

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN, in accordance with the requirements of Section 1043 of the New York City Charter, and pursuant to the authority vested in the Board of Standards and Appeals (the “Board” or “BSA”) by Sections 1043(a), 666, and 666-a of the New York City Charter, that the Board adopts amendments to Title 2 of the Rules of the City of New York to implement sections 666-a and 668(d-1) of the Charter and to make other conforming changes.

The Board published a notice of proposed rulemaking in the City Record on March 2, 2026, and held a public hearing on the proposed rule on April 1, 2026.

Statement of Basis and Purpose of Adopted Rule

The Board of Standards and Appeals (“Board” or “BSA”) is adopting 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 Targeted Affordable Housing Projects (“TAHP”). The Charter changes are intended to reduce the time it takes for the City to review certain affordable housing projects and thereby help increase the number of affordable housing units in the City.

The Board is adopting the following changes:

Sections one through five 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 TAHP process.

Specifically, the changes will:

- 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 TAHP 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 TAHP as a category within the Board’s appellate jurisdiction;
- amend Board’s Rule § 1-06.3 to codify the filing process and additional administrative requirements for TAHP projects; and
- 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.

The Board published a Notice of Public Hearing and Opportunity to Comment on these rules in the City Record on March 2, 2026, and held a public hearing on the proposed rule on April 1, 2026. The Board received 21 written comments and 4 oral comments were given at the public hearing. The Board also modified the initially proposed rule text based on certain public comments. Below is an overview of the public comments received and the Board’s modification of the rule.

Overview of Public Comments

The public comments on this rule addressed a range of issues. Some comments concerned issues that fell outside the scope of rulemaking, for instance eligibility criteria for TAHP, environmental-review requirements, and publication of TAHP applications on City websites. Multiple commenters addressed the requirement to obtain a letter from HPD at the time of filing and the need to obtain an objection from DOB. In light of those comments, the adopted rule replaces the requirement to obtain an objection from DOB with a requirement to obtain a certified statement from a registered design professional identifying any section of applicable code, rule, or regulation that must be waived to ensure clarity regarding requested waivers.

The final rule also retains the requirement for an HPD letter, which the Board views as the best way of ensuring that TASP filings meet the requirements set forth in the Charter. Under Charter § 666-a(3), BSA must determine, in “consultation” with HPD, that the proposed building would be “consistent with applicable affordable housing design and development standards established by [the HPD] commissioner.” The HPD letter requirement ensures at the outset that the application meets that core eligibility requirement and helps ensure that filed applications are not denied on the basis that they are inconsistent with HPD standards.

* * *

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: consistent with paragraph 3 of subdivision a of section 666-a of the Charter, an application submitted pursuant to section 666-a must include:

(i) a letter from the commissioner of housing preservation and development confirming that the proposed building is consistent with applicable affordable housing design and development standards; and

(ii) a certified statement from a registered design professional affirming that the proposed building could not be developed without modification of use, bulk, or parking regulations and identifying the section(s) of such regulations for which the building would require modification(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.