

Inclusionary Housing Program Guidelines: Hudson Yards District

The provisions of the Inclusionary Housing Program Guidelines for R10 Districts (Zoning Resolution Sections 23-90 through 23-953) ("R10 Guidelines") shall be applicable to Lower Income Housing projects selling their zoning bonuses to compensated developments within Subdistricts C1, D1 and D2 of the Special Hudson Yards District and Area P2 of the Special Garment Center District, except as modified below.

II. Ownership & Management of Buildings Containing Lower Income Units

Paragraph (1)(b) of Section II of the R10 Guidelines is modified as follows:

In the event that no qualified not-for-profit group can be found to act as Administering Agent, the Department may, in its sole discretion, approve a for-profit entity to fulfill that role. However, the Department may approve an entity that is responsible for compliance monitoring pursuant to city, state or federal funding sources, to serve as the administering agent during such compliance period.

If an entity other than a not-for-profit organization is proposed to serve as the administering agent and the affected Community Board objects during its review period to such an approval, then the Department shall respond in writing to the affected Community Board's objections prior to approving the proposed entity to serve as administering agent.

III. Construction and Rehabilitation Standards

The second introductory paragraph of Section III is modified as follows:

At initial occupancy of any Lower Income Unit, a portion of fair rents may be for the payment of the principal or interest on debt, and such Lower Income Units may secure debt, provided that, as of the date of the approval of the Lower Income Housing Plan, the Department finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) of Section 23-95 of the Zoning Resolution (Lower Income Housing Requirements) and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the Plan.

Paragraph (3) of Section III is modified as follows:

The Department may waive the size and distribution requirements if the Lower Income Housing is subject to the requirements of other city, state or federal programs assisting the Lower Income Housing that have size and distribution requirements that conflict with the size and distribution requirements of Zoning Resolution Section 23-951(b).

IV. Income and Occupancy Limits

The introductory clause in paragraph (1) of Section IV is modified as follows:

For the purposes of this Program, Lower Income Housing shall include standard units assisted under city, state or federal programs and shall also include standard units occupied or to be occupied by Lower Income Households, as defined in Section 23-93 of the Zoning Resolution

(heretofore referred to as Low Income Households), and Moderate or Middle Income Households, as defined in Section 93-231 of the Zoning Resolution.

Moderate Income Household

For purposes of Section 93-231, a “moderate income household” is a family having an income greater than 80% but less than or equal to 125% of the income limits for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

Middle Income Household

For purposes of Section 93-231, a “middle income household” is a family having an income greater than 125% but less than or equal to 175% of the income limits for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

Paragraph (2) of Section IV is modified as follows:

Under the Preservation option, Lower Income Households shall also include all existing households in tenancy, provided such households occupy units that are within buildings in which the rents for all occupied units are regulated by city or state law and that the average existing rents in a building would qualify to be occupied by Low, Moderate or Middle Income Households as defined above. The Administering Agent shall not be required to verify the income of households in tenancy as of the date upon which the Department approves the Lower Income Housing Plan.

V. Rents and Re-rentals

Paragraphs (1) and (1)(a) of Section V are modified as follows:

The Department may determine that rents satisfying the requirements of city, state or federal programs assisting lower income housing will be considered “fair rent”, provided that such rents do not exceed 30 percent of a Lower Income, Moderate Income or Middle Income household’s income, as applicable, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.

- (a) Rents may exceed the affordability limits for a family earning 80% of area median income if the family is a Middle Income or Moderate Income household, subject to the geographic eligibility outlined in Section IV above.

VII. Insurance

Paragraph (1) of section VII is modified as follows:

The Department may modify this requirement to provide priority for lenders participating in the financing of Lower Income Housing that is assisted under city, state or federal programs.

VIII. Certificate of Eligibility for a Zoning Bonus

Paragraph (1)(a) of Section VIII is modified as follows:

For the Preservation option only, if the building has a valid certificate of occupancy and no new certificate of occupancy is required, the Department must certify that the applicant has fulfilled its obligations with respect to the lower income housing before this requirement for issuance of the Certificate of Eligibility for a Zoning Bonus is fulfilled.