

Committee Staff:

Kristoffer Sartori, Senior Counsel
Patrick Mulvihill, Senior Policy Analyst
Chima Obichere, Finance Division Unit Head
Rose Martinez, Assistant Deputy
Nicholas Montalbano, Senior Data Scientist



THE COUNCIL OF THE CITY OF NEW YORK

Andrea Vazquez, *Legislative Director*

BRIEFING PAPER OF THE INFRASTRUCTURE DIVISION

Brad Reid, *Deputy Director, Infrastructure Division*

COMMITTEE ON PARKS AND RECREATION

Hon. Shekar Krishnan, *Chair*

April 22, 2022

Oversight: The Effect of COVID-19 on Park Equity

Int. No. 173:

By Council Member Krishnan

Title:

A Local Law to amend the administrative code of the city of New York, in relation to the parks and playgrounds that have failed inspections conducted by the department of parks and recreation

Admin Code:

Adds section 18-158

INTRODUCTION

On April 22, 2022, the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, will hold a remote oversight hearing entitled “The Effect of COVID-19 on Park Equity,” and will also hear Int. No. 173, A Local Law in relation to the parks and playgrounds that have failed inspections conducted by the department of parks and recreation. Representatives from the New York City Department of Parks and Recreation (DPR), as well as parks conservancies and alliances, parks advocates and community organizations have been invited to testify.

BACKGROUND

During the late 1970’s, New York City experienced a financial crisis that led to massive budget cuts for all city agencies including DPR.¹ As a result, many of the City’s parks were left in a state of disrepair.² In order to continue providing upkeep, DPR began to initiate agreements with not-for-profit organizations to take on the responsibilities of maintaining certain parks.³ These public-private partnerships helped to lessen the direct public investment required for such parks.⁴ Over time, this practice has expanded to other parks and has resulted in a structure where the parks system in New York City is funded by a mix of public and private dollars and cared for by public employees, private sector workers and many volunteers.⁵ This model of funding for City parks has led many to

¹ Katrina Shakarian, “*For Richer and For Poorer: Tying the Park Equity Knot,*” The Gotham Gazette, May 26, 2014, available at: <https://www.gothamgazette.com/government/5052-richer-poorer-park-equity-new-york-city>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Lisa W. Foderaro, “*Focusing on Lesser-Known Open Spaces in New York,*” The New York Times, May 6, 2014.

question whether a disparity has been created between the quality of maintenance in large well-known parks that have access to private funding and those that do not.⁶

Part of the concern raised by the reliance on private dollars is whether such reliance has dampened the will to commit the necessary amount of public funds to support and maintain parks.⁷ Throughout the last few decades, as the trend of privately funding part of the parks system has grown, public spending has remained mostly stagnant and even decreased when accounting for inflation. For example, park spending represented about 1.4 percent of the City budget in 1960, 0.86 percent in 1986, 0.65 in 1991 and 0.52 in 2000.⁸ Currently, DPR's preliminary budget for fiscal year 2023 is \$557.1 million and only represents less than one percent of the entire City budget.⁹ This is approximately \$62.8 million less than the fiscal year 2022 adopted budget of \$619.9 million.¹⁰

Historical Equity Issues and Concerns

Increased private funding and conservancies

Over the last two decades the amount of open space under the City's jurisdiction has grown tremendously, as 750 acres of parkland have been added with \$3.9 billion in capital funding invested in new and renovated parks.¹¹ Large destination parks, such as the High Line, Hudson River Park, Brooklyn Bridge Park and Governors Island have been built or are being built while large sums of

⁶ Id.

⁷ Id.

⁸ Dan Rosenblum, "Park Angst," Capital New York, June 24, 2010; *see also* Testimony, State Senator Daniel Squadron before the New York City Council Committee on Parks and Recreation, March 27, 2014; *see also* Article, "Inside the Budget: End of the Green for Parks? After a Four Year Rise, Funding May Tumble," New York City Independent Budget Office, May 9, 2002.

⁹ *See* NYC Fiscal Year 2023 Preliminary Budget, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5462799&GUID=4896FDCB-56DB-4075-9D7D-0B62E5891105&Options=&Search=>

¹⁰ Id.

¹¹ Lisa W. Foderaro, "New York Parks in Less Affluent Areas Lack Big Gifts," New York Times, February 17, 2013, available at: <https://www.nytimes.com/2013/02/18/nyregion/new-york-parks-in-less-affluent-areas-lack-big-gifts.html>

capital money have been invested for the growth of additional space. These signature parks are mostly operated by conservancies or similar organizations that have historically attracted large private donations to fund the parks that they manage. A somewhat recent example of the imbalance that this can create was in 2012, when \$100 million was donated to Central Park and \$20 million given to the High Line, while in contrast, Flushing Meadows Corona Park, a park not surrounded by wealthy communities, attracted only \$5,000 that entire year in donations.¹² Certain City officials have encouraged increased private funding, arguing that it will ensure that signature parks have the resources to remain properly maintained while accommodating the large number of visitors per year.¹³ The City has over 25 nonprofit organizations or conservancies that have official agreements with DPR to provide maintenance, operations, programs or community services for certain parks.¹⁴ These organizations are funded by private donations and support approximately 50% of public parks and open spaces throughout the City.¹⁵ Conservancies currently employ over 500 full-time staff and hundreds of seasonal workers and they typically spend over \$150 million annually in privately raised funds on open space.¹⁶ Conservancies also engage about 100,000 volunteers annually who help care for their local parks.¹⁷ Many other volunteer organizations, often known as “friends of” groups who have no formal contractual relationship with DPR and no budgets, also supplement the needs of parks

¹² *Id.*

¹³ *Id.*

¹⁴ Report, Report on COVID-19 Impact on Public Spaces, Parks and Open Space Partners, May 1, 2020, https://riversideparknyc.org/wp-content/uploads/2020/05/Parks_and_Open_Space_Partners_NYC-Report_2020.pdf.

¹⁵ *Id.*

¹⁶ *Id.* at p4.

¹⁷ *Id.*

by helping to maintain them.¹⁸ Many of these groups are located in under-resourced communities, whose parks are extremely reliant on such volunteer work.¹⁹

Some argue that such donations and private funding highlight the difference in status between parks in well-off areas and others that are in less affluent communities, where conservancies and friends groups struggle to raise any money.²⁰ This has given rise to a perception that a disparity has been fostered among the City's parks that are not equally funded, with flagship parks having strong public-private partnerships and benefitting from access to private funding, while many neighborhood parks endure insufficient funding and deferred maintenance.²¹

Others have argued that increasing the number of public-private partnerships and private funding has been one way to augment DPR's historically diminished budget, but questions remain as to whether this has resulted in replacing, rather than augmenting public funds.²² It has been claimed that about 20 percent of those funds were spent on fundraising, overhead and other non-programmatic activities, and not on providing a direct benefit to these parks.²³ Others have raised concerns that the apparent growing number of conservancies will continue to result in diminished public funding of the City's parks system, or result in an unequal park system that could eventually lead to the privatization of public open space. Many also defend the role of conservancies and non-profits, especially in light of COVID's effect on the Parks budget, highlighting that so many crucial

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ See Study, Supporting Our Parks: A Guide to Alternative Revenue Strategies, New Yorkers for Parks, July 2010, p 2. <http://ny4p.org/research/other-reports/or-altrevenue10.pdf>.

²² See Report, Supporting Our Parks: A guide to Alternative Revenue Strategies, New Yorkers For Parks, 2010, p 12. See also; Report, Making the Most of Our Parks, Citizens Budget Commission, September 2007 p 13.

²³ *Id.*

See also; Report, Making the Most of Our Parks, Citizens Budget Commission, September 2007 p 13.

maintenance, operational and recreational programs are managed by non-profit organizations and that many organizations that operate with a budget and fund park operations stand to lose anywhere between 32% and 68% of their annual revenue, resulting in the deterioration of parks that they care for.²⁴

Public Safety

Parks Enforcement Patrol (PEP) officers are the uniformed force who help enforce the rules throughout the park system. Their numbers have also been subject to cuts over the years, with some questioning whether their overall numbers and allocation throughout the system has resulted in a disparity when it comes safeguarding public safety. PEP officer numbers dwindled to fewer than 100 by Fiscal Year (FY) 2013.²⁵ For FY 2014, the trend started to reverse with the hiring of 81 additional PEP officers.²⁶ Subsequent budgets have been more generous to PEP numbers, with a recent high coming in the FY 20 budget where \$6 million was included for an additional 80 PEP officers.²⁷ That funding increased the PEP headcount in the City to 343 officers, with 70 in the Bronx, 72 in Brooklyn, 69 in Manhattan, 72 in Queens and 40 in Staten Island.²⁸ However, as a result of budget cuts for FY 21 during COVID-19, DPR was not able to retain the additional 80 PEP officers that were included in the City budget the prior year which resulted in decreasing the number of PEP officers down to 263. The fiscal year 2023 preliminary budget does not include \$18 million in one year funding that

²⁴ See supra, note 27 at p 7.

²⁵ Garth Johnson, "Parks Department Nearly Doubling Its Number Of Park Officers," Gothamist, March 7, 2013.

²⁶ Testimony, Veronica White, Commissioner of the Department of Parks and Recreation before the New York City Council Committee on Parks and Recreation, May 30, 2013.

²⁷ See, New Yorkers For Parks Website, Play Fair, available at: <http://www.ny4p.org/what-we-do/play-fair#2925>.

²⁸ Information provided by Department of Parks and Recreation to City Council Finance Division.

the Council negotiated with the Administration in the fiscal year 2022 adopted budget which would have included \$6 million to retain an additional 80 PEP officers.²⁹

In addition to this, there is a group of about 80 PEP officers who are assigned to specific parks that pay DPR for such PEP services. Such parks include Hudson River Park, Brooklyn Bridge Park, Riverside Park South, Washington Square Park, Madison Square Park, Randall’s Island and the Highline.³⁰ These parks are largely privately funded and are able to pay for PEP officers who are officially stationed at that specific park, while through the rest of the park system, PEP officers are not assigned to specific parks, but rather patrol specific routes within boroughs.³¹ Numerous advocates have questioned whether this practice creates a safety disparity when a small number of privately funded parks have a larger proportionate share of PEP officers, when compared to the publicly funded parks throughout the City that have to share a pool of PEP officers allocated by borough rather than by park.³²

Maintenance and Staffing

The varying level of maintenance of parks throughout the five boroughs continues to raise concerns regarding inequity throughout the park system. The maintenance of parks and other types of property under its jurisdiction is a major part of DPR’s responsibilities. Maintenance activities typically include basic repairs and upkeep, garbage collection and depending on the weather, snow

²⁹ See NYC Fiscal Year 2023 Preliminary Budget, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4924824&GUID=45D79671-DFB8-4FEC-8C67-7B7ED21A1526&Options=&Search=>

³⁰ Testimony, Margaret Nelson, Deputy Commissioner for Urban Park Service and Public Programs of the Department of Parks and Recreation before the New York City Council Committee on Parks and Recreation, February 26, 2020.

³¹ *Id.*

³² Lisa L. Colangelo, “Private Group Contracts Cause Safety Patrol Dip for Borough Parklands,” The New York Daily News, October 4, 2008.

plowing.³³ In order to perform this work, DPR employs a variety of professionals, including landscape architects, architects and engineers who design park features, forestry staff who plant and maintain trees, gardeners, recreation professionals who organize DPR programming, park rangers, enforcement officers and outreach staff who work with volunteers and friends of groups who also assist in maintaining parks.³⁴ Daily park maintenance and staff headcount can vary depending on the size of the park and the amount of required maintenance. Some maintenance work is performed by more specialized staff who work with specialized equipment, including full-size tractors or roll-off container trucks and can also include seasonal preparation of pools and maintenance of heating, ventilation, and air conditioning systems.³⁵

A 2018 report by the Center for an Urban Future entitled, *A New Leaf, Revitalizing New York City's Aging Parks Infrastructure*, highlighted the fact that the parks system is aging rapidly and pointed to numerous maintenance deficiencies that have affected City parks for decades.³⁶ The average City park is approximately 77 years old, with roughly 40 percent of city pools having been built before 1950, with half of DPR's 53 recreation centers similarly built before that time.³⁷ Additionally, DPR's waterfront facilities, including piers, bulkheads, marinas and docks are on average 80 years old.³⁸ The report further highlights that the average City park has not had any major renovations since 1997.³⁹

³³ See, *Annual Report on Park Maintenance Fiscal Year 2018*, available at:

https://www.nycgovparks.org/pagefiles/142/Annual-Report-on-Park-Maintenance-FY18_5d5476bb9d1b7.pdf

³⁴ *Id.*

³⁵ *Id.*

³⁶ Center for an Urban Future, *A New Leaf, Revitalizing New York City's Aging Parks Infrastructure*, June 2018, available at: https://nycfuture.org/pdf/CUF_A_New_Leaf_.pdf.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

Stagnant budgets and poor staffing levels have directly resulted in an inability for DPR to properly maintain its parks over the years.⁴⁰ Per DPR's own maintenance requests, recommended maintenance needs went up 143 percent between FY 2006 and FY 2016 from \$14 million to almost \$34 million.⁴¹ In FY 2016, only 12 percent of that request was actually funded.⁴² According to the Trust for Public Land, the City spends less on parks per capita when compared to other large cities.⁴³ For instance, as of 2017, the City spent about \$178 per capita, while other cities like Washington, D.C. and Minneapolis spent \$270 and \$233 per capita, respectively.⁴⁴

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

Share of the Parks Department’s State of Good Repair Needs Met Since FY 2007

Year	State of Good Repair Needs	Agency Planned Activities	Share of Needs Met
FY07	\$405,914,000	\$64,469,000	15.9%
FY08	\$410,356,000	\$62,863,000	15.3%
FY09	\$401,448,000	\$26,955,000	6.7%
FY10	\$379,635,000	\$38,208,000	10.1%
FY11	\$399,212,000	\$61,449,000	15.4%
FY12	\$418,778,000	\$72,418,000	17.3%
FY13	\$471,151,000	\$81,225,000	17.2%
FY14	\$488,108,000	\$76,646,000	15.7%
FY15	\$509,671,000	\$59,163,000	11.6%
FY16	\$555,628,000	\$63,402,000	11.4%
FY17	\$589,098,000	\$88,326,000	15.0%

Source: Center for an Urban Future analysis of data from the Office of Management and Budget



The Table above is an analysis of data from the City Office of Management and Budget showing that between FY07 and FY17, the amount of “State of Good Repair Needs” has increased from \$405 million to \$589 million, with only an average 15% of the share of needs met. The exception was in FY09, where only 6.7% of the share of needs was met.

Understaffing at DPR has played a major role in maintenance deficiencies. From a high in 1976 of about 11,000 full time positions, the full time staff dropped to an average of about 7,300⁴⁶ recently, with some slight increases recently of about 11% from 2014 to 2016. DPR has approximately 150 gardeners citywide for nearly 20,000 acres of parkland, which equals one gardener

⁴⁵ *Id.*

⁴⁶ See NYC Fiscal Year 2023 Preliminary Budget, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4924824&GUID=45D79671-DFB8-4FEC-8C67-7B7ED21A1526&Options=&Search=>

for every 133 acres.⁴⁷ Comparatively, the San Francisco Recreation and Parks Department has over 200 gardeners for 4,113 acres of parkland, which equals one gardener to 20 acres.⁴⁸ According to the report, experts who were interviewed stated that such staffing levels are insufficient to meet the needs of the aging parks system.⁴⁹ Recent budget cycles, until FY 2020, have seen increased staffing levels, but from FY 2014 to FY 2019, DPR's staffing levels grew at a rate less than that of other City agencies from 7,302 to 7,460.⁵⁰ For example, while DPR's staff grew 2 percent, the Department of Corrections grew by 17 percent and the Department of Homeless Services by 25 percent. City spending has grown from \$77 billion in FY 2014 to \$96 billion in FY 2019, before the pandemic required cuts back to \$88 billion, and \$86 billion later this year.⁵¹ Reductions over time in full time staff have forced DPR to change how it allocates its workforce throughout the park system by moving resources away from specific parks and into the borough offices, which provides DPR with greater flexibility in allocating limited staff across park districts.⁵²

Capital Funds

Another factor relating to DPR's increased reliance on private dollars has to do with its capital process. Currently, for the vast majority of capital projects, DPR is reliant on discretionary allocations from various elected officials whose priorities might differ from those of DPR.⁵³ Some advocates

⁴⁷ Center for an Urban Future, *A New Leaf, Revitalizing New York City's Aging Parks Infrastructure*, June 2018, available at: https://nycfuture.org/pdf/CUF_A_New_Leaf_.pdf.

⁴⁸ *Id.*

⁴⁹ *Id.* at p. 7.

⁵⁰ Article, "The Mayor's Shameful Mismanagement of the City's Parks," State of the Planet, Columbia University Earth Institute, August 31, 2020 <https://blogs.ei.columbia.edu/2020/08/31/mayors-shameful-mismanagement-new-york-citys-parks/>

⁵¹ *Id.*

⁵² Article, "Inside the Budget: End of the Green for Parks? After a Four Year Rise, Funding May Tumble," New York City Independent Budget Office, May 9, 2002.

⁵³ *Id.*, see also; Lisa W. Foderaro, "A Little Known Reason for Disparities in New York's Parks," The New York Times, June 16, 2013.

have suggested that DPR should have its own discretionary capital budget to enable it to better plan and budget for capital projects over the long term.⁵⁴ The concern is that the lack of its own capital budget adds to the inefficiency of the overall process and contributes to inequity throughout the park system, since many large projects are concentrated in large landmark parks, making it very difficult for DPR to plan for long-term capital maintenance and improvement of all of its parks.⁵⁵ It has been argued that if DPR had a separate discretionary capital budget or greater control over its capital spending, it could more efficiently direct capital spending to the infrastructure and maintenance needs of a wider range of large and small parks throughout the entire City.⁵⁶

Capital dollars have also been increasingly relied upon by DPR in order to perform routine maintenance and repairs. Capital funds for park projects have increased significantly in recent years, and lump sum budget items for generically named items such as “construction, improvements to tennis courts and miscellaneous parks, playgrounds and structures” are allocated funds, but are not tied to specific parks or facilities.⁵⁷ DPR staff will then decide how to use such funds for repairs or reconstruction of park facilities.⁵⁸ This capital funding of routine repairs, which normally should be paid for through the operating budget, results in increasing the debt burden to the City while diminishing the incentive to conduct preventative maintenance and replace equipment more rapidly.⁵⁹

EQUITY ISSUES EXACERBATED BY COVID-19

⁵⁴ See New Yorkers for Parks, Parks Platform 2013

<http://www.ny4p.org/advocacy/ParksPlatform2013/Parks%20Platform%202013%20-%20White%20Paper%20.pdf>

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

The COVID-19 pandemic highlighted both the tremendous benefits offered by parks and the inequities that still limit the ability of many New Yorkers to easily access and fully enjoy quality parks. Reports by the Independent Budget Office (IBO) and the Trust for Public Land (TPL) found that in many low-income neighborhoods and communities of color, where case and death rates from COVID-19 were disproportionately high, residents lacked access to quality open space.⁶⁰ The IBO report, which mapped park space by square foot per resident, noted that the 16,000 acres of developed parkland in the City is not equally distributed, highlighting lower income neighborhoods like Bensonhurst and Borough Park in Brooklyn that have as little as two square feet of park space per resident, and that neighborhoods such as Chinatown and Stuyvesant Town in Manhattan and areas surrounding Parkchester in the Bronx also have limited park space per capita.⁶¹ In contrast, larger amounts of park space per capita are found around Pelham Bay in the Bronx, near Bayside in Queens, and in several areas of Staten Island, neighborhoods with generally higher income levels.⁶² The TPL report also pointed to the fact that across the City, parks in poor and nonwhite neighborhoods are smaller and have the added burden of having to serve larger numbers of people when compared to those in wealthy neighborhoods.⁶³ The TPL report further notes that the average park size is 6.4 acres in poor neighborhoods, while wealthier neighborhoods average almost double the size at 14 acres.⁶⁴

⁶⁰ See Winnie Hu and Nate Schweber, The New York Times, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*” and Report: “*Which Neighborhoods have More Nearby Park Space Per Capita?*” Independent Budget Office, <https://ibo.nyc.ny.us/iboreports/which-neighborhoods-have-more-nearby-park-space-per-capita-btn-july-2020.pdf>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Winnie Hu and Nate Schweber, The New York Times, July 15, 2020. “*New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out.*”

⁶⁴ *Id.*

More specifically, the average park size is 7.9 acres in predominantly Black neighborhoods, compared with 29.8 acres in predominantly white neighborhoods.⁶⁵

What makes this disparity so particularly troublesome is that the neighborhoods with poor access to parks and open space were also the neighborhoods that had the highest number of initial COVID-19 cases and death rates.⁶⁶ With COVID-related closures, park access within a 10-minute walk dropped and resulted in about one million residents, primarily located in central Brooklyn, Queens and the East Bronx, losing significant access to open space.⁶⁷ Those closures did not affect wealthier neighborhoods.⁶⁸

In a more recent report by TPL released in March 2022, entitled *The Economic Benefits of Parks in New York City*, TPL further emphasized that close-to-home parks are crucial to a community's quality of life, especially during a crisis such as the COVID-19 pandemic.⁶⁹ During the pandemic, 72 percent of adults increased or maintained their use of public parks and trails nationally.⁷⁰ The report further confirmed that the COVID-19 pandemic disproportionately affected low-income neighborhoods and communities of color in the City, including reducing access to quality parks and outdoor spaces.⁷¹ Areas in Central Brooklyn, the East Bronx and Queens suffered the most

⁶⁵ Devin Gannon, 6sqft.com, "During the pandemic's peak, low-income New Yorkers lacked access to quality green space," July 16, 2020, <https://www.6sqft.com/during-the-pandemics-peak-low-income-new-yorkers-lacked-access-to-quality-green-space/>; Winnie Hu and Nate Schweber, *The New York Times*, July 15, 2020. "New York City Has 2,300 Parks. But Poor Neighborhoods Lose Out."

⁶⁶ Erin Durkin, Politico, "NYC's Poorest Neighborhoods Have Highest Death Rates from Coronavirus," May 18, 2020, <https://www.politico.com/states/new-york/city-hall/story/2020/05/18/poorest-nyc-neighborhoods-have-highest-death-rates-from-coronavirus-1284519>.

⁶⁷ Carter Strickland and Adam Ganser "Build New Parks Where They're Needed Most," New York Daily News, July 27, 2020. <https://www.nydailynews.com/opinion/ny-oped-build-new-parks-where-theyre-needed-most-20200727-lnueedoja5d5tbkl7j4aoud5e4-story.html>

⁶⁸ *Id.*

⁶⁹ See, *The Economic Benefits of Parks in New York City*, Trust for Public Land, March 2022, available at: https://www.tpl.org/sites/default/files/030822_Economic%20Benefits%20NYC_FinalE.pdf

⁷⁰ *Id.*

⁷¹ *Id.*

with many residents relying on a single park facility.⁷² The report also further stated, like the prior report from 2018, that parks serving low-income communities of color are generally smaller, serve more people per acre and lack private funding.⁷³ The COVID-19 pandemic severely impacted park maintenance and some park programs have been reduced, including the NYC’s Urban Park Rangers.⁷⁴

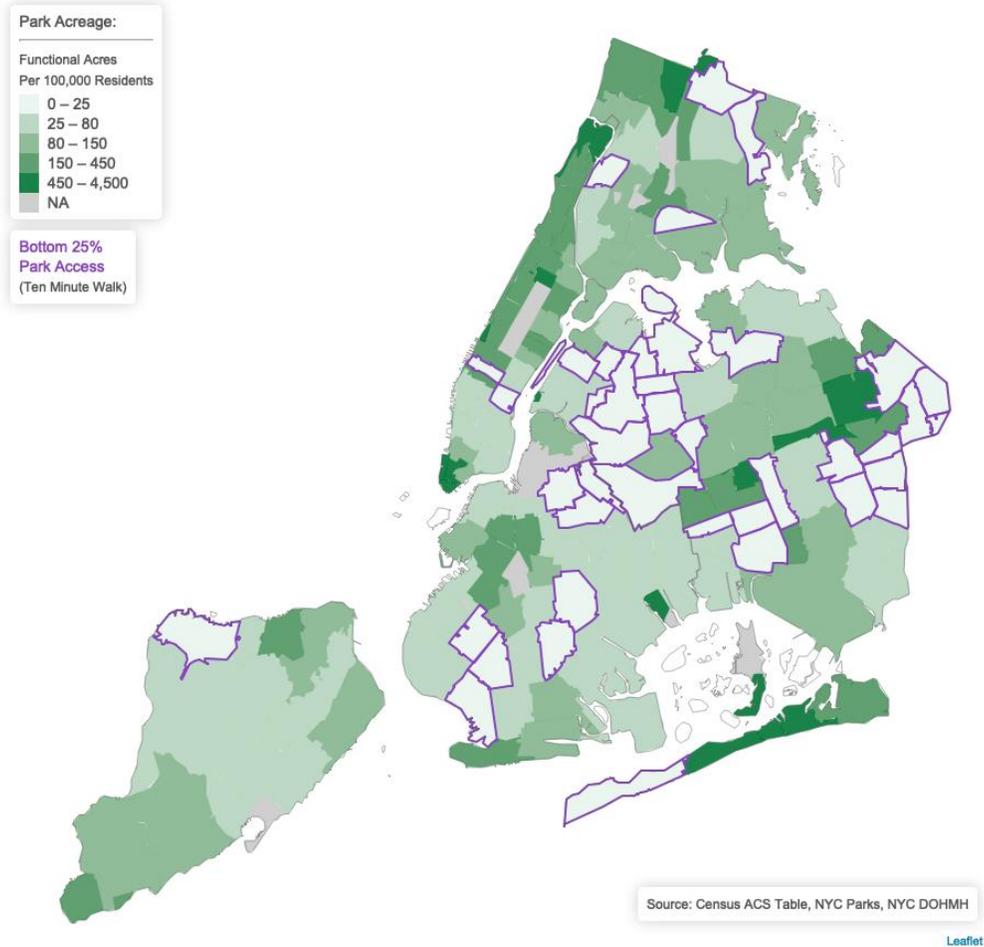
The following maps and charts highlight these disparities:⁷⁵

⁷² *Id.*

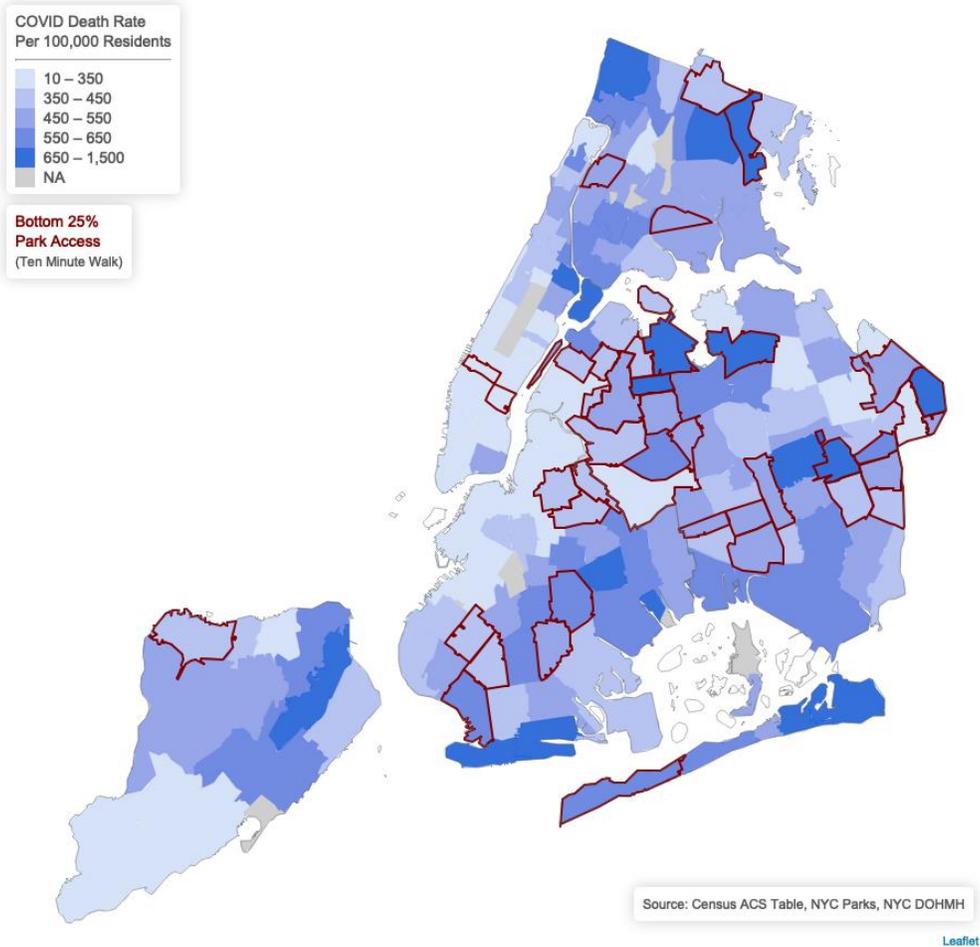
⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Find more information on the sources, data, and code used in this analysis on GitHub:
https://github.com/NewYorkCityCouncil/park_equity_covid_2022

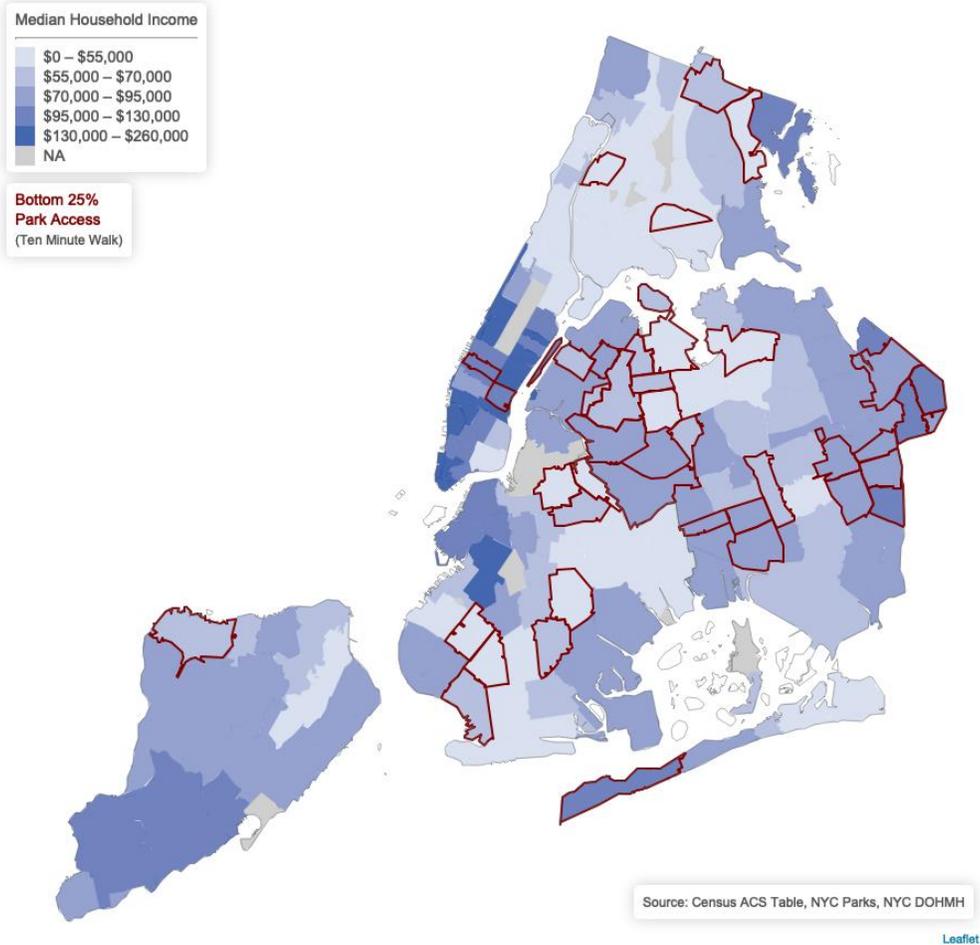


The map above illustrates the amount of park acreage per 100,000 residents that exists in each zip code throughout the entire City. Zip codes are colored in varying shades of green with darker areas indicating greater amounts of park acreage compared to lighter shaded areas. The purple outline indicates zip codes in the bottom 25% of park access in the City. Park access is the amount of functional park acreage available to a resident within a 10 minute walk. While each borough has at least one zip code in the bottom 25% of park access, the cluster of zip codes in Queens that includes Elmhurst and Jackson Heights stands out.

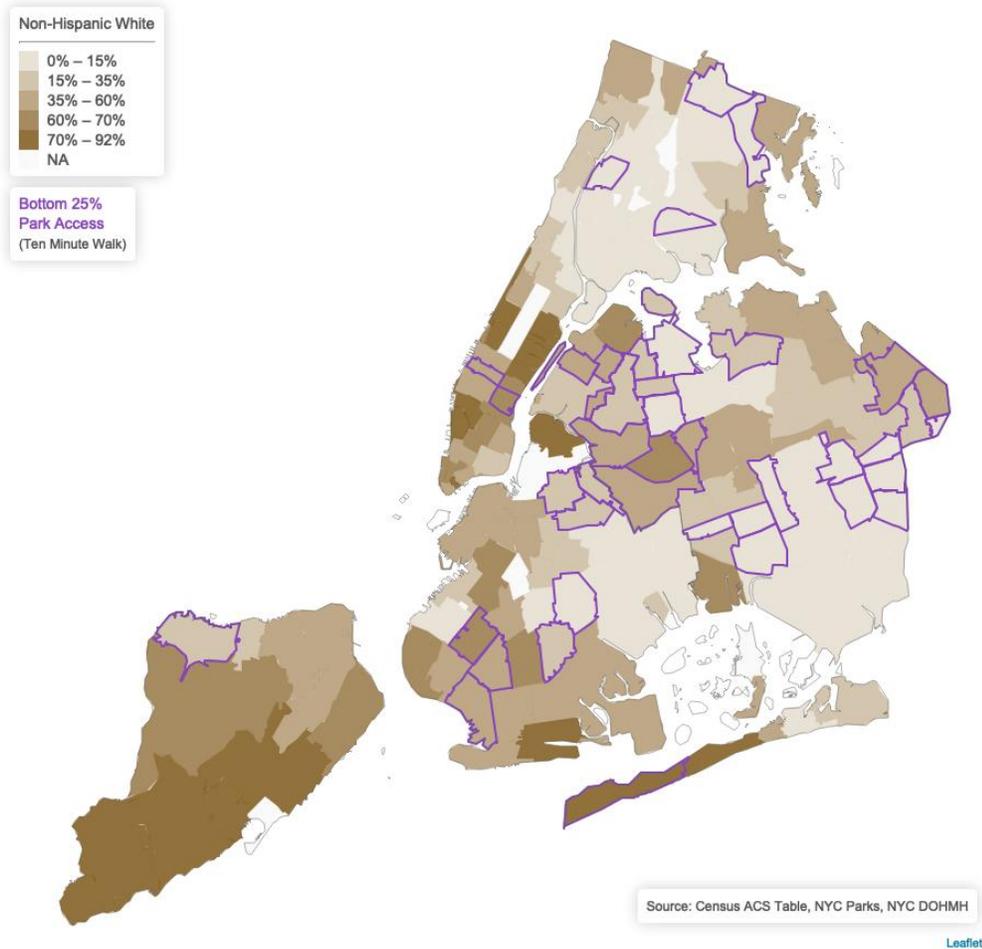


The map above illustrates the number of COVID-19 deaths per 100,000 people that exists in each zip code throughout the entire City. Zip codes are colored in varying shades of blue with darker areas indicating higher COVID-19 death rates compared to lighter shaded areas. The red outline indicates that the zip code is in the bottom 25% of park access in the City. Several zip codes with higher number of COVID-19 death rates also are in the bottom 25% of park access. For example, Jackson Heights has the 16th highest COVID-19 death rate at 699 deaths per 100,000 and the 6th lowest park access at 5 acres per 100,000 residents.⁷⁶

⁷⁶ Rankings based on each zip code’s position out of 177 total zip codes (MODZCTA) in the City.

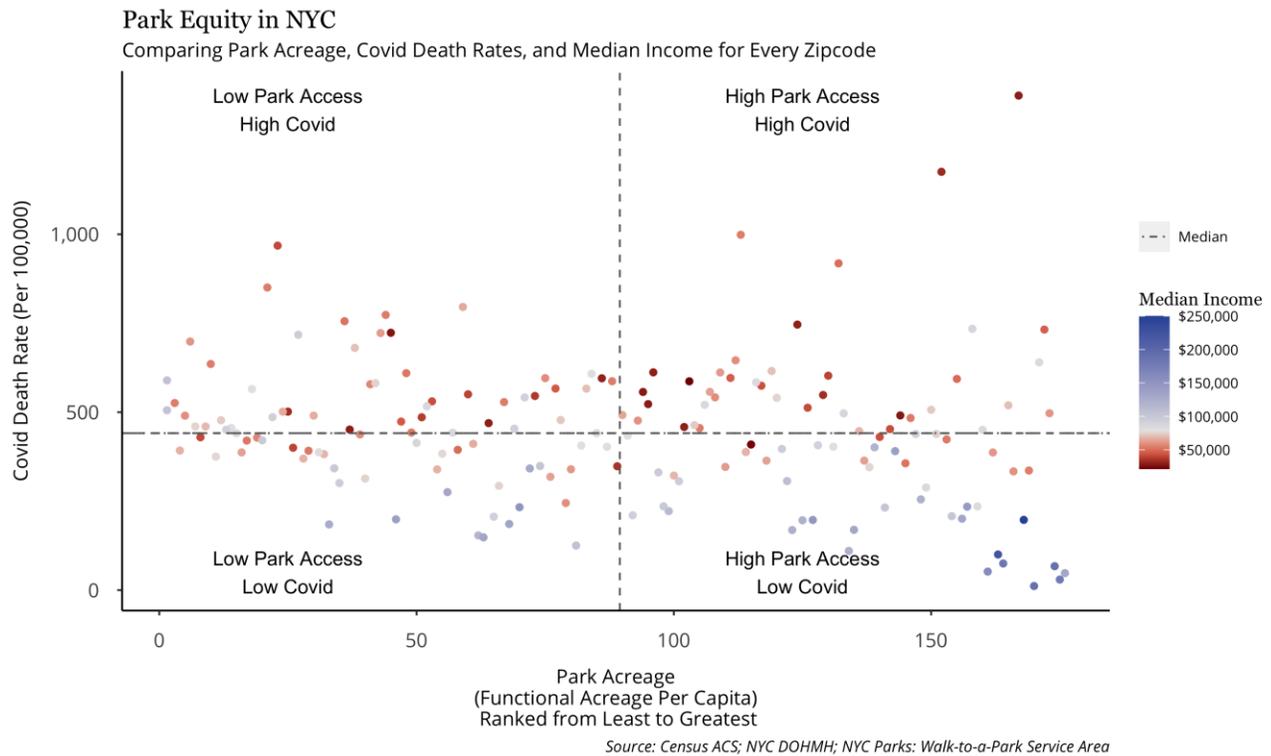


The map above illustrates the median household income in each zip code throughout the entire City. Zip codes are colored in varying shades of blue with darker areas indicating higher median incomes compared to lighter shaded areas. The red outline indicates that the zip code is in the bottom 25% of park access in the City. Zip codes that are both a lighter shade of blue and outlined in red have a lower median household income and are in the bottom 25% of park access. For example, Morris Heights/Mount Hope/University Heights has a median household income of \$29,136 and access to 22.8 acres per 100,000 residents.



The map above illustrates the percentage of non-Hispanic white residents in each zip code throughout the entire City. Zip codes are colored in varying shades of brown with darker areas indicating higher percentage of non-Hispanic white residents compared to lighter shaded areas. Zip codes that are both a lighter shade of brown and outlined in purple have a lower percentage of non-Hispanic white residents and are in the bottom 25% of park access. For example, 3.7% of the residents in East Flatbush are non-Hispanic white and they have access to 6.8 acres per 100,000 residents.

The following visualizations depict the relationships between park acreage per capita, COVID-19 death rate, median income, and percentage of non-Hispanic white residents based on zip code:

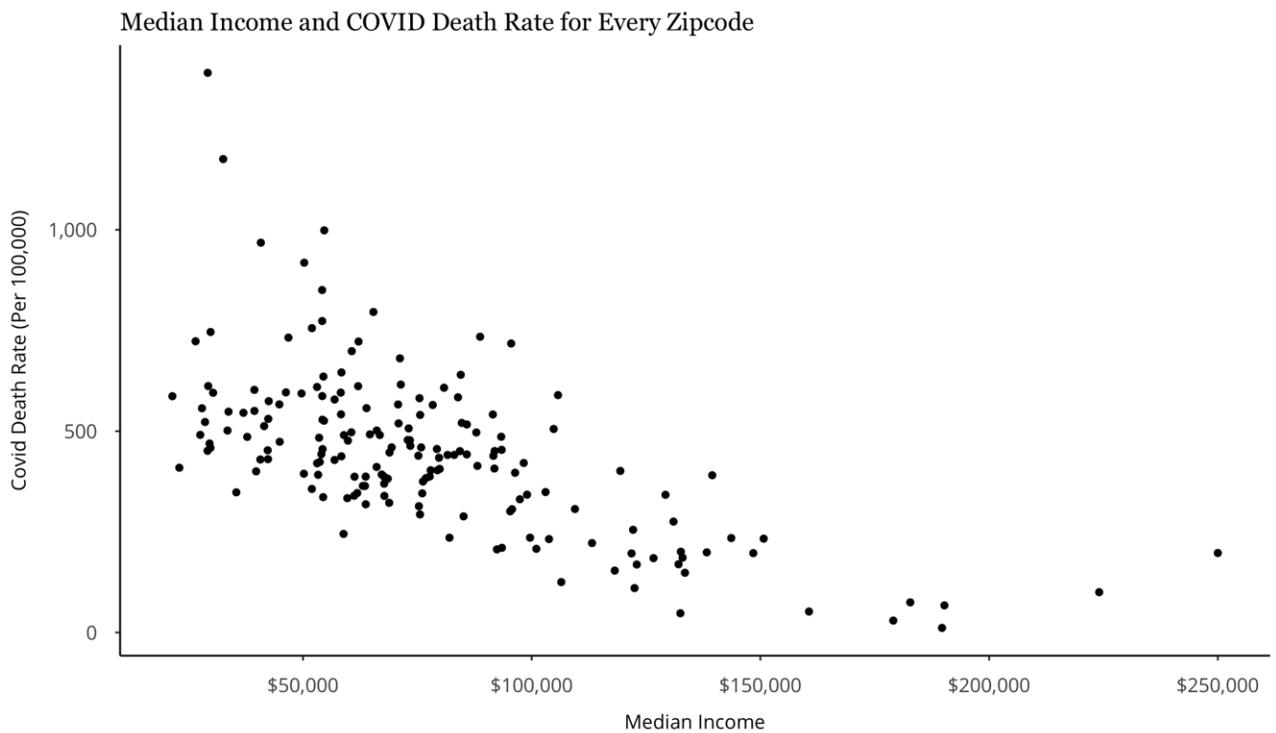


The chart above indicates COVID-19 death rates, park acreage per capita⁷⁷ and median household incomes in each zip code. Zip codes with lower incomes are red and zip codes with higher incomes are blue. A darker shade of blue or red indicates the zip code is further from the average. The dashed vertical line marks the median park acreage per capita, where zip codes to the right of the line have more park acreage per capita than the median and zip codes to the left have less park acreage per capita than the median. The horizontal line marks the median COVID-19 death rate in the City with zip codes above the line have a higher COVID-19 death rate than the median and zip codes below

⁷⁷ Ranked 1 to 177 left to right from least park acreage per capita to most park acreage per capita.

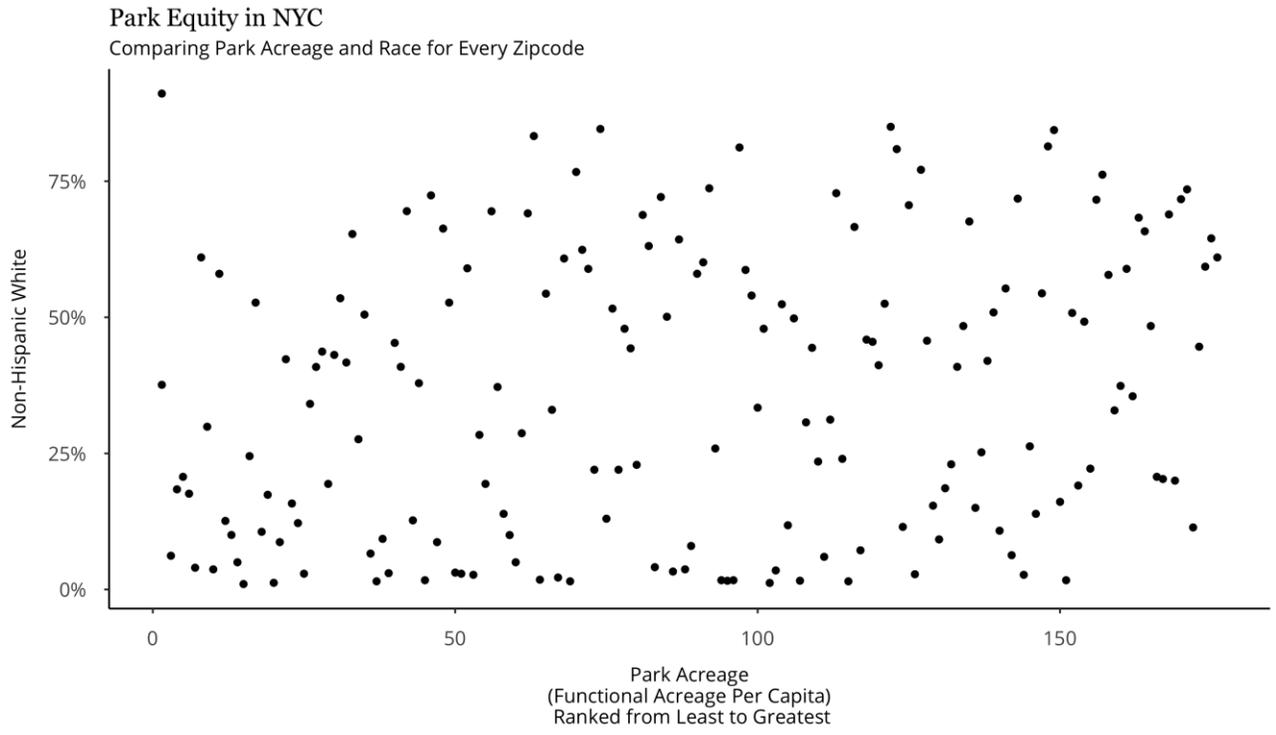
the line have a lower COVID-19 death rate than the City. The four quadrants of the plot denote whether a zip code located in it has low (or high) park access and a low (or high) COVID-19 death rate.

It is notable that most zip codes with a below average household income have an above average COVID-19 death rate (the top half of the graph is mostly red.) In addition, there is a slight negative relationship between COVID-19 death rate and park acreage per capita. The lower right quadrant, which contains zip codes with high park access and a low COVID-19 death rate, is denser and contains a higher proportion of blue zip codes than the lower left quadrant, which contain zip codes with low park access and a low COVID-19 death rate.



Source: Census ACS; DOHMH

The chart above displays the relationship between median household income and COVID-19 death rate and shows that lower income zip codes tend to have the highest COVID-19 death rates and higher income zip codes have the lowest COVID-19 death rates.



While median income and COVID death rates show a clear negative relationship, the chart above has a very slight upward trend. It compares park acreage per capita to the percentage of non-Hispanic white residents. It shows zip codes with the lowest park acreage per capita have a slightly lower percentage of non-Hispanic white residents compared to zip codes with the highest park acreage per capita.

PROPOSALS TO IMPROVE PARKS EQUITY

There have been numerous proposals and initiative that seek to address concerns relating to park disparity, many of which have had a renewed focus in light of COVID-19. Many of such proposals seek to reallocate and/or increase the amount of funding dedicated for parks through public and private financing, while others seek to ensure that resources are allocated to the creation and improvement of open space in areas of the City that lack quality access to parks. At a basic level, these proposals argue that the current park funding structure is lacking in some regard and needs to be adjusted to equitable accommodate all the City's residents with access open space.

DPR's Framework for an Equitable Future

The Community Parks Initiative (CPI) was the first phase of DPR's Framework for an Equitable Future Plan to increase quality, maintenance and accessibility to parks in low-income communities throughout the five boroughs.⁷⁸ CPI initially targeted a full re-creation/renovation of 35 small community parks in 55 neighborhoods through a \$130 million capital investment, of which \$9.4 million was Council funding.⁷⁹ In crafting the initiative, DPR surveyed parks across the five boroughs to assess such parks' capital needs.⁸⁰ In deciding where to focus the initiative, DPR designated CPI zones, areas located in communities that are densely populated with high percentages of residents who have income levels below the poverty line.⁸¹ The analysis then identified parks that had received less than \$250,000 of capital investment over the last 20 years, examined places with

⁷⁸ Press Release of the Office of Mayor Bill De Blasio, "De Blasio Administration Launches Community Parks Initiative to Build More Inclusive and Equitable Park System," October 7, 2014, <http://www1.nyc.gov/office-of-the-mayor/news/468-14/de-blasio-administration-launches-community-parks-initiative-build-more-inclusive-equitable#/0>.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

high need for improvement and programming opportunities and screened for neighborhoods with the greatest needs.⁸² Of the 134 parks first identified in lower-income areas that had extreme capital needs, 35 small parks were prioritized for reconstruction.⁸³ In September 2017, then Mayor de Blasio and former Commissioner Mitchell Silver announced the addition of 11 more parks to CPI, bringing the total to 67 parks receiving full capital reconstructions totaling in a \$318 million investment.⁸⁴ These parks entered the design process in the fall of 2017. Approximately 62 of these parks are already open to the public.⁸⁵ In addition, through CPI, approximately 110 parks have received targeted improvements such as: replacing basketball nets, adding accessible swings, replanting gardens and repainting playgrounds, and handball and basketball courts.⁸⁶ In October 2021, then Mayor de Blasio announced an investment of \$425.5 million in new funding over the next ten years in CPI.⁸⁷ This additional funding will result in ten new CPI sites a year for the next ten years.⁸⁸ The ten parks are in Task Force for Racial Inclusion and Equity prioritized neighborhoods and include Chief Dennis L. Devlin Park, Pontiac Playground and Horseshoe Playground in the Bronx, Jerome Playground and Marc and Jason’s Playground in Brooklyn, Anibal Aviles Playground, Detective

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Press Release of the Office of Mayor Bill De Blasio, “Mayor de Blasio Announces 11 Sites Added to Community Parks Initiative,” September 25, 2017, available at: <http://www1.nyc.gov/office-of-the-mayor/news/913-17/mayor-de-blasio-11-sites-added-community-parks-initiative>.

⁸⁵ Press Release of the Office of Mayor Bill De Blasio, “Mayor de Blasio Announces Over \$425 Million in New Funding for Transformative Community Parks Initiative,” October 26, 2021, available at: <https://www1.nyc.gov/office-of-the-mayor/news/718-21/mayor-de-blasio-over-425-million-new-funding-transformative-community-parks>

⁸⁶ *See*, New York City Department of Parks and Recreation Website, Community Parks Initiative Targeted Improvements, available at: <https://www.nycgovparks.org/about/framework-for-an-equitable-future/community-parks-initiative/caring>

⁸⁷ Press Release of the Office of Mayor Bill De Blasio, “Mayor de Blasio Announces Over \$425 Million in New Funding for Transformative Community Parks Initiative,” October 26, 2021, available at: <https://www1.nyc.gov/office-of-the-mayor/news/718-21/mayor-de-blasio-over-425-million-new-funding-transformative-community-parks>

⁸⁸ *Id.*

Omar Edwards Park and William McCray Playground in Manhattan, Hoffman Park in Queens and Lt. Lia Playground in Staten Island.⁸⁹

In the winter of 2015/16, DPR launched Parks Without Borders (PWB) to build upon the work of CPI. This initiative aimed to redesign eight parks, Van Cortlandt Park in the Bronx, Hugh Grant Circle/Virginia Park and Playground in the Bronx, Fort Greene Park in Brooklyn, Prospect Park in Brooklyn, Jackie Robinson Park in Manhattan, Seward Park in Manhattan, Flushing Meadows Corona Park in Queens and Faber Park in Staten Island⁹⁰ to better integrate them into their surrounding neighborhoods and communities. Through PWB, park entrances, edges and adjacent spaces are being redesigned to meet the initiative’s stated goals of making parks more accessible and welcoming to everyone, improving neighborhoods by extending the beauty of parks out into communities and creating vibrant public spaces by transforming underused areas.⁹¹ PWB is funded through a \$50 million allocation from the Mayor’s OneNYC initiative. Of that amount, \$10 million was allocated to capital projects that were already in progress, in order to ensure that such projects enhance sidewalks and landscapes.⁹² Of those 43 projects, 30 are projects that were launched under CPI.⁹³ The remaining \$40 million went towards reconstructing eight parks across the five boroughs that were selected from the nominations of New Yorkers.⁹⁴

⁸⁹ *Id.*

⁹⁰ *See*, DPR Website, Parks Without Borders, <https://www.nycgovparks.org/planning-and-building/planning/parks-without-borders>

⁹¹ *See*, DPR Website, Parks Without Borders, <http://www.nycgovparks.org/planning-and-building/planning/parks-without-borders>.

⁹² CityLab.com, Kristen Capps, *How ‘Parks Without Borders’ Aims to Make New York Parks Safer*, November 19, 2015; *see also* Press Release, Department of Parks and Recreation, “NYC Parks Launches Parks Without Borders,” November 12, 2015.

⁹³ *Id.*

⁹⁴ *Id.*

In August 2016, Mayor de Blasio, then-City Council Speaker Melissa Mark-Viverito and Commissioner Silver announced that the City would fund \$150 million in major improvements to five parks under the Anchor Parks Initiative (API).⁹⁵ The five parks included in API were Saint Mary's Park in the Bronx, Highbridge Park in Manhattan, Betsy Head Park in Brooklyn, Astoria Park in Queens and Freshkills Park in Staten Island.⁹⁶ Under API, each park was selected based on high surrounding population, historical underinvestment and potential for park development.⁹⁷ Each park received approximately \$30 million in major improvements, including new soccer fields, comfort stations, running tracks and hiking trails.⁹⁸

Regarding the current status of these initiatives, DPR Commissioner Silver testified, at a City Council Executive Budget Hearing in May 2021, that CPI, PWB and API were all moving towards their final phases.⁹⁹ CPI is over 80 percent complete with 58 of the 67 sites completed and the remaining sites near completion.¹⁰⁰ A study done by the CUNY School of Public Health showed that park usership in the initial CPI renovated parks increased by 50 percent.¹⁰¹ PWB capital projects are

⁹⁵ Press Release of the Office of Mayor Bill De Blasio, "Mayor de Blasio, Council Speaker Mark-Viverito, Parks Commissioner Silver Announce \$150 Million in Funding for Five Anchor Parks," August 18, 2016, <http://www1.nyc.gov/office-of-the-mayor/news/685-16/mayor-de-blasio-council-speaker-mark-viverito-parks-commissioner-silver-150-million-in#/0>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Testimony of Commissioner Mitchell J. Silver, Hearing before the New York City Council Committee on Parks and Recreation, Oversight: Executive 2021 Budget, May 12 2021, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4924824&GUID=45D79671-DFB8-4FEC-8C67-7B7ED21A1526&Options=&Search=>

¹⁰⁰ Testimony of Commissioner Mitchell J. Silver, Hearing before the New York City Council Committee on Parks and Recreation, Oversight: Fiscal Year 2020 Budget, March 13 2020.

¹⁰¹ *Id.*

all in the construction phase with Seward Park in Manhattan completed.¹⁰² Finally, API capital projects are mostly in the construction phase.¹⁰³

Park Districts and Zoning Tools

Another approach to reducing inequity is through the creation of special parks districts (SPDs). SPDs are basically independent government units that have administrative and fiscal independence from local governments. SPDs can issue bonds and generally have taxing authority and often have jurisdiction over single cities or sometimes multiple regions within a state.¹⁰⁴ Most SPDs are funded by a combination of dedicated property tax revenues (ranging from 3.8 to 30 cents per \$1000 of assessed value), user fees, revenues from special events, sales taxes and sometimes philanthropy and must generally balance their budgets relying only on these funding sources. The Chicago Park District is a similar model to an SPD. Other SPDs include the Charleston County Park and Recreation Commission in South Carolina, the East Bay Regional Park District in Northern California and Great Rivers Greenway in the St. Louis metropolitan area.¹⁰⁵ Dedicated sales taxes are also used by various jurisdictions, including Kansas City, Missouri, Missouri state parks, Minnesota and Arkansas state parks while in August of 2013 King County, Washington, where Seattle is located, voters approved an additional property tax for parks and trails.¹⁰⁶ Dedicated taxes, some argue, provide a more consistent funding stream for park systems, which enables them to more

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ Issue Brief, Margaret Walls, "Private Funding of Public Parks Assessing the Role of Philanthropy," Resources for the Future, January 2014.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

easily plan and budget for each year and lowers the risk that revenues will be directed away from parks due to the politics and unpredictability of local budgeting processes.¹⁰⁷

Similarly to SPDs, advocates have also called for the City to expand its current use of Transferable Development Rights (TDR), Business Improvement Districts (BID) and incentive zoning measures such as Floor Area Ratio (FAR) bonuses to measure and make use of the real estate value that parks typically generate.¹⁰⁸ For example, some have argued that the City could create a special TDR district for appropriate parks, promote BIDs that focus on park maintenance and potentially tax residential property owners to fund the operations of certain parks.¹⁰⁹ Additionally, such proposals call for the use of FAR bonuses in exchange for park funding.¹¹⁰ Other jurisdictions such as San Francisco, Seattle and Houston have made use of such incentives in relation to park development.¹¹¹

Philanthropy

Spreading philanthropic donations to parks citywide rather than being focused on a few specific parks is a concept that has also been proposed. The idea could be modeled on the North Brooklyn Parks Alliance which raises private funds for parks similarly to how conservancies that operate and maintain certain parks do. However, unlike traditional park conservancies, the Alliance focuses its resources on maintaining all the open space throughout the entire North

¹⁰⁷ *Id.*

¹⁰⁸ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5, <https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

Brooklyn/Community Board 1 neighborhood, including open streets and public plazas.¹¹² With such a community-wide or citywide model funded by private and public dollars instead of a park specific model, it is thought that resources would be able to more easily be provided for a wider range of parks in a given community or throughout the City.¹¹³

Schoolyard to Playgrounds

Expanding the Schoolyards to Playgrounds Initiative has also been proposed as another way to bring more open space to neighborhoods in need. This initiative is a joint effort between DPR, the Department of Education (DOE) and the non-profit sector to expand access to open space for the City's children. The initiative began in 2007, with a \$111 million capital investment from the Bloomberg Administration, where the City, in conjunction with the non-profit organization Trust for Public Land, targeted certain DOE schoolyards, in order to transform them into more vibrant parks and make them open and accessible to the community at large. The renovation work typically includes the addition of new ballfields, new basketball courts, new play equipment, gardens, trees, benches, fencing, turf, landscaping, and the sealing and painting of surfaces in the existing schoolyard.¹¹⁴ Playgrounds that are part of this initiative are chosen based on whether the neighborhoods they are located in have a high population density, a population projected to grow, limited existing play or open space and a lack of other vacant land that can be developed into a new park or playground.¹¹⁵ The City handles the procurement and construction processes, while partnering

¹¹²See North Brooklyn Parks Alliance website, <https://nbkparcs.org/our-mission/>.

¹¹³MAS Presents: Ideas for New York City's Leadership, A Tale of Two Parks, by Steve Hindy, March, 2014; <http://www.scribd.com/doc/214430463/MAS-NYC-Presents-Ideas-for-New-York-s-New-Leadership>; see also Dana Rubenstein, "Steve Hindy Suggests a Park Funding Solution," *Capital New York*, March 25, 2014.

¹¹⁴Gail Cornwall, "Playgrounds for All, The success of 'joint use' programs in San Francisco and New York shows the benefits of opening schoolyards up to the local community," *The Atlantic*, April, 29, 2016, <https://www.theatlantic.com/education/archive/2016/04/playgrounds-for-all/480453/>.

¹¹⁵*Id.*

with schools and communities in the design process.¹¹⁶ Once complete, the renovated playgrounds are turned over to DOE to maintain and operate.¹¹⁷ These playgrounds, which had previously been off limits to their respective communities, are now open and accessible to the public on weekdays from after school till dusk and on weekends or days when school is not in session.¹¹⁸ Since the initiative started, 251 of these playgrounds have undergone renovation and been made publicly accessible. That number was targeted to increase to 261 after 10 more playgrounds were added to the initiative in 2017 with funding of \$24 million dollars, comprised of \$18.2 million capital funding from the City and \$6 million in Community Development Block Grants.¹¹⁹ Since the inception of the program, it has been estimated that these revamped parks and playgrounds have brought more than one quarter million more New Yorkers within a 10-minute walk of a park and have increased the percentage of adults and high school students able to meet recommended levels of physical activity.¹²⁰ Advocates have called for the expansion of this initiative with the use capital funding to strategically target neighborhoods with below-average access to public space.¹²¹

Budget and Revenue Generation

Increasing DPR's expense budget to an amount that provides all the resources it needs to run and maintain all of the City's parks and park properties may be the most obvious solution to improve

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ <https://www.nycgovparks.org/greening/planyc/schoolyards>.

¹¹⁹ See Press Release, "De Blasio Administration Reveals 10 New Schoolyards to Playgrounds Sites, \$24 Million in NYC Parks and Community Development Block Grant Funding to Help Close Walk to a Park Gap," July 21, 2017. <https://www1.nyc.gov/office-of-the-mayor/news/509-17/de-blasio-administration-reveals-10-new-schoolyards-playgrounds-sites#/0>

¹²⁰ See *supra*, note 6.

¹²¹ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p4, <https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

park equity, though as noted earlier, that may remain problematic in the near term due to the City's budget constraints resulting from the COVID-19 pandemic. In fact, park systems throughout the country are facing dire budgetary situations with diminished municipal budgets, and diminished permit fees from athletic activities and events.¹²² Further, parks departments are subject to additional expenses due to coronavirus, such as have to spend funds on procuring personal protective equipment for staff.¹²³ Nevertheless, advocates continue to argue that any solution to parks funding issues must begin with the public budget.¹²⁴ One of the more recent initiatives to improve the parks budget, was the multi-year "Play Fair" initiative, which directly advocated for the need to vastly increase public funding to the parks system.¹²⁵ Through this initiative, \$44 million in new funding was added to the Fiscal Year 2020 DPR expense budget.¹²⁶ The funding provided more resources to hire more park maintenance workers, including 200 park workers and 100 gardeners, an additional 50 Urban Park Rangers, an additional 80 Parks Enforcement Patrol (PEP) officers, more funding for forestry management, an additional \$8.2 million for all 550 GreenThumb community gardens and additional funds for extending the beach and pool season and for tree stump removal.¹²⁷ Unfortunately, the Fiscal Year 2021 budget was not able to replicate those increases and resulted in the loss of nearly 1,700 staff members like maintenance workers, Urban Rangers, who educate and

¹²² Report "Parks and the Pandemic," The Trust for Public Land, p 12 September 22, 2020, p9.

<https://www.tpl.org/sites/default/files/Parks%20and%20Pandemic%20-%20TPL%20special%20report.pdf>.

¹²³ *Id.*

¹²⁴ Tupper Thomas, "Park Equity Begins with a Better Public Budget," *Gotham Gazette*, April 17, 2014; *see also*

White paper, Parks Platform 2013, New Yorkers for Parks,

<http://www.ny4p.org/advocacy/ParksPlatform2013/Parks%20Platform%202013%20-%20White%20Paper%20.pdf>.

¹²⁵ See New Yorkers for Parks Play Fair Coalition webpage, <http://www.ny4p.org/what-we-do/play-fair#overview>

¹²⁶ *Id.*

¹²⁷ *Id.*

engage the public and PEP officers, who enforce park regulations that now include social distancing and mask use.¹²⁸

In Fiscal Year 2022, DPR's budget was \$587.6 million, which was \$84 million more than the Fiscal 2021 adopted budget amount.¹²⁹ Through the Play Fair initiative, \$58 million was restored to reinvest in critical Maintenance and Operation, including seasonal staff budget for maintenance and operations workers citywide and restoring critical parks forestry contracts for tree pruning, stump removal, sidewalk repair and invasive species control.¹³⁰ Additionally, \$4 million was for recreation and programming, \$9 million was for parks safety including restoring 50 Urban Park Ranger positions and 80 PEP positions, and \$7.9 million to reinvest in nature and resiliency.¹³¹

Advocates have also argued that the City needs to find additional ways to allow DPR to raise more revenue directly for parks. One proposed approach would be to allow DPR to collect revenue raised by concessions.¹³² The City Charter currently requires that all revenue raised by the any agency of the City be deposited in the General Fund.¹³³ Therefore, whatever funds DPR raises do not directly get reinvested to DPR, but rather to the entire City's budget.¹³⁴ Essentially, this means

¹²⁸ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p4,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>.

¹²⁹ See NYC Fiscal Year 2023 Preliminary Budget, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4924824&GUID=45D79671-DFB8-4FEC-8C67-7B7ED21A1526&Options=&Search=>

¹³⁰ See, New Yorkers for Parks Play Fair Coalition webpage, available at: <http://www.ny4p.org/what-we-do/play-fair>

¹³¹ *Id.*

¹³² Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

¹³³ NYC Charter § 109.

¹³⁴ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

that DPR does not retain revenue directly earned in park concessions (e.g., restaurants, golf courses and marinas).¹³⁵ Therefore, some argue that the Charter should be revised to allow DPR to keep all or at least a portion of the revenue that it raises or implement a maintenance and operations surcharge on permits, rental fees, event tickets and other activities that it can also keep for agency use.¹³⁶

Open Streets

The Open Streets program transforms the City's streets into public space open to the public.¹³⁷ Open Streets allow for a range of activities that promote economic development, support schools, and provide new ways for the public to enjoy cultural programming and build community.¹³⁸ was launched in May 2020¹³⁹. These initial open streets were either within or adjacent to parks. On June 24, 2020, less than two months after the initial implementation of the program, the C¹⁴⁰. Many of the open streets were¹⁴¹¹⁴²¹⁴³¹⁴⁴

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

¹³⁵ In 2019, DPR raised about \$50.7 million in concession revenue.

¹³⁶ Report: Building the Future of New York: Parks and Open Space, New York Building Congress in collaboration with New Yorkers for Parks, 2020, p5,

<https://www.buildingcongress.com/uploads/Building%20the%20Future%20of%20New%20York%20-%20Parks%20and%20Open%20Space%20v6%20digital%20distro-.pdf>

¹³⁷ See, DOT Website available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openstreets.shtml>

¹³⁸ *Id.*

¹³⁹ NYC Office of the Mayor. Press Releases. *Open Streets: Mayor de Blasio and Speaker Johnson Name First Streets to be Used for Social Distancing Among Pedestrians and Cyclists*. Available at: <https://www1.nyc.gov/office-of-the-mayor/news/306-20/open-streets-mayor-de-blasio-speaker-johnson-name-first-streets-be-used-social>.

¹⁴⁰ NYC Office of the Mayor. Press Releases. *New York City Expands Nation-Leading Open Streets Program with 23 More Miles in Areas Hit Hard by COVID-19 Crisis*. Available at: <https://www1.nyc.gov/office-of-the-mayor/news/467-20/new-york-city-expands-nation-leading-open-streets-program-23-more-miles-areas-hit-hard-by#:~:text=NEW%20YORK%E2%80%9494Mayor%20Bill%20de%20Blasio%20today%20added%20another,include%20Online%20miles%20of%20temporary%20protected%20bike%20lanes>.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴⁴ *Id.*

Despite the popularity of open streets and the City’s initial success of quickly selecting streets for participation, the program stalled. A report by Transportation Alternatives found that only 68.74 miles of the promised 100 miles had been designated as open streets with those participating in the program having an average length of 0.22 miles.¹⁴⁵ Additionally, the report found that the City’s Open Streets Program lacked “vision” and “ambition” and that it was a “disconnected network of public space islands with management challenges.”¹⁴⁶ Some of the recommendations found in the report call for the City to expand the Open Streets program, ensure that the opened streets are connected to car-free bus-and bike-ways, and that they should be made permanent.¹⁴⁷

Another recommendation found in the Transportation Alternatives report called on the City to reinforce open streets with immovable materials so that they cannot be removed.¹⁴⁸ Some media reports have indicated that some of the wooden barriers used to delineate open streets are either moved or torn-down by drivers.¹⁴⁹ A survey conducted by Streetsblog in July 2020, found that 57 percent of 112 blocks surveyed in Brooklyn, that were supposed to be part of the Open Streets program, were not even closed to traffic.¹⁵⁰ The survey also found that this problem was exacerbated in communities of color, where only 12 percent of the blocks in the Open Streets program were closed to traffic, while that number was determined to be 70 percent in predominately-white neighborhoods.

¹⁴⁵ Transportation Alternatives. *The Unrealized Potential of New York City’s Open Streets*. Available at: <https://www.transalt.org/open-streets-progress-report>.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ New York Post. *De Blasio’s ‘open streets’ rapidly vanishing, causing fights among neighbors*. Available at: <https://nypost.com/2020/06/28/de-blasios-unenforced-open-streets-causing-neighborhood-tension/>.

¹⁵⁰ Streetsblog. Op-Ed. *Open Streets’ Isn’t Working for All of the People*. Available at: <https://nyc.streetsblog.org/2020/07/07/op-ed-open-streets-isnt-working-for-all-of-the-people/>.

Despite some setbacks in the program, the Open Streets program was codified into law by the City Council in April 2021. Local Law 55 of 2021, which requires the Department of Transportation (DOT) to operate an open streets program to provide safe street space to pedestrians and non-vehicular street users. Under this program, open streets could be managed and operated by DOT or community organizations, but would require that DOT manage or provide resources to at least 20 sites in areas that would be otherwise underserved by the program. When designating an open street, DOT would be required to consider factors including the equitable distribution of open streets throughout the City; the safety of all street users; the presence and use of existing parks, open streets and open spaces; access for commercial deliveries and emergency vehicles; presence of bus or truck routes or medical facilities; and existing access and proximity to bicycle and pedestrian infrastructure. DOT would annually evaluate existing open streets to determine whether to make permanent design changes, including conversion into a shared street or pedestrian plaza. Before designating an open street, DOT would notify the affected council members, community boards and community organizations. Additionally, DOT would be required to submit to the Mayor and Speaker of the Council, and post on the DOT website, an annual report evaluating the open streets program.¹⁵¹

In December 2021, DOT announced the launch of applications for both the 2022 Open Streets and Public Spaces Programming. Open Street applications will be accepted until April 29, 2022 with additional application periods to follow.¹⁵²

¹⁵¹ See, City Council Website, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4424528&GUID=796B94D6-9FD4-4448-8E8A-9A631444F421&Options=ID%7cText%7c&Search=open+streets>

¹⁵² DOT Press Release, *DOT Now Accepting Applications for 2022 Open Streets*, December 9, 2021, available at: <https://www1.nyc.gov/html/dot/html/pr2021/dot-now-accepting-applications-for-2022-open-streets.shtml>

Sharing Resources

Some destination parks, which are typically large parks with a lot of amenities that attract visitors from beyond their immediate neighborhoods and have greater resources than small neighborhood parks, have also recognized the need to improve access to open space to those in neighborhoods where it is lacking. For example, the Trust for Governors Island, which has traditionally drawn visitors from more affluent areas of the City, such as Brooklyn Heights and Park Slope in Brooklyn and Lincoln Square and the Upper West Side in Manhattan began to offer free ferry rides to the Island for all residents of the New York City Housing Authority and other community organizations from Atlantic Basin in Red Hook.¹⁵³ Prospect Park is building two new entrances in order to connect more directly with lower-income communities that abut its eastern edge, such Flatbush and Crown Heights, Brooklyn.¹⁵⁴ In Manhattan, the Riverside Park Conservancy, which maintains its namesake park, replaced its annual spring gala with a fund-raising campaign to increase programs and activities offered in the north end of the park, which typically draws park goers from nearby lower-income communities, including Harlem and Washington Heights and hired an outreach coordinator to work with residents of those communities.¹⁵⁵ Hudson River Park has offered free science and technology camps, which went virtual during the pandemic, for children from two public housing projects in the area.¹⁵⁶ Finally, the Central Park Conservancy uses their own resources and staff to maintain the lawns in St. Nicholas Park, Marcus Garvey Park,

¹⁵³ *Id.*; see also supra note 106 and note 107.

¹⁵⁴

¹⁵⁵ *Supra*, note 108.

¹⁵⁶ *Id.*

Jackie Robinson Park and Morningside Park, which results in cost savings for DPR in not having to take up such maintenance work.¹⁵⁷

Current Budget

As stated earlier in this committee report, DPR's preliminary budget for fiscal year 2023 is \$557.1 million and only represents less than one percent of the entire City budget.¹⁵⁸ This is approximately \$62.8 million less than the fiscal year 2022 adopted budget of \$619.9 million.¹⁵⁹ Many New Yorkers and park advocacy groups are concerned that parks will further lose resources while still trying to recover from budget cuts in fiscal year 2020.¹⁶⁰ Furthermore, park users are reportedly disappointed that Mayor Eric Adams did not follow through on his pledge to increase DPR's budget to one percent, which would total \$1 billion annually, and instead cut DPR's budget compared to the current fiscal year.¹⁶¹

DPR's preliminary FY 2023 budget supports a headcount of 7,309 full-time and full-time equivalent positions which is a decrease by 1,507 positions compared to DPR's 2022 adopted budget of 8,816 positions.¹⁶² These positions include 262 full-time positions and 1,245 full-time equivalent positions.¹⁶³ The FY 2023 Preliminary Budget does not include the one-time funding of \$10 million

¹⁵⁷ Harry DiPrinzio, "Evidence of Growing Need for Capital in the City's Aging Parks," CityLimits.org, October 22, 2019, <https://citylimits.org/2019/10/22/evidence-of-growing-need-for-capital-in-the-citys-aging-parks/>.

¹⁵⁸ See NYC Fiscal Year 2023 Preliminary Budget, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5462799&GUID=4896FDCB-56DB-4075-9D7D-0B62E5891105&Options=&Search=>

¹⁵⁹ *Id.*

¹⁶⁰ Adam Ganser, *This Budget Cycle, NYC Must Prioritize Funding for Parks*, City Limits, March 25, 2022, available at: <https://citylimits.org/2022/03/25/opinion-this-budget-cycle-nyc-must-prioritize-funding-for-parks/>

¹⁶¹ Samar Khurshid, *In First Budget, Adams Fails to Fulfill Pledge of 1% for Parks*, Gotham Gazette, February 20, 2022, available at: <https://www.gothamgazette.com/city/11108-preliminary-budget-mayor-adams-breaks-promise-1-percent-parks-department>

¹⁶² See NYC Fiscal Year 2023 Preliminary Budget, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5462799&GUID=4896FDCB-56DB-4075-9D7D-0B62E5891105&Options=&Search=>

¹⁶³ *Id.*

successfully negotiated by the City Council in the FY 2022 Adopted Budget.¹⁶⁴ Of the \$10 million, \$5 million was added as part of the City Cleanup Corps program funded with federal stimulus dollars.¹⁶⁵ The failure to restore the \$10 million funding in the FY 2023 budget could lead to the loss of 150 park maintenance workers (CPWs) for the Department. In FY 2021, due to COVID-19 and its impact on the City's fiscal condition DPR did not hire approximately 1,700 seasonal workers.¹⁶⁶ As a result, many of the City's parks were left in an unsanitary condition over the 2020 summer months.¹⁶⁷ This situation could reoccur in the event that the \$10 million is not restored in the FY 2023 Budget.¹⁶⁸

LEGISLATION

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

Int. No. 173, A Local Law to amend the administrative code of the city of New York, in relation to the parks and playgrounds that have failed inspections conducted by the department of parks and recreation

Int. No. 173 would require the Department of Parks and Recreation to issue a report to the Mayor and Council that would identify parks and playgrounds under its jurisdiction that have routinely failed DPR inspections and submit a plan to the Council on how the issues at such parks and playgrounds will be corrected.

This local law would take effect 90 days after becoming law.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

Int. No. 173

By Council Member Krishnan

A Local Law to amend the administrative code of the city of New York, in relation to the parks and playgrounds that have failed inspections conducted by the department of parks and recreation

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-158 to read as follows:

§ 18-158 Park and playground inspections. a. Definitions. For the purposes of this section, the following term has the following meaning:

Park feature. The term “park feature” means a structural or landscape element of a park or other property under the jurisdiction of the department, including, but not limited to, athletic fields, benches, fences, lawns, horticultural areas, paved surfaces, play equipment, safety surfacing, sidewalks, trees, or unpaved trails.

b. The department shall develop standards for grading park features that have been examined pursuant to an inspection conducted by the department. In determining a grade for a park feature, the standards shall consider the cleanliness of each park feature including, but not limited to, the presence of litter, graffiti, broken glass, ice or weeds and whether the overall condition of any park feature is suitable for the intended use of such park feature. Upon the conclusion of an inspection, a grade of acceptable or unacceptable for the cleanliness and overall condition of such park feature shall be issued.

c. On December 31, 2022 and every six months thereafter, the department shall submit a report to the mayor and the council regarding park features under the jurisdiction of the department that were found to receive an unacceptable rating pursuant to an inspection conducted by the department.

c. Such report shall include, but not be limited to:

1. The date and location of each inspection performed by the department on a park feature of a park, playground, pool, beach or recreation center, where such park feature was issued an unacceptable rating for its cleanliness or overall condition during such inspection three or more times during a six month period;

2. For each park feature, a description of the condition that resulted in an unacceptable rating being issued for its cleanliness or overall condition;

3. A plan that describes the work needed to be performed in order to bring such feature into a condition where its cleanliness or overall condition would be rated as acceptable pursuant to an inspection performed by the department; and

4. An estimate of the cost and timeframe required to complete such work;

§ 2. This local law takes effect 90 days after it becomes law.

Session 12
KS
LS #2217
3/17/22 1:00PM

Session 11
KS
LS # 9768
Int. #1651-2019