



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 96-10 - PRESERVATION AREA

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## 96-10 - PRESERVATION AREA

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LAST AMENDED

2/2/2011

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections [52-31](#), [52-33](#), [52-34](#), [52-35](#) and [52-36](#).

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### 96-101 - Floor area regulations

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LAST AMENDED

2/2/2011

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

| #Uses#   | #Floor Area Ratio# |
|--|--------------------|
| #Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# in the following Districts: |                    |
| R8 C1-5 C2-5 C6-2  | 4.2                |
| #Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:  |                    |
| C1-5 C2-5  | 2.0                |
| C6-2*  | 4.2                |

\* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section [81-742](#) of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section [81-744](#) (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such

#building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

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## 96-102 - Lot coverage regulations

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LAST AMENDED

2/2/2011

Within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section [24-11](#), are not applicable. The #lot coverage# provisions of this Section apply in lieu thereof. In C6-2 Districts, for the purposes of determining #lot coverage#, any part of a #building# that is listed as a permitted obstruction in #open space# or in a #rear yard# shall not be included in #lot coverage#. For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# in the #development#.

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## 96-103 - Yard regulations

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LAST AMENDED

2/2/2011

The #yard# regulations of this Section apply to any #development# or #enlargement#.

For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, no #rear yard# shall be required.

For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.

On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section [23-532](#), paragraph (a), shall apply.

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## 96-104 - Height and setback regulations

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LAST AMENDED

8/11/2022

The underlying height and setback regulations shall not apply, except as set forth in Sections [23-62](#) or [33-42](#) (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, #street walls# shall be located on the #wide# #street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, #street walls# shall be located on and extend along the #narrow# #street line# within 50 feet of the #wide street#.

For #zoning lots# with #narrow street# frontage, #street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow# #street line# is located within 10 feet of the #street line#, the

#street wall# of the #building# may be aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial# #uses# fronting on the #street#.

(b) Permitted recesses

Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

(c) #Building# height

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of seven #stories# or 66 feet, whichever is less.

(d) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution, except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section [23-911](#), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

- (1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;
- (2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;
- (3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area# per #dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.

However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

- (1) that such #residences# are sponsored by a voluntary non-profit organization;
- (2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;
- (3) that there are social service, health and related programs for the residents including a maintenance and security plan;
- (4) that on-site recreation areas for the use of the residents are provided; and
- (5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

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## 96-106 - Special regulations for existing storefronts

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Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6 regardless of the two-year discontinuance provisions of Section [52-61](#).

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## 96-107 - Special regulations for community facility uses

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LAST AMENDED

2/2/2011

#Developments#, #enlargements# or #extensions# of #community facility# #uses# or #conversions# of an existing #building# to a #community facility# #use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility# #uses#, provided that the Commission makes the following findings:

- (a) that the existing #building# is not eligible for rehabilitation under any active publicly aided program under which funds are available;
- (b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Department of Housing Preservation and Development of his or her intention to demolish the #building#; and
- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 96-108 - Demolition of buildings

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LAST AMENDED

2/2/2011

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

- (a) that the existing #building#:
  - (1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or
  - (2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.
- (b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.

- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section [96-110](#); and
- (d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section [96-10](#) (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

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## **96-109 - Alterations of buildings**

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LAST AMENDED

8/16/1990

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

- (a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and
- (b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

- (1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or
- (2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

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## **96-110 - Harassment and cure**

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LAST AMENDED

2/2/2011

### **(a) Definitions**

#### **(1) Application date**

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

#### **(2) Cure compliance lot**

“Cure compliance lot” shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

“Cure requirement” shall mean #floor area# in an amount not less than the greater of:

- (i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or
- (ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

“Cure requirement lot” shall mean:

- (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or
- (ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

“Dwelling unit” shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

“Exempt hotel” shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and
- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

“Exempt institutional residence” shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit



institutional use on the #referral date#; and

- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

“Inquiry period” shall mean a period which:

- (i) commences 15 years prior to the #application date#; and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date#, and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

“Low income housing” shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

“Referral date” shall mean September 5, 1973.

(11) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;
- (ii) provides that the #low income housing# must comply with the requirements of Section [23-90](#) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (c) of Section [23-96](#) (Requirements for Generating Sites or MIH Sites), shall be inapplicable and in its place and stead, paragraph (a) of Section [96-105](#) (Dwelling unit regulations) shall be applicable;
- (iii) contains such other terms as the Department of Housing Preservation and Development shall determine;
- (iv) has been approved by the Department of Housing Preservation and Development;

- (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;
- (vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors;  
and
- (vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- (1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections [96-109](#) or [96-24](#), and no special permit may be granted by the City Planning Commission pursuant to Sections [96-107](#) or 96-108.
- (2) The following structures shall be exempt from the provisions of this Section:
  - (i) any city-owned #multiple dwelling#;
  - (ii) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
  - (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;
  - (iv) any #exempt hotel#;
  - (v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and
  - (vi) any #exempt institutional residence#.
- (3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

- (1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.
- (2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:
  - (i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in

relation to such occupancy; and

- (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.
- (3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
- (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;
  - (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development including, but not limited to, costs for publication of any notices;
  - (iii) establish the duration for which a #certification of no harassment# will remain effective; and
  - (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
- (4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:
- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;
  - (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or
  - (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.
- (5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
- (6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the

commencement of the #inquiry period# on a date prior to the date of such alleged #harassment#.

- (7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.
  - (i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.
  - (ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.
- (8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been #harassment#, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

- (1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.
- (2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:
  - (i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.
  - (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
    - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and
    - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
  - (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

- (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (3) No portion of the #low income housing# required under this Section shall qualify to:
- (i) increase the #floor area ratio# pursuant to Section [96-21](#) (Special Regulations for 42nd Street Perimeter Area); Section [96-22](#) (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District#, #Special Hudson Yards District#, #Special West Chelsea District#; or Section [23-90](#); or
  - (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

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## 96-111 - Off-street parking regulations

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LAST AMENDED  
5/8/2013

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section [13-45](#) (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

- (a) the property has been or will be vacated pursuant to the provisions of Section [96-108](#); and
- (b) the applicant has followed the relocation procedures set forth in Section [96-24](#).