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TESTIMONY BEFORE THE NEW YORK CITY DISTRICTING COMMISSION

JANUARY 7, 2013

Good evening. I am Council Member Melissa Mark-Viverito and I currently represent the 8th District on the New York City Council. I am here this evening to express my continued concerns with the configuration of District 8 and to strongly urge the Commission to adopt the framework proposed by the good government group Common Cause, which preserves all of the current boundaries of El Barrio/East Harlem, maintains Randall's and Wards Islands in the district and still substantially grows the district's representation of the Bronx.

I thank the Districting Commission for reopening the process for additional community input on these very important decisions that will have an impact on our neighborhoods for the next decade to come. However, I am disappointed that in doing so, the Commission already voted to rectify two concerns with the maps before hearing additional testimony from the public. The Executive Director of the Commission, Carl Hum, appeared to justify this decision by citing the public attention generated by the 34th District. However, by that standard, the 8th District should be at the forefront of consideration for revisions. To my knowledge, the Manhattan hearing at the Schomburg Center was the best attended, with the numbers of people exceeding the capacity of the auditorium, and residents of Council District 8 were the overwhelming majority of those who were in attendance and provided testimony.

The proposed 8th District lines have also been the subject of criticism by good government groups and leaders of community based organizations, and they have been cited in numerous news articles. It is unclear to me why this level of public outcry has been largely disregarded by the Commission, which rushed to make changes to other districts, while leaving District 8 the same.

It is my hope and expectation that this additional round of hearings and revisions will allow for the earnest reconsideration of the proposed 8th District lines, particularly the Commission's mandate that the district be drawn evenly between Manhattan and the Bronx. This hardline position leads to the indiscriminate splitting up of a historic community of interest in El Barrio/East Harlem and the illogical removal of Randall's

and Wards Islands from the 8th District. These issues are resolved in the Common Cause map, which again restores the blocks removed from East Harlem, as well as Randall's and Wards Islands, to the district.

The Proposed Manhattan/Bronx Ratio

It is my view that the Commission's decision to create a nearly exact 1:1 ratio between Manhattan and the Bronx, at the exclusion of all other concerns about protecting communities of interest, is arbitrary and without basis under the Charter. I have clearly acknowledged the population growth in the Bronx and have stated unequivocally that I welcome the opportunity to expand my representation of the Bronx far beyond the district's current 11%. However, I remain concerned that the 50% requirement results in an adverse impact on the El Barrio community, which simply does not fit into half of a Council district, even at maximum size. The concerns with this imposed 50/50 framework have not only been expressed by my community or myself alone; Common Cause has issued a strong statement regarding the reconfiguration of the 8th District and the "absurd lengths to which the Commission has gone to give the Bronx equal control on the council."

As I have pointed out in the past, Manhattan still has 200,000 more people than the Bronx (more than the size of a Council district) and grew at a rate of just 0.7 percentage points less than the Bronx since 2000. Therefore, affording the Bronx with an additional district (even if it is just by 20 people) seems to be an extreme and unjustified move. Further, doing so has resulted in the packing of several districts in Manhattan (1 through 6 as well as 8) to the maximum possible population, while most Bronx districts remain at or below ideal district size. The average deviation of Manhattan districts is +4.10%, compared to a +1.20% deviation in the Bronx.¹ Another prominent government watchdog group, Citizens Union, has also expressed concerns about the sizes of Manhattan districts relative to other boroughs, stating that the larger Manhattan districts "results in the borough having fewer representatives than would be expected given its population." Citizens Union has proposed "placing more of the proposed City Council District 8 into Manhattan," as a way of resolving the differences in district population across the two boroughs.

This large discrepancy is made even clearer when looking at the 8th District in comparison to neighboring districts in the Bronx, such as the 17th District, which borders the 8th District under the revised proposal on the northern and eastern boundaries.² Under the revised proposal, the 17th District is given a -4.94% deviation, virtually the polar opposite of the 8th District (+4.99%). There does not seem to be any justification to such a lopsided arrangement. The 16th District, which also shares a border with the 8th, is below ideal population size as well (-3.38%). Clearly, there was room for these districts to absorb a greater share of Bronx population in order to create a more reasonable

¹ These percentages were calculated by including the 8th District in both Manhattan and the Bronx.

² In fact, almost all of the new Bronx territory added to the 8th District is currently contained in the 17th District.

balance between the Bronx and Manhattan that would have preserved El Barrio/East Harlem's boundaries.

As I raised in a letter to the Commission, the creation of a Bronx-Queens district would actually have provided the fairest distribution of representation. Under the current revised proposal, Queens still has an average deviation of -1.69%, giving the districts within that borough the lowest average population in the City of New York. But clearly, the Common Cause map provides a reasonable and fair alternative that substantially increases the 8th District's share of the Bronx, while preserving the traditional El Barrio/East Harlem boundaries and ensuring parity in deviations across districts in both boroughs (an average of +2.49% in the Bronx and +2.5% in Manhattan³).

Voting Rights Act Concerns

In a recent response to my letter to Executive Director Carl Hum of November 6, 2012, the Commission's General Counsel stated that the "most compelling reason" for the redrawing of Council District 8 with an even split between Manhattan and the Bronx was actually based on Voting Rights Act concerns related to preserving the ability of the 8th District's Latino voters to elect a candidate of their choice. I understand the Commission's duty to uphold the Voting Rights Act and to ensure that the proposed lines receive pre-clearance by the Department of Justice. I also understand that, based on case law, a 65% supermajority has been found to "ensure compliance" with the Voting Rights Act, and that this supermajority is achieved in District 8 through the Revised Plan. However, I maintain my concern that in seeking to achieve this 65% threshold, several Latino-dominant sections of the El Barrio community are being shifted into neighboring districts that are not primarily Latino. The most notable examples are the parts of the Carver Houses⁴ and Lexington Houses⁵ NYCHA developments that have been drawn into District 4. These developments have a 58.9% and 57.8% Hispanic population, respectively, and have been shifted to a district that is 6.84% Hispanic. Additionally, the three blocks west of Madison Avenue that currently fall within the 8th District⁶ have a total Hispanic population of 60.7%, but have been shifted to the 9th District, which is only 24.73% Hispanic.

While replacing largely Latino areas in El Barrio with Latino areas from the Bronx might preserve and increase the overall Hispanic population within the district, doing so leaves behind those Latinos from El Barrio who are effectively drawn into districts that do not resemble them. As I know you understand, Latinos have historically relied on the benefits of being in a Latino-dominated district where the needs that are unique to our community

³ These percentages were calculated by including the 8th District in both Manhattan and the Bronx.

⁴ The Carver Houses development stretches from E. 99th Street to E. 106th Street, bound by Madison and Park Avenues. The portion from E. 99th Street and E. 102nd Street has been shifted to District 4.

⁵ The Lexington Houses development runs from E. 98th to E. 99th Streets, from Park to Third Avenues. The portion west of Lexington Avenue has been moved to District 4.

⁶ These three blocks are between 111th and 112th Streets, and 115th and 117th Streets.

can be addressed, particularly when it comes to offering Spanish-language services. The fact is that there are alternatives (like the Common Cause map) that encapsulate the historic East Harlem Latino community in District 8 while simultaneously increasing the overall district's Hispanic population by expanding in the Bronx.

Many of the ability-to-elect districts highlighted under Dr. Lisa Handley's memo to the Commission have been drawn under this plan at or near the 65% supermajority, but others have not. While Dr. Handley's memo to the Commission does indicate that substantially increasing the Hispanic population in District 8 is necessary to preserve its ability-to-elect status, it does not stipulate a specific threshold, but only refers to the change as "positive." To my knowledge, the analysis provided to the Commission does not test other configurations of District 8 and thus it is unclear whether the Revised Plan is demonstrably better from an ability-to-elect perspective than other proposals like the Common Cause map. Further, the Unity Coalition, whose mission is to preserve and expand minority representation in New York's electoral districts, has not insisted on a 65% threshold in many of its own proposed districts, including District 8. Therefore, given the outpouring of support for maintaining the East Harlem lines as they are currently drawn, I would urge the Commission to reconsider, and instead use the Common Cause framework which still results in a 59.4% Latino population for the 8th District.

El Barrio/East Harlem

I thank the Commission for hearing some of the concerns of my constituency, particularly regarding La Marqueta; however, as many of us pointed out, restoring La Marqueta to the district alone is not sufficient if the Commission truly wishes to meet its charge of preserving communities of interest. El Barrio/East Harlem is a historic community with a deep Puerto Rican and Latino heritage and it remains primarily Latino to this day. We identify as one community, united by a shared history, a predominantly working class socioeconomic status and common public institutions and community-based organizations that serve our neighborhood. It is clear that the El Barrio/East Harlem community more closely resembles the South Bronx (in historic, racial, ethnic and economic terms) than the Upper East Side/Midtown East, and even Central Harlem communities, and thus, the shifting of parts of our community to those other districts simply does not make sense.

There are so many important institutions located at the edges of our neighborhood that serve as the anchors of the community, which makes it all the more important to restore the boundaries as they are not. For example, the southern boundary of East Harlem is widely recognized as 96th Street, as reflected in the drawing of Community District and Police Precinct boundaries. Close to that southern boundary are our neighborhood's two primary hospitals (Metropolitan and Mount Sinai), and the aforementioned public housing developments, which are indisputably part of the East Harlem community (Lexington Houses and Carver Houses). Under the Revised Plan, only one of the hospitals and parts of each of the housing developments is in the District.

Preserving as much of the Fifth, Madison and Park Avenue corridors on the western boundary is also critical, given the presence of El Museo del Barrio and La Marqueta, which the Commission has thankfully recognized need to be fully encapsulated within the 8th District. And near the northwestern-most boundary (E. 125th Street between Lexington and Park Avenues), a prominent Latino cultural institution, the Caribbean Cultural Center, will soon make its return to El Barrio. Clearly, including as much of these important cultural and health institutions, as well as public housing developments, in the 8th District is important in preserving El Barrio/East Harlem as a community of interest.

Central Park

I am also concerned about proposals that have been raised to remove Central Park from the district. While I understand that there are concerns around the compactness of the proposed district, given that no one lives in the park, this does not seem to be a pressing concern. What is problematic, however, is shifting this vital parkland from a largely working-class district to wealthier communities on the Upper East or Upper West Side. I would urge the commission to keep Central Park within the 8th District.

Randall's and Wards Island

In addition to concerns about the El Barrio/East Harlem boundaries, my community and good government groups also continue to express dismay at the exclusion of Randall's and Wards Islands from the 8th District in the last two iterations of the Commission's proposed lines. Randall's and Wards Islands, which is clearly part of Manhattan and falls within Manhattan Community Board 11's boundaries, would be shifted to District 22 in Queens under the Revised Plan. The Charter makes clear that the Districting Commission should only propose cross-border districts when necessary. Yet, the only arguments the Commission has provided to the public are that Randall's and Wards Islands could not fit within the 8th District as they drew it, which is only the case because you have drawn a district at maximum deviation, and that including the 1,658 people on Wards Island would have undermined the Commission's efforts to ensure a strong Latino population in the district, when the change to the Latino population was unlikely to have been more than a fraction of one percentage point.

There are several direct links from East Harlem to Randall's Island, including via a footbridge and a bus line. Further, as a result of a piece of legislation I sponsored in the City Council, both Manhattan Community Board 11 and Bronx Community Board 1 (both encompassed by Council District 8) have a seat on the Randall's Island Park Alliance board. Additionally, it is El Barrio/East Harlem and South Bronx community residents that have spearheaded efforts to improve access to the much-needed green space on Randall's Island. For these and other reasons, I believe that the 8th Council District is the one best suited to represent this area.

That being said, I am clear that any proposal that seeks to return Randall's and Wards Island to the district at the expense of cutting any additional residents out of the East Harlem portion of District 8 would be completely unacceptable.

Conclusion

My community of El Barrio/East Harlem has a clear message: we want to remain united within one district. We are asking for the full restoration of the current East Harlem boundaries in the 8th District, which will protect a historic community of interest, keep our public housing developments united and encapsulate critical community and cultural resources within one district. We are also asking for the restoration of Randall's and Wards Islands and the preservation of Central Park within District 8. All of this is accomplished by the Common Cause map, while greatly expanding District 8's portion of the Bronx, something I fully welcome. I strongly urge the Commission to use the Common Cause map as the basis for the reconfiguration of the proposed District 8.

Again, I thank you for your interest in accommodating the request for an additional round of hearings and changes, and I look forward to continued dialogue between my community, myself and the Commission in how to best reflect the historic and cultural boundaries of El Barrio/East Harlem within the 8th District.