

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing?

The Board of Standards and Appeals (“BSA” or the “Board”) proposes to modify its Rules of Practice and Procedures (the “Board’s Rules”) to codify the Board’s process for implementing the recently enacted Charter § 666-a (Fast Track Affordable Housing Action Projects (or “AHFT”)), as well as updating the Board’s Rules to incorporate relevant provisions of the Zoning Resolution, as modified by the recent City of Yes for Economic Opportunity and Housing Opportunity text amendments in the Zoning Resolution.

When and where is the Hearing? BSA will hold a public hearing on the proposed rule at 10:00 on April 1, 2026, at 253 Broadway, 2nd Floor, New York, New York. The hearing will be a hybrid hearing: a remote Zoom webinar (by dialing (669) 254- 5252; (646) 828-7666; (833) 435-1820 (Toll Free) or (833) 568-8864 (Toll Free), ID 160 003 6538, Passcode 197997; or register in advance: https://www.zoomgov.com/webinar/register/WN_Nfn2Qq1dREWyPvyZEn_jXq), or in person at 253 Broadway, 2nd Floor, New York, NY 10007.

How do I comment on the proposed rules? Anyone can comment on the proposed rules as follows:

- **Website.** You can submit comments to the BSA through the NYC rules Web site at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to submit@bsa.nyc.gov.
- **Mail.** You can mail comments to Chase Vine, General Counsel, Board of Standards and Appeals, 22 Reade Street, 1st Floor, New York, NY 10007.

Speaking at the Hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up beforehand (https://www.zoomgov.com/webinar/register/WN_Nfn2Qq1dREWyPvyZEn_jXq) or simultaneously as you join the Zoom webinar (ID 160 003 6538, Passcode 197997) when the hearing begins on Wednesday, April 1, 2026. If you wish to speak in person at 253 Broadway, 2nd Floor, New York, NY 10007, please sign up beforehand by emailing tmacias@bsa.nyc.gov or calling (212) 386-0085 by 5:00 p.m. Tuesday, March 31, 2026. You can speak for up to three minutes. Those who do not intend to actively participate are invited to watch the meeting through the Zoom, on the BSA YouTube Channel (<https://www.youtube.com/NYCBSA>) or the recording that will be posted after the meeting on BSA’s website.

Is there a deadline to submit written comments? The deadline for written comments is Tuesday, March 31, 2026. Comments submitted by the website, or email must be received no later than that date and comments submitted by mail must be postmarked no later than that date.

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by email or mail at the addresses given above. You may also tell us by telephone at 212-386-0085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by Friday, March 27, 2026.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A video of the public hearing will be available within five days online on the Board's website: <<https://www.nyc.gov/site/bsa/public-hearings/public-hearing-videos.page>>

What authorizes the BSA to make this rule? Section 1043 of the New York City Charter authorizes each city agency to adopt rules necessary to carry out the powers and duties delegated to it by law, and section 192(e) of the New York City Charter authorizes BSA to adopt rules governing environmental reviews. State regulations adopted under the State Environmental Quality Review Act (SEQRA) authorize State and local agencies to identify and exempt from environmental review actions that will not have a significant adverse impact on the environment. These actions are known as Type II actions. See 6 NYCRR § 617.5(b). BSA is a local agency under SEQRA. See 6 NYCRR § 617.2(w). This proposed rule was not included in BSA's regulatory agenda for this Fiscal Year because it was not contemplated when the Board published the agenda.

Where can I find the BSA's rules? The BSA's Rules of Practice and Procedures are contained in Title 2 of the Rules of the City of New York.

What laws govern the rulemaking process? BSA must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

The Board of Standards and Appeals (“Board” or “BSA”) is proposing rules to implement the changes to the City Charter (the Charter) that created a streamlined process for approval of applications involving certain housing developments, known as the Fast-Track Action for Affordable Housing Projects (AHFT). The Charter changes are intended to reduce the time it takes for the City to review affordable housing projects and thereby help increase the number of affordable housing units in the City.

The Board is proposing the following changes:

Sections one through five would amend and add to its Rules of Practice and Procedures (“Board’s Rules”) primarily to codify the Board’s process for implementing the recently enacted Charter § 666-a AHFT.

Specifically, the proposed changes would:

- update the Board’s Rule § 1-01.3—which quotes relevant portions of the Board’s enabling Charter text for applicant and broader community awareness—to include the AHFT text, as well as text from a prior Charter revision that was not added to Board’s Rules § 1-01.3;
- amend Board’s Rule § 1-06.1 to include the AHFT as a category within the Board’s appellate jurisdiction; and
- amend Board’s Rule § 1-06.3 to codify the filing process and additional administrative requirements for AHFT projects. update the Board’s rules to make conforming changes to the recent City of Yes for Economic Opportunity and Housing Opportunity text amendments.

The Board’s authority for these rules is found in sections 1043 and 666 of the Charter.

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. Subdivisions 9 and 10 of section 1-01.3 of title 2 of the rules of the city of New York are amended to read as follows:

9. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York or section 666-a of the New York City Charter. In rendering a final determination on any matter before it in which any such party has proposed relevant arguments or submitted relevant evidence, the Board shall refer to such arguments or evidence in its final determination and describe the extent to which the Board considered such arguments or evidence in reaching its final determination, to the extent applicable. The Board may categorize similar comments together and respond to such categories, provided that each such categorical response indicates the testimony to which it is responding.

10. To issue such special permits as the board is authorized to issue under the zoning resolution or under section 666-a of the New York City charter.

§ 2. Subdivision g of section 1-06.1 of title 2 of the rules of the city of New York is relettered subdivision (h), and a new subdivision (g) is added, to read as follows:

(g) Fast track affordable housing action: applications filed pursuant to charter § 666-a for a modification of the application or interpretation of any use, bulk, or parking regulations of the zoning resolution to a building to be developed, preserved, or converted, in whole or in part for affordable housing, as such term is defined in charter § 16-a;

§ 3. Subdivision (e) of section 1-06.3 of title 2 of the rules of the city of New York is relettered subdivision (f), and a new subdivision (e) is added, to read as follows:

(e) Fast-track action for affordable housing projects: An application submitted pursuant to charter § 666-a must include a letter from the Department of Housing Preservation and Development that the building is consistent with applicable affordable housing design and development standards and could not be developed without modifying the application of any use,

bulk, or parking regulations, consistent with paragraph 3 of subdivision a of section § 666-a of the charter. The application must be filed within thirty (30) days following the date of issuance of the Department of Buildings objection(s).

§ 4. Subdivision (e) of section 1-06.4 of title 2 of the rules of the city of New York is relettered subdivision (f), and a new subdivision (e) is added, to read as follows:

(e) Fast track action for affordable housing projects: The applicant must forward a copy of all application materials to the Department of Buildings, the affected community board(s) (and borough board, if applicable), the affected borough president, the affected City Council member, and the City Planning Commission.

§ 5. Appendix A of Title 2 of the rules of the city of New York is amended to add a new column to read as follows:

appeals calendar (a) § 666-a

- application referral – within three (3) days of filing must send copies to:
 - department of buildings
 - community board
 - borough president
 - city council member
 - city planning commission
- must submit proof of service of referral within ten (10) days of filing.
- hearing notice – Applicant At least twenty (20) days before hearing must:
 - Notify department of buildings
 - community board
 - borough president
 - city council member
 - city planning commission
 - affected property owners

must submit proof of service of hearing notice within ten (10) days of sending the notice.

§ 6. Section 1-01.4 of Title 2 of the rules of the city of New York is amended to read as follows:

§ 1-01.4. Zoning Resolution.

The New York City Zoning Resolution sets forth the Board's authority in: ZR § 72-00 et seq. (Powers of the Board of Standards and Appeals) and ZR § 73-00 et seq. (Special Permit Uses and Modifications), which allow the Board to grant variances and special permits;

ZR § 11-30 et seq. (Building Permits Issued before the Effective Date of Amendment), which allow the Board to renew building permits lawfully issued before the effective date of an amendment to the Zoning Resolution; and

ZR § 11-40 et seq. (Exceptions, Variances, Authorizations or Permits), which allow the Board to grant, extend the terms of, and permit certain changes to previously approved use variances or special permits granted under provisions of the [1916 Zoning Resolution] regulations in effect at the time of such variance or special permit.

§ 7. Paragraph 1 of subdivision a of section 1-07.1 of title 2 of the rules of the city of New York is amended to read as follows:

(1) Amendment: Applications may be filed on the SOC calendar for amendments to (1) a pre-1961 use grant pursuant to Z.R. §§ 11-412 or 11-413, (2) a pre-1961 bulk grant, (3) a post-1961 [variance] approval pursuant to Z.R. §§ 11-46, 11-47, 72-01, or 72-22, (4) a post-1961 special permit pursuant to Z.R. §§ 11-46, 11-47, 73-01, or 73-04, or (5) a transient parking waiver. Amendments may include but are not limited to changes to the Board-approved plans or resolution.

§ 8. Appendix E of Title 2 of the rules of the city of New York is amended to read as follows:

Appendix E

(a) Type II List:

The following actions are not subject to review by the Board of Standards and Appeals under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to 2 RCNY Appendix E(B)(b):

1. Special permits for radio and television towers, pursuant to § 73-[30] 141 of the Zoning Resolution;
2. Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-[125] 134 of the Zoning Resolution;
3. Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution;
4. Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § [73-243] 73-311 of the Zoning Resolution;
5. An action listed in subdivision (d) of this Appendix, provided that such action also meets the requirements in subdivision (e) of this Appendix.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Relating to Fast-track Action for Affordable Housing Projects

REFERENCE NUMBER: 2026 RG 010

RULEMAKING AGENCY: Board of Standards and Appeals

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: February 25, 2026

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Rules Relating to Fast-track Action for Affordable Housing Projects

REFERENCE NUMBER: BSA-8

RULEMAKING AGENCY: Board of Standards and Appeals

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor’s Office of Operations

February 25, 2026
Date