lacked educational credentials and needed a waiver from the New York State Department Commissioner of Education, which she received on the condition that she

have an experienced deputy chancellor (Ravitch 2011). Black lasted fewer than four months as chancellor. She angered parents at public meetings, on one occasion responding to concerns about school overcrowding by suggesting that parents use birth control, and her lack of knowledge was ridiculed by the media. At one point, Black described moving from the corporate world to public education politics as “having to learn Russian in a weekend—and then give speeches in Russian and speak Russian in budget committee and City Council meetings” (quoted in Ravitch 2011). Mayor Bloomberg replaced Cathie Black with Deputy Mayor Denis Walcott, who also needed a waiver from the state. But Walcott was much more knowledgeable about city politics, the city’s school system, and the various groups, including parents and teachers, involved in making educational decisions.

As illustrated by the prior examples of Parks Commissioner Stern and NYPD Commissioner Bratton, the city’s budget gives the mayor another tool by which to manage the municipal bureaucracy. Since budgets are formulated on an annual basis, they give the mayor a periodic and systematic opportunity to recast the direction of individual agencies or the entire executive branch. As chief executive, the mayor is responsible for constructing the budget for the executive branch and sending it to the city council for approval. Construction of the budget involves members of the mayor’s immediate staff including deputy mayors and the Mayor’s Office of Management and Budget. It also involves the various agencies that make up the executive branch as well. In the early stages of the budgetary process, mayors inform their agencies how much more or less funding the agencies can expect for the upcoming fiscal year. In turn, the agencies inform the mayor what can be done with the additional funding or what will not be done due to decreased funding. Mayors can use the budget to emphasize some areas of city policy and deemphasize others. Much of the mayor’s budgetary policy is based on current and projected macroeconomic trends as well as predictions about aid to the city from the federal and state governments. In 2010, as the city was still recovering from the recession of 2008–9, Mayor Bloomberg ordered all city agencies to cut spending. But some agencies, critical to the mayor’s agenda, were told to cut less than others. The NYPD, New York Fire Department (FDNY), and Department of Education were told to cut their budgets only by 2.7 percent, while all other agencies were told to cut their budgets by 4 percent (Hennelly 2010). In March 2016, Mayor de Blasio told all city agencies that they would have to cut costs due to “economic and fiscal uncertainty” (Neuman 2016). Agencies were also told that if they wanted to propose new programs, they would have to fund them with cuts from other parts of their budgets (Neuman 2016).

Mayors rarely attempt to cut the budgets of agencies they disfavor, or whose activities they want to deemphasize, for a variety of reasons. As noted earlier, the mayor shares budgetary authority with the city council. As in the case of the Department of Parks and Recreation under Commissioner Stern, what the mayor cuts, the city council can always reinstate. A frequent target of Mayor Giuliani’s budget cuts was the city’s school system. The mayor frequently claimed that due

to inefficiencies in operations of the central school board and educational bureaucracy, the school system could cut its budget significantly without having a negative effect on classroom activities. The mayor, however, lacked the control over the school system that he had over other agencies in the city's executive branch. As a result, school chancellors frequently countered the mayor's proposed budget cuts by arguing or threatening that the cuts *would* have an impact on classroom activities despite the mayor's claims. And while mayors can cut the budgets of agencies over which they have direct control, neither mayors nor their staff have the ability to micromanage agency operations to the point where they can know exactly where the impact of the budget cuts will be felt.

Rather than use the budget to punish agencies they disfavor, it is much easier for mayors to use the budget to support and enhance the activities of agencies they favor. In addition, the budget can be a very effective way for a mayor to change policy direction within the executive branch. In 2015, as part of his affordable housing initiative, Mayor de Blasio allocated an additional \$30 million to the HRA to fund homelessness prevention programs. One of the programs was designed to provide families at risk of eviction with legal services in order to prevent them from having to enter the homeless shelter system. A second program was a tenant protection program designed to educate tenants about harassment by landlords and ensure that they had the resources to counter harassment (New York City OverviewNewsMayor's BioOfficials 2015). Given the city council's role in the budgetary process, sometimes new executive branch spending initiatives are the result of agreements reached between the mayor and the council. As discussed previously, the addition of over one thousand new police officers in 2015 appeared to be the result of a mayor-council compromise. The council had wanted additional police the year before, and the mayor had objected. Did the mayor finally agree that at least one thousand new police were needed, or did the council convince the mayor that they would not approve the fiscal year 2016 budget unless the new police positions were included?

In some instances, the mayor is forced to reallocate budget resources by outside forces. The child abuse death of Elisa Izquierdo by her mother in late 1995 was followed in early 1996 by a class action lawsuit filed in federal court on behalf of children in foster care in New York City. The case *Marisol v. Giuliani* was filed against the Giuliani administration, alleging abuse, neglect, and denial of due process by the city's child welfare system. In the consent decree produced by the litigation, the Giuliani administration was forced to undertake a number of reforms to its child welfare system. Initially, the Child Welfare Administration (CWA), an agency within the larger HRA, had been slated for a 7.5 percent budget cut being applied to most city agencies that year (Myers 1995). As a result of the consent decree, the Giuliani administration was forced to spend additional funds on child welfare to better train and hire additional caseworkers in order to reduce the number of abuse and/or neglect cases being handled by each caseworker.

The city's public libraries have never been the subject of mayoral ire or controversy, but they perennially have been at the bottom of the mayor's budget priorities and are subject to cuts whenever there is talk of funding shortages. The services delivered by public libraries lack the essential service delivery quality that police, fire, sanitation, and education have, but libraries deliver a valuable service at the community level. And in a city of immigrants, they make a significant contribution to English language literacy. In addition, libraries offer "early childhood education, job training, technology classes and free tax assistance" (O'Connor 2015). From 2009 to 2011, the budget for the city libraries declined from \$301.7 million to \$270.1 million. Mayor Bloomberg's proposed budget for libraries in 2012 would have reduced them to \$209.9 million (Maher and Turetsky 2011). The falloff in services was significant. Brooklyn's libraries were open an average of 35.5 hours per week in fiscal year 2011, a reduction of nine hours per week compared to the prior fiscal year (Maher and Turetsky 2011). In 2016, the city's libraries had still not been funded at the level they were getting prior to the 2008 recession (O'Connor 2016).

In the past, mayors have used the Mayor's Management Report (MMR) to monitor and evaluate the performance of executive branch agencies. Mandated by the 1977 city charter revision, mayors must issue a preliminary management report in the early part of the year and a final report by September. Over time, the MMR evolved into a document that tracked most of the executive branch agencies in terms of their ability to meet the goals and objectives established for them by the mayor (New York City Comptroller's Office 2002, 2). When the data that comprise the report are collected consistently year after year, the MMR offers the mayor and the public a set of performance indicators that allows them to examine the performance of executive branch agencies over time. But the Giuliani administration was accused of using the report as a public relations tool and not consistently presenting all the data collected (Berkey-Gerard 2002; Pasanen 2002). And the Bloomberg administration changed the format of the report, eliminating some of the measures that had been used previously. The city council used to hold hearings on the MMR twice each year, where agency heads would come to the council and answer questions regarding their agency's performance. But with the manipulation of the report by the mayor's office, the council ceased holding these hearings. Today, the MMR hearings have been merged with budget hearings, but the MMR is rarely, if ever, mentioned at these hearings.

Another major way in which the mayor can control the bureaucracy is through reorganization. Reorganizing the array of executive branch agencies allows the mayor to address new issues and/or deemphasize others. It also gives the mayor, as executive branch manager, the ability to streamline executive branch operations in order to achieve a more efficient delivery of services. Reorganizations normally need the approval of the city council, and to become permanent, they ultimately need a revision of the city charter. The most commonly used

reorganization technique is the merger. This usually involves two or more agencies who are performing similar or related functions. Mayor Giuliani's merger of the NYPD, the transit police, and the housing police not only achieved efficiencies in law enforcement but also eliminated the problem of interagency coordination issues in fighting crime.

In 1993, Mayor Dinkins established the Department of Homeless Services (DHS). Prior to that, it had been a division within the larger city HRA. The establishment of DHS not only called attention to the city's newest policy priority, but it also gave those bureaucrats delivering services to the homeless greater independence and a more direct line of communication to the mayor (New York City Department of Homeless Services 2016). Under Mayor de Blasio, however, a process was begun to reintegrate the DHS back into the larger HRA. While the primary mission of DHS was to deliver appropriate services to homeless individuals and families, including shelter, the de Blasio administration shifted the focus of its homeless policy to emphasizing the prevention of homelessness and rehousing those in the shelter system (New York City OverviewNewsMayor's BioOfficials 2016a). Some of the programs addressing homelessness prevention being expanded by the de Blasio administration were located in the HRA to bring them together and reduce redundancies (Ax 2016; Trangle 2016). Steven Banks, Mayor de Blasio's Commissioner of the HRA, became the Commissioner for Social Services, with both the HRA and DHS reporting to him. According to Banks, the "goal is to provide seamless services to clients designed to best help them with their specific problems, whether it's to prevent homelessness or move from shelter into the community. Since many people are served by both HRA and DHS, the best way to do that is to have the two agencies work closely together and have all the prevention services in one agency" (New York City OverviewNewsMayor's BioOfficials 2016a). Banks also noted that the restructuring would save the city \$38 million by "streamlining duplicative operations and management" (Trangle 2016).

Early in his administration, Mayor Bloomberg abolished the Department of Employment, splitting its functions between the Department of Small Business Services (SBS) and the Department of Youth and Community Development (DYCD). In the years following the 9/11 terrorist attacks, city tax revenues were down and the Bloomberg administration was looking for savings anywhere it could find them. By moving job training and job seeking programs from the Department of Employment to the SBS, Mayor Bloomberg was able to align "workforce development activities with economic development programs" (New York City OverviewNewsMayor's BioOfficials 2003). Through this restructuring, the mayor brought together programs seeking to find people jobs with an agency whose mission was to help create jobs. He was also able to merge all youth employment programs, including after-school programs, in the DYCD (New York City OverviewNewsMayor's BioOfficials 2003).

It is not always necessary or desirable to reorganize city agencies to address an important problem. In some cases, the mayor and the executive branch may be able to address the problem simply by getting agencies to talk to each other about the problem on a regular basis. In 2010, Mayor Bloomberg created the Mayor's Interagency Task Force on Truancy, Chronic Absenteeism and School Engagement in order to address the increasing number of chronic school absences in some schools and the variety of factors contributing to the problem. The task force was comprised of representatives from ten different city agencies, including the Department of Education, the NYPD, the ACS, the DHS, and the Department of Probation (New York City Mayor's Interagency Task Force on Truancy, Chronic Absenteeism and School Engagement 2016). Not all reorganizations are initiated by the mayor. As a result of the *Marisol v. Giuliani* lawsuit, discussed earlier in this chapter, the Giuliani administration moved the CWA, formerly within the HRA, and made it a free-standing agency, the ACS. While the consent decree resulting from the litigation did not force the Giuliani administration to engage in this reorganization, Mayor Giuliani had to take significant steps to convince the plaintiffs that the city was serious about reforming its child welfare system. Looking back on the reorganization, Mayor Giuliani stated, "We needed a separate agency, so I could look at it directly. The founding of the ACS was a perfect example of how administrative structure makes a vital difference. The fact that it began life buried within HRA was a big mistake. That we planned to make it independent and give it stature and prestige and have it report directly to the mayor was critical" (Giuliani 2002, 302). According to the mayor, "By giving ACS a 'seat at the table,' with its own budget and commissioner, I gave it the power—and responsibility—to fix its own problems" (Giuliani 2002, 315).

Since the majority of the employees in the city's executive branch are members of unions, public employee unions and contract negotiations also have a role in mayoral attempts to control and direct the municipal bureaucracy. In attempting to control the executive branch via public employee union contracts, the mayor is constrained by the political clout public employee unions have both locally and in Albany. Public employee union strength was at its peak in the early seventies. Several strikes in the late sixties demonstrated the power of public employees to bring the city to a halt. Although over one hundred unions represent municipal employees, six unions represent a majority of the city's public workforce. Most of the unions—including the United Federation of Teachers (UFT), the Patrolmen's Benevolent Association (PBA), the Uniformed Firefighters Association, the Uniformed Sanitationmen's Association, and the Transport Workers Union—represent workers along functional lines. The largest union, District Council 37 of the American Federation of State, County and Municipal Employees (AFSCME), represents employees in practically every agency within the executive branch. For the most part, each union represents a different type of municipal employee, so there is little competition or conflict among the unions

over members. It also means that each union's negotiation with the city is a separate activity (Brecher and Horton 1993). Being the first liberal Democrat to be elected mayor in twenty years, Bill de Blasio was supported by most of the city's unions when he ran for mayor. In 2016, as part of his agenda to address inequality, the mayor unilaterally raised the wages of approximately fifty thousand city employees, some of whom were members of a union, from \$11.50 an hour to \$15 an hour (Fermino 2016). In addition, when Mayor de Blasio took office in 2014, the vast majority of municipal employees were working without a contract. While this gave him the opportunity to restructure the city's relationship with municipal unions, there was also the expectation that union contract negotiations with the de Blasio administration would be amicable (New York City Office of Labor Relations 2016).

For the most part, contract negotiations between the city and unions address salary and benefit issues. In 2015, the de Blasio administration reached an agreement with the Teamsters Union representing workers at the New York City Housing Authority (NYCHA). The 5,500 workers had gone without a contract since 2008. They received a 10 percent retroactive pay increase but agreed to contribute more to their health insurance costs (Bredderman 2015). On occasion, however, mayors have used collective bargaining as a means to achieve changes in the rules governing the work behavior of public union members. In the 2005 contract negotiations with the UFT, the Bloomberg administration was able to increase the school day by ten minutes as well as eliminate some of the seniority rights of teachers (Herszenhorn 2005). In 2014, Mayor de Blasio, in contract negotiations with the UFT, was able to set up a pilot program where teachers would spend an additional forty minutes each week communicating with parents (New York City OverviewNewsMayor's BioOfficials 2014). And in the 2015 agreement with the NYCHA Teamster's Union, the de Blasio administration was able to get the union to agree to participate in a labor management committee that would jointly address the myriad problems the city was having in the administration of its public housing projects (Bredderman 2015).

The role of mayoral attention paid to an agency or to the bureaucracy should not be underestimated. As discussed in chapter 7, the mayor receives a great deal of media attention on a day-to-day basis. He can use that attention as a bully pulpit to inform the public and tell bureaucrats in the executive branch what he thinks of them. The city's Board of Education was a frequent target of Mayor Giuliani's criticism. Throughout much of his two terms in office, the mayor argued that the board should be abolished and the school system placed under mayoral control, similar to the other line agencies in the city government. Though Mayor Giuliani never got the reforms he wanted during his administration, his comments and constant criticism did help to pave the way for his successor, Mayor Bloomberg, to convince the governor and the state legislature to restructure the school system and place it under mayoral control. Moreover, through his constant criticism,

Mayor Giuliani kept educational performance and the need for reform high on the public agenda.

A mayor's public criticism of a municipal bureaucracy may support his or her attempts at reform or changes within the specific agency, but it certainly does not gain the support from the employees in the agency being criticized. Mayor de Blasio campaigned on a platform of eliminating the NYPD's use of stop and frisk. He neither sought nor received the support of unions representing police officers. And once he took office, he pursued an agenda, supported by the federal district court ruling, to reform the behavior of the NYPD rank and file. In late December 2015, two NYPD officers were murdered on a Brooklyn street. At the funeral of one of the officers, thousands of city police officers turned their backs on Mayor de Blasio as he delivered a eulogy for the officer despite the fact that the NYPD commissioner had asked that the funeral not be used for political displays. The leaders of the Policemen's Benevolent Association accused Mayor de Blasio of contributing to an environment that allowed the killings by supporting the protests that followed the police chokehold death of Eric Garner a year earlier (CBS/AP 2015). At the funeral, one police official stated, "The mayor has no respect for us. Why should we have respect for him?" (CBS/AP 2015).

City Council Oversight and Control of the Bureaucracy

The city council has some of the same instruments to oversee and control the bureaucracy as the mayor does. Yet lacking all the tools held by the mayor and the mayor's role as chief executive, the city council's ability to oversee and control the bureaucracy is not nearly as comprehensive or effective as the mayor's. Unlike the mayor's attempts to control the bureaucracy, city council examinations of the bureaucracy rarely result in immediate changes. Council members have the ability to discover and call attention to activities in the executive branch with which they disagree, but they lack the direct control to obtain an immediate response to their complaints. As previously noted, however, the budget process gives the council a periodic and comprehensive mechanism through which to examine each executive branch agency.

During the normal budget cycle, the city council holds two sets of hearings on the budget, one in response to the mayor's preliminary budget in March and the other in response to the mayor's executive budget in May and June. During both sets of hearings, representatives from executive branch agencies testify before the council regarding the operations and needs of their respective agencies. Members of the council use these hearings to find out about the operations of agencies, particularly as they relate to the members' home districts and constituents. In May 2014, when some members of the city council were debating the need for more police with Commissioner Bratton, other members of the council wanted to know what the NYPD was doing about upticks in crime in their districts and about the need for repairs in some police precinct headquarters (New York City Council

Committee on Finance 2014). At the 1997 Department of Parks and Recreation hearing, when Commissioner Stern was informing council members about the loss of PEP members, he also shared with the council that the department was installing computers at some of the recreation centers throughout the city. While some members of the council debated with Stern about the wisdom of the Parks Department favoring computers over the more traditional role of emphasizing physical activity among the city's youth, other council members on the committee were concerned about making sure that recreation centers in their districts received computers as well (New York City Council 1997).

Interest groups are frequent participants at city council budget hearings, especially public employee unions who are looking out for the interests of their members who staff the municipal bureaucracy. The UFT is always present at budget hearings for the Department of Education since so much of the department's budget is spent on classroom activities. Unions representing health care workers are present at budget hearings for the Health and Hospitals Corporation (HHC). Advocacy groups representing the interests of children have testified at DOHMH hearings on funding for asthma programs, and they have testified at budget hearings for the ACS, supporting its request for more caseworkers.

In addition to budget hearings, the city council can hold an oversight hearing on the activities of an agency at any time. In October 2016, the council held an oversight hearing on the Civilian Complaint Review Board (CCRB). The CCRB's mission is to respond to complaints by the public against members of the NYPD. Although it has existed since 1966, the CCRB had been reorganized several times. In its most recent organizational iteration, the agency was comprised of thirteen board members—five appointed by the council, five by the mayor, and three by the police commissioner. The agency investigates complaints regarding excessive use of force, abuse of authority, discourtesy, and the use of offensive language (New York City Council Committee on Public Safety 2016a). In the wake of the NYPD chokehold death of Eric Garner on Staten Island in 2014, the city council and the mayor sought to expand the outreach efforts of the CCRB in order to enhance its ability to receive complaints as well as gather evidence. CCRB community outreach stations were placed in the offices of many city council members, and the council was able to get the CCRB to give outreach presentations to community groups in all five boroughs (New York City Council Committee on Public Safety 2016a).

In her opening statement at the oversight hearing on the CCRB, Vanessa Gibson, Chair of the Council Committee on Public Safety, expressed an interest in finding out about the CCRB's case processing time, increased outreach efforts, and what the city council could do to further assist the CCRB in fulfilling its mission (New York City Council Committee on Public Safety 2016b). After an opening statement by Gibson, CCRB Chair Maya Wiley also gave an opening statement. Wiley noted that thus far in 2016, the CCRB had held over 800 outreach presentations, compared to fewer than 300 in 2015, increasing the agency's visibility

significantly. She also noted that the agency had improved its investigation times to the point where 95 percent of the complaints being investigated were four months old or less. The agency had also increased its number of successful mediations, resolving citizen-police complaints without a full investigation (New York City Council Committee on Public Safety 2016c). Following the opening statement, Gibson asked Wiley and her staff a series of questions in an attempt to assess the CCRB's overall progress. Gibson wanted to know how the CCRB was adjusting its mission in light of the "current climate" and "tense times" (New York City Council Committee on Public Safety 2016b). Gibson expressed concern about several police precincts that had been the source of increasing complaints to the CCRB. She also wanted to know where the increased outreach presentations were taking place and if the CCRB staff thought that the increased number of presentations was producing an increased number of complaints (New York City Council Committee on Public Safety 2016b). Other groups also testified at the hearing, including New York Law School's Legal Advocacy Clinic, the Center for Constitutional Rights, Brooklyn Defender Services, the Anti-Violence Project, and the Legal Aid Society. While supportive of the CCRB's mission, most of these groups testified about the limitations and constraints facing the CCRB in following through on citizen complaints about police behavior (New York City Council Committee on Public Safety 2016c).

Also in October 2016, the city council held another oversight hearing that was far from routine. As mentioned earlier in this chapter, on September 26, six-year-old Zymere Perkins died "after being taken by his mother to a Manhattan hospital with bruises on his body and a contusion to the head" (New York City Council Committee on General Welfare 2016a). Prosecutors alleged that Zymere had been beaten by his mother's boyfriend with a broomstick and a baseball bat. An autopsy concluded that Zymere was "malnourished and had several fractured ribs in various stages of healing" (New York City Council Committee on General Welfare 2016a). The New York City medical examiner's office stated that the "cause of death means that the child had evidence of acute and chronic abuse and neglect that ultimately led to his death" (New York City Council Committee on General Welfare 2016a). The investigation that followed Zymere's death found that his mother "had been the subject of five prior child abuse investigations dating back" to his birth, so the city's child welfare system, led by the ACS, was well aware that he was a child at risk (New York City Council Committee on General Welfare 2016a).

In late October, the City Council Committee on General Welfare held an oversight hearing to examine the missteps by the city's child welfare system that had led to the death of Zymere. This was not the first time the council had held an oversight hearing in response to the death of a child known to be at risk by the city's children protective agencies. In 1995, the Council Committee on General Welfare had held hearings after six-year-old Elisa Izquierdo was beaten to death by her mother (referred to earlier in this chapter). This had resulted in the creation

of a stand-alone agency, the ACS, whose mission it was to protect children from abuse and neglect. Again in 2006, the council had held a series of oversight hearing as a result of the murder of seven-year-old Nixmary Brown by her stepfather (New York City Council Committee on General Welfare 2016a).

Although Councilperson Stephen Levin chaired the General Welfare Committee, the opening statement for the council was given by Speaker Mark-Viverito due to the controversy and visibility attached to Zymere's death. In her statement, Mark-Viverito stated that the purpose of the hearing was not to focus on the behavior of a single city agency, because the Perkins family had come into contact with several city agencies, including the ACS, the DHS, the NYPD, and the Department of Education, prior to the death of Zymere. The speaker discussed some of the recent reforms that the ACS and other agencies had implemented and then stated, "Today, I am interested in learning about ACS's implementation of past reforms and the effectiveness of these reforms, as well as how the city plans on moving forward with the mayor's proposed reforms in light of this recent tragedy" (New York City Council Committee on General Welfare 2016b). At routine agency oversight hearings, the first speaker would be the commissioner of the relevant agency—in this case, the ACS. However, given the attention drawn by the death of Zymere, Mayor de Blasio sent a deputy mayor, Dr. Hermina Palacio, to lead the administration's response to the council investigation. Dr. Palacio explained to the council committee, "I am prepared today to update you on the swift action this administration took following the death of Zymere, including the status of ACS's internal investigation of this case, the disciplinary actions ACS has taken against those who failed in their duties. I will describe the review being conducted by the other agencies involved in the case at the direction of the Mayor, and I will provide more details on our recently announced reforms" (New York City Council Committee on General Welfare 2016b). Dr. Palacio reminded the council that "a criminal investigation directed by the Manhattan District Attorney and supported by an NYPD investigation is under way . . . and we do not want to do anything that will compromise this investigation. This is one of the reasons we must refrain from discussing the specifics of this case today" (New York City Council Committee on General Welfare 2016b).

Dr. Palacio was followed by Gladys Carrion, Commissioner of the ACS. While Speaker Mark-Viverito had indicated that the purpose of the hearing was to explore the actions of several city agencies who had come into contact with Zymere, ACS was the agency whose primary mission was to protect children from abuse and neglect. Commissioner Carrion testified, "While our system has helped hundreds of thousands of children, this child was not saved. I am sure the foremost question on everyone's mind is how to make such a terrible incident—make sure that such a terrible incident like this does not happen again. This is the priority for ACS and all our partners" (New York City Council Committee on General Welfare 2016b). Commissioner Carrion proceeded to inform the council about reforms undertaken by ACS, including improved training of caseworkers,

enhanced investigative procedures, and the introduction of programs aimed at preventing abuse and neglect. Following Carrion's testimony, council members asked questions. Given that the hearing could not focus on the detail of Zymere's death due to the ongoing investigation, questions focused on the behavior and performance of the ACS. Mark-Viverito wanted to know how the ACS kept track of all its reforms, given that the agency appeared to introduce new reforms each time the death of a child received public attention. Since the Perkins family had spent considerable time in the city's homeless shelter system, Mark-Viverito also wanted to know whether state confidentiality laws interfered with the ACS learning about the family from the DHS. Levin, Chair of the Committee on General Welfare, wanted information about the organizational structure of ACS and how they handled allegations of abuse. He queried Carrion, "Can you share with me, because this is important for everybody, for the public to understand, what is the structure, the organizational structure of Child Protective Services? . . . So, what happens in a case, for example, where there is an allegation of abuse and the family is previously known to ACS? . . . Take us through the protocol—how everything works organizationally, and who is who" (New York City Council Committee on General Welfare 2016b).

As discussed in chapter 8, another way in which members of the council perform oversight of the executive branch is through constituency service. Constituents request assistance from a variety of city agencies, and when they do not get a response (or an adequate response), they request that their member of the city council intercede on their behalf. Examples include a family that has concerns about a noisy bar and does not know whom to contact or a local little league that needs more baseball field time to accommodate increased enrollment but is being told by the Department of Parks and Recreation that none is available. Constituency service as a means of bureaucratic oversight is neither comprehensive nor systematic, but public bureaucracies are responsive to the requests and demands of city council members because they know that, as legislators, council members have budgetary authority as well as the ability to publicize poorly performing agencies and bureaucrats.

Interest Groups and Bureaucratic Oversight

The role that interest groups play in overseeing the performance of the municipal bureaucracy should not be overlooked. Although the mayor and the city council have significant resources with which to engage in bureaucratic oversight, their resources are not unlimited, and the municipal bureaucracy is large. Interest groups, comprised of citizens with an array of substantive interests, have both the motivation and the resources to monitor specific bureaucracies. Some of the interest group oversight is based on self-interest. Bureaucracies, especially those at the local level, serve clientele or interested publics. These clientele or interested publics pay attention to the activities of the bureaucracy because those activities affect them more than other citizens. In some cases, the clientele group is comprised

of the recipients of the service being delivered. Parents monitor the performance of the school system. Sports groups monitor the condition of public parks. Developers monitor the City Planning Commission (CPC), the Department of Buildings, and sometimes the Economic Development Corporation. And social service groups monitor the HRA and the ACS, agencies from whom they receive contracts for the delivery of services. Clientele groups differ in their degree of organization, which has an impact on their ability to monitor and influence the relevant bureaucracies. Based on wealth and education, some clientele groups are more capable of organizing than others, and this at times creates an imbalance regarding the interests to which the bureaucracy responds. Public parks in affluent neighborhoods may be in better shape in part because they receive private donations from their affluent neighbors. But they may also be in better shape because parks in more affluent communities have park associations that interact with the parks department on a regular basis.

Some interests groups monitoring the city bureaucracy have a broader public perspective that addresses the perceived needs of the entire city or those of vulnerable and powerless citizens who lack the ability to advocate for themselves. Although the Metropolitan Transit Authority (MTA) is a state agency, it delivers a service that affects the lives of millions of New Yorkers every day. The Straphangers Campaign, a subsidiary of the nonprofit New York Public Interest Research Group, has been monitoring the city subway system since the late 1980s. It issues periodic reports on the cleanliness and timeliness of city buses and subways (Straphangers Campaign 2016). Its studies and evaluations are re-reported in all of the major local news outlets. And the MTA usually responds to the Straphangers's more critical reports. *Marisol v. Giuliani*, referred to earlier in this chapter, was a class action lawsuit filed by Children's Rights Incorporated, a group of public interest attorneys who oversee child welfare systems across the country. The suit, which resulted in the establishment of the ACS, alleged that the city was violating both federal and state child welfare laws and neglecting the needs of thousands of children in the custody of the CWA or not in custody but known to be at risk of abuse and neglect. Believing that there was little that the Giuliani administration could or would do on its own to fix the city's broken child welfare system, Children's Rights Incorporated wanted the federal courts to appoint a monitor to run the city's child welfare system until it was functioning properly and protecting children already in the system and those at risk of abuse or neglect (Children's Rights Inc. 1996). Prior to filing its suit in New York, the group had been successful in getting court-appointed monitors of child welfare systems in several other jurisdictions. *Marisol v. Giuliani* was settled when the Giuliani administration agreed to implement a number of reforms to its child welfare system, with Children's Rights Incorporated monitoring the progress of the reforms and the option to return to court and pursue a court-appointed monitor at any time.

The Media's Role in Bureaucratic Oversight

Investigative reporting by the media can also be a source of executive branch oversight. The *New York Daily News* in 2008 and the *New Yorker* in 2009 ran exposés on the how the city school system was dealing with teachers who had pending disciplinary actions against them (Einhorn 2008; Brill 2009). The articles discussed the existence of Temporary Reassignment Centers, or “rubber rooms,” places where teachers awaiting disciplinary hearings were placed until a final disposition was reached regarding their status. One article noted that given the backlog of those awaiting hearings, there were approximately seven thousand teachers “accused of various wrong doings” spending seven hours a day in these rooms “playing cards, doing puzzles, reading magazines and sleeping” while collecting their full salaries. The number of school employees in these rooms had more than doubled since 2004, and this was costing the city \$65 million a year, not including the costs of hiring substitutes to replace the suspended teachers, renting space to house them, or hiring security guards “to keep peace in a place where anxieties are high and tempers can flare” (Einhorn 2008). The article noted further that “the average accused educator waits four months as investigators interview witnesses and decide whether to bring formal charges, then nine months for a hearing and six more for a decision” (Einhorn 2008). The arbitrators jointly hired by the city and the teachers’ union only worked five days a month (Einhorn 2008).

In large part due to the publicity the articles gave to the existence of “rubber rooms,” Mayor Bloomberg and UFT President Mike Mulgrew reached an agreement in 2010 to expedite the hearing process and final disposition of teachers awaiting disciplinary action. At a press conference, Mayor Bloomberg announced, “We are going to dramatically speed up the hearing and adjudication process for teachers accused of wrongdoing” by increasing the number of arbitrators (New York City Mayor’s Office 2010). The mayor also stated that rather than have the teachers sit in a room, they were going to be assigned to “administrative work at one of the Department of Education’s central offices or do non-teaching duties in their schools” (New York City Mayor’s Office 2010). The mayor added, “The bottom line is these reforms will make sure that teachers who should be taken off the payroll will be much quicker, which is good news for tax payers and we’ll also make sure that good teachers are able to return to the classroom much sooner” (New York City Mayor’s Office 2010).

Investigations by the media have also become a factor in the administration of elections. The New York City Board of Elections has the responsibility of administering federal, state, and local elections within the city. This includes making sure that working voting machines are distributed to the thousands of polling places across the city for each election, checking in voters as they show up at the polls, making sure registered voters are able to vote, collecting the voting machines, and tabulating the votes once the polls have closed. Over the years, the Board of Elections has experienced a variety of problems performing their mission. As a result, they have been justifiably criticized for poor administration, and the media

has played a major role in publicizing problems the board has experienced and helped to place pressure on elected officials to address the need for reforms. In the 2016 Democratic Party presidential primary, 126,000 registered voters were inadvertently removed from the rolls of registered voters in Brooklyn. When they showed up at the polls, they were told that their names were not on the roll of registered voters, and many were unable to vote (Bult, Fermino, and Durkin 2016). This was reported immediately on the Internet by a variety of news sources. During the presidential election in November 2016, all of the voting machines broke at several polling places, resulting in lines that lasted for several hours while voters waited for the machines to be fixed or replaced (Bergin 2016). Due to the fact that the media expects and anticipates problems on election day, outlets often have reporters positioned across the entire city looking for problems, and voters are aware that they can and should report voting problems to the media if and when they occur.

BUREAUCRACY AS A FUNCTION OF INTERGOVERNMENTAL RELATIONS, ECONOMIC DEVELOPMENT NEEDS, AND ETHNIC/RACIAL RELATIONS

Intergovernmental Relations

The federal and state levels of government influence the operations of the municipal bureaucracy in two primary ways. First, through the issuance of mandates and the funding of public programs that are intergovernmental in scope, the federal and state levels of government affect the organization and operation of the executive branch. Second, because some of the municipal bureaucracy's activities are the result of programs that require or are conducive to intergovernmental cooperation, municipal bureaucrats have developed relationships with, and have been influenced by, bureaucrats at other levels of government.

Regarding the first method of influence, many of the programs implemented by the city originate at another level of government and are funded and/or mandated by that level of government. Without these funded programs or mandates, the city's municipal bureaucracy would be considerably smaller and entire agencies might not exist. Some of the largest programs implemented by the city, such as Medicaid and Temporary Assistance to Needy Families, are programs that have both federal and state footprints. Many of the activities being undertaken by the ACS are mandated and partially funded by the state. The same can be said for the city's Department of Education.

Although New York City was the epicenter of the HIV/AIDS outbreak in the 1980s, much of the city's most significant policy responses to HIV/AIDS were and are at the state level. And although the New York City DOHMH was the agency on the front lines of the battle against the disease, its ability to act was at times constrained by state regulations. In 1988, the New York State Department of Health established a protocol for HIV/AIDS testing. Testing was to be voluntary,

and prior to testing, patients had to sign a written consent form. In addition, physicians performing the test were required, as part of the pretest counseling, to inform patients why they may not want to be tested. No matter how many campaigns the city's DOHMH ran to encourage individuals to get tested, state regulations and protocols discouraged many from getting tested. As a result, many individuals did not find out that they were HIV positive until they had AIDS. Not knowing they were HIV positive, these individuals contributed to the spread of the AIDS epidemic (Altman 2004; Santora 2006). Mayor Bloomberg's Commissioner of Health, Thomas Frieden, argued for the elimination of the written consent forms and the part of the twenty-minute pretest counseling where physicians would tell patients why they may not want to be tested. Some city hospital physicians, supporting Frieden's position, argued that the protocol was a problem in emergency rooms, where it served as a barrier interfering with the patient's more immediate needs (Hartocollis 2008). State policy ran counter to what the city's Department of Health felt was necessary and appropriate. And the impact of the state policy—more individuals not being testing and the further spread of AIDS—was felt most heavily by the city's DOHMH.

It was not until 2010 that Governor David Paterson signed into law regulations that eased the HIV testing protocol. The new protocol allowed "patients to agree to HIV testing as part of a general signed consent to medical care" (New York State Office of the Governor 2010). Opt-out language was included in the new consent protocol as opposed to the prior opt-in language (New York State Department of Health AIDS Institute 2012). The new regulations also allowed oral consent for a rapid HIV test. Under the new law, HIV tests had to be "offered to every individual between the ages of 13 and 64 years of age receiving health services" (New York State Office of the Governor 2010). But the test was still voluntary.

The second way that intergovernmental relations affect the operations of the municipal bureaucracy is through their impact on intergovernmental cooperation at the bureaucratic level. In the late 1960s, Terry Sanford's work on American federalism discussed the bonds between bureaucrats at federal, state, and local levels working on the same, or similar, programs. Sanford labeled the concept "picket fence federalism" (Walker 1995, 26). According to Sanford, due to the proliferation of federal grant programs going to state and local governments, professional relationships had developed between grant administrators at the federal level and the state and local program specialists who were administering the grant programs. From Sanford's point of view, the existence of picket fence federalism was evidence that the intergovernmental grant system had strengthened the influence of program specialists on public policy at the expense of elected officials, who are program generalists. Grant monies and the requirements attached to them went from the federal program specialists to the state and local program specialists. At times, elected officials were not even aware of the grants their own executive branch was applying for, let alone what was being done with the grant money once it was received. As a result, intergovernmental fiscal assistance programs

were undermining the ability of elected officials to govern, although the creation of block grants did return some control to elected officials. The vertical pickets of the fence in Sanford's metaphor represented the relationships among program specialists at each level of government (Dilger 1986, 21).

In New York City, there is sufficient evidence that the concept of picket fence federalism still exists. As developed by Sanford, the concept applied primarily to federal grant programs. Expanding the concept to include mandates and other forms of routine intergovernmental cooperation, including state-local interaction, the concept is as relevant today as it was in the heyday of federal grants to cities. The strong working relationships between New York City's executive branch and its corresponding agencies at the federal and state levels are due to the many bureaucrats at all three levels of government who share a similar perspective in wanting government programs, especially those needing intergovernmental cooperation, to work effectively. The existence of picket fence federalism suggests that interactions among *bureaucrats* at different levels of government who are addressing the same or similar programs may be more frequent and routine than interactions among elected officials at different levels of government. Bureaucrats in the city's Department of Education dealing with special education interact more frequently and routinely with state special education officials than elected officials.

New York City's DOHMH maintains permanent relationships with the federal Centers for Disease Control and Prevention (CDC) and the state's Department of Health regarding a wide array of public health policy areas. The most significant connection may be the disease reporting protocols that the CDC maintains with a majority of large city and state health departments. The DOHMH collects information from physicians and hospitals in the city regarding an array of diseases and diagnosed conditions and reports these statistics to the CDC as part of a national reporting network. In turn, the CDC, as the nation's largest public health research facility, issues protocols to state and local governments on how to deal with many of these diseases and conditions. In this effort, New York City's health department and the CDC have cooperated closely on HIV/AIDS, West Nile Virus, Ebola, and Zika. Communication between officials in the DOHMH and the CDC is routine, and in cases of emerging diseases and conditions, communication may occur daily. In the aftermath of the terrorist attacks on the World Trade Center in 2001, the NYPD increased its contacts with counterterror agencies at the federal level. And even though city officials were annoyed by the inability of the federal government to share all of its counterterror-related intelligence with city officials and angered by cuts in federal counterterror funding to the city, routine interaction between counterterror components of the NYPD and those at the federal level (including the FBI and the Department of Homeland Security) go on. Over a decade before the September 11, 2001, terrorist attacks, the NYPD and the FBI formed a joint terrorism task force for the purpose of sharing information and conducting joint investigations.

Many elements of city-state relations are also illustrated by picket fence federalism. In the areas of education, child welfare, transportation, and environmental policy, city and state bureaucrats interact on a regular basis. In policy areas, such as education and child welfare, the source of the interaction is the fact that city officials are implementing state laws and regulations. Due to mandated reporting or the need for interpretation or assistance, state and city officials must interact regularly. New York State's Office of Children and Family Services administers a number of programs being implemented by the city's ACS. These include programs dealing with adoption assistance as well as family preservation and reunification programs (New York State Legislative Commission on State-Local Relations 2001, 42-65). In other areas, such as transportation, the interaction is due to the fact that state agencies, such as the MTA, are delivering a vital service at the local level. And in its efforts to maintain its water filtration avoidance determination from the federal Environmental Protection Agency, city and state environmental officials interact regularly regarding the need to protect the Delaware and Catskill aquifers that supply the city with 90 percent of its water.

Economic Development

The most significant link between the municipal bureaucracy and economic development concerns how the bureaucracy is organized to implement policies that promote economic development. The organization of the executive branch is a result of years of decisions by mayors and city councils about how public policy should be implemented. Periodic reorganizations reflect a recognition by elected officials that a new format for the implementation of policy is needed. With regard to economic development, the most significant executive branch reorganization took place during the Dinkins administration, and the basic structure of that reorganization is still in place today. The 1991 reorganization was formalized in a city charter revision the same year. Six different agencies were merged into two larger administrative units. The Office for Economic Development, Office of Business Development, and Office of Labor Services were merged into the Department of Business Services. And the Public Development Corporation, the Financial Services Corporation, and much of the Office of Ports and Trade were merged into the Economic Development Corporation (EDC; New York City Mayor's Office of Operations 1991, 347).

The EDC was established as a not-for-profit corporation in order to allow the agency to serve as a more flexible institution for funding economic development projects. Formally, the EDC is funded through the SBS. The most visible activities of the EDC are its development and/or funding of development projects for the city. Such projects include a minor league baseball stadium on Staten Island, the renovation of the Staten Island Ferry Whitehall Terminal, and the expansion of Kaufman Astoria Studios in Queens. The EDC administers the Industrial Development Agency, which offers tax-exempt financing for manufacturing and

other development projects. Related to this function, the EDC is involved in most of the discretionary business retention and attraction deals entered into by the city (Kirk 2008, 115).

In 2002, the Department of Business Services changed its name to the Department of Small Business Services to better reflect its activities and focus. And when the Department of Employment was abolished during the Bloomberg administration, SBS assumed many of the workforce development, job training, and job finding functions of that agency as a means of better linking the city's goals of job creation and job placement. SBS runs the NYC Business Solutions Program, which connects businesses to a variety of services including financing, hiring, and emergency assistance. SBS administers the city's Business Improvement Districts (BIDs). These are community-based organizations of private businesses and entities who accept a higher rate of taxation in order to promote their communities as business or commercial centers. There are currently over sixty BIDs across all five boroughs of the city. SBS also administers the city's Minority and Women-Owned Business Enterprise Program (Kirk 2008, 293). Other agencies also play important roles in the city's economic development policies. The most significant of these is the Department of City Planning (DCP), which includes the CPC. As discussed in chapter 2, the DCP and the CPC are integral pieces of the Uniform Land Use Review Process (ULURP), in which the mayor, city council, and public all play a role. Before a rezoning proposal can begin ULURP, bureaucrats in the DCP must certify that it contains all the necessary components and answers all the significant questions that will be raised at the various stages of the process. Developers and others with a rezoning proposal work closely with the DCP to address all of the issues prior to the proposal being certified. The CPC, comprised of appointees of the mayor and the borough presidents, occupies a pivotal role in ULURP. It holds private and public hearings on each proposal and makes a determination on those proposals.

Racial and Ethnic Diversity

Racial and ethnic relations in New York City are closely linked to the municipal bureaucracy. Racial and ethnic groups gauge their relationship with and attachment to the political system on two facets of executive branch structure and function. First, ethnic groups are concerned that they be treated equitably, if not equally, in the implementation of policy and the delivery of services by the city's bureaucracy. Second, just as ethnic and racial groups are concerned with representation on the city council or among the mayor's appointed commissioners, they are also concerned with representation across the rank and file of the bureaucrats in the city's executive branch.

New York City has a long history of ethnic group identification with the city bureaucracy. Government employment in the city has always been a source of upward mobility for immigrant groups as well as recognition of the group's increased status in the political system and society. The unionization of many

municipal jobs in the mid-twentieth century made city employment even more attractive due to better benefits and job security as well as increased political influence that unions gave members. In addition, ethnic and racial group leaders have viewed government employment for more of their members as a way of making the implementation of public policy more sensitive to the needs of their group, although this may not always be the result. At the same time, however, it is only recently that the distribution of city government jobs has even come close to approximating the ethnic and racial composition of the city's population.

In the nineteenth century, the Democratic Party's (Tammany Hall) success in controlling city government was due to its courting of the city's Irish Catholics, whose loyalty was paid for with municipal jobs (Binder and Reimers 1995, 71). By 1900, Irish New Yorkers held over one-third of the sixty-thousand municipal jobs controlled via patronage. In the early twentieth century, the municipal government labor force showed the early signs of ethnic segregation, with Irish dominating the police force and fire departments and the Italians dominating the sanitation department (Binder and Reimers 1995, 141, 160). The victory of Fiorello La Guardia's fusion ticket over Tammany Hall opened up municipal government to Jews, Italians, and—to a lesser extent—Blacks, at the expense of Irish dominance (Binder and Reimers 1995, 184, 189). By the 1970s, Jews comprised 60 percent of the public school teachers and Italians began to find jobs as teachers and police officers while still dominating the sanitation department (Binder and Reimers 1995, 203). In addition, throughout the 1970s, in part as a result of the civil rights movement and consequent government commitments to equal opportunity and affirmative action, Black representation in the city bureaucracy increased dramatically. Although the federal push for equal opportunity employment had the most significant impact on city government minority hiring, as early as the 1950s, mayors had issued orders about nondiscrimination in municipal hiring (Binder and Reimers 1995, 312). Minority representation, however, was not even across all agencies. Blacks were prominent in agencies devoted to health and welfare but still underrepresented in the police and fire departments, as well as the schools (Binder and Reimers 1995, 215–216). In addition, layoffs that occurred as a result of the fiscal crisis affected Black and Puerto Rican municipal workers disproportionately, under the informal principle of “last hired, first fired” (Binder and Reimers 1995, 250). Despite these problems, in the 1980s, one quarter of all jobs held by Black New Yorkers were with the city (Binder and Reimers 1995, 253).

By 2012, the municipal workforce was 39 percent White, 32 percent Black, 20 percent Hispanic, and 8 percent Asian—considerably more descriptively representative than any other government institution. Of course, across the various government agencies, ethnic and racial representation was not even. The FDNY was 76 percent White, while the Department of Corrections and DHS were over 80 percent minority (New York City Mayor's Office of Operations 2013). Two of the agencies that have received the most attention recently with regard to their

ethnic and racial composition have been the NYPD and FDNY. The NYPD's relationship with minority communities has been a source of controversy for decades. Much of this has resulted from police shootings of unarmed minorities, racial profiling, the behavior of the SCU during the Giuliani years, and the practice of stop, question, and frisk that was employed to a great extent during the Bloomberg administration. In 1999, a study concluded that the NYPD was the "least racially diverse" police force of the nation's ten largest cities. The study also found that "the lack of Black and Hispanic representation was most pronounced in the higher ranks" (Wilgoren and Cooper 1999). Whites comprised over 67 percent of the police force but only 43 percent of the population of the city. In addition, Whites comprised 94 percent of all captains (Wilgoren and Cooper 1999). And among the 669 officers at the rank of captain or above, only nineteen were Black males (Chivers 2001a). In 2000, 34 percent of the city's forty thousand police officers were Black, Hispanic, or Asian (Chivers 2000).

The Giuliani and Bloomberg administrations both initiated recruitment drives that attempted to attract more minorities. The efforts included "speakers, links to community groups, and recruitment stations" (*New York Times* 1999). In 1998 and 1999, the police academy classes were only 11 percent Black and 20 percent Hispanic (*New York Times* 1999). The 2001 academy class was 52 percent minority (Chivers 2001b). The recruitment efforts continued throughout the Bloomberg administration. By 2012, the NYPD was 28 percent Black, 24 percent Hispanic, and 6 percent Asian, a significant change in composition from the decade before (New York City Mayor's Office of Operations 2013). Some problems remain, however. First, since minorities are most heavily represented among new recruits and younger officers, there is still a racial imbalance among the higher ranking officers. Second, whether increased minority representation in the NYPD has improved NYPD relations with minority communities remains an unresolved issue. NYPD policies and training, such as stop and frisk, appear to override any realization among minority leaders and communities that the NYPD is far more racially balanced than it was fifteen years ago. And the behavior of Black and Hispanic officers appears to be no different than their White counterparts.

While the NYPD has made considerable progress in becoming a more integrated force, The FDNY has not. In 2009, Hispanics and Blacks comprised over half the city's population but together less than 10 percent of the FDNY (Cardwell 2009). There are several reasons why the FDNY has not been as successful as the NYPD in diversifying its workforce. Although the NYPD recruitment efforts have not always been successful, the NYPD has mounted a number of recruitment campaigns over the past several decades targeted at minority communities. Until very recently, and only under court order, the FDNY did not conduct recruitment campaigns to attract minorities. A federal judge described the FDNY's failure to recruit minorities as "34 years of intransigence and indifference" (quoted in Feuer 2011). Closely related to the FDNY's poor recruitment efforts is the concept

of “legacy.” The FDNY has a long tradition of legacy recruitment, where family members recruit other family members to become firefighters. Family members who are already firefighters serve as mentors to those seeking to become firefighters, helping them prepare for entrance exams and giving them advance knowledge about what they will encounter during training. This not only served to bias recruitment, especially when the FDNY was making little effort to recruit minorities, but it also deterred interested minorities from applying, knowing that they would be a very small group in an organization that had a history of indifference, if not discrimination, toward minority hiring (Long 2011).

Possibly the most significant reason that the FDNY had a poor record of minority recruitment was their entrance examination. In 2007, the U.S. Department of Justice filed a lawsuit against New York City, alleging that the written examinations used to screen applicants for entry-level firefighter positions “had an unlawful disparate impact on black and Hispanic applications” (U.S. Department of Justice 2014). The Department of Justice was joined by the Vulcan Society, a group of Black FDNY firefighters, who alleged that the discrimination was intentional. In 2009, a federal district court concluded that New York City had violated Title VII of the 1964 Civil Rights Act by discriminating against Black and Hispanic applicants for entry-level firefighter positions. In 2010, the court found the city liable for “intentional discrimination against black applicants,” noting that “the city’s use of written examinations with discriminatory impacts had little relation to the job of firefighter” (U.S. Department of Justice 2014). The court also found that this “was not a one time mistake or the product of benign neglect” but “was part of a pattern, practice and policy of intentional discrimination against black applicants that has deep historical antecedents” (U.S. Department of Justice 2014). The court ordered the city to “compensate victims for lost wages (back pay) and lost seniority and to hire up to 293 victims of the city’s discrimination who are currently qualified to be entry-level firefighters” (U.S. Department of Justice 2014). In 2011, the court further ordered the city to “make changes to its discriminatory practices and their effects,” including improving its recruitment, postexamination screening, and compliance with equal opportunity practices “under the supervision of a Court Monitor” (U.S. Department of Justice 2014).

The city appealed these rulings, and in 2013, the federal Court of Appeals overturned the finding of intentional discrimination but upheld most of the remedies recommended by the federal district court, including the use of a court-appointed monitor to oversee the FDNY’s hiring practices. In 2014, New York City and the plaintiffs reached a settlement on the issue of back pay (U.S. Department of Justice 2014). The FDNY has improved its minority recruitment efforts, including the establishment of a public high school that focuses on training future firefighters. In 2012, minorities comprised over 45 percent of those filing to take the FDNY entrance examination (New York City Fire Department 2013). As of 2015, the FDNY had made some progress in diversifying its force. Minorities

comprised 17 percent of the uniformed members, up from 10 percent in 2010 (Peltz and Long 2015). But the FDNY still lags far behind the NYPD in minority composition.

New York City's municipal bureaucracy delivers a wide array of goods and services to the city's population. In a city as diverse as New York, each service being delivered creates a different challenge for the city government. One of the prerequisites to equal treatment by the city's service delivery bureaucracy is the issue of language access. According to New York City's DCP, over two hundred languages are spoken by residents of New York City, and half of all New Yorkers speak a language other than English in their homes (New York City Department of City Planning 2016). And of the slightly over eight million city residents, almost a quarter have limited English proficiency, making it difficult to interact with government agencies. The 1989 charter revision created an Office of Language Services within the mayor's office. The purpose of the office was to "monitor the performance of city agencies in providing translation and interpretation services in languages other than English" (quoted in New York City Council Committee on Government Operations 2016).

The Bloomberg administration made considerable progress in expanding language access services. In 2003, the 3-1-1 Customer Service Call Center began providing information in 170 different languages. The Department of Education's translation division has the ability to provide parents with information in eight languages (New York City OverviewNewsMayor's BioOfficials 2008). New York City's website can be translated into approximately a hundred different languages. And in 2008, Mayor Bloomberg signed Executive Order 120, which mandated that every city agency provide "language assistance in the top six languages spoken by New Yorkers" (New York City OverviewNewsMayor's BioOfficials 2008). In fiscal year 2016, approximately one million requests for interpretation services were made to the city's HRA, over 550,000 requests were made to the 3-1-1 service center, and over 200,000 requests for language interpretation were made to the NYPD (New York City Council Committee on Government Operations 2016).

In areas such as education, if the city's school system wants parents to be involved in their children's schooling, providing information in the parent's native language is a necessity. Even more critical is the necessity for language access in the city's public health and hospital systems. Here, the necessity to provide language access is mandated not only by the city's regulations but by federal regulations as well. Since all city health facilities receive some degree of federal funding, they have to adhere to the National Culturally and Linguistically Appropriate Service (CLAS) standards. These standards mandate that the provision of health services be delivered in a way that is "understandable and respectful" and that they are "responsive to diverse cultural health beliefs and practices, preferred languages, health literacy and other communication needs" (U.S. Department

of Health and Human Services 2016). The HHC, which administers the city's eleven municipal hospitals, translates materials into twelve different languages and will translate materials into other languages when requested via telephone. In responding to Mayor Bloomberg's Executive Order 120, HHC uses an "I Speak" card that identifies the patient's native language upon admission to the hospital and notifies medical staff about the patient's language needs (Sweet 2012). New York State law requires all hospitals to have a language assistance program that includes a language access coordinator in every hospital and training for hospital employees to address the importance of linguistically and culturally competent health and medical services delivery. State regulations also mandate the provision that nonhospital personnel may not act as interpreters unless the patient refuses interpretation by the hospital. In those cases, the hospital must assess the age and competency of the chosen interpreter or translator and address issues of confidentiality and conflict of interest (Sweet 2012). Despite the progress that the city has made in providing language access services, some evaluations have found that many city agencies were failing to provide these services, often because individuals were unaware of their availability. In addition, the studies found that there was considerable disparity in the quality of language access services offered across boroughs and for different languages (New York City Council Committee on Government Operations 2016).

Chapter 5 discussed the racial imbalance at the city's elite specialized high schools. But segregation is an issue across the entire school system and a barrier to the city's achieving education equality. Given the high correlation between race and socioeconomic status in the city, most schools that are heavily minority (Black and Hispanic) are also heavily low income, and this ultimately has an impact on school quality, with children less prepared to learn and families less able to support their children's education. And while greater integration, by itself, does little to improve school quality, it does further level the playing field in terms of overall school resources. There are a variety of reasons why the city's schools have not been able to address the segregation issue. New York City's declining White population makes increased integration difficult. At present, less than 15 percent of New York City public school students are White (Kucsera and Orfield 2014). This small percentage is exacerbated by residential segregation that makes school integration within neighborhoods difficult, if not impossible. At the same time, however, New York City's political system has made little attempt to integrate the schools. Beginning in the late 1960s, school governance below the high school level was decentralized across thirty-two school districts. The emphasis on community-based school governance encouraged school districts to look inward and created little incentive to move students from one community school district to another to achieve anything approaching a racial balance. In the 1980s and 1990s, the creation of magnet schools and the introduction of modified school choice in some districts and across districts had a slight impact on racial

imbalance in the schools, with magnet schools having the highest proportion of multiracial student bodies and the lowest proportion of segregation (Kucsera and Orfield 2014, ix).

Charter schools, arriving in the city in the early 2000s, are the most segregated schools in the city. Seventy-three percent of charter schools have less than 1 percent White enrollment, and 90 percent have less than 10 percent White enrollment (Kucsera and Orfield 2014, viii). One of the reasons charter schools have exacerbated racial imbalance is that a majority of these schools are located in minority communities. In addition, many of the charter schools purposely located in communities with poorly performing public schools in order to enhance their chances of attracting more students and demonstrate their ability to educate a low-income population. A small number of charter schools have increased the quality of education for their students. In 2014, more third graders at the two charter schools in Harlem, run by Success Academy, passed a math test than third graders at the other fifteen Harlem district schools combined (Moskowitz 2016). But the majority of charter schools are performing no better than the regular public schools.

The city's Department of Education has done little to solve the school segregation issue. In 2016, the Lower East Side (Manhattan) school district received a state grant to experiment with a "controlled choice" plan, with the purpose of easing racial and economic segregation across the entire district. "Instead of assigning children to schools according to their home addresses," children would be "placed according to a formula that takes into account parent preferences as well as family income" (Hemphill, Raschka, and Mader 2016, 12). The goal of the plan is to create schools across the district with a similar mix of rich and poor families. The plan has not yet been approved by the Department of Education (Hemphill et al. 2016). On Manhattan's Upper West Side, after a two-year process that was highly contentious, the Department of Education and the District Community Education Council approved a plan to rezone several school boundaries with the goal of achieving greater racial and income balance. The plan primarily involved two schools, one overwhelmingly White and affluent and the other primarily minority and poor. The affluent school has a parent association that raises \$800,000 a year, while the less affluent school has a large number of students from the adjacent public housing project (Taylor 2016b). White parents protesting the rezoning were joined by their city councilperson, state senator, and Congressman Jerold Nadler (Taylor 2016a). These parents were angry, in part, because they bought their apartments with the understanding that their children would be going to a certain school. Some parents suggested that they would move out of the city if the rezoning couldn't be stopped (Taylor 2016b). The plan was implemented in the fall of 2017, and the results were mixed. Although the schools in question were somewhat more racially balanced than previously, city education officials were disappointed with the degree of racial balance achieved by their plan (Taylor 2017).

Racial and ethnic diversity affects the broad array of public goods and services being delivered by the municipal bureaucracy in very different ways. The city addressed, and will continue to address, language access issues with little or no conflict. But other city services, such as law enforcement, education, and even the delivery of health care, can create far more controversy. Even without the goal of achieving racial balance, education can be one of the more controversial areas of service delivery. It involves parents, their children, and neighborhoods. In budgetary terms, it the largest service being delivered by the city. And unlike some city services that can be delivered to individuals or families without having an impact on other individuals and families, public education is a service that is delivered to a group of students in a classroom. Education is a coproduced good involving the city's educational bureaucracy but also parents, children, and the group with whom the children learn. Unfortunately, a half a century after the civil rights movement, there are still individuals who maintain racist, or classist, attitudes. And unfortunately these attitudes affect the educational choices that parents make for their children. The city's educational bureaucracy attempts to achieve educational equality under these constraints.

CONCLUSION

As this conclusion is being written, President Donald Trump has been in office for a little less than a year. And while his initial appointments and policies do not seem to indicate a revolution at the federal level, compared to the Obama administration, the Trump administration appears to be taking a hard right turn regarding the role of the federal government and its relationship with cities. President Trump is joined by a conservative Republican Party that controls both houses of Congress. Given the Trump campaign's rhetoric and promises, possibly the only positive policy for cities coming out of a Trump administration is a federal investment in infrastructure; but ten months into the Trump presidency, there is little indication that an infrastructure program will be initiated. As discussed in chapter 2, New York City and the entire region are in need of infrastructure renewal, and an injection of federal capital would not only provide jobs to the region but enable the city and the region to address deferred maintenance on major pieces of infrastructure as well as fund new projects.

Beyond infrastructure, all the prospective Trump policies appear to have a negative impact on the city. During the campaign, candidate Trump made a number of statements regarding undocumented immigrants. Although President Trump has walked back some of his more draconian proposals regarding undocumented immigrants, their status in a Trump administration is much more uncertain than in prior administrations. As discussed in chapter 5, agents from the federal Immigration and Customs Enforcement agency have stationed themselves at city courthouses, and the number of undocumented immigrants being detained and deported has increased significantly. In addition, the future of the children of undocumented immigrants remains uncertain. Given New York City's legacy of supporting undocumented immigrants, as well as immigrants' obvious contribution to the city's economy, the city and several other large cities are at odds with President Trump and with a conservative Congress on this issue. President Trump and some congressional Republicans have stated that sanctuary cities, or those cities that protect undocumented immigrants from strict enforcement of federal immigration laws, may suffer losses in federal funding if they do not cooperate

with an immigrant deportation policy, but this has yet to occur. In addition, the anti-immigrant position of the Trump administration appears to have given voice to those who are fearful of the increasing diversity of the country. Some of these individuals have been convinced that immigrants will take their jobs, while others are motivated by racial and ethnic biases. Regardless, the election of Donald Trump has produced an uptick in hate crimes, even in the city.

Another policy area where the Trump administration is at odds with the city is health care. First, President Trump and the Republican Congress committed themselves to abolishing major pieces of the Affordable Care Act soon after taking office but, to date, have failed to repeal the legislation. The Affordable Care Act, and particularly the Medicaid expansion attached to the act, is a major source of health insurance to low-income New Yorkers. Prior to the passage of the ACA, many of these New Yorkers would show up to hospital emergency rooms uninsured and receive treatment at the city's expense. Under the ACA, the federal government pays the major share of health care costs for these individuals, and in some cases, they receive subsidized insurance from a private company through the New York State health insurance exchange. The abolition of the ACA would make most of these individuals and families uninsured once again and transfer primary responsibility for their health care back to the city and state. Under this type of arrangement, many would go back to delaying health care and showing up at hospital emergency rooms with catastrophic conditions, having been unable to afford preventive care or early diagnosis. This would ultimately raise the cost of care as well. A second change to federal health care policy that has been proposed by congressional Republicans is converting the non-ACA-related parts of Medicaid from a matching grant to a block grant. As a result, instead of the federal government matching state Medicaid spending *ad infinitum*, the federal government would place a limit on how much Medicaid funding each state would receive. At some funding level, the federal government would cease matching the state's Medicaid spending. Next to California, New York State is the largest user of federal Medicaid dollars. Any limit placed on Medicaid spending by New York State would have a devastating impact on the entire state's health care enterprise, with dire consequences for hospitals, hospital workers, and, obviously, many low-income New Yorkers living below the poverty line who have depended on Medicaid for their health care for decades.

A third area where a Trump administration is at odds with the city is climate change and sustainability. Mayor Bloomberg's PlaNYC and Mayor de Blasio's One New York both emphasized the need for the city to be proactive in adapting to, if not mitigating as much as possible, the impacts of climate change on the city. Superstorm Sandy and its effects on the city underscored the potential dangers of ignoring climate change and the need to make the city sustainable. Under the Obama administration, the Federal Emergency Management Administration (FEMA) and the Department of Housing and Urban Development (HUD) both were assisting the city in addressing climate change issues in a post-Sandy

environment. There is only so much the city can do on its own to address climate change issues that are regional, national, and global in scope. A Trump administration that does not see addressing climate change as a national priority or that does not believe that climate change is taking place could not only harm the city's efforts but exacerbate the problem long term simply by ignoring it. Nevertheless, New York City and other cities and states have committed to continue pursuing policies that address climate change on their own, even in the face of the Trump administration's indifference, if not hostility, toward these efforts.

Finally, the tax reform package passed by Congress and signed by President Trump in late 2017 placed a cap on the deductibility of state and local income taxes and local property taxes. New York State is a high tax state, so this will greatly affect many residents of New York City. But given all the other aspects of the new tax legislation and the possibility that New York State and New York City might find ways to lessen the impact of the federal tax changes, the long-term impact of the tax changes is not clear.

This final chapter will address three themes related to the governance of New York City. First, it will summarize the impact of the economic development imperative, federal and state relations with the city, and racial and ethnic diversity on the governance of the city. Second, the prospect that forces, other than the three emphasized in this discussion, are influencing the governance of the city will be examined. And finally, the chapter will discuss the implications for the future of theory and theory building in the broader study of urban politics.

GOVERNING GOTHAM

Throughout this work, governance has been defined as three related activities undertaken by the political system: the maintenance of democratic accountability, the maintenance of civil harmony, and the delivery of public goods and services.

Democratic Accountability

Democratic accountability requires a set of accessible procedures linked to the key decision-making apparatus of the political system. It also requires that the citizenry be effectively represented in these procedures, ideally through elections but also through appointments, dedicated representation structures, or more informal means that guarantee critical groups input into the political system's decision making. Democratic accountability contributes to the legitimacy of the decisions made by the political system.

Given the importance of economic development to the political system, mayors are held accountable for the city's economic performance. The mayor is the most significant actor in the city's promotion of economic growth, and some, but not all, of his decisions are subject to an open, democratically accountable decision-making process. But as mentioned in chapter 7, the mayor may be held accountable for economic development gains or losses over which he has no

control. The promotion of economic development has become so important to the city's political decisions that these decisions are some of the most visible decisions made. As a result of this visibility, the processes, or lack of process, by which the decisions are made have become almost as important as the decisions themselves. Democratically accountable procedures are not always present. Procedures such as the Uniform Land Use Review Process (ULURP) are relatively recent amendments to the city's political system and highlight the fact that many economic development decisions are subject to a democratic process. Yet there are still significant areas of economic development policy, such as discretionary tax incentives, where the mayor and his appointees act with very little public scrutiny. Even the de Blasio administration, which is much less committed to using discretionary tax incentives as a tool, has made no attempt to make these negotiations more visible. But the city council and interest groups tracking the city's development deals have been able to shed more light on the efficacy of some of these deals, as well as the effectiveness of the as-of-right tax incentives, such as 421-a.

Similar to economic growth promotion, the city's relationship with the federal and state governments produces influences that both encourage and retard the maintenance of democratic accountability. The state continues to play a major role in the city's promotion of economic growth. The Atlantic Yards decision, the redevelopment of Lower Manhattan, and many tax incentives are the result of decisions made at the state level. To the extent that major pieces of the city's economic development future are being made in Albany and not through the city's political system, democratic accountability is not being served. This can also be said for many areas of city activity that are controlled, in part, by state legislation, including transportation, child welfare, and education. The inhibition of democratic accountability also occurs whenever the state or federal level imposes a mandate on the city's political system. Regardless of the substance of the mandate, many of them laudable, intergovernmental unfunded mandates not only impose priorities of another level of government on the city but also force the city to reallocate scarce resources, dedicated through a democratically accountable budget process, to alternate priorities established at other levels of government.

Of course, citizens can also vote in state and national elections, thereby participating in those levels of government that create unfunded mandates. At these levels of government, however, the city's electorate is only one voice among many.

Through the Voting Rights Act, the federal government's influence on the city has produced one of the most significant positive impacts on the maintenance of democratic accountability. However, the recent Supreme Court ruling in *Shelby v. Holder* has decreased the influence of this legislation. The act added an additional layer of checks on the city's election procedures, further ensuring that ethnic and racial minorities would receive equal representation in the city's political system. Post-*Shelby*, however, the burden is now on those minority groups and their leaders to litigate when they believe their rights under the Voting Rights Act are being violated. The U.S. Justice Department's preclearance responsibilities were

eliminated by the 2012 court ruling. Racial and ethnic diversity places demands on the city for greater democratic accountability. And when racial and ethnic groups are well organized, as is frequently the case in New York City, democratic accountability is more easily maintained. Identifiable and politically active leaders of racial and ethnic groups reassure group members that they are being represented inside the political system. These same leaders also inform the political system of the need to be more inclusive, but they can also mobilize their members when the political system is not responsive.

Civil Harmony

Civil disharmony occurs within a political system when groups challenge the legitimacy of the system or a decision in a way that is disruptive to the city. Democratic political systems clearly have far less of a problem in maintaining civil harmony than those political systems that lack democratic procedures. Even democratic political systems, however, and especially those that are highly diverse, incur challenges to civil harmony. These challenges arise due to flaws in democratic procedures or problems with the equitable delivery of services. Similar to the maintenance of democratic accountability, diversity creates challenges to civil harmony because of the strains heterogeneous political attitudes and customs place on any set of democratic procedures or service delivery bureaucracies.

The NYPD chokehold death of Eric Garner on Staten Island combined with the NYPD practice of stop-and-frisk challenged civil harmony in the city. If a group is continuously singled out for negative treatment by the political system, at some point the group will begin to question their loyalty to, as well as the legitimacy of, the political system. And while electoral activity and litigation are means of addressing these wrongs, demonstrations and violence are other, less conventional ways of expressing outrage with political system practices. Demonstrations of civil disharmony are not limited to vocal or militant expressions of opposition to a decision. They could involve the amassing of resources in a continuous, protracted effort to reverse a decision or reform the political system in a significant way. This might involve litigation and/or protest activity, but it could also involve nonlegal means of articulating a position.

The promotion of economic development affects civil harmony through the maldistribution of the burdens and benefits it generates. Economic growth places demands on cities, such as new infrastructure, which must be met. Some projects exact costs on communities, including construction disruption, environmental health issues, and the changing character of the neighborhood. The negative impacts of economic development do not fall evenly across the city. The rezoning of the site in Inwood (northern Manhattan) that would have housed the Sherman Plaza housing development was aligned with the de Blasio administration's Mandatory Inclusionary Housing proposal to increase the number of affordable housing units in the city. But the citizens of Inwood viewed the proposal as an unwanted change in the character of their neighborhood. Using the ULURP

process and community mobilization, the community fought and successfully defeated the proposal. The same can be said for the Upper East Side (Manhattan) communities that fought the placement of a marine waste transfer station adjacent to a recreation center. Unlike Inwood, the affluent residents of the Upper East Side communities had considerable resources and litigated for almost a decade to defeat the waste transfer station, but they lost. Many low-income communities, also the home to waste transfer stations and countless other noxious land uses, lack the resources to contest their placement.

The city's relationships with the federal and state levels of government affect civil harmony primarily through their impact on democratic accountability. For the most part, the impact is marginal. While intergovernmental mandates remove important decision making from the city's political system, the same mandates may serve the interest of civil harmony by directing the city's political system to engage in more equitable service delivery activities or by creating more democratic procedures. In addition, when civil harmony declines, the state and federal levels may provide outlets where aggrieved groups and communities can seek redress from the negative impacts produced by the city's political system. This occurred when minority groups went to the federal level to seek reforms of discriminatory police practices and when the U.S. Department of Justice sued the city due to discriminatory hiring practices of the FDNY.

Racial and ethnic diversity affects civil harmony most directly through the production of a diverse set of demands on the city's political system. The demands can be procedural, claiming greater representation within political decision-making bodies, or the demands can be substantive, such as the demand for greater language access or a public hospital system that is more culturally sensitive. These demands challenge the political system because they may not only raise the cost of service delivery or the achievement of democratic accountability, but they may also challenge the ability of the political system to make good on these commitments.

Racial and ethnic diversity also challenges the maintenance of civil harmony through the reality and perception of discrimination. Groups who have been victims of societal discrimination are acutely aware of both the process and substance of governmental activity and how it can further discrimination and disadvantage. Racial and ethnic group leaders play a critical role. As discussed in chapter 5, group members look to leaders for an assessment of how they are being treated by the political system. In the face of discriminatory treatment, group members will often look to group leaders for guidance on how to react. Social media has also given group members the ability to communicate with others beyond communication with or through leadership.

Delivery of Public Goods and Services

For most New York City citizens, expectations of local government performance are directly related to the delivery of public goods and services. Education, law

enforcement, traffic control, and public health are governmentally provided services that affect citizens daily. And in many cases, issues of democratic accountability or civil harmony initially arise as concerns about service delivery.

To the extent that economic growth produces a positive fiscal flow, it has a significant impact on the ability of the city to deliver services. Given constraints on other mechanisms to increase the tax base, economic growth remains the most politically palatable mechanism to maintain or enhance a positive fiscal flow. As noted above, economic growth may affect service delivery in other ways. Growth in some parts of the city will place demands for greater service delivery in those areas. And to the extent that economic development takes place in advance of infrastructure improvements, it may place a strain on the city's service delivery apparatus. The Inwood community was concerned about the pressure that new building would place on the indigenous infrastructure: schools, roads, and parking facilities.

The city's relationships with the federal and state levels of government affect its ability to deliver services. Financial aid from other levels of government, in areas such as education, housing, and counterterrorism, enhance the city's ability to deliver more and better services. In effect, fiscal assistance from the state and federal levels lowers the city's cost of delivering services in those funded areas. Both Mayors Bloomberg and de Blasio have argued that federal funding is crucial to the city's counterterrorism efforts, and the declines in federal funding have harmed the city's efforts in this area. Also, ever since the Campaign for Fiscal Equity lawsuit, the city has claimed that the state has not made good on the court-mandated funding and that this has affected the city's ability to deliver quality education. At the same time, however, federal and state mandates occasionally tell the city not only what services must be delivered but also how they are to be delivered. Federal clean drinking water regulations have forced the city to build a multibillion-dollar filtration plant in Van Cortlandt Park (Bronx), as well as control development in the Delaware and Catskill aquifers to avoid federal water filtration mandates.

As previously noted, racial and ethnic diversity requires the city's service delivery bureaucracies to respond to a much wider variety of demands and/or be sensitive to the multilingual and multicultural context within which city services are being delivered. The Bloomberg administration determined that greater language access for the city's diverse population was a prerequisite to more effective service delivery, as well as being a proactive political tactic. Whether a more diverse (e.g., descriptively representative) service delivery bureaucracy or a better-trained bureaucracy, or both, results in the delivery of more effective services probably differs from service to service. In the case of the NYPD, a more diverse department still engaged in stop-and-frisk. As noted in chapter 9, the city bureaucracy may be the most descriptively representative institution in the political system, but many questions about service delivery equity remain. Equal treatment by the service delivery bureaucracy, regardless of whether it is the police, the school

system, parks, or public health, has become one of the standards by which racial and ethnic groups assess their relationship with the political system and the quality of governance.

THE FORCES THAT AFFECT NEW YORK CITY GOVERNANCE

The central thesis of this work has been that the governance of New York City is influenced by three sets of forces: the need of the city to promote economic growth, the city's relationship with the state and federal governments, and the city's increasing racial and ethnic diversity. Are there other emerging forces that might affect the governance of the city as much, or more, than the three forces discussed in this work? The three forces examined in this study have not always had the impact on the governance of the city that they have at present. Prior to the Depression of the 1930s, and possibly as recent as the 1950s, the federal government did not exert the type of influence on the city that it does today. The federal government's response to the civil rights movement and the urban crisis of the 1950s and 1960s, as well as President Lyndon Johnson's Great Society programs, established a relationship between the federal government and cities that did not exist before. Similarly, in the 1950s and 1960s, when the city was receiving a great deal of intergovernmental economic development funding, pressure on the city to promote economic growth on its own was not as great as it is today.

Two factors that have been mentioned as possible emerging forces in influencing the governance of the city are terrorism and climate change.

New York City and the Threat of Terrorism

The events of September 11, 2001, left an indelible mark on the city and its citizens. The impact can be measured in lives lost, jobs lost, businesses destroyed, as well as lost revenue to the city. In order to become one of the forces driving the governance of the city, however, the events of September 11 would have had to produce major concerns about future terrorist attacks. During fall 2017, the city experienced another terrorist attack when eight individuals were killed by a lone terrorist in a truck on Manhattan's West Side. In addition, the NYPD has discovered and thwarted a number of attempted terrorist attacks over the past decade. Nevertheless, terrorist concerns have not (yet) altered the dimensions and forces of city governance. Counterterrorism and preparedness have certainly become critical areas of city public policy, but they do not dominate the city's political system. In the wake of the terrorist attacks, in New York City and other cities, the city has reallocated the resources of its law enforcement, health, and emergency management bureaucracies in order to prevent—as well as address the possibility of—future terrorist attacks. In addition, the citizens of the city are certainly cognizant of the prospects of terrorist attacks in the future, not only because of the political system's reallocation of resources but also because the citizens are

frequently reminded that the city's assets make it a target for future attacks. The phrase, "If you see something, say something," has been ingrained in the New York City lexicon.

The three forces examined in this work became major forces affecting the governance of the city over a long period of time, not just as the result of one or two events, no matter how catastrophic. In the case of each of these factors, it took several decades, or longer, to establish their prominence in the governance of the city. If New York City were to become the target of a number of terrorist attacks over a period of years, it is certainly possible that the fears of the citizens and security concerns of the political system might begin to affect the governance of the city.

But the concerns about terrorism have not reached the level of significance in affecting the governance of the city equivalent to the three factors discussed in this work. In a variety of ways, however, the events of September 11, 2001, and their aftermath reinforced the significance of the three forces. After the attacks, the city became focused on retaining businesses in lower Manhattan as the city began to rebuild. There was a need to restore the lost jobs and revenue the city suffered as a result of the attacks. The aftermath of the attacks also underscored the city's continued dependence on the state and federal levels of government. And finally, the events of September 11, and subsequent terrorist attacks worldwide, certainly have produced consequences for ethnic and religious relations in the city, not only in terms of who perpetrated the attacks but also the attacks' impact on various groups and neighborhoods across the city. Some of the more negative impacts of terrorist attacks are being exacerbated by the Trump administration.

Climate Change

The climate is changing. Average temperatures are increasing, and the sea levels are rising. Storms, and the accompanying storm surges from the ocean, have become more severe. Increasingly, discussions of mitigating the effects of climate change have become discussions of adapting to climate change. For New Yorkers, Superstorm Sandy was evidence enough of the potential impact of a changing climate. Superstorm Sandy notwithstanding, most of the impacts of the changing climate on the city will be slow and steady. And that may allow a responsive political system and its governing institutions to adapt slowly to the point where those changes never monopolize a city's policy agenda. But this assumes a political system, at all levels, which is responsive to climate change over time. The Bloomberg administration recognized climate change as a force and the need to build a sustainable city early in Mayor Bloomberg's tenure as mayor. The impact of Hurricane Katrina on New Orleans and the impact of Hurricane Irene in 2011 also encouraged the Bloomberg administration to update its hurricane plans simultaneously with planning for climate change (Holloway 2016).

Mayor Bloomberg's PlaNYC is one of the more comprehensive responses to the demands of climate change and sustainability on a city. In addition to the need to develop a proactive plan to prepare for severe weather events influenced

by climate change, PlaNYC was also influenced by the prediction that, by 2030, the city would have over nine million residents—a million more than it currently has. And although climate change and sustainability may not currently have the impact on city governance and politics as economic development, intergovernmental relations, and racial and ethnic diversity, PlaNYC created the “expectation” that sustainability would be a consideration in any major Bloomberg administration decision (Holloway 2016). During the Bloomberg administration, many city agencies were given deputy commissioners for sustainability. According to a Bloomberg deputy mayor and former commissioner of the city’s Department of Environmental Protection, sustainability became a significant consideration anytime the city considered rebuilding infrastructure, as well as a perennial question attached to all city projects.

PlaNYC includes hundreds of initiatives that are currently in various stages of implementation. New York City is unique among American cities in that most of its fine particulate matter air pollution comes from its buildings and not the automobiles. One of the PlaNYC initiatives that is well under way is the regulation that all buildings in the city cease using the dirtiest forms of heating oil by 2030, and no new buildings are allowed to use heating oils that produce high amounts of pollution (New York City Mayor’s Office of Sustainability 2016). At the same time, however, PlaNYC has had its setbacks. The Bloomberg administration was unable to implement congestion pricing to reduce traffic congestion in Manhattan’s central business district. Both the governor and state legislature, as well as some outer borough members of the city council, opposed the plan.

As public advocate, Bill de Blasio supported Mayor Bloomberg’s PlaNYC and overall response to the sustainability issue. Mayor de Blasio’s “One New York” has injected the need to address sustainability issues while at the same time addressing social justice concerns. Mayor de Blasio’s commitment to continuing the city’s emphasis on sustainability and PlaNYC is best illustrated by the fact that some of Mayor Bloomberg’s staff hired to address climate change and sustainability issues have stayed on and are working for Mayor de Blasio in the same capacity (Holloway 2016).

GOVERNING GOTHAM, URBAN POLITICS THEORY, AND THE MAYORALTY

The introductory chapter briefly discussed the evolution of urban politics theory and its primary focus on economic development at the expense of other critical forces. Much of the discussion in this book demonstrates that although the economic development imperative is a critical force in the governance of New York City, there are other forces that affect the governance of New York City. The extant theories of urban politics clearly have value and make a contribution to our understanding of New York City politics and the politics of other urban political systems as well. Regime theory, in particular, is valuable in focusing on the power and

legacy of the mayor. The discussion of political parties in chapter 6 discussed the role that regime theory plays in explaining how changes in party control of the mayoralty may not necessarily change the overall direction and agenda of the government. Looking back at the four mayoral administrations that preceded the de Blasio administration, regime theory suggests the maintenance of political system stability despite changes in mayoral administration and party control of government. Mayor Dinkins so clearly wanted to change direction from the Koch administration that preceded his but was thwarted by national and local economic conditions.

Unlike the Dinkins administration, the de Blasio administration appears to be off to a much better start in changing direction. The election of Bill de Blasio represented not only a change in party control of the mayoralty but also a significant change in the direction of the political system and a possible change in regime. As discussed in chapter 7, Mayor de Blasio was elected by a very different coalition than those who comprised the winning coalition for the five prior mayoral elections. And the de Blasio administration's agenda was responsive to the demands of his coalition, with a focus on inequality and addressing the needs of middle- and working-class New Yorkers. And while the de Blasio administration has done nothing to thwart the continued economic growth in the city, its focus via programs such as universal pre-kindergarten and affordable housing production is on a much different set of citizens than prior administrations.

At the same time, however, the transition from the Giuliani/Bloomberg administrations to the de Blasio administration presents the opportunity to raise some interesting questions about regime theory as well as the power of the mayor. First, how does one know when regime change is taking place? The change in agenda and tone from the Giuliani/Bloomberg years to the de Blasio administration is significant, but there are similarities. As noted earlier in this chapter, Mayor de Blasio has placed great emphasis on climate change, although he is pursuing adaptation policies in the context of social justice concerns. In addition, although Mayor de Blasio's pursuit of affordable housing may be his administration's highest priority, the tools he is using to pursue it, primarily the incentivizing of affordable housing construction attached to luxury residential developments, are only incrementally different from tools used by the Bloomberg administration. Moreover, the "affordable housing" focus of the de Blasio administration needs to be distinguished from a focus on low-income housing that would target those living below the poverty line more than middle-income and lower-middle-income New Yorkers. Second, is the election of a new mayor sufficient to bring about regime change? There is no doubt that the mayor has more resources to influence the direction of governance than any other actor. Presumably, regime change does not occur simply because a new administration has decidedly different goals from the prior administration. And the Dinkins administration demonstrated that placing regime change on the agenda by itself does not produce the change. How much cooperation does the mayor need from other actors to bring about real change?

And must the forces that affect city governance discussed in this book be malleable or conducive enough to allow the mayor to sufficiently manipulate them to bring about change? The discussion and analysis presented in this study suggest that producing regime change would be extremely difficult even with the degree of power that the mayor possesses.

Also, must regimes be so robust that they survive more than one mayoral administration to be credible? Given the de Blasio administration's focus on inequality, must the administration make a significant dent in inequality, however defined, before regime change is pronounced? What if Mayor de Blasio's universal pre-kindergarten and affordable housing goals are met and surpassed yet the degree of inequality in the city hardly changes? And of course, what role do the intergovernmental relations and the increasing diversity of the city play in the de Blasio administration achieving its goals, even though they are, for the most part, overlooked by regime theory and other contemporary approaches to the study of urban politics? Ultimately, a successful de Blasio administration may only demonstrate the limits of what a liberal urban political regime can do, without comprehensive assistance from the state and especially the federal government.

This work has been based, in part, on the premise that approaches such as regime theory, while offering valuable insight, do not offer a comprehensive perspective on the governance of urban political systems. As noted in the introduction, earlier approaches, such as pluralism and elitism, either lacked structure or supplied too much structure. These earlier approaches were correctly critiqued by more contemporary approaches such as regime theory and the growth machine, yet they too have their shortcomings in focusing primarily on one of the forces that influence the governance of the city. New York City politics offers one an opportunity to examine the full array of factors that affect the governance of urban political systems. These factors create a context within which political systems operate and governance takes place.

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