

NEW YORK CITY PLANNING COMMISSION
NEW YORK CITY DEPARTMENT OF CITY PLANNING

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 City Planning Commission (the “Commission”) and the Department of City Planning (“DCP”) by Sections 1043(a), 197-e, and 197-g of the New York City Charter, that the Commission and DCP have adopted a new Chapter 14 to Title 62 of the Rules of the City of New York to implement the Expedited Land Use Review Procedure (“ELURP”) pursuant to Section 197-e of the Charter; amendments to Subchapter B of Chapter 3 of Title 62 to incorporate applications filed pursuant to Section 197-e of the Charter; amendments to Section 10-01 of Title 62 to apply existing pre-application process requirements to land use applications filed pursuant to Section 197-e of the Charter; a new Chapter 15 to Title 62 of the Rules of the City of New York to establish procedures and standards under Section 197-g of the Charter; and new rules respecting the procedure and eligibility for review under Section 197-g of the Charter.

The Commission published a notice of proposed rulemaking in the City Record on July 20, 2026, and held a public hearing on September 9, 2026.

Statement of Basis and Purpose of Adopted Rule

On November 4, 2025, New York City voters approved amendments to the City Charter that alter the City’s land use review process, including establishing a new Expedited Land Use Review Procedure (“ELURP”) pursuant to Section 197-e of Chapter 8 and an Affordable Housing Appeals Board (“AHAB”) pursuant to Section 197-g of Chapter 8.

The Commission has adopted an amendment to its rules adding a new Chapter 14 to Title 62 of the Rules of the City of New York to implement the ELURP pursuant to Section 197-e of the Charter. These rules establish:

- guidelines, minimum standards, and procedural requirements for community boards, borough presidents, and the Commission in the exercise of their duties and responsibilities pursuant to Section 197-e;
- minimum standards for certification of applications pursuant to Section 197-e(d);
- specific time periods for review of applications pursuant to Section 197-e prior to certification; and
- certain criteria for determining whether an application is subject to review pursuant to Section 197-e.

DCP has also adopted amendments to its rules:

- Subchapter B of Chapter 3 of Title 62 of the Rules of the City of New York is amended to incorporate actions reviewed pursuant ELURP into its existing fee schedule, and
- Section 10-01 of Title 62 is amended to apply existing pre-application process requirements to land use applications to be filed pursuant to Section 197-e of the Charter.

The Commission and DCP have further adopted a new Chapter 15 to Title 62 of the Rules of the City of New York to establish procedures and standards for the AHAB established by Section 197-g of the New York City Charter. The Commission and DCP have also adopted rules respecting the procedure and eligibility for review under Section 197-g of the Charter.

These rules fulfill the Charter's mandate for the Commission to promulgate such rules in accordance with Sections 197-e(h) and 197-g(f) of the City Charter. The rules also add clarity and transparency to the ELURP and AHAB processes.

Expedited Land Use Review Procedure

The Expedited Land Use Review Procedure is intended to simplify the review process for land use changes related to modest housing and infrastructure projects, including:

- Zoning map amendments that increase maximum residential floor area by no more than 30% in medium- and high-density areas or allow an increase in residential capacity with a standard maximum residential building height of not more than 45 feet in low-density areas;
- City map changes related to facilitating affordable housing or meeting State law street access requirements, raising and widening the grade of a street or bridge, and facilitating resiliency projects or creating open space;
- Dispositions, acquisitions, and site selections for certain City-owned property, affordable housing, and resiliency, open space, and solar energy projects;
- Proposals that have a primary purpose to facilitate additional housing and affordable housing in Community Districts that have produced the least amount of affordable housing and meet the criteria set forth in Section 197-f(b) of the Charter; and
- Zoning text amendments that apply Mandatory Inclusionary Housing requirements proposed in conjunction with an application that is reviewed under Section 197-e of the Charter.

Applications for land use actions set forth in Section 197-e(b) of the Charter must proceed under ELURP, which involves a ninety (90) day public review process ending with the City Planning Commission. As with the Uniform Land Use Review Procedure ("ULURP"), ELURP begins with advisory review of the application by the Community Board and Borough President. Under ELURP, the Community Board and Borough President's review period runs concurrently for sixty (60) days with extended time for applications that are reviewed in the summer. After the Community Board and Borough President review, the City Planning Commission has thirty (30) days to hold a public hearing and vote to approve, approve with modifications, or disapprove the application. The City Planning Commission's decision is final.

Importantly, except for applications that meet the Affordable Housing Fast Track criteria set out in Section 197-f of the Charter, ELURP is limited to land use actions that do not require an environmental impact statement. If an environmental impact statement is required for an Affordable Housing Fast Track application, the City Planning Commission's review period is extended to forty-five (45) days to allow additional time for environmental review.

Land use applications that do not meet the criteria for expedited review under Section 197-e will continue to be reviewed under ULURP, which includes subsequent review by the City Council and potential review by either the Mayor or the Affordable Housing Appeals Board.

These adopted rules will assist in the implementation of ELURP by establishing:

- guidelines,
- minimum standards,
- procedural requirements for public review,

- minimum standards for certifying applications as complete,
- pre-certification time periods for application review, and
- clarified eligibility criteria for certain actions.

To maintain consistency among the City's land use review procedures, the guidelines, standards, and procedural requirements in these rules largely follow the operational components of existing City Planning Commission rules for ULURP applications, which are provided in Chapter 2 of Title 62 of the Rules of the City of New York. Under these rules, applications that must proceed under ELURP pursuant to Section 197-e(b) of the Charter are subject to the same general pre-certification and certification requirements that exist for ULURP applications. Likewise, these rules adhere to existing Community Board, Borough President, and City Planning Commission guidelines and standards applicable to their duties and responsibilities for reviewing ULURP applications, but apply the timeframes set out in Section 197-e.

Zoning Map Changes

ELURP enables an expedited review of zoning map changes that would modestly increase residential capacity, and Section 197-e(b)(2) sets forth different eligibility standards for such changes proposed in medium- and high- districts and low-density districts. To provide clarity and implement the intent of Section 197-e(b)(2) of the Charter, these rules establish criteria for determining whether a proposed zoning map change application is subject to ELURP.

Zoning Map Change Criteria - Medium- and High-density areas

For designations of zoning districts that increase residential capacity in medium- and high-density areas pursuant to Section 197-e(b)(2)(a) of the Charter, the City Planning Commission rules establish that applications must meet the following criteria:

- (i) The district designated at the time of the application allows residential uses equivalent to R6 and above;
- (ii) Each zoning district to be designated must not result in more than a thirty (30) percent increase in maximum residential floor area; and
- (iii) Where commercial or manufacturing uses are not already permitted, the maximum commercial or manufacturing floor area must be 2 FAR.

Zoning Map Change Criteria - Low-density areas

For designations of zoning districts in low-density districts pursuant to Section 197-e(b)(2)(b) of the Charter, the City Planning Commission rules establish that applications must meet the following criteria:

- (i) The district designated at the time of application allows residential uses equivalent to R1 through R5;
- (ii) A designation that increases residential bulk, enables new residential uses, or removes required residential parking shall be considered an increase in residential capacity for purposes of determining whether a designation of a zoning district results in an increase in residential capacity;
- (iii) The maximum height of "basic" residential buildings as set forth in the Zoning Resolution shall be used to determine "standard" maximum residential building height; and

- (iv) Where commercial or manufacturing uses are not already permitted, the maximum commercial or manufacturing floor area must be 2 FAR.

City Acquisitions and Dispositions of Property to Facilitate Affordable Housing Development

Under Section 197-e(k) of the Charter, projects involving dispositions of City-owned property to companies that have been organized exclusively to develop housing projects for persons of low income, Housing Development Fund Companies (HDFCs), or acquisitions of property for such projects, would proceed under ELURP. HDFCs, which are formed exclusively for the purpose of developing and managing affordable housing, are the primary vehicle for HPD-subsidized, 100% affordable housing projects.

State law typically requires project review or approval by the City Council for HDFC projects on City-owned land. For these projects, the public review timeline under ELURP remains at 90-days, but the City Council is substituted for the City Planning Commission in the final 30-day period for its review and vote. These rules establish the guidelines, minimum standards, and procedural requirements for applications reviewed pursuant to Section 197-e(k), which are processed by the NYC Department of Housing Preservation and Development.

ELURP Fees

Further, as with ULURP applications, the Department of City Planning will charge fees for applications reviewed pursuant to Section 197-e of the Charter. Thus, in connection with the City Planning Commission's rules to implement ELURP by establishing a new Chapter 14 to Title 62 of the Rules of the City of New York, the Department of City Planning is amending its fee schedule by incorporating actions reviewed subject to Section 197-e into Subchapter B of Chapter 3 in Title 62. These amendments do not change the current fee amounts but rather apply the existing fees charged for ULURP applications to ELURP applications.

Affordable Housing Appeals Board

Section 197-g of the Charter establishes the Affordable Housing Appeals Board, a three-member body made up of the Mayor, City Council Speaker and relevant Borough President, or their designees. The Appeals Board has the power to reverse certain City Council land-use decisions relating to affordable housing. Specifically, the Charter gives the Appeals Board jurisdiction to review land-use applications where:

- The Council reviews an application pursuant to 197-d(c) of the Charter;
- The Council rejects or modifies an application that would directly facilitate the development of affordable housing; and
- The application does not include land in two or more boroughs or an urban renewal plan filed pursuant to Section 197-c(a)(8).

The Appeals Board shall review such actions if, within five days of the City Council's action, either the applicant or two members of the Board request review in writing to the Department of City Planning. Within fifteen days of a request for review, the Board is required to hold a public meeting and take final action on the appeal. The Board may, by an affirmative majority vote, approve an application disapproved by the Council, or reverse one or more modifications made by the Council by restoring, in relevant part, the application as it was approved by the City Planning Commission.

Procedures

Because the Charter charges the Department of City Planning with certain administrative functions related to the Board, the Department is promulgating rules to establish and clarify the procedure for seeking review by the Board. The rules would establish that designee assignments by members of the Board, and requests for review by applicants and Members of the Board, must occur by written notice to the Department in a form and manner to be determined by the Department. The rules likewise establish that the Department must promptly notify members of the Board and applicants of a Council action eligible for review by the Board or a request for review necessitating a meeting of the Board. The rules further require the Department to provide all necessary assistance to the Board in the conduct of its meetings and the exercise of its powers.

Applications Eligible for Review

Section 197-g(b)(2) of the Charter provides that only applications that “would directly facilitate the development of affordable housing” are eligible for review by the Board including, but not limited to, applications that implement the City’s Mandatory Inclusionary Housing Program for one or more parcels of real property, as well as “related actions that directly facilitate such housing, such as special permits that modify residential bulk regulations or remove required residential parking.” Charter Section 197-g(b)(2).

Pursuant to Section 197-g(f) of the Charter, which gives the City Planning Commission the power to promulgate additional rules for determining whether an application directly facilitates the development of affordable housing, the rules would further specify which applications are potentially subject to review by the Board. The rules establish that to be considered an action that “directly” facilitates the development of affordable housing, an application must facilitate the development of housing *and* involve or relate to:

- the application of the City’s Mandatory Inclusionary Housing to one or more specified parcels of real property;
- one or more specified parcels of real property that were previously made subject to Mandatory Inclusionary Housing;
- the development of an Affordable Housing Building for which a government agency serves as the applicant or co-applicant;
- the development of an Affordable Housing Building subject to binding restrictions at the time of land use approval; or
- the development of an Affordable Housing Building for which a company that has been organized exclusively to develop low-income housing projects as the applicant or co-applicant and is the owner of the subject property.

The rules closely track the text and purpose of Section 197-g and, as in the text of the Charter itself, reflect that applications that apply Mandatory Inclusionary Housing, and related actions, directly facilitate the development of affordable housing. Charter Section 197-g(b)(2). Because applications involving or related to property that was previously made subject to Mandatory Inclusionary Housing may equally facilitate the development of affordable housing, the rule recognizes that these applications may also be eligible for review. Further, the rule recognizes that there are classes of applications that may directly facilitate affordable housing but not involve Mandatory Inclusionary Housing: namely, the development of publicly financed affordable housing overseen by a government agency like HPD, the development of affordable housing pursuant to binding restrictions requiring the delivery of affordable housing, or an application to develop affordable housing brought by a Housing Development Fund Company.

Notably, except for applications brought by Housing Development Fund Companies, which are established by law to develop low-income housing, private applications that do not involve the City's Mandatory Inclusionary Housing program or other binding restrictions to deliver affordable housing would not be considered applications that directly facilitate the development of affordable housing. It follows that, under the rules, many applications brought by private parties with the expressed intention of delivering affordable housing – for example, under the City's Universal Affordability Preference – would be ineligible for review by the Board absent:

- a new or prior application of Mandatory Inclusionary Housing to one or more parcels;
- a government agency, such as the Department of Housing, Preservation and Development, serving as the applicant or co-applicant;
- the presence of a binding restriction to deliver affordable housing at the time of the land use approval; or
- a Housing Development Fund Company serving as the applicant or co-applicant and owner of the subject property.

Public Comments

The City Planning Commission and Department of City Planning published a Notice of Public Hearing and Opportunity to Comment on the proposed Expedited Land Use Review Procedure and Affordable Housing Appeals Board Rulemaking in the City Record on July 20, 2026, and held a public hearing on the proposed rule on September 9, 2026. Fourteen (14) written comments were received and three (3) oral comments were made at the public hearing. Submitted comments are posted on the Department of City Planning's website at <https://www.nyc.gov/content/planning/pages/commission/participate-and-comment#rules>.

Submitted comments covered a range of topics, and the Commission and the Department carefully reviewed all written and verbal comments submitted in response to the proposed rule.

In consideration of the comments received, the Commission and the Department conducted an internal review of the proposed rule. As a result, the adopted rule makes amendments to the text of the proposed rule in a few respects.

In response to a public comment noting that ELURP actions should be subject to the same racial equity report requirements as ULURP actions, the adopted rule includes an added provision requiring applications submitted pursuant to Section 197-e of the Charter to file a racial equity report with the Department of City Planning in accordance with the requirements set forth in Section 25-118 of the New York City Administrative Code.

In response to Commissioner comments during the public review period, and in consultation with the Department of Environmental Protection, Section 14-02(b)(3) of the adopted rule includes added language to clarify the meaning of building "area" in connection with site selection actions for resiliency capital projects. Such area shall be the sum of the gross area of the ground floor of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. For purposes of Section 14-02(b)(3), the term "building" has the same meaning as defined in Section 12-10 of the New York City Zoning Resolution.

The proposed rule mistakenly included text in Section 14-02.1(b)(2) (i.e., ELURP zoning district designations in low-density districts) stating that "[e]ach zoning district to be designated shall not result in more than a thirty percent increase in maximum residential floor area[.]" In accordance

with the text of the Section 197-e(b)(2)(a), this eligibility criteria is intended to only be applicable to ELURP zoning district designations in medium- and high-density districts, and it was unintentionally included in the rule provision applicable to low-density districts. Accordingly, the erroneous text was removed from Section 14-02.1(b)(2) of the adopted rule, and the remaining paragraphs of Section 14-02.1(b) were renumbered accordingly. Further, in response to Commissioner comments, Section 14-02.1(b) includes an added provision providing that newly introduced commercial or manufacturing uses in low-density districts shall not exceed 2 FAR, which is identical to the requirement included in the proposed rule for medium- and high-density districts.

In response to Commissioner comments respecting eligibility for Affordable Housing Appeals Board review, the adopted rule acknowledges that applications brought by Housing Development Fund Companies and concerning land owned by such companies directly facilitate affordable housing within the meaning of Section 197-g of the Charter.

Moreover, in response to multiple public comments and consistent with current Department practice, the adopted Affordable Housing Appeals Board rule includes an added provision requiring the Department of City Planning to make a preliminary determination at the time of certification that an application is eligible for potential review by the Board pursuant to Section 197-g of the Charter.

During the public comment period, Commissioners discussed the process surrounding scope determinations that the Commission must make on proposed modifications by the Affordable Housing Appeals Board. As a result, the adopted rule includes added provisions addressing the process for Commission review of Board modifications, which reflect the current practice of the Commission's review of City Council modifications for ULURP applications.

The remaining comments addressed topics outside the scope of the rule or the Commission and Department's Charter authority or proposed changes deemed inadvisable.

Several comments concerned the pre-certification timeline for review of ELURP applications. The rules incorporate applications submitted pursuant to Section 197-e of the Charter into City Planning's existing pre-certification rules to maintain consistency with standard land use application processing practice. The Department notes that it is undergoing several initiatives, outside of the rulemaking process, to simplify and expedite the pre-certification review process for both ULURP and ELURP land use applications.

Several comments indicate a misunderstanding of the public review process required for ELURP applications pursuant to Section 197-e of the Charter. Under the Charter and these rules, Community Boards and Borough Presidents have the same amount of time to review ELURP applications as they do for ULURP applications – 60 days, or either 90 days or 75 days for applications filed during June or July, respectively. The notable difference for ELURP applications is that Community Board and Borough President review happens concurrently under ELURP. Importantly, the public review timelines set forth in this rule reflect the timelines mandated in the City Charter, and the absence of City Council involvement in the review of ELURP applications is a function of the Charter and not these rules. The rules adopted with respect to Community Board and Borough President actions on ELURP applications are consistent with existing rules for such actions on ULURP applications. The Commission and Department remain dedicated to thoughtfully considering Community Board and Borough President recommendations.

The Commission and Department have concluded that the adopted rule provides necessary clarity on eligibility criteria and process requirements to properly effectuate the ELURP and AHAB Charter sections and to fulfill the Commission's and Department's mandate to promulgate such rules.

The Department of City Planning's and City Planning Commission's authority for these rules is found in Sections 1043, 197-e, and 197-g of the New York City 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.

Adopted Rules

Section 1. The heading of subchapter B of chapter 3 of Title 62 of the Rules of the City of New York is amended to read as follows:

Subchapter B: [Uniform] Land Use Review (ULURP and ELURP)

§ 2. Sections 3-06 and 3-07 of subchapter B of chapter 3 of Title 62 of the Rules of the City of New York are amended to read as follows:

§ 3-06 Fees for Applications Pursuant to [Section] Sections 197-c and 197-e of the Charter and Other Applications.

Except as specifically provided in this section, every type of application listed in 62 RCNY § 3.07, Schedule of Charges, shall include a non-returnable fee which shall be paid in the forms indicated on the Department of City Planning's website when the application is filed. The fee for an initial application, or for a modification, renewal or follow-up action, shall be as prescribed in the following Schedule of Charges, provided that if an applicant simultaneously submits applications for several actions relating to the same project, the maximum fee imposed shall be two hundred percent of the single highest fee, provided that such maximum fee limitation shall not apply to supplemental fees. An additional fee shall be charged for any applications later filed in relation to the same project, while such project is pending review and determination. Agencies of the federal, state or city governments shall not be required to pay fees nor shall any fees be charged if a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis applies for a zoning map amendment for an area of at least two blocks in size, in which one or more of its members or constituents reside. Additional fees may be charged by service providers in connection with electronic payment processing.

§ 3-07 Schedule of Charges.

(a) *Applications for Special Permits pursuant to Section 197-c and Zoning Map amendments pursuant to Section 197-c or 197-e of the Charter:*

(1) Applications for special permits: For special permits, the total amount of floor area, or in the case of open uses, area of the zoning lot:

Less than 10,000 square feet	\$2,040
10,000 to 19,999 square feet	\$3,100
20,000 to 39,999 square feet	\$4,080
40,000 to 69,999 square feet	\$5,215
70,000 to 99,999 square feet	\$6,125
100,000 to 239,999 square feet	\$6,805
240,000 to 500,000 square feet	\$17,765
Over 500,000 square feet	\$29,485

For this purpose the amount of floor area shall be calculated based upon the floor area for the entire development or enlargement.

(2) Applications for zoning map amendments, the area of all zoning lots in the area to be rezoned:

Less than 10,000 square feet	\$2,190
10,000 to 19,999 square feet	\$3,250
20,000 to 39,999 square feet	\$4,310
40,000 to 69,999 square feet	\$5,445
70,000 to 99,999 square feet	\$6,425
100,000 to 239,999 square feet	\$7,105
240,000 to 500,000 square feet	\$18,445
Over 500,000 square feet	\$30,620

(b) *Applications for changes to the City Map, Landfills:* Except for applications to eliminate a mapped but unimproved street from the property of an owner-occupied, one- or two-family residence, for which no fee shall be charged, fees are as follows:

Elimination of a mapped but unimproved street	\$1,740
Establishment of a landfill	\$3,400
Any other change in the City Map	\$5,445

(c) *Applications for franchises and revocable consents:*

(1) Applications pursuant to Section 197-c of the Charter – \$3,400

(2) Enclosed sidewalk cafes pursuant to New York City Administrative Code § 20-225: \$55 per seat/minimum of \$1,360

(d) Applications for amendments to the text of the Zoning Resolution pursuant to Section 201 of the Charter – \$5,445

(e) *Applications for zoning certifications and zoning authorizations:*

(1) For certification for public school space pursuant to § 107 – 121 of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$160.

(2) Pursuant to Article VI, Chapter 2 (Special Regulations Applying in The Waterfront Area), Article X, Chapter 5 (Natural Area District), Article X, Chapter 7 (Special South Richmond Development District) and Article XI, Chapter 9 (Special Hillside Preservation District) of the Zoning Resolution.

Certifications	For an application for one zoning lot with no more than two existing or proposed dwelling units – \$380
	For all other applications the fee for each zoning lot shall be \$430.
Authorizations	For an application for one zoning lot with no more than two existing or proposed dwelling units and no commercial or community facility use – \$755
	For all other applications with no commercial or community facility use, the fee shall be based upon the number of dwelling units being proposed, in the amount of \$830 per dwelling unit, however, in cases of open uses, the fee shall be based upon the area of the zoning lot, and in cases of community facility or commercial uses, the fee shall be based upon the total amount of floor area, as follows:
	Less than 10,000 square feet \$1,060
	10,000 to 19,999 square feet \$1,590
	20,000 to 39,999 square feet \$2,040
	40,000 to 69,999 square feet \$2,645
	70,000 to 99,999 square feet \$3,100
	100,000 square feet and over \$3,400

(3) Pursuant to § 95-04 (Transit Easements) of the Zoning Resolution – \$270

(4) Pursuant to all other sections of the Zoning Resolution:

Total amount of floor area, or in the cases of open uses, area of the zoning lot as follows:

Less than 10,000 square feet	\$1,060
10,000 to 19,999 square feet	\$1,590
20,000 to 39,999 square feet	\$2,040
40,000 to 69,999 square feet	\$2,645
70,000 to 99,999 square feet	\$3,100
100,000 square feet and over	\$3,400

In the case of area transfer of development rights or floor area bonus, the fee shall be based upon the amount of floor area associated with such transfer or bonus.

(f) Modifications, follow-up actions and renewals.

(1) The fee for an application which requests a modification of a previously approved application, where the new application is subject to [Section] Sections 197-c or 197-e of the Charter, shall be the same as the current fee for an initial application, as set forth in this Schedule of Charges.

(2) The fee for an application which requests a modification of a previously approved application, where the new application is not subject to Section 197-c or 197-e of the Charter, shall be one-half of the current fee for an initial application, as set forth in this Schedule of Charges.

(3) The fee for a follow up action under the Zoning Resolution, or a restrictive declaration or other legal instrument shall be one-quarter of the amount prescribed in this Schedule of Charges for an initial application.

(4) The fee for the renewal of a previously approved enclosed sidewalk café shall be one-half of the amount prescribed in this Schedule of Charges for an initial application.

(5) The fee for the renewal pursuant to § 11-43 of the Zoning Resolution of a previously approved special permit or authorization which has not lapsed shall be one-half of the amount prescribed in this Schedule of Charges for an initial application.

(g) Supplemental Fee for Large Projects. In addition to all applicable fees as set forth above, a supplemental fee shall be required for the following applications:

Applications that may result in the development of 500,000 to 999,999 square feet of floor area	\$80,000
Applications that may result in the development of 1,000,000 to 2,499,999 square feet of floor area	\$120,000
Applications that may result in the development of at least 2,500,000 square feet of floor area	\$160,000

§ 3. Section 10-01 of chapter 10 of Title 62 of the Rules of the City of New York is amended to read as follows:

§ 10-01 Purpose.

These rules establish submission and meeting participation requirements (“Pre-Application Process”) prior to the filing of land use applications pursuant to the Zoning Resolution and Sections 197-a, 197-c, 197-d, 197-e, 199, 200, and 201 of the Charter or of applications for environmental review pursuant to 62 RCNY Chapter 5. The purpose of these rules is to:

- (a) assist potential applicants or their designated representatives (“Applicants”) and the Department of City Planning (“Department”) in identifying the land use and environmental issues related to a proposed project and the land use applications and applications for environmental review necessary to facilitate the proposed project; and
- (b) help the Department better allocate resources to assist Applicants in preparing land use applications and applications for environmental review, and to assist the City Planning Commission in considering these applications.

§ 4. Title 62 of the Rules of the City of New York is amended by adding a new chapter 14 to read as follows:

Chapter 14: Expedited Land Use Review Procedure (ELURP)

§ 14-01 Definitions.

(a) For the purposes of this chapter, the following terms have the following meanings:

Base flood elevation. The term “base flood elevation” has the same meaning as set forth in section 202 of the New York City Building Code.

Coastal special flood hazard area. The term “coastal special flood hazard area” refers to the areas of land as identified on the flood insurance rate maps referenced in the New York City Building Code section G402 pursuant to the State Environmental Conservation Law, Article 36.

Open space. The term “open space” means real property that: (i) is outdoors, (ii) is owned by the City, (iii) is available for public access or is protected as a sensitive natural area, and (iv) serves to mitigate impacts from or to reduce vulnerability to rising sea levels, extreme weather events and natural disasters, including but not limited to parks, promenades, esplanades, greenways, nature preserves, and recreational piers.

Resiliency project. The term “resiliency project” means any construction or improvement for which the primary purpose is to mitigate impacts from or to reduce vulnerability to rising sea levels, extreme weather events, and natural disasters, including but not limited to coastal flood protection infrastructure, wetland protection and expansion, and stormwater drainage.

Solar energy generation project. The term “solar energy generation project” means a project for which the primary purpose is to generate electricity through the use of photovoltaics.

Ten-year rainfall flood risk area. The term “ten-year rainfall flood risk area” means an area designated on a map promulgated by the department of environmental protection that represents locations in the city where there is a ten percent chance or greater of rainfall-induced flooding in any year.

§ 14-02 Actions Subject to Procedure.

(a) The land use procedure which is set out in this Chapter shall govern the following actions.

(b) Notwithstanding Section 197-c(a) of the Charter and except as provided in Section 197-e(k) of the Charter, applications by any person or agency for any of the following changes, approvals, permits, or authorizations thereof, respecting the use, development or improvement of real property subject to city regulation in any of the following categories, that would otherwise be subject to review pursuant to Section 197-c of the Charter, shall be reviewed pursuant to the expedited review procedure set forth in Section 197-e of the Charter:

(1) any of the following changes in the city map pursuant to Section 198 and Section 199 of the Charter:

(i) (a) the mapping or discontinuance of a street, other than the discontinuance of an existing built street, to enable or facilitate a project for the development or preservation of affordable housing developed or preserved by a company that has been organized exclusively to develop housing projects for persons of low income, or for the development of a resiliency project or open space; or

(b) the mapping of any street needed to meet the street or highway public access requirements set forth in Section 36 of the General City Law;

(ii) the raising of the grade of a street or bridge to no more than two and a half feet above the base flood elevation in any area for which such a base flood elevation has been specified or determined in accordance with the New York City Building Code, or, in any area where a base flood elevation has not been specified or determined, to no more than two and a half feet above the grade of such street or bridge as established on or before December 2, 2025;

(iii) the widening of any street or bridge, as necessary to enable a raising of such street or bridge as described in subparagraph ii, no more than five feet greater than the width of such street or bridge as established on or before December 2, 2025;

(iv) any other change to the city map relating to the acquisition of real property by the city for the purposes of a resiliency project or creation of open space;

(2) designations of zoning districts under the Zoning Resolution, including conversion from one land use to another land use, pursuant to Sections 200 and 201 of the Charter, provided that the area to be designated permits residential uses at the time of application and that no part of the area to be designated has been designated pursuant to this paragraph in the ten years prior to such application, and provided further that:

(i) where the district designated at the time of application (i) is a residence district, or a commercial district that allows residential uses equivalent to such residence district, (ii) has a standard maximum residential building height of greater than forty-five feet, regulates the maximum height of buildings by something other a horizontal plane and such other plane permits residential buildings to exceed forty-five feet, or has no maximum building height, the district to be designated, (i) would increase maximum residential floor area, (ii) such increase does not exceed thirty percent and (iii) would not be a zoning district that regulates the maximum height of buildings by anything other than a horizontal plane, unless the district designated at the time of application also does not regulate the maximum height of buildings by a horizontal plane, and provided further that an application for such zoning designation meets the criteria set forth in 62 RCNY § 14-02.1(a); or

(ii) for any other designation, the district to be designated would increase residential capacity, has a standard maximum residential floor area of not more than 2.0, and has a standard maximum residential building height of not more than forty-five feet, and provided further that an application for such zoning designation meets the criteria set forth in 62 RCNY § 14-02.1(b);

(3) selection of sites for any capital project that is a resiliency project, solar energy generation project or project for the creation of open space, pursuant to Section 218 of the Charter, provided that any buildings included in such capital project shall have an area, in the aggregate, of no more than five thousand square feet. Such area shall be the sum of the gross

area of the ground floor of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. For purposes of this paragraph, the term building has the same meaning as defined in Section 12-10 of the New York City Zoning Resolution;

(4) approval of sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city, including the sale or lease of land under water pursuant to Section 824 of the Charter, Chapter 15 of the Charter, and other applicable provisions of law, to private owners of abutting property or an entity comprised thereof, provided such real property of the city is not inalienable property and cannot be independently developed, as determined by the mayor, because singly or in combination, its size, shape, applicable zoning, configuration, or topography render such development economically impracticable or infeasible;

(5) approval of lease of the real property of the city, for purposes of a solar energy generation project;

(6) acquisition by purchase by the city of real property (other than the acquisition of office space for office use or a building for office use), including the acquisition of land under water pursuant to Section 824 of the Charter, Chapter 15 of the Charter, and other applicable provisions of law, for the purpose of a voluntary buy-out program of property, provided that:

(i) such property is used for residential purposes, contains no less than one and no more than four dwelling units, and is located in either a coastal special flood hazard area or a ten-year rainfall flood risk area;

(ii) such property is located in an area that, on any date within the five years preceding the date of filing the application, was a federally declared disaster area; or

(iii) such acquisition is authorized by a local law relating to a voluntary buy-out program;

(7) acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition by purchase of land under water pursuant to Section 824 of the Charter, Chapter 15 of the Charter, and other applicable provisions of law, for the purpose of developing a resiliency project, open space, or a solar energy generation project, and provided that such property:

(i) contains freshwater wetlands or tidal wetlands that are adjacent to city-owned property, as such terms are defined in Sections 24-0107 and 25-0103 of the Environmental Conservation Law, respectively;

(ii) is undeveloped and in a mapped street or extends under water;

(iii) has no owner of record; or

(iv) is privately owned, is adjacent to city-owned property, and cannot be independently developed, as determined by the mayor, because, singly or in combination, its size, shape, applicable zoning, configuration, or topography render such development economically impracticable or infeasible.

(8) such other matters involving the use, development or improvement of property as are proposed by the City Planning Commission and enacted by the Council pursuant to local law.

(9) an application that meets the criteria set forth in Section 197-f(b) of the Charter.

(c) Notwithstanding any provision in Section 200(a) of the Charter to the contrary, where a resolution that would apply to specified parcels of real property a program established in the Zoning Resolution that mandates that any new housing on designated lots include minimum percentages of permanently affordable housing equivalent to or exceeding the requirements under any mandatory inclusionary housing program is proposed in conjunction with an application that is reviewed under Section 197-e of the Charter, the adoption of such resolution shall be pursuant to the expedited land use review procedure set forth in Section 197-e(c) – (j) instead of the review procedure set forth in Section 200(a)(1) – (3) of the Charter, provided further that a primary purpose of such resolution is to facilitate additional housing and affordable housing.

(d) Notwithstanding any provision in Section 197-e of the Charter to the contrary, an application filed pursuant to Section 197-e of the Charter, except for an application that meets the criteria set forth in Section 197-f(b) of the Charter, that is required by law to include an environmental impact statement shall not be subject to the expedited land use review procedure as set forth in Section 197-e.

(e) Notwithstanding any provision in Section 197-e of the Charter to the contrary, an application subject to Section 197-e of the Charter that is filed in conjunction with an application subject to Section 197-c of the Charter may adhere to the review process set forth in Sections 197-c and 197-d of the Charter.

(f) For applications submitted pursuant to Section 197-e of the Charter, the applicant shall file a racial equity report with the Department of City Planning if such applicant would, pursuant to Section 25-118 of the New York City Administrative Code, be required to file such report if such application was submitted pursuant to Sections 197-c or 201 of the Charter. Such report shall be filed in accordance with the requirements set forth in Section 25-118 of the New York City Administrative Code.

§ 14-02.1 Designations of Zoning Districts Pursuant to Section 197-e(b)(2) of the Charter.

(a) An application pursuant to Section 197-e(b)(2)(a) of the Charter must meet the following criteria:

(1) The district designated at the time of application allows residential uses equivalent to R6 and above;

(2) Each zoning district to be designated shall not result in more than a thirty percent increase in maximum residential floor area; and

(3) Where commercial or manufacturing uses are not already permitted, the maximum commercial or manufacturing floor area shall be 2 FAR.

(b) For an application pursuant to Section 197-e(b)(2)(b) of the Charter:

(1) The district designated at the time of application allows residential uses equivalent to R1 through R5;

(2) A designation that increases residential bulk, enables new residential use, or removes required residential parking shall be considered an increase in residential capacity for purposes of determining whether a designation of a zoning district results in an increase in residential capacity;

(3) The maximum height of "basic" residential buildings as set forth in the Zoning Resolution shall be used to determine "standard" maximum residential building height; and

(4) Where commercial or manufacturing uses are not already permitted, the maximum commercial or manufacturing floor area shall be 2 FAR.

§ 14-03 Applications.

The following requirements shall apply to applications filed pursuant to Section 197-e(b) of the Charter, except for applications pursuant to Sections 197-e(k) of the Charter.

(a) Applications: general provisions.

(1) *Presentation of Application.* Notwithstanding 62 RCNY § 2-02(a)(1), a request for an action subject to this Chapter shall be submitted to the Department of City Planning. The application must be submitted as provided for in the instructions on the Department of City Planning's website. This includes the submission of forms requesting information required for the "doing business database" established by Local Law 34 for the year 2007, and must include all of the information and documents required by such instructions and forms. For purposes of the acquisition of property by the City, pursuant to 62 RCNY §§ 14-02(3), 14-02(6), and 14-02(7), the applicant shall be the requesting agency and the Department of Citywide Administrative Services. The Department may not consider the application as filed unless it includes all required components and shall not consider the application as filed unless the required fee has been paid.

(2) *Initial Review.* The Department of City Planning shall, within five (5) days, review each application to ensure that all required forms, documents and other exhibits supplied have been submitted and prepared as required by the instructions. If any of the documentation is missing or has been improperly prepared, the applicant will be notified that the submitted application has been rejected, along with a listing of its deficiencies. If the documentation is in order, the Department shall assign a docket number and shall transmit a Notice of Receipt of the application to all the appropriate Department divisions and other agencies which review such application, and to the community board(s), Borough President(s), the City Council and the applicant in accordance with 62 RCNY § 14-03(b). Such Notice of Receipt, when sent to the community board(s), Borough President(s), and City Council shall include a copy of the application form and all documents included therewith.

(3) *Substantive Review.* The application form, documents and other exhibits shall be subject to review by the appropriate divisions of the Department in order to ensure that the requirements for completeness in 62 RCNY § 14-03(a)(5) have been met prior to certification of the application into ELURP. The Department may request any additional documents, maps, plans, drawings or information necessary to complete or organize the submission, or to clarify

its substance and the land use issues attendant to it. The Department of City Planning shall refer such additional application documents or amendments within five (5) days to each affected Borough President and community board, and to the City Council. Not later than sixty (60) days after the Notice of Receipt has been sent, the Department of City Planning shall notify the applicant of any deficiencies or errors in the application, documents and other exhibits, and shall make any requests for revised or supplementary documents and exhibits. The applicant is expected to respond within a reasonable time. Upon receipt of the corrected, revised or supplementary material, the Department of City Planning shall review it within no more than sixty (60) days and make any additional request for further corrections or supplements if needed. If the applicant fails to respond within sixty (60) days after the receipt of a request for revisions, corrections or supplement, the Department of City Planning shall give notice to the applicant that the application will be deemed withdrawn.

(4) *Appeal for Certification.* At any time after one hundred and eighty (180) days have elapsed from the date of the Notice of Receipt of any application, the applicant may appeal in writing to the Commission to certify the application as complete. The affected Borough President may also appeal in writing if the Borough President finds that the application is consistent with the land use policy or strategic policy statement of the borough formulated pursuant to Section 82, subsection 14 of the Charter. Upon receipt of such an appeal, the Commission shall refer it to the Department of City Planning and the Office of Environmental Coordination or lead agency for an evaluation of the completeness of the application, which shall include an identification of all material requested by the Department of City Planning and the environmental review staff or lead agency but not yet provided by the applicant. If the Commission determines that all pertinent information has been supplied in accordance with the criteria of 62 RCNY § 14-03(a)(5) below, it shall certify the application as complete. If the Commission determines that pertinent information has not been supplied, such information shall be listed by the Department of City Planning and the environmental review staff and sent by the Commission to the applicant within thirty (30) days of receipt of the appeal. When the applicant has responded, either by supplying all the information so requested, or by explaining why such information should not be required in order to certify the application, the Commission shall consider the evaluation and the applicant's response and either certify the application as complete in accordance with 62 RCNY § 14-03(a)(5) or deny the appeal. A denial by the Commission shall state the information that must still be supplied or clearly state the reason for denial. Such determination shall be made not later than sixty (60) days from the date the appeal is received. If the appeal is one which has been made by the affected Borough President, and the land use proposed in the application is consistent with the land use policy or strategic policy statement of the affected Borough President, then a vote of five members shall be sufficient to certify the application as complete in accordance with 62 RCNY § 14-03(a)(5) below. In all other instances, a majority vote of the Commission is necessary to certify an application. A denial of the appeal shall mean that the application remains incomplete, and the Department of City Planning and the environmental review staff shall continue with timely review of the application until all the information required for completeness has been provided at which time certification shall take place. If such review continues for an additional one hundred and eighty (180) days or more beyond the denial, the applicant may again appeal to the Commission under the procedure outlined above to certify the application.

(5) *Certification of Completeness.* The Department or the Commission shall certify the application as complete when compliance has been achieved with all of the following:

(i) The standard application form, including for any application certified on or after the effective date of the rule that added this chapter, forms requesting information required for

the "doing business database" established pursuant to Local Law 34 for the year 2007, has been completed in its entirety with all requested information presented in clear language.

(ii) All accompanying documents, maps, plans, drawings, and other information are properly organized and presented in clear language and understandable graphic form.

(iii) The information supplied on the application form and accompanying documents is fully sufficient to address all issues of jurisdiction and substance which are required to be addressed for the category of action as defined in the Charter, statutes, Zoning Resolution, Administrative Code or other law or regulation.

(iv) All reviews by necessary and related agencies of the State and City have been completed and any required reports, certifications, sign-offs or other such agency actions required by law or regulation prior to ELURP have been secured, or a written waiver of the agency presented. If any such agency does not respond within sixty (60) days, it will be deemed to have waived its review and action as applicable law permits.

(v) A determination has been made whether the action is subject to City or State Environmental Quality Review, and if so subject, the lead agency has issued either:

(A) a Negative or Conditional Negative Declaration; or

(B) For applications submitted for review pursuant to Section 197-e(b)(9) of the Charter, a Notice of Acceptance of a Draft Environmental Impact Statement, if applicable.

(vi) Notification of any proposed (E) designation has been submitted to the Department of City Planning as required pursuant to 62 RCNY § 14-03(e) hereof.

(vii) For an Affordable Housing Fast Track application submitted for review pursuant to Charter § 197-e(b)(9), the Department of City Planning has determined that a primary purpose of such application is to facilitate additional housing and affordable housing.

(b) Referrals: general provisions. Except as provided in 62 RCNY § 14-03(c) hereof, within nine (9) calendar days after the certification by the Department of City Planning, or by the Commission if certification occurs pursuant to 62 RCNY § 14-03(a)(4) above, that a submission is a complete application, the Department of City Planning shall make the following referrals:

(1) any application relating to a proposal which occupies or would occupy land located in only one community district shall be referred to the community board for such district;

(2) any application relating to a proposal which occupies or would occupy land located in two or more community districts shall be referred to the community board for each such district;

(3) any application relating to a proposal which occupies or would occupy land located in a joint interest area not included within a community district shall be referred to the community board for each community district bounding such area; and

(4) all applications shall be referred to the Borough President of the borough in question.

(c) Charter Section 201 applications. A request for an amendment to the Zoning Map or the text of the Zoning Resolution by a taxpayer, community board, borough board, Borough President, the Mayor or the Land Use Committee of the Council pursuant to Section 201 of the Charter, shall be filed with the Department. Such requests pursuant to Sections 197-e(b)(2) and 200(a)(4) of the Charter shall be subject to the application and certification procedure of 62 RCNY § 14-03(a) hereof and shall be referred pursuant to 62 RCNY § 14-03(b) hereof.

(d) Withdrawals. An applicant may at any time file with the Commission a statement that its application is withdrawn. Upon the filing of such a statement, the application in question shall be void and no further processing of such application under this expedited land use review procedure shall be undertaken by a community board, Borough President, or the Commission. The Commission shall promptly give notice of such withdrawal to the board or boards and to the Borough President to which the application was referred pursuant to 62 RCNY § 14-03(b). The request to which the application relates may thereafter be advanced only in connection with a new application certified as complete pursuant to 62 RCNY § 14-03(a) herein and processed according to this expedited land use review procedure.

(e) Notification of proposed (E) designation.

(1) If an application for an amendment to the Zoning Map or text of the Zoning Resolution pursuant to Section 197-e or Section 200 and Section 201 of the Charter, respectively, includes an (E) designation with respect to potential hazardous materials, air quality or noise on any tax lot or zoning lot pursuant to § 11-15 of the Zoning Resolution of the City of New York, at the time the application is referred pursuant to 62 RCNY § 14-03(b) hereof, the owner or owners of any such tax lot or zoning lot, with the exception of the applicant, shall be notified of the proposed (E) designation. Such notification shall be by the lead agency, as defined in 6 New York Code of Rules and Regulations, Part 617, as amended, and 62 RCNY § 5-02, as amended. If the lead agency is other than the Commission, no such application shall be certified as complete pursuant to 62 RCNY § 14-03(a)(5) hereof until such other lead agency shall have submitted any notification of a proposed (E) designation, in the form and addressed to the parties required by this Section to the Department of City Planning, who shall send such notification as provided by this Section.

(2) Such notification shall be by first-class mail and shall be made to the person(s) or entity(ies) identified in the official records of the City of New York as the fee owners of such tax lot or zoning lot and shall be sent to the address or addresses indicated in such records.

(3) The notification shall include or refer to the Department of City Planning's website for:

(i) a description of the existing zoning and the proposed rezoning for the properties that will include the (E) designation;

(ii) notice to the property owner of the right to attend and testify at any public hearing relating to the proposed Zoning Map amendment;

(iii) the phone numbers for a contact person at the lead agency, or if the lead agency is the Commission, a contact person or persons at the Department of City Planning;

(iv) § 11-15 of the Zoning Resolution of the City of New York or its successor.

§ 14-04 Community Board Actions.

(a) General provisions.

(1) Except as provided below, within sixty (60) calendar days after a community board's receipt of a complete application referred by the Department of City Planning or the Commission, the community board shall hold a public hearing and adopt and submit as provided herein a written recommendation concerning such application.

(2) Where an application has been certified during the month of June, the affected community board shall provide notification pursuant to Section 197-e(e)(1)(a) of the Charter and conduct a hearing or, where authorized, submit a waiver of the right to conduct a public hearing pursuant to Section 197-e(1)(b) of the Charter not later than ninety (90) days after receipt of such application or, where such application is certified during the period of time from and including July 1 to and including July 15, not later than seventy-five (75) days after receipt of such application.

(3) For purposes of this subdivision, a community board shall be deemed to have received an application nine (9) calendar days after the date of certification. The Department of City Planning shall transmit a certified application to the community board, making it available to the community board within (8) days from the date of certification.

(b) Waivers of hearings and recommendations. In the case of a proposed lease of property of the City which in the judgment of the community board does not involve a substantial land use interest, such board may waive the holding of a public hearing and preparation of a written recommendation. In such case the community board shall submit to the Department a written waiver of its right to hold a public hearing and to submit recommendations to the City Planning Commission and affected Borough President. When a written waiver of the community board's right to hold a hearing and submit a recommendation is received by the Department of City Planning the community board's period of review shall be deemed ended.

(c) Notice of hearing. Notice of the time, place and subject of a public hearing to be held by a community board on an application shall be given as follows:

(1) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;

(2) by publication in the Comprehensive City Planning Calendar distributed not less than five (5) calendar days prior to the date of public hearing;

(3) to the applicant ten (10) days prior to the date of hearing (with such notice also forwarded to the Department of City Planning);

(4) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing;

(5) Community boards are also encouraged to publicize hearings by publication in local newspapers, posting notices in prominent locations, and other appropriate means.

(d) Conduct of public hearing.

(1) Location. A community board public hearing shall be held at a convenient place of public assembly chosen by the board and located within its community district. If in the community board's judgment there is no suitable and convenient place within the community district, the hearing shall be held at a centrally located place of public assembly within the borough. This provision is not intended to affect the requirement of Section 2800(h) of the Charter stating a community board's obligation to meet at least monthly (except during July and August) within its district.

(2) General character. Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a community board and persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A community board hearing shall be conducted in accordance with by-laws adopted by the community board.

(3) Quorum. A public hearing shall require a quorum of 20% of the appointed members of the community board, but in no event fewer than seven such members. The minutes of a meeting at which a public hearing was held shall include a record of the individual members present.

(4) Record. The record of a public hearing shall consist of but not be limited to a list of speaker's names and affiliations (if any), a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the application, and any exhibits or written statements offered by speakers.

(e) Public attendance at meetings of a community board or its committees. The public may attend all meetings of a community board or its committee at which an application for an action subject to this Chapter is to be considered or acted upon in a preliminary or final manner. A community board may close a meeting or committee meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, §§ 100 – 111).

(f) Recommendations and waivers.

(1) Quorum. The adoption of a community board recommendation, or the waiver of a public hearing and recommendation by a community board, shall require a quorum of a majority of the appointed members of the board. The minutes of a meeting at which a recommendation or waiver was adopted shall record the individual members present.

(2) Vote. The adoption of a community board recommendation or the waiver of a public hearing and recommendation shall be by a public vote which results in approval by a majority of the appointed members present during the presence of a quorum, at a duly called meeting. The vote shall be taken in accordance with the by-laws of the community board.

(3) Content. A community board recommendation shall be in writing via a form provided by the Department of City Planning and shall include a description of the application, the time and place of the public hearing on the application, the time and place of the meeting at which the recommendation was adopted and the vote by which the recommendation was adopted.

The community board may include in its submission the reasons for the vote and any conditions attached to its vote. The City Planning Commission shall give consideration only to those conditions which are related to land use and environmental aspects of the application.

(4) *Submission.* A community board shall submit its recommendation or waiver promptly after adoption, to the Commission, to the Borough President, and to the applicant. If a community board fails to act within the time limits for review the application shall be deemed referred to the Commission at the completion of the community board's time period.

§ 14-05 Borough President Actions.

(a) A Borough President shall submit a written recommendation on an application, or waive the right to submit a recommendation to the City Planning Commission. Except as otherwise provided in this section, such recommendation or waiver shall be submitted on the form provided not later than sixty (60) days after the Borough President's receipt of a complete application referred by the Department of City Planning or the Commission.

(b) Where an application has been certified during the month of June, the affected Borough President shall submit such recommendation or waiver not later than ninety (90) days after receipt of such application or, where such application is certified during the period of time from and including July 1 to and including July 15, not later than seventy-five (75) days after receipt of such application.

(c) For purposes of this section, a Borough President shall be deemed to have received an application nine (9) calendar days after the date of certification. The Department of City Planning shall transmit a certified application to the Borough President, making it available to the Borough President within (8) days from the date of certification.

(d) A Borough President shall submit its recommendation or waiver promptly after adoption, to the Commission and to the applicant. If a Borough President fails to act within the time limits for review the application shall be deemed referred to the Commission at the completion of the community board's time period.

§ 14-06 City Planning Commission Actions.

(a) *General provisions.* Except as otherwise provided in this paragraph, the Commission shall hold a public hearing on all applications made pursuant to Section 197-e of the Charter not later than thirty (30) calendar days after the expiration of the time allowed for the filing of a recommendation or waiver with it by each affected Community Board and Borough President. The Commission shall hold a public hearing on applications made pursuant to 197-e(b)(9) of the Charter for which an environmental impact statement is required by law not later than forty-five (45) calendar days after the expiration of the time allowed for the filing of a recommendation or waiver with it by each affected community board and borough president. Following its hearing and within its applicable thirty (30) or forty-five (45) day period, the Commission shall approve, approve with modifications or disapprove such application.

(b) *Zoning text amendments pursuant to Section 200 or Section 201 of the Charter.* The Commission shall hold a public hearing on an application for a zoning text amendment pursuant

to Section 200 or Section 201 of the Charter that is reviewed under Section 197-e of the Charter. Such hearing shall be conducted in accordance with 62 RCNY § 14-06(f).

(c) *Modification of application.*

(1) The Commission may propose a modification of an application, including an application for a zoning text amendment pursuant to Section 200 or Section 201 of the Charter, which meets the criteria of 62 RCNY § 14-06(g) below. Such proposed modification may be based upon a recommendation from an applicant, community board, Borough President or other source. Where a modification is proposed, the Commission shall hold a public hearing on the application as referred to a community board or boards and on the proposed modification. Promptly upon its decision to schedule a proposed modification for public hearing, the Commission shall refer the proposed modification to the community board or community boards and the affected Borough President to which the application was earlier referred, for such action as such board or boards or Borough President deem appropriate.

(2) The above provision shall not limit the Commission's ability to make a minor modification of an application.

(d) *Notice of hearing.* Notice of the time, place and subject of a public hearing by the Commission for all applications subject to this expedited land use review procedure, including applications for zoning text amendments pursuant to Section 200 and Section 201 of the Charter and modified applications pursuant to 62 RCNY § 14-06(c)(1) shall be given as follows:

(1) by publication in The City Record beginning not less than ten (10) calendar days immediately prior to the date of hearing and continuing until the day prior to the hearing;

(2) by publication in the Comprehensive City Planning Calendar distributed not less than ten (10) calendar days prior to the date of hearing;

(3) by transmitting notice to the concerned community board or community boards, Borough President, and to the applicant not less than ten (10) calendar days prior to the date of hearing;

(4) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing.

(e) *Conduct of hearing.*

(1) *Location.* Commission public hearings shall be held at 120 Broadway, New York, New York, unless otherwise ordered by the Chair.

(2) *General Character.* Hearings shall be legislative type hearings, without sworn testimony, strict rules of evidence or opportunity for speakers to cross-examine one another. Only members of the Commission may question a speaker (except at a joint Commission / City Environmental Quality Review hearing at which officers of the lead agency and the Office of Environmental Coordination may also ask questions). All persons filling out an appearance form

shall be given the opportunity to speak. The chairperson may prescribe a uniform limited time for each speaker.

(3) *Quorum.* A public hearing shall require a quorum of a majority of the members of the Commission.

(f) *Commission actions.*

(1) *Scope of action.* The Commission shall approve, approve with modifications or disapprove each application.

(2) *Affordable Housing Fast Track Applications.* In determining whether to approve, approve with modifications, or disapprove an application pursuant to Section 197-e(b)(9) of the Charter, the Commission shall assess and make a finding regarding the consistency of such application with the fair housing plan pursuant to Section 16-a(b) of the Charter and the adequacy of existing transportation, sewer and other infrastructure.

(3) *Vote.* The Commission shall act by the affirmative roll call vote of at least seven (7) members at a public meeting.

(4) *Commission report.* A report of the Commission shall be written with respect to each application subject to this procedure on which a vote has been taken. The report shall include:

(i) a description of the certified application;

(ii) a summary of testimony at all Commission public hearings held on the application;

(iii) all community board and Borough President written recommendations concerning the application;

(iv) the consideration leading to the Commission's action, including reasons for approval and any modification of the application and reasons for rejection by the Commission of community board or Borough President recommendations;

(v) any findings and consideration with respect to environmental impacts as required by the State Environmental Quality Review Act and regulations;

(vi) the action of the Commission, including any modification of the application;

(vii) the votes of individual Commissioners;

(viii) any dissenting opinions.

(5) *Filing of decisions of the Commission.* The City Planning Commission shall file its decision with the affected Borough President. The Commission shall transmit any decision to the applicant and to the community board or boards. Filings with the Borough President shall be completed within the Commission's thirty (30) or forty-five (45) day time period.

(6) *Zoning Resolution text amendments pursuant to Sections 200 and 201 of the Charter.* Applications for amendments to the text of the Zoning Resolution pursuant to Section

200 or Section 201 of the Charter that are reviewed under Section 197-e of the Charter shall be subject to the provisions of this paragraph (f).

§ 14-07 Administrative Provisions.

(a) Referrals and filings. Unless otherwise provided herein, any referrals and filings required under this chapter shall be directed to the entities below as follows:

(1) if to the Commission, then through the Department of City Planning's website or, alternatively, to the Land Use Review Division, Department of City Planning, 120 Broadway, 31st Floor, New York, New York 10271;

(2) if to a community board, then to the chairperson of such community board at its office or, if there is no office or if no office address is provided to the Land Use Review Division, Department of City Planning, then to such board c/o the Borough President of the borough in question;

(3) if to a Borough President, then to the Borough President of the borough in question;

(4) if to the City Council then to the Office of the Speaker City Council, City Hall, New York, New York.

(b) Time provisions.

(1) Expiration dates. Where the expiration of a time period set forth herein falls on a Saturday, Sunday or legal holiday, the expiration date shall be deemed extended until the next working day.

(2) Determination. All time periods specified in these regulations shall be calendar days. The commencement and end of time periods shall be recorded and officially calculated and determined by the Director of City Planning.

§ 14-08 Applications Pursuant to Section 197-e(k) of the Charter.

Notwithstanding any provision of this Chapter to the contrary, applications filed pursuant to Section 197-e(k) of the Charter shall comply with the requirements of this section.

(a) The applicant shall submit to each affected Community Board and affected Borough President the documents required for applications reviewed under the uniform land use review procedure, as set forth in Section 197-c(b) of the Charter.

(b) Each affected Community Board and affected Borough President shall, not later than sixty (60) days after receipt of such application, prepare and submit a written recommendation to the City Council and to the applicant, provided that such Community Board shall notify the public of the application and conduct a public hearing prior to such submission. Where such application is received during the month of June, the affected Community Board shall notify the public of the application and conduct a public hearing or, where authorized, submit a waiver of the right to conduct a public hearing pursuant to Section 197-e(k)(3) of the Charter not later than ninety (90) days after receipt of such application or, where such application is received during

the period of time from and including July 1 to and including July 15, not later than seventy-five (75) days after receipt of such application.

(1) *Notice of hearing.* Notice of the time, place and subject of a public hearing to be held by a community board on an application shall be given as follows:

(i) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;

(ii) to the applicant ten (10) days prior to the date of hearing ;

(iii) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the City Council prior to the Council's public hearing;

(iv) Community boards are also encouraged to publicize hearings by publication in local newspapers, posting notices in prominent locations, and other appropriate means.

(2) *Conduct of public hearing.*

(i) *Location.* A community board public hearing shall be held at a convenient place of public assembly chosen by the board and located within its community district. If in the community board's judgment there is no suitable and convenient place within the community district, the hearing shall be held at a centrally located place of public assembly within the borough. This provision is not intended to affect the requirement of Section 2800(h) of the Charter stating a community board's obligation to meet at least monthly (except during July and August) within its district.

(ii) *General character.* Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a community board and persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A community board hearing shall be conducted in accordance with by-laws adopted by the community board.

(iii) *Quorum.* A public hearing shall require a quorum of 20% of the appointed members of the community board, but in no event fewer than seven such members. The minutes of a meeting at which a public hearing was held shall include a record of the individual members present.

(iv) *Record.* The record of a public hearing shall consist of but not be limited to a list of speaker's names and affiliations (if any), a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the application, and any exhibits or written statements offered by speakers.

(3) *Public attendance at meetings of a community board or its committees.* The public may attend all meetings of a community board or its committee at which an application for an action subject to this Chapter is to be considered or acted upon in a preliminary or final manner.

A community board may close a meeting or committee meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, §§ 100 – 111).

(4) Recommendations and waivers.

(i) Quorum. The adoption of a community board recommendation, or the waiver of a public hearing and recommendation by a community board, shall require a quorum of a majority of the appointed members of the board. The minutes of a meeting at which a recommendation or waiver was adopted shall record the individual members present.

(ii) Vote. The adoption of a community board recommendation or the waiver of a public hearing and recommendation shall be by a public vote which results in approval by a majority of the appointed members present during the presence of a quorum, at a duly called meeting. The vote shall be taken in accordance with the by-laws of the community board.

(iii) Content. A community board recommendation shall be in writing via a form provided by the City and shall include a description of the application, the time and place of the public hearing on the application, the time and place of the meeting at which the recommendation was adopted and the vote by which the recommendation was adopted. The community board may include in its submission the reasons for the vote and any conditions attached to its vote.

(iv) Submission. A community board shall submit its recommendation or waiver promptly after adoption, to the City Council, to the Borough President, and to the applicant.

(5) Borough President Actions. A Borough President shall submit a written recommendation on an application to the City Council and to the applicant, or waive the right to submit a recommendation to the City Planning Commission. Such recommendation or waiver shall be submitted on the form provided not later than 60 days after the Borough President's receipt of a complete application submitted by the applicant.

(c) If a Community Board or Borough President fails or waives its right to act within the time limits for review, the applicant may file the application with the City Council for review and action following the expiration of the community board review period as set forth in 62 RCNY § 14-08(b).

(d) The applicant shall file such application with the City Council, and such application shall be reviewed in accordance with Section 197-d(c-1) of the Charter. Such application shall be filed no later than 10 days after the expiration of the community board and Borough President review period, except that if such application is filed in conjunction with an application eligible for review pursuant to Section 197-e(b) of the Charter, such application shall be filed no later than 10 days after the expiration of the City Planning Commission's review period for such related application. Any such filing with the City Council shall include copies of all written recommendations of community boards and Borough Presidents with respect to the decision being filed.

§ 14-09 Interpretation and Amendment of Regulations.

(a) *Interpretation.* This chapter shall be interpreted in accordance with the ordinary meaning of the language herein, and any ambiguities arising herefrom shall be referred to and definitively interpreted in written opinions by the Director of City Planning.

(b) *Amendments.* The Commission from time to time may amend these regulations, in accordance with the City Administrative Procedure Act, Chapter 45 of the Charter.

(c) *Commission Rules of Procedure.* These regulations shall supplement and, where there is inconsistency, supersede the rules of Practice and Procedure of the City Planning Commission.

§ 5. Title 62 of the Rules of the City of New York is amended by adding a new chapter 15 to read as follows:

Chapter 15: Affordable Housing Appeals Board

§ 15-01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

Affordable Housing Appeals Board. The term “Affordable Housing Appeals Board” or “Board” means the affordable housing appeals board established pursuant to Section 197-g of the Charter.

Affordable Housing Building. The term “Affordable Housing Building” means a building subject to a regulatory agreement, restrictive declaration, or other similar instrument with a federal, state, or city governmental entity that provides for the creation of one or more income-restricted dwelling units.

Commission. The term “Commission” means the City Planning Commission.

Department. The term “Department” means the Department of City Planning.

Mandatory Inclusionary Housing. The term “Mandatory Inclusionary Housing” means the Mandatory Inclusionary Housing Program established in the New York City Zoning Resolution, as it may be amended from time to time, or such other programs as may be established in the Zoning Resolution that mandate that any new housing on designated lots include minimum percentages of permanently affordable housing equivalent to or exceeding the requirements under the Mandatory Inclusionary Housing Program.

§ 15-02 Affordable Housing Appeals Board.

There shall be an affordable housing appeals board to consist of the Mayor, the Speaker of the Council, and the affected Borough President, or a designee of each such member.

§ 15-03 Designation by Members of the Board.

When naming a designee to the Board, members of the Board shall send written notice to the Department, in a form and manner prescribed by the Department, no later than one business day prior to the scheduled public meeting of the Board.

§ 15-04 Powers of the Affordable Housing Appeals Board.

The Board shall have the power to review actions of the City Council that meet the following criteria:

- (a) Such action is taken pursuant to subdivision c of section one hundred ninety-seven-d of the Charter;
- (b) Such action disapproves or approves with modifications an application that would directly facilitate the development of affordable housing; and

- (c) The application does not include land located in two or more boroughs or relate to an urban renewal plan filed pursuant to paragraph eight of subdivision a of section one hundred ninety-seven-c of the Charter.

§ 15-05 Actions that Directly Facilitate the Development of Affordable Housing.

(a) For an application to directly facilitate the development of affordable housing within the meaning of Section 197-g of the Charter and these rules, such application must facilitate the development of housing and involve or relate to:

- (1) the application of Mandatory Inclusionary Housing to one or more specified parcels of real property;
- (2) one or more specified parcels of real property that were previously made subject to Mandatory Inclusionary Housing;
- (3) the development of an Affordable Housing Building for which a government agency serves as the applicant or co-applicant;
- (4) the development of an Affordable Housing Building subject to binding restrictions at the time of land use approval; or
- (5) the development of an Affordable Housing Building for which a company that has been organized exclusively to develop housing projects for persons of low income serves as the applicant or co-applicant and is the owner of the subject property.

(b) The Department shall make a preliminary determination that an application may be eligible for potential review by the Affordable Housing Appeals Board pursuant to Section 197-g of the Charter at the time of certification of such application pursuant to 62 RCNY § 2-02(a)(5), provided, however, that failure by the Department to make such preliminary determination for an application eligible for review by the Affordable Housing Appeals Board pursuant to Section 197-g of the Charter shall not affect the Affordable Housing Appeals Board's power to review such application.

§ 15-06 Requests for Affordable Housing Appeals Board Review.

- (a) Following an action by the City Council eligible for review by the Board, the Department shall notify the members of the Board and the applicant of such action as soon as practicable, and in no case later than one day after such action.
- (b) The Board shall review such action by the City Council if, within five days of such action, the applicant requests review of such action by the Board or each of at least two members of the Board state in separate writings to the Department that such action should be reviewed.
- (c) A request for review by an applicant or a member of the Board shall be made to the Department in a form and manner prescribed by the Department.
- (d) If an applicant requests review, or each of at least two members of the Board state in separate writings to the Department that such action should be reviewed, the Department shall notify the Board and the applicant of such request for review as soon as practicable, and in no case later than one day after such request for review.

§ 15-07 Meetings of the Affordable Housing Appeals Board.

(a) Within fifteen days of an applicant requesting review by the Board or the date by which two or more members of the Board state in writing that such action should be reviewed, the Board shall:

(1) Hold a public meeting, after giving public notice pursuant to the New York State Open Meeting Law not less than five days in advance of such meeting, and

(2) Take final action on the decision.

(b) The Department shall provide all necessary assistance to the Board in the conduct of its meetings and the exercise of its powers.

§ 15-08 Actions of the Affordable Housing Appeals Board.

(a) The Board may, by an affirmative majority vote, approve an application disapproved by the City Council, or reverse one or more modifications made by the City Council, provided that any modifications made by the Board shall be limited to removing one or more modifications made by the City Council and restoring, in relevant part, the application as it was approved by the Commission.

(b) The Board shall not approve with modifications an application subject to its review if the Commission has determined pursuant to Section 197-g(e) of the Charter that additional review of the modifications is required. Prior to approving a decision of the City Council with modifications, the Board shall file any such proposed modifications with the Commission, provided that the Board need not file such proposed modifications with the Commission where such modifications wholly restore the application as it was approved by the Commission. Within fifteen days of such filing, the Commission shall file with the City Council and the Board a written statement indicating whether such proposed modifications are of such significance that additional review of environmental issues or additional review pursuant to section 197-c of the Charter is required. If no additional review is required, the Board may thereafter approve such proposed modifications. The time period for Board action pursuant Section 197-g(e) of the Charter shall be tolled during such fifteen-day period, provided, however, that proposed modifications may be referred to the Commission pursuant to pursuant Section 197-g(e) of the Charter only once with respect to each application or group of related applications under review by the Board.

(1) *Commission review of Board modifications.* The Commission shall receive from the Board during its fifteen (15) day period for review the text of any proposed modification to the City Council's decision. Upon receipt, the Commission shall have fifteen (15) days to review and determine:

(i) in consultation with the Office of Environmental Coordination and lead agency as necessary, whether the modification may result in any significant adverse environmental effects which were not previously addressed; and

(ii) whether the modification requires the initiation of a new application. In making this determination, the Commission shall consider whether the proposed modification:

- (a) increases the height, bulk, envelope or floor area of any building or buildings, decreases open space, or alters conditions or major elements of a site plan in actions (such as a zoning special permit) which require the approval or limitation of these elements;
- (b) increases the lot size or geographic area to be covered by the action;
- (c) makes necessary additional waivers, permits, approvals, authorizations or certifications under sections of the Zoning Resolution, or other laws or regulations not previously acted upon in the application; or
- (d) adds new regulations or deletes or reduces existing regulations or zoning restrictions that were not part of the subject matter of the earlier hearings at the community board or Commission. If the Commission has determined that no additional review is necessary and that, either, no significant environmental impacts will result or that possible environmental impacts can be addressed in the time remaining for Commission and Board review, it shall so report to the Board. The Commission may also transmit any comment or recommendation with respect to the substance of the modification, and any proposed further amendment to the modification which it deems as necessary or appropriate. If the Commission has determined that the proposed modification will require a supplementary environmental review or the initiation of a new application, it shall so advise the Board in a written statement which includes the reasons for its determination.

(c) If, within the time period provided for in Section 197-g(d) or Section 197-g(e) of the Charter, the Board fails to act or fails to act by the required vote, the Board shall be deemed to have affirmed the decision of the City Council.

(d) Following any decision by the Board, a written record of such decision shall be posted online and made available to the public as soon as practicable, and in no case later than five days after such decision.

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