

**Inclusionary Housing Program Guidelines:
South Park Slope and Maspeth/Woodside 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 all R8A Districts within Brooklyn Community District 7 and in certain R7X Districts along Queens Boulevard, 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.

III. Construction and Rehabilitation Standards

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

At initial occupancy of any Lower Income Units, 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).

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 regulated by city or state law and that the average existing rents in a building would qualify to be occupied by Low 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

Paragraph (1) of Section V is 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 Household’s income 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 Section 8 Standard or the Rent Stabilization Standard.

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.