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Sponsors: Crystal Hudson, Nantasha M. Williams, Tiffany Cabán, Kevin C. Riley, Chi A. Ossé, Kristin Richardson Jordan, Shahana K. Hanif, Lincoln Restler, Pierina Ana Sanchez, Mercedes Narcisse, Alexa Avilés, Amanda Farías, Selvena N. Brooks-Powers, Shekar Krishnan, Sandy Nurse, Jennifer Gutiérrez, Carlina Rivera

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Attachments: 1. Summary of Int. No. 1073, 2. Int. No. 1073, 3. June 8, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 6-8-23, 5. Minutes of the Stated Meeting - June 8, 2023, 6. Committee Report 9/19/23, 7. Hearing Testimony 9/19/23, 8. Hearing Transcript 9/19/23

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Int. No. 1073

By Council Members Hudson, Williams, Cabán, Riley, Ossé, Richardson Jordan, Hanif, Restler, Sanchez, Narcisse, Avilés, Farías, Brooks-Powers, Krishnan, Nurse, Gutiérrez and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a truth, healing, and reconciliation process

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

TRUTH, HEALING, AND RECONCILIATION

§ 8-1101 Legislative findings. a. The council hereby finds that from 1626 to 1827, the city of New York was the site of the wrongful but legally sanctioned enslavement of human beings of African and indigenous American descent; that in the early 1700s, the city of New York had one of the highest rates of slave ownership in the country, with between 15 and 20 percent of New Yorkers enslaved and deprived of their fundamental human rights; that after slavery was banned in the state in 1827, the city of New York continued to generate significant income from the illegal international trade of enslaved persons; and that racially motivated discrimination, riots, segregation, and violence continued after the United States formally abolished slavery in 1865, including through racially discriminatory laws, policies, and practices.

b. The council further finds that on November 8, 2022, New Yorkers voted to adopt a new preamble to the charter acknowledging “the grave injustices and atrocities that form part of our country’s history, including the forced labor of enslaved Africans” and “the discrimination, racial segregation, mass incarceration, and other forms of violence and systemic inequity that continue to be experienced by marginalized groups.” The preamble also acknowledges that these systemic injustices continue to cause profound harms to individuals, families, and communities, and that “[w]e must act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers.”

c. The council further finds that on November 8, 2022, when the preamble to the charter was approved, New Yorkers voted to affirm that “We, the people of New York city, united in our resolve to build a just and equitable city for all, recognize the efforts of those New Yorkers, past and present, who fought for racial equity and social justice, honor the contributions of those New Yorkers who have suffered in the name of freedom, and acknowledge all who fought, struggled, and dreamed for a better life and a better city. Together, we stand on their shoulders as we move boldly toward a brighter tomorrow for ourselves, our children, and future

generations.”

d. Therefore, the council intends by this chapter to create a truth, healing, and reconciliation process, through which New Yorkers can publicly name and acknowledge the past, present, and ongoing harms and traumas caused by and associated with slavery and its legacies in the city of New York; and by which these grave harms and injustices can be publicly recognized, memorialized, and formally repudiated; and through which New Yorkers may ensure accountability for such harms and injustices, including by ensuring that such harms and injustices are not forgotten, perpetuated, or repeated; and through which the city may take action to repair relationships and social bonds amongst all New Yorkers.

§ 8-1102 Definitions. As used in this chapter, the following terms have the following meanings:

Affected person or community. The terms “affected person” and “affected community” mean a person and a group of people, respectively, that have experienced harm or injustice as a result of the legacies, badges, and aftereffects of slavery, or whose ancestors were subjected to slavery.

Commission. The term “commission” means the commission on racial equity established pursuant to section 3404 of the charter.

Community stakeholder. The term “community stakeholder” means a person who is an affected person or member of an affected community, a representative of a community-based organization, a community or religious leader, a scholar or expert, or a representative of a student group.

Public forum. The term “public forum” means a building or other physical location where, in accordance with rules promulgated by the commission, members of the public may learn about and engage with the history, personal experiences, and past or ongoing harms and injustices related to slavery.

Racial equity. The term “racial equity” means, when referring to an outcome, the achievement of equity with a particular focus on race or the intersection of race with other characteristics of identity. When referring to a process, the term "racial equity" means the closing of gaps in policy, practice, and allocation of city resources through the prioritization of access, opportunities, and resources to persons and communities who,

based on or at least in part due to race, have historically faced or currently face marginalization or oppression, underinvestment, disinvestment, or under-resourcing.

Reconciliation. The term “reconciliation” means an ongoing process of establishing and maintaining respectful societal relationships rooted in the acknowledgement of historical truths, universal human dignity, and the shared pursuit of racial equity.

Slavery. The term “slavery” means the legally sanctioned, race-based practice in New York of enslaving Black and indigenous American persons between the years 1626 and 1827, and the effects, legacies, badges, and aftereffects of that practice.

Truth and reconciliation. The term “truth and reconciliation” means public proceedings, including but not limited to public hearings and research efforts, conducted for the purpose of investigating and recording serious human rights violations and abuses with the goal of achieving genuine healing, reconciliation, and progress toward a more just and equitable society. Such proceedings seek to establish patterns, practices, and chains of command that reveal the purposeful and systematic nature of such violations and abuses, potentially but not necessarily in concert with or in anticipation of reparative or restorative justice efforts.

§ 8-1103 Truth and reconciliation process established. a. Objectives. The commission shall establish a truth and reconciliation process with the following objectives:

1. Establishing historical facts about slavery in or in connection with the city of New York that remain disputed or denied; identifying the historical and social contexts that gave rise to them; and making recommendations as to whether further investigation is appropriate;

2. Protecting, acknowledging, and empowering affected persons and communities before, during, and after the process; and

3. Recommending and encouraging policy and social changes for government and community institutions in order to prevent the recurrence or perpetuation of harms and injustices related to slavery.

b. Plan required. Not later than June 19, 2024, the commission shall deliver to the mayor and the

speaker of the council, and shall post publicly on its website, a plan describing the scope and implementation for a truth and reconciliation process, including but not limited to a plan for a public outreach and information campaign, a list of sites to be designated as public forums, the specific topics to be addressed through a truth and reconciliation process, terms and guidelines for public participation in proceedings, a plan to support and protect the physical and psychological health of participants, an implementation timeline, measures to ensure the preservation and memorialization of the proceedings and findings in accordance with section 8-1108, and any other steps the commission deems necessary to achieve broad-based public awareness, engagement, and participation before, during, and after the truth and reconciliation process.

c. Participatory process. In creating a plan, selecting topics, and otherwise carrying out its duties in relation to a truth and reconciliation process pursuant to this chapter, the commission shall consult extensively with community stakeholders and persons with expertise in truth and reconciliation processes. The commission shall, at a minimum, consult with community stakeholders who:

1. Have relevant personal experience or expertise regarding harms and injustices related to slavery in or in connection with the city of New York, which experience may include having descended from enslaved persons;

2. Represent institutions, organizations, corporations, or associations that are organized or operated primarily for historical, cultural, educational, religious, or charitable purposes and that are connected to African American or indigenous American heritage, history, or culture; or

3. Have relevant personal experience or expertise in promoting racial justice and equity in the city of New York.

§ 8-1104 Truth and reconciliation topics and proceedings. a. Topics to be addressed. The truth and reconciliation process shall address topics relating to the history and effects of slavery in or in connection with the territory that is now the city of New York, as defined in section 2-201. In selecting topics to be addressed, the commission shall consider, at minimum, rights violations, events, practices, systems, and consequences in

relation to the following:

1. Topics prioritized by community stakeholders, especially those relating to harms and injustices experienced by descendants and family members of persons who were enslaved in or in connection with the city of New York;

2. Historical or ongoing civil and political injustices and inequities, which may include but need not be limited to the physical abuses, sexual violence, torture, and death including by lynching of enslaved persons and their descendants; race-based, legal and extralegal barriers to voting and other forms of political participation; racially discriminatory police violence and over-criminalization; and other forms of racially discriminatory violence and oppression;

3. Historical or ongoing economic, social, and cultural injustices and inequities, which may include but need not be limited to enslaved persons' abduction from their homelands and communities; deprivation of economic autonomy; forced family separations; cultural oppression and erasure; segregation and "Jim Crow" laws; community displacement; redlining and other forms of discriminatory zoning and development; environmental injustice; mental, physical, and reproductive health inequities; pay and employment disparities; and other psychological and social repercussions of racial discrimination and trauma;

4. Differentiated experiences of harms and injustices associated with race-based discrimination and violence as they may have varied or vary on the basis of sex, gender, religion, ethnic and cultural origin, language, educational attainment, socioeconomic status, ability, or other personal characteristic;

5. The involvement of government, corporate, and community-based entities in perpetrating or supporting slavery;

6. Time periods, practices, or events of particular relevance to the physical site of a public forum or to nearby residents and affected communities;

7. Systemic and lived connections between various racial injustices or inequities; and

8. Past and present contributions of New Yorkers to addressing, repairing, and fighting against slavery,

racial discrimination, and related injustices and inequities.

c. Opening date. The truth and reconciliation proceedings required by this chapter shall commence no later than June 19, 2025.

§ 8-1104 Public forums. a. Site selection. The commission, in consultation with community stakeholders, shall select a minimum of 5 sites on which to establish public forums for truth and reconciliation, as follows:

1. The commission shall select a minimum of 1 site in each borough.

2. The commission shall give priority consideration to sites that are:

(a) Suitable for public hearings, exhibitions, and other relevant proceedings, including those that would support remote viewing and participation, such as through interactive livestream;

(b) Easily accessible by multiple forms of transportation and otherwise conducive to maximizing public participation, including by ensuring adequate capacity for reasonably foreseeable attendance levels, with particular consideration for affected persons and communities; and

(c) Of particular relevance to the topic or topics to be addressed at that site or generally.

3. The commission may dedicate each public forum to addressing 1 or more specific topics, or the commission may determine that any topic may be raised at multiple or all public forums.

b. The commission shall list the location, schedule of meetings, and topic or topics to be addressed at each public forum on its website, and to the extent possible make materials, video recordings, public testimony, and other research from each public forum available on its website as they become available.

c. At any time during the course of the truth and reconciliation process required by this chapter, the commission may establish a temporary site dedicated to a specific event, performance, exhibition, or other proceeding which is especially or solely suited to such site.

§ 8-1105 Public engagement. a. Public information campaign. Beginning no later than 6 months after the effective date of the local law that added this chapter, and ending no earlier than 1 year after the conclusion

of the truth and reconciliation process required by this chapter, the commission, in consultation with the civic engagement commission and the office of ethnic and community media, shall conduct a public outreach and information campaign designed to encourage awareness of, engagement with, and participation in the truth and reconciliation process and findings. Such information campaign shall at a minimum include:

1. Creating educational materials tailored to persons of different ages and backgrounds;

2. Creating resources for teachers, parents, historians, journalists, and persons in other relevant professions and community leadership roles;

3. Identifying community outreach partners, stakeholders, and opportunities for engagement; and

4. Distributing and publicizing materials and resources through the use of print, radio, internet, and public space, as practicable.

b. Terms and guidelines for participation. The commission shall issue terms and guidelines for the creation and protection of a physically and psychologically secure space and process for truth and reconciliation. The commission shall describe these terms and guidelines, as well as any relevant training needs, in the plan required pursuant to section 8-1103 of this chapter. In creating these terms and guidelines, the commission shall take into particular consideration the interests and needs of affected persons and communities.

c. Public notice of proceedings. The commission shall post public notice of the time and place of meetings, hearings, and other proceedings of the commission in which it is planned to address matters relating to truth and reconciliation. Wherever practicable, such proceedings shall be scheduled and publicly noticed at least 30 days in advance, or within 2 days of when the meeting was scheduled, whichever is earlier. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. The public notice provided for by this section shall not be construed to require publication as a legal notice. Public notice shall include:

1. Giving notice to the news media;

2. Conspicuously posting notice in 1 or more designated public locations at a reasonable time, preferably at least 2 weeks before a scheduled proceeding; and

3. Conspicuously posting notice on the website of the commission. § 8-1106 Special inquiries. a. Special inquiries authorized. In carrying out its duties pursuant to this chapter, the commission may conduct or cause to be conducted relevant research on public and non-public city records, including but not limited to retrieval of relevant historical documents.

b. Support for special inquiries. Pursuant to commission request, city agencies shall provide appropriate staff and resources to facilitate and support any reasonably defined inquiry authorized by this section.

§ 8-1107 Narrative report and recommendations. No later than one year following the conclusion of the truth and reconciliation process required by this chapter, the commission shall publish a report on the history and legacies of slavery in the city of New York, including but not limited to the legacy and badges of such slavery that continue to undermine racial equity in the city of New York in the present day. The report shall, at a minimum:

a. Document the findings of the truth and reconciliation process, including the experiences and recommendations shared by participants, including those affected by slavery in or in connection with the city of New York; and

b. Recommend steps that the city can take to address, repair, and combat race-based discrimination and injustice in the present and future, which may include but need not be limited to proposed steps toward memorialization, as described in section 8-1108; recommendations regarding specific cases for referral to any local, state, or national reparations mechanism that exists or may exist in future, or to any other tribunal, as appropriate; and identification of other grave injustices raised during the truth and reconciliation process but outside the scope of this chapter that may benefit from a separate, dedicated truth and reconciliation process.

§ 8-1108 Preservation and memorialization. The commission shall preserve its working documents,

videos, transcripts, and operational and administrative records and shall recommend, as part of the report required by section 8-1107, a means of memorializing and making available to the public its records and findings for the purpose of public education and engagement in perpetuity. Such means may include but need not be limited to making some or all documents, exhibits, and other materials permanently available online; establishing a museum of truth, healing, and reconciliation; creating physical markers such as but not necessarily limited to a map, monument or monuments, forms of artistic expression such as permanent or temporary art installations, performances, film, or other form of artistic expression; establishing future forums or processes for truth-telling, healing, and community engagement; and proposing other measures for the promotion of racial healing, understanding, and equity.

§ 2. This local law takes effect immediately.

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