

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Adoption

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (“HPD”) by Sections 1043 and 1802 of the New York City Charter and Sections 23-96 and 23-154 of the Zoning Resolution of the City of New York, HPD is adopting amendments to Chapter 41 of Title 28 of the Rules of the City of New York.

A notice of proposed rulemaking was published in the City Record on May 23, 2018. A public hearing was held on June 22, 2018.

Statement of Basis and Purpose of Rule

The Mandatory Inclusionary Housing (“MIH”) program requires new housing developments, enlargements, or conversions of more than 10 dwelling units or more than 12,500 square feet of residential floor area constructed in areas designated for MIH in the Zoning Resolution of the City of New York (“Zoning Resolution”) to provide permanently affordable housing to qualified households.

MIH areas are designated through the land use review process as part of zoning actions that increase housing capacity. The MIH program allows developments, enlargements or conversions that increase the number of dwelling units by no more than 25 and increase the residential floor area on the zoning lot by less than 25,000 square feet of residential floor area to instead make a contribution to the Affordable Housing Fund, which is defined in section 23-911 of the Zoning Resolution. The contribution amount must approximate the cost of providing affordable floor area in the community district where the MIH Development is located.

HPD established a schedule setting forth the Affordable Housing Fund contribution amounts in Section 41-24 of Chapter 41 of the Rules of the City of New York. The Zoning Resolution requires this schedule to be updated annually. HPD rules provide that, for purposes of this schedule, HPD must group together Community Districts with similar market characteristics into “Fee Tiers,” using Department of Finance sales data for residential condominium units and, where necessary, for one- to four-unit residential buildings. Each Fee Tier is associated with a different Affordable Housing Fund contribution amount.

The adopted rule amendments update the schedule for the coming fiscal year (July 1, 2018 through June 30, 2019). In addition to changes in the contribution amounts, the rule amendments transfer Queens Community District 6, which includes Forest Hills and Rego Park, from Fee Tier 3 to Fee Tier 4, in order to reflect changes in the relative market characteristics of that community district.

New material is underlined.
 [Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The schedule of Affordable Housing Fund contribution amounts set forth in Paragraph one of Subdivision c of Section 41-24 of Chapter 41 of Title 28 of the Rules of the City of New York is amended to read as follows:

Fee Tier	Community District	Amount of Affordable Housing Fund Contribution Per Square Foot
1	101 102 103 104 105 106 107 108	\$1,075
2	301 302 306 402	[\$605] <u>\$660</u>
3	109 110 111 303 304 307 308 401 [406]	[\$535] <u>\$555</u>
4	112 208 309 310 311 312 313 314 315 403 404 405 <u>406</u> 407 408 409 411	[\$280] <u>\$300</u>
5	201 202 203 204 205 206 207 209 210 211 212 305 316 317 318 410 412 413 414 501 502 503	[\$260] <u>\$265</u>



City of New York
DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT
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MARIA TORRES-SPRINGER
Commissioner

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the City Charter, and represent to the mayor, that there is a substantial need for the implementation of the amendment of the rule governing the Mandatory Inclusionary Housing ("MIH") program Affordable Housing Fund contribution schedule upon the publication in the *City Record* of its Notice of Adoption.

Section 23-154(d) of the Zoning Resolution of the City of New York ("Zoning Resolution") established the MIH program, which requires certain new housing developments, enlargements, or conversions constructed in areas designated for MIH in the Zoning Resolution to provide permanently affordable housing to qualified households. Section 23-154(d)(3)(v) of the Zoning Resolution established that certain developments, enlargements, or conversions may instead comply with the MIH program requirements by making a contribution to an Affordable Housing Fund, which is defined in section 23-911 of the Zoning Resolution. Section 23-154(d)(3)(v) requires that the Department of Housing Preservation and Development adopt the rules necessary to establish and update on an annual basis a schedule setting forth the contribution amount for each Community District to the Affordable Housing Fund.

The Department promulgated such rules in Section 41-24 of Title 28 of the Rules of the City of New York ("RCNY"). These rules established the Affordable Housing Fund contribution schedule, and require that the Department update the schedule no later than July 1st of each year. These amendments provide this year's annual update to the schedule. The implementation of these amendments upon publication is necessary to ensure that the update to the schedule will be in effect in a timely manner.



Maria Torres-Springer
Commissioner
Department of Housing Preservation
and Development

APPROVED: 

Bill de Blasio
Mayor

DATE: 6/26/18

