Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

27-14 - Methods of Providing Affordable Housing

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LAST AMENDED
12/5/2024

(a) For #UAP developments#, #affordable housing# shall be either #new construction affordable housing#, #preservation affordable housing# or a #conversion# from non-#residential# to #residential use#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. #Conversions# shall comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, applicable to #new construction affordable housing#.

(b) When determining whether #affordable housing# is #new construction affordable housing# or #preservation affordable housing#, or when making a determination as to which #building# constitutes a #UAP site#, #HPD# may separately consider each #building# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

(c) The amount of #affordable floor area# in any #MIH site# or #UAP site# shall be determined based upon plans for such #MIH site# or #UAP site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#.

However, for #UAP sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.

(d) The amount of qualifying #floor area# for any #income band# in an #MIH site# or #UAP site# shall be determined by the same method as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

(f) An #MIH site# that is part of an #MIH zoning lot#, or a #UAP site# that is part of a #UAP zoning lot#, in which at least two-thirds of the #dwelling units# are #affordable housing units# shall be either a #building# that:

(1) shares a common #street# entrance with another #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#; or

(2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#, and such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#.

(3) #HPD# may waive the requirements of this paragraph (f) if it determines that the #buildings# on the #zoning lot# are otherwise located in a manner that does not stigmatize occupants of #affordable housing units#.

(g) #HPD# shall have the right, in its sole discretion, to deny any #affordable housing application# proposing #preservation affordable housing#, and shall have the right, in its sole discretion, to deny any #affordable housing application# that includes #homeownership affordable housing#, #qualifying senior housing#, or a #supportive housing project#, and instead require that such #MIH site# or #UAP site# be developed with rental #affordable housing#. Pursuant

to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites), #HPD# may adopt #guidelines# for the implementation of this paragraph (g).