

Washington Square Citizens League  
Discussion Forum  
7:00-8:15 pm  
Monday, February 23, 2026

**Councilmanic Prerogative:  
How Does It Affect Public Policy in Philadelphia?**

Gary Mucciaroni, Moderator

Councilmanic prerogative is a long-standing institution in Philadelphia City government. By prescribing how certain policy decisions are made and by whom, councilmanic prerogative shapes the City of Philadelphia's capacity to tackle critical problems facing the community and who wins and who loses from those decisions.

This session will cover the following questions:

- What is “councilmanic prerogative”? What are some examples of the use of councilmanic prerogative in Philadelphia or elsewhere?
- What are the advantages of the prerogative, and arguments in its favor?
- What are the problems with, and criticisms of, councilmanic prerogative?
- In which other U.S. municipalities does the councilmanic prerogative, or something similar, exist?
- Should Councilmanic Prerogative be abolished, reformed, or left in place? Are there any reforms in this area that might be desirable? How could they be accomplished?

# Councilmanic prerogative in Philadelphia: What you need to know

Philadelphia has a tradition of allowing City Council members to control land-use decisions in their own districts. It's now part of Councilmember Kenyatta Johnson's trial.

by Nick Vadala

Published March 21, 2022, 5:13 a.m. ET

“Councilmanic prerogative,” an inelegantly titled and obscure aspect of politics and power in Philadelphia, has gotten more attention in recent years, along with increasing calls to curtail its use.

Now, it’s back in the news thanks to the federal bribery trial of City Councilmember Kenyatta Johnson. In that case, Johnson and his wife, Dawn Chavous, are accused of accepting more than \$60,000 in bribes for helping Universal Companies, a community development charity and charter-school operator founded by Philadelphia music icon Kenny Gamble, with two South Philadelphia properties it owned.

What is councilmanic prerogative? Here is what you need to know:

## What is councilmanic prerogative?

Councilmanic prerogative is a tradition under which the 10 district councilmembers representing geographic areas of Philadelphia have the final say on land-use decisions in their districts. (The seven other Councilmembers are “at large,” meaning they don’t represent a geographic district.)

Land-use decisions include adding bike lanes, selling vacant parcels of publicly owned land, changing parking requirements, creating historic districts, and various other zoning changes. In that sense, it can give members of Council a great deal of power over how their neighborhoods look.

State and city laws require City Council legislation for actions such as the sale of city-owned land and changes to zoning codes.

Legislation must win a majority of votes from City Councilmembers and get the mayor’s signature before becoming law. But under prerogative, there is essentially an unwritten agreement that Councilmembers can make those decisions without interfering with one another — so all members vote along with the preference of their colleague whose district is affected by the legislation.

As a result, land-use bills typically pass with unanimous votes. Between 2008 and 2014, there were 730 prerogative bills passed in the city, and 726 of them passed unanimously, with only six dissenting votes cast in total, according to [a 2015 report from the Pew Charitable Trusts](#).

### **How has councilmanic prerogative been used?**

Councilmanic prerogative has played a role in a number of high-profile land developments in Philadelphia over the years. In Johnson's case, he's accused of [pushing through a rezoning ordinance](#), allowing the site of the former Royal Theater to become a mixed-used development with apartments and retail space, at the request of an area nonprofit that owned the building and offered a consulting contract to his wife. Prosecutors have described that contract as a bribe to buy the councilmember's assistance.

The [ongoing debate about streeteries](#) has also been touched by councilmanic prerogative. Council amended a bill that would have made the pandemic-era outdoor dining structures permanent citywide, opting instead to preserve Councilmembers' control over their districts. As a result, restaurants outside of "by-right zones" allowing streeteries must ask their district Councilmembers to sponsor legislation approving them on a case-by-case basis.

Another more distant — and infamous — instance of its use [was in 1986, when the city struck a deal with developer Willard Rouse to lease Penn's Landing](#). Council needed to approve the transaction, and Councilmember Leland Beloff agreed to do so for a sum of \$1 million. Rouse reported the incident to the FBI and donned a wire when exchanging the money, and Beloff was eventually sentenced to 10 years in jail.

### **Why do people support councilmanic prerogative?**

Those who support prerogative generally point to the idea that representatives tend to know their communities and districts better than anyone, so it makes sense to defer to their decision-making. Removing it completely, some say, could remove residents' voices from conversations about what their neighborhoods look like.

"For every time you find a thieving, conniving developer who somehow hoodwinked the city into giving them something for free, I think you can find a Councilmember who listened carefully to neighbors and tried to act accordingly," John Carpenter, former deputy executive director of the Land Bank and the Philadelphia Redevelopment Authority, [told The Inquirer in 2019](#).

### **What do critics say?**

[Critics argue](#) that councilmanic prerogative [can enable corruption](#). The Pew report said the tradition has played a role in the conviction of six Councilmembers since 1981.

Opponents also say the practice undermines the fundamental democratic concept of checks and balances.

“The legislature exists to check the power of the executive and prevent a single person from becoming a tyrant,” The Inquirer’s Inga Saffron wrote in 2019. “But when a district councilperson can introduce a bill, approve a land sale, or change zoning — all without real oversight from fellow legislators — there is no check on that power.”

While City Councilmembers continue the practice, it faced criticism ahead of the 2019 Council elections. In the wake of reports about its use in controversial land deals, one activist, Abdul-Aliy Muhammad of the Black and Brown Workers Cooperative, was arrested at City Hall while protesting the policy.

### **Do other cities do this?**

Yes, but not exactly as we know it. Outside of Philadelphia, councilmanic prerogative’s equivalent is typically known as “legislative courtesy” or “reciprocity,” and can be found in cities like New York and Chicago.

Chicago’s practice of reciprocity — or “aldermanic privilege.” as it is known there — is the most similar to Philadelphia, according to the Pew report. That city is broken up into 50 wards, each with its own alderman in Chicago City Council. Its use primarily affects land-use issues, and there is little transparency. However, the practice was changed in 2019, when Mayor Lori Lightfoot signed an executive order that somewhat limited its power by eliminating aldermanic vetoes.

Philadelphia’s councilmanic prerogative tradition, though, is stronger and more extensive than in many other cities. According to Pew’s report, that’s due to elements such as the sizable stock of city-owned land, a long-running practice of zoning code adjustment, and seven decades of one-party rule.

# Philadelphia's Councilmanic Prerogative: How It Works & Why It Matters

## Overview

Philadelphia's government is built around the concept of a "strong mayor," an elected chief executive with broad powers to make policy, run the city, and administer the budget.

But when a developer wishes to build a skyscraper, a block captain wants to turn a vacant lot into an urban garden, or a nonprofit organization intends to construct low-income housing, the mayor's role is often secondary.

In Philadelphia, the vast majority of land use decisions, small or momentous, are made individually by City Council's 10 members, who represent geographical districts across the city. (The remaining seven members are elected at large.) The practice, which is grounded in legislative tradition rather than law, is known as "councilmanic prerogative." It comes into play largely in the disposition of city-owned properties and in zoning matters, regardless of whether those decisions formally come before City Council as a whole.

Critics contend that the use of councilmanic prerogative, which frequently occurs out of the spotlight, undermines government accountability and transparency. They argue that it too often is used arbitrarily, that it hinders development, that it increases public mistrust of government, that it works to the advantage of the politically connected, and that its exercise sometimes allows narrow concerns to get in the way of citywide goals.

In council's view, however, prerogative appropriately places power over projects involving land use in the hands of elected representatives of the communities that are most directly affected. District council members consider management of development projects to be one of their most basic and important responsibilities. By using prerogative, they say, they can stop or alter projects that are not good fits for neighborhoods, make quality developments even better, and, in some instances, secure funding for neighborhood organizations or initiatives. "Nobody knows a community better than the district council person that represents it," says City Council President Darrell L. Clarke. "It's just the simple reality."

Community groups and developers, the people affected most directly by prerogative, have a more mixed view, dependent largely on outcomes of specific proposals and relationships with individual council members. Some community groups and builders work in concert—much if not all of the time—with district council members and City Planning Commission staff to shape developments in ways that respond to neighborhood concerns. Others consider prerogative an unwelcome intrusion into a process that some think should be apolitical.

This report on councilmanic prerogative is grounded in extensive analysis of city records and interviews with dozens of government officials, developers, political figures, academics, and community advocates.

The analysis revealed that:

- The use of prerogative, when invoked by a district council member, is unfailingly honored by the rest of council, even when the project in question is widely considered to be of citywide importance. There are no recorded cases in recent years of a prerogative vote going against a district council member. In the six years studied for this report, 726 of 730 of those decisions were unanimous, and a total of six dissenting votes were cast.
- Although prerogative is often exercised to block the sale of city-owned land at least temporarily, the lack of available data makes it difficult to determine whether prerogative is a principal factor delaying the pace of those sales. The city's land disposition process rarely moves quickly; even when council approves sales, transactions can take many months or even years to conclude. And there have been relatively few documented cases in recent years of prerogative being used to block land sales permanently.

- The December 2013 legislation that created a land bank, an agency that will oversee disposition of city-owned vacant land, ensures that prerogative will remain a central feature of land disposition in Philadelphia. In addition, the city's new zoning code, adopted in 2012 in an attempt to streamline and simplify development, has not reduced council's involvement in zoning decisions.
- Prerogative is not unique to Philadelphia. Legislative courtesy, as it tends to be called elsewhere, is a relatively common political tradition, particularly in large older cities such as Chicago and New York where representatives are elected by district. The practice is less common where all local representatives are elected at large. Philadelphia has a more robust prerogative tradition than most cities, owing to such factors as decades of one-party rule, a large supply of publicly owned land, and a long legislative tradition of adjusting the zoning code.

Through prerogative, district council members in Philadelphia are empowered to play a large, frequently determinative role in major building projects, enabling them to shape the city's landscape in lasting ways.

Many have used that influence to persuade builders to alter proposed developments—for instance, by reducing scale or adding parking spaces—to make them more pleasing to the residents who live around them and more suitable for the neighborhood. Others employ prerogative as a hedge against rapid gentrification. Some use the leverage to induce developers to offer “community benefits,” such as financial assistance to neighborhood groups.

Much of the exercise of prerogative happens behind the scenes, a practice that some developers and community leaders consider one of its most troubling aspects. When prerogative is used to halt a proposed development at an early stage, there typically is no public record to document and explain what happened. This makes it difficult to gauge the full extent of prerogative in Philadelphia and the degree to which its exercise enhances or suppresses civic engagement. In addition, some developers say, prerogative creates opportunities for unethical behavior and at least the sense that campaign contributions are part of the price of doing business. Although nothing improper happens in the vast majority of cases, it is worth noting that council's control over land use played a role in the cases of all six council members convicted of wrongdoing since 1981.

## As the Sixers arena debate rages, councilmanic prerogative takes center stage

*Here's how this legislative courtesy gives council members broad powers over development.*  
by Meir Rinde, Billy Penn at WHYY, February 1, 2024

In discussions and arguments about the 76ers' highly contested proposal to build a new downtown arena, one person comes up more than almost any other: Councilmember Mark Squilla. That's because the 12-year City Council member basically has the power to single-handedly allow the arena plan to go forward or to bring it to a halt. Squilla was re-elected in November with about 30,000 votes, or roughly 2% of the city's population. Yet he alone will decide whether the 76ers organization and its partners get the green light to invest \$1.3 billion, employ thousands of workers, potentially boost the languishing East Market area and significantly impact the city's historic Chinatown neighborhood. "I feel comfortable making that decision," Squilla told the Inquirer last year, "and it doesn't weigh on me or [make me] lose any sleep over it."

Technically, any zoning bills the project needs will require the support of a majority of councilmembers. But the proposed arena site is in Squilla's district, and because of an unofficial policy called "councilmanic prerogative," the rest of council will certainly follow his lead.

While only the 10 councilmembers elected by geographic districts have that power, such votes almost always get the support of the full 17-member council, including the seven at-large members who run citywide.

For years, critics have argued that this practice of legislative courtesy gives individual elected officials too much influence and invites corruption, while its supporters say it gives residents a voice in development in their neighborhoods. Here's a look at how it works.

### The power to pick winners

Councilmanic prerogative doesn't just mean a district councilmember decides if a bill comes up for consideration and whether it passes. The tradition effectively gives them veto power over planning, zoning, and land-use decisions, with city officials deferring to them on every step of the process. In some cases they effectively get to pick project developers, especially for city-owned properties.

Councilmember Cindy Bass, for example, has for years blocked redevelopment of the historic Germantown YMCA because she insists that a political backer of hers, KBK Enterprises, keep the contract to renovate it despite not making progress on the project. Council President Kenyatta Johnson, who represents parts of South and Southwest Philadelphia, and his wife were indicted federally in 2020 in connection to his use of prerogative. The couple were acquitted of charges in 2022 alleging that his wife was paid by a developer in exchange for Johnson using his influence to help a developer maintain control of properties it had failed to develop. Johnson repeatedly helped a childhood friend, Felton Hayman, sidestep the normal city land disposition process and acquire several properties at cut-rate prices. Hayman, who resold them for significant profit, was later charged in connection with the deals. Johnson's predecessor in the council presidency, Darrell Clarke, also helped a supporter get a city property at a discount.

## **Blocking injection sites and bike lanes**

Councilmanic prerogative additionally gives members personal control over other types of land-use decisions, from street layouts to parking regulations to what kind of businesses can set up shop in their districts, leading to patchwork policies. Last year, when council passed a bill making it difficult to open safe injection sites, the ban applied across the city — except District 3 in West Philadelphia. That wasn't because of input from planning or public health experts about where it might make sense to site such facilities — if they ever become legal — but because 3rd district Councilmember Jamie Gauthier was the only one who didn't want a ban.

As it does whenever a mayor vetoes a measure involving councilmanic prerogative, council overrode then-Mayor Jim Kenney's attempt to block the safe injection site bill. It also override his veto of a measure banning potential recreational marijuana shops in two districts, Councilmember Brian O'Neill's District 10 in the Far Northeast and Councilmember Curtis Jones' District 4 in West and Northwest Philly.

Councilmanic prerogative was in play in 2022, when the city prepared to move ahead with a new, safer "road diet" design for traffic-clogged Washington Avenue in South Philadelphia, following a decade of planning and intensive community consultation. Squilla introduced a bill making needed changes to parking and loading regulations — but only for the half of the road within his district, out of deference to Johnson, whose district encompasses the other half. Some area residents were opposed to the improvements, so Johnson refused most of them for Washington Ave's eastern stretch, except for repaving.

Sometimes councilmembers will block a project in their district as a way to extract concessions from some involved party. Then-Councilmember Jannie Blackwell effectively blocked the Barnes' Foundation's move to Philly for years because it involved relocating a youth detention facility to her district; she finally yielded when she got a \$12 million grant for a community center named after her late husband.

### **“It’s easy to bribe one councilman”**

Councilmanic prerogative has its roots in city and state laws granting council power over many sales of city-owned land, zoning, and other development matters, according to a 2015 report from the Pew Charitable Trusts. While other cities with district representation like Chicago and New York have similar policies, “Philadelphia has a more robust prerogative tradition than most cities, owing to such factors as decades of one-party rule, a large supply of publicly owned land, and a long legislative tradition of adjusting the zoning code,” the report says.

Prerogative gave residents and their elected councilmembers a tool to fight the kind of disastrous urban renewal efforts in the mid-20th century that decimated whole neighborhoods, according to Akira Rodriguez, an assistant professor at the University of Pennsylvania who studies the impact of government policy on marginalized communities. An outdated zoning code also couldn’t accommodate proposals for condos and other new types of projects, requiring council to grant variances and shifting power away from planning officials. In the 21st century, rising property values and a boom in housing construction increasingly made council a target for developers eager to acquire and build on city land. “It’s easy for developers to bribe one councilman. It’s much harder to bribe the redevelopment authority, the planning commission, all the registered neighborhood organizations and neighborhood groups,” Rodriguez told WHYY News in 2019.

From 2008 to April 2014, council passed 730 prerogative bills, all but four of them unanimously, per the Pew report. Usually nothing improper occurred, but the report notes that council’s control over land use played a role in all six cases of councilmembers being convicted of wrongdoing between 1981 and 2015. They include Rick Mariano, who was convicted in 2006 of taking bribes to help a businessman buy city land and win contracts. Another, Leland Beloff, went to jail in the late 1980s for trying to shake down developer Willard Rouse, who needed city ordinances passed to get funding for a project at Penn’s Landing.

## Resistance is (usually) futile

Every once in a while, someone pushes back against councilmanic prerogative. At least once, it's been successfully challenged in court. When Ori Feibush ran against Johnson in 2015, the councilmember allegedly retaliated by killing the sale of two properties to the South Philly developer. Feibush sued Johnson and won a \$34,000 judgment against the city. Helen Gym, an at-large councilmember at the time, got some attention in 2019 for voting against her colleague Jannie Blackwell's bill banning food trucks on Market Street near Drexel University. The measure passed.

The Pew report notes a handful of other dissenting votes on prerogative bills in the 2010s, all of which became law. In one case then-Councilmember W. Wilson Goode Jr. voted against a bill from Squilla allowing a digital billboard at a performance venue; it passed, the mayor vetoed it, and Squilla didn't push for an override.

One of the biggest violations of councilmanic prerogative occurred in 2002, when at-large member Thacher Longstreth intervened in a complicated political battle over a CSX Corp. property in South Philadelphia where IKEA wanted to build a store. Although it was in his colleague Frank DiCicco's district, at Mayor John Street's urging, the ailing Longstreth introduced a bill rezoning the site. "You know, councilmatic prerogative — no one would introduce a bill in somebody's district," DiCicco recalled in an interview as City Council convened for its first session last week. "It was introduced to break me into moving forward with that legislation. But I held my ground and we got what we wanted from IKEA and the railroad."

## A tradition that isn't going away

Councilmanic prerogative has been exhaustively written about, analyzed, criticized, and been the subject of calls for reform for years. The consensus is that it isn't going anywhere, in part because it's difficult to ban a policy that isn't explicitly written down anywhere and would probably require changing the city's Home Rule Charter, at the very least.

It's also stridently defended by councilmembers who argue it's a powerful way to make developers pay close heed to the wishes of neighborhood residents and push back against the overarching visions of planners and mayoral administrations. "Today, it's my district. Tomorrow, it will be your districts," Councilmember Jones said last June, after council overrode a veto of a nuisance-business bill, per the Inquirer. "If we cannot self-govern in various districts around the city and begin to determine what is acceptable, then why are we here?"

When Kenyatta Johnson was running for reelection in 2019, challenger Lauren Vidas attacked him for supporting councilmanic prerogative, saying it engendered a pay-to-play culture between elected officials and developers. But Johnson defended the policy, and went on to win another term.

“Councilmanic prerogative is a tool we can use to protect neighborhoods from gentrification and from out-of-town developers who don’t know anything about the neighborhood,” Mark Nevins, a Johnson campaign spokesperson, told WHYYY’s PlanPhilly. “Removing council members from the conversation about how city-owned property is sold and developed would basically prevent local residents from having a say in the future of their neighborhoods.”

*WHYY News reporter Tom MacDonald contributed to this article.*

# Mayor Parker wants City Council members to give up a little power over land. They don't love the idea.

Parker will have to proceed gingerly if she is to win over lawmakers for her \$2 billion housing plan.

by Jake Blumgart and Sean Collins Walsh  
Philadelphia Inquirer, Published March 25, 2025

Mayor Cherelle L. Parker has big plans for housing policy, to be paid for with \$800 million in city bonds, and she needs City Council's sign-off. To get it done, she's calling on the lawmakers to sideline one of their unofficial powers — at least a little bit. Under the Philadelphia tradition known as “councilmanic prerogative,” the 10 district Council members hold unofficial veto power over zoning changes and city land sales in their territories.

Prerogative has been a hotly debated issue in Philly politics for years, with critics arguing it hinders growth and opens the door to corruption, while Council members contend it ensures that the public officials with their ears closest to the ground — themselves — can make sure new developments align with community interests.

While she was on Council, Parker was herself an enthusiastic adherent of this custom, and she knows the city's legislature would never fully give it up. But on Monday, the mayor asked if lawmakers would consider streamlining city redevelopment processes in ways that could limit the role of prerogative — which she called “the elephant in the room” — in service of building more affordable housing on city-owned land and reaching her goal of 30,000 units of housing repaired or built during her time in office. “I am not trying in any way, shape, or form to take away councilmanic prerogative,” Parker said. “But ... I am proposing that [the city's Land Bank] work directly in partnership with City Council to preauthorize the sale, donation, or transfer of municipally owned real estate for the purpose of constructing new housing under this new program.”

While the mayor in her speech did not question other elements of prerogative, literature that her administration circulated in advance of her remarks suggested she is interested in tweaking Council's and neighborhood groups' involvement in zoning policy in a manner that “reduces community opposition.” Parker will have to proceed gingerly if she is to win over lawmakers for her \$2 billion housing plan. Council members adamantly protect their power to tweak zoning maps in their districts, and expect to receive support from their colleagues as long as they remain within their territorial lines. “District Council members have a right to make sure that they're advocating on behalf of the individuals who put them in office,” Council President Kenyatta Johnson told reporters after Parker's speech. “A lot of

time we see development projects taking place in our neighborhoods. If anything goes wrong, they call the district Council person. They don't call any anybody else."

## **Does Philly have too much Council in its Land Bank?**

Philadelphia's Land Bank, an agency meant to facilitate the disposition of city-owned property, features an unusual level of legislative oversight, largely due to former Council President Darrell L. Clarke's insistence that lawmakers maintain granular involvement in every transaction when the agency was created. But national experts on land banks have long warned that requiring politicians to sign off on all transfers is, at best, an impediment to the rapid redevelopment of land. At worst, it allows politicians to reward their friends and punish their enemies.

Parker knows Council would not agree to remove itself from the Land Bank process entirely. Instead, her proposal would create a list of "preapproved" parcels in each district that would not require new legislation to be introduced in order for the properties to be sold to developers.

Parker emphasized that such a list would not include larger properties — such as those that could support large apartment buildings — and that it would largely support the popular affordable homeownership plan called "Turn The Key." Parcels for single-family home construction, or at most quadplexes (four-unit apartment buildings), would be favored. "For the purposes of these bond dollars, we need to develop an expedited process where it doesn't take a piece of legislation to move land out of our Land Bank," Parker said. "[Currently] land can get held up for months, particularly when Council is out of session during the summer."

To ensure that Council members maintain influence, Parker would also work with the body to craft a list of favored developers, in the hopes of keeping any city-owned land from winding up in the hands of speculators or bad actors. "First we have a preauthorized list of land, then we can have a preapproved list of developers," Parker said.

Even with those concessions, Parker's ideas raised some eyebrows on Council. Asked if he thought reducing Council's role in some city land transfers was a good idea, Councilmember Mike Driscoll, who is often a Parker ally, expressed skepticism. "I guess if you're mayor, perhaps. If you're a district councilman, I would say no," said Driscoll, who represents parts of the river wards and Northeast Philadelphia.

## **Zoning reforms to come?**

Parker avoided touching on councilmanic prerogative's other main pillar in her speech, mentioning the word *zoning* only a handful of times in the 90-minute address. But the administration's pamphlets circulated in Council chambers before Parker's speech included hints that changes to the city's zoning code could be in the offing.

Council members frequently amend the zoning code in their district, sometimes through hyperlocal patches to the map called “zoning overlays.” But real estate developers, some affordable housing advocates, and good-government watchdogs have long warned that the practice makes it difficult to develop uses like apartments and homeless shelters, and adds unnecessary burdens to construction.

The administration’s literature recommended curtailing at least some overlays, although it did not elaborate on how that should be executed. “We cannot have different land use and zoning policies in different parts of the city if we want to provide exceptional and consistent customer service,” the pamphlet read.

Many of the tweaks made by overlay legislation are meant to make it harder for particular kinds of development to occur without a trip to the Zoning Board of Adjustment, which necessitates that developers first meet with neighborhood groups before implementing changes. Such organizations have been accused of being reflexively antidevelopment and unrepresentative of the larger community, but the current code privileges their input. Parker might want to change that. In a section marked “Policy Recommendations,” the administration’s pamphlet reads: “Reforming the avenues for community involvement in the processes of zoning and development in a way that reduces community opposition.”

After the mayor’s speech, many Council members praised the mayor for making housing a priority. But they had questions. “The devil is really in the details, and I need more details to know exactly what is intended,” said Councilmember Cindy Bass, who represents the Northwest Philadelphia-based 8th District. Bass hinted that her enthusiasm for the housing plan is based on the assumption that district Council members’ central role in land-use decisions will be preserved. Bass said she did not understand why the mayor explicitly commented on scaling back the role of prerogative, given that Parker also said district Council members would be involved in the housing initiative.

“This is something that I have questions about,” Bass said. “I’m not exactly sure why prerogative was highlighted as the ‘elephant in the room’ because it sounds like, from what she described, the district Council members are going to be included.”

# Ideas Worth Stealing: Could NYC teach Pa. cities something about limiting the Council members' power in development decisions?

By Irina Zhorov, WHYY News

<https://whyy.org/articles/ideas-worth-stealing-could-nyc-teach-pa-cities-something-about-limiting-the-council-members-power-in-development-decisions/>

August 3, 2015

New York City's process for land use decisions brings in groups outside of Council to weigh in. Should Pennsylvania cities try this?

In 1975, the City of New York passed a new City Charter which, among other things, changed how land use decisions, i.e. development plans, were made. The new process — called the Uniform Land Use Review Procedure, or ULURP — was designed to collect public input, if not necessarily be required to implement it, and restrained Council's power in land use decisions. ULURP's standard method for reviewing land use plans requires that each plan go through the public, the Community Board, the Borough President and Borough Board, the City Planning Commission, City Council, and the Mayor.

Things are a little different in Philadelphia. According to a new Pew report, in Philadelphia individual council members, representing geographical districts throughout the city, make land use decisions. It's called councilmanic prerogative. And while critics contend that it limits government accountability and transparency and favors the politically connected, council members says it's only right they should have sway over projects in their districts since they know their areas and constituents best.

For land use decisions in Pittsburgh, the report says, "council members often show deference to the representatives of a particular district, but that deference is not absolute." However, when establishing a land bank in the city last year, council members fought to retain veto power over land sales in their districts (that power will be reevaluated after two years).

Aside from Philadelphia and Pittsburgh, most of the other ten largest cities in the state elect at-large council members who do not represent specific districts, so councilmanic prerogative is a moot point.

So should Philadelphia — where 726 of 730 bills involving councilmanic prerogative passed without any opposition — consider what New York City has done? New York's ULURP evolved along with an increase in public participation by citizens and neighborhood groups in city planning. Philadelphia allows for some citizen involvement, though some have argued that councilmanic prerogative actually dissuades people from political participation. But even in New York, where the process officially makes space for public input and leaves a lot of the heavy lifting to entities like the City Planning Commission, there's some disillusionment about how much sway the public actually has and concerns that council too often votes without questioning the district representative.

So if Philadelphia decides to reconsider its practice of councilmanic prerogative, perhaps looking at the ULURP can be just a starting place.