

# NYC Board of Standards and Appeals

## Proposed Rulemaking: Affordable Housing Fast Track & City of Yes

Public Hearing  
April 1, 2026

# Overview

- 2025 NYC Charter Reforms
- BSA Proposed Rulemaking
  - 2025 Charter Revisions
  - ZR City of Yes
- Next Steps

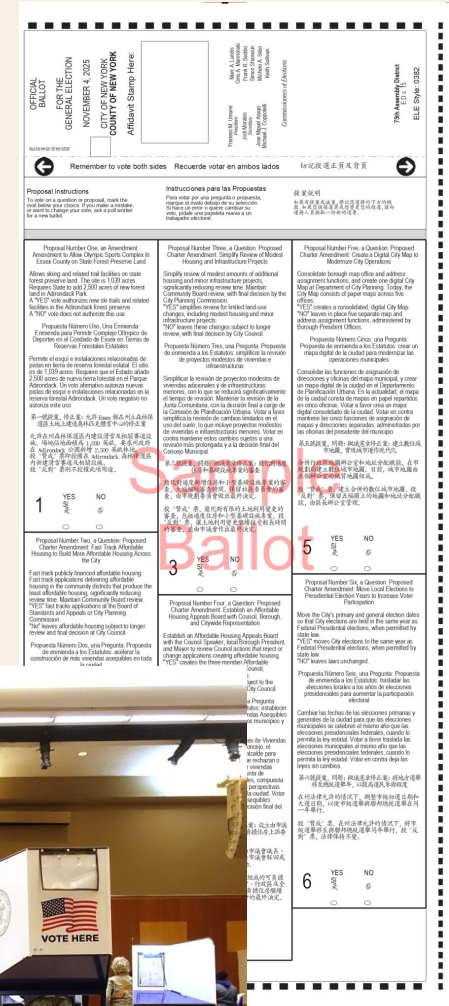
<https://rules.cityofnewyork.us/rule/bsa-ahft/>

# 2025 NYC Charter Reforms

The November 2025 election had **six** ballot proposals, proposing changes to the:

- NYS Constitution
- NYC Charter

**4** of the proposals to amend the **NYC Charter** were passed.



# Approved NYC Charter Amendments



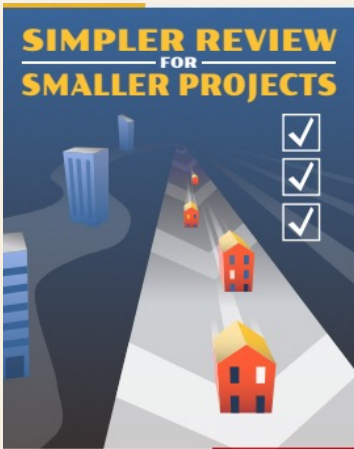
## #2 Fast Tracking Affordable Housing

1,108,815 votes to adopt  
(59%)



## #4 Affordable Housing Appeals Board

1,085,599 votes to adopt  
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## #3 Expedite Land Use Review Procedure (ELURP)

1,064,325 votes to adopt  
(57%)



## #5 Modernize and Digitize the City Map

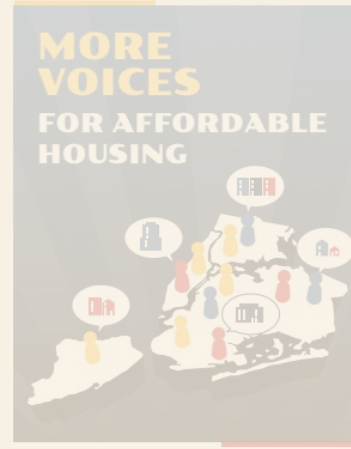
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**#2**

# Fast Tracking Affordable Housing

A **two-part** proposal approved by voters to fast-track certain **affordable housing** projects:

**Fast Track  
Zoning Action**

@

**NYC**<sup>™</sup>**BSA**  
Board of Standards and Appeals

**Fast Track in Community  
Districts that Produce the  
Least Affordable Housing**

@

**NYC**<sup>®</sup>  
**PLANNING**

# #2

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**NYC**  
PLANNING

**NYC Charter was revised on Dec 2,  
2025**, codifying this new process into NYC  
Charter **section 666-a** and **668(d-1)**.

# NYC Charter 666-a

## Section 666-a Fast-track action for affordable housing projects

- a) In accordance with this section, the board may **modify** the application or interpretation of **any use, bulk, or parking regulation** of the zoning resolution to a building to be developed, preserved, or converted, **in whole or in part for affordable housing**, as such term is defined in subdivision a of section sixteen-a, provided that the board makes the following findings:

*(continued)*

# NYC Charter 666-a

1. The building is or will be **owned, in whole or in part, by a company that has been organized exclusively to develop housing projects** for persons of low income;
2. The building is wholly located in a **zoning district that allows residential uses**;
3. As determined in consultation with the **commissioner of housing preservation and development**, the building is **consistent with applicable affordable housing design and development standards** established by such commissioner and could not be developed, preserved or converted without modifying the application of any use, bulk, or parking regulations;
4. The building will not alter the **essential character** of the neighborhood; and
5. Under the **conditions and safeguards** imposed, the hazards or disadvantages to the community at large of such **modifications at the particular site are outweighed by the advantages** to be derived by the community and city from the grant of such modifications.

*(continued)*

# NYC Charter 666-a

- b) The decision of the board shall **set forth each required finding in each specific approval** of an action authorized pursuant to this section or which of the required findings have not been satisfied in each denial of such an action. Such decision shall, for any approval of an action pursuant to this section, set forth the evidence or other data supporting each finding by the board in reaching such decision. Reports of other city agencies made as a result of inquiry by the board may be considered by the board.

*(continued)*

# NYC Charter 666-a

- c) In granting a modification pursuant to this section, the board may prescribe such **conditions or restrictions** as it may deem necessary to **minimize any adverse effects** of such modifications on other property in the neighborhood and to ensure such affordable housing that is developed, preserved or converted is **consistent with applicable design and development standards**. Such conditions or restrictions shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of such permit or certificate of occupancy and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies

*\*END\**

# NYC Charter 668(d-1)

d-1 Notwithstanding any provision in subdivision d of this section to the contrary, for **applications filed pursuant to section six hundred sixty-six-a**, the board of standards and appeals shall **conduct the public hearing** required pursuant to subdivision d of this section **no later than thirty days after the expiration of the time allowed** for the filing of a recommendation or waiver with the board by **the affected community board or borough board**, and the board shall give **public notice not less than five days in advance** of such hearing. The board shall take **final action** on the application **no later than thirty days after** the expiration of time allowed for such hearing, provided that where the board determines that an application does not satisfy the required findings, it **may hold a second hearing and take final action** on such application within **sixty days** of such determination.

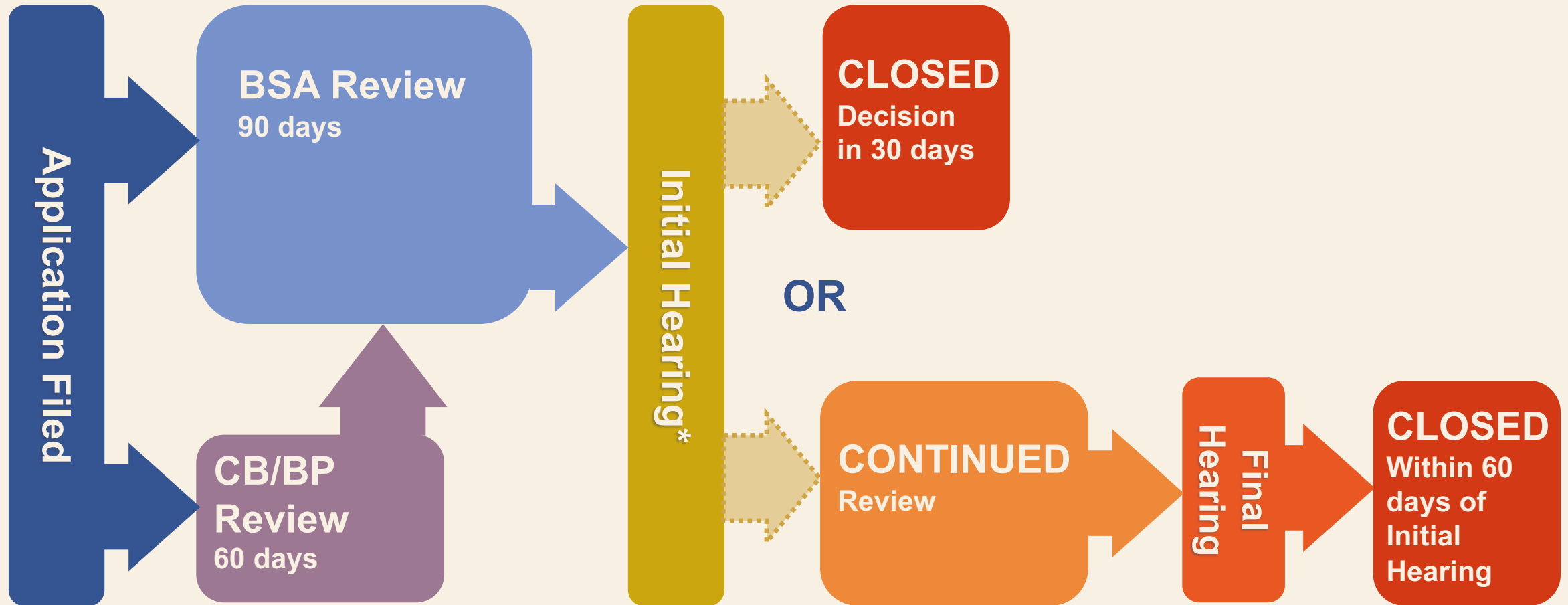
# Targeted Affordable Housing Project (TAHP)

Only **publicly financed** affordable housing projects are eligible.

This new process will allow the BSA to **approve eligible projects within a specific timeframe**, including a:

- 60-day timeframe for review by the local community board, simultaneous with a
- 90-day timeframe for review by the BSA.

# TAHP Timeline: NYC Charter 668(d-1)



# BSA Proposed Rulemaking

## TAHP: NYC Charter Revisions

Modify BSA's Rules of Practice and Procedures ("Board's Rules") to codify the Board's process for implementing the recently enacted Charter Sections **666-a** and **668(d-1)**, the **fast-track action for affordable housing projects**.

BSA has named this process the **Targeted Affordable Housing Project, or TAHP**.

## City of Yes

Update Board's Rules to incorporate relevant provisions of the Zoning Resolution as modified by the recent **City of Yes for Economic Opportunity** and **Housing Opportunity** text amendments.

# Proposed Rule Changes: TAHP

## § 1-01.3 Purpose and Authority: The Charter

- Includes the fast-track action for affordable housing text from the NYC Charter 666-a and 668(d-1), plus minor amendment from prior Charter revision.

## § 1-06.1 Appeals Calendar (A): Subject Matter

- Adds the TAHP as a category within the Board's appellate jurisdiction.

## § 1-06.3 Appeals Calendar (A): Filing Period

- Codifies the filing process and administrative requirements for TAHPs.

# Proposed Rule Changes: City of Yes

## § 1-01.4 Purpose and Authority: Zoning Resolution

## § 1-07.1 SOC: Subject Matter

- Incorporate vesting of applications filed or granted prior to the effective date of the text amendments

## Appendix E Type II List

- Updates renumbered section numbers for certain special permits

# Next Steps

- The rulemaking text is available for review at the link below:

<https://rules.cityofnewyork.us/rule/bsa-ahft/>

- After approving the rulemaking, BSA will issue an **Administrative Notice** detailing the procedures that are impacted by this rulemaking.
- Contact the BSA with any questions at (212) 386-0009.

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.

Section 1. Subdivisions 9 and 10 of section 1-01.3 of title 2 of the rules of the city of New York are amended to read as follows:

9. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York or section 666-a of the New York City Charter. In rendering a final determination on any matter before it in which any such party has proposed relevant arguments or submitted relevant evidence, the Board shall refer to such arguments or evidence in its final determination and describe the extent to which the Board considered such arguments or evidence in reaching its final determination, to the extent applicable. The Board may categorize similar comments together and respond to such categories, provided that each such categorical response indicates the testimony to which it is responding.

10. To issue such special permits as the board is authorized to issue under the zoning resolution or under section 666-a of the New York City charter.

§ 2. Subdivision g of section 1-06.1 of title 2 of the rules of the city of New York is relettered subdivision (h), and a new subdivision (g) is added, to read as follows:

**(g) Fast track affordable housing action:** applications filed pursuant to charter § 666-a for a modification of the application or interpretation of any use, bulk, or parking regulations of the zoning resolution to a building to be developed, preserved, or converted, in whole or in part for affordable housing, as such term is defined in charter § 16-a;

§ 3. Subdivision (e) of section 1-06.3 of title 2 of the rules of the city of New York is relettered subdivision (f), and a new subdivision (e) is added, to read as follows:

**(e) Fast-track action for affordable housing projects:** An application submitted pursuant to **charter § 666-a** must include a letter from the Department of Housing Preservation and Development that the building is consistent with applicable affordable housing design and development standards and could not be developed without modifying the application of any use,

bulk, or parking regulations, consistent with paragraph 3 of subdivision a of section § 666-a of the charter. The application must be filed within thirty (30) days following the date of issuance of the Department of Buildings objection(s).

§ 4. Subdivision (e) of section 1-06.4 of title 2 of the rules of the city of New York is relettered subdivision (f), and a new subdivision (e) is added, to read as follows:

**(e) Fast track action for affordable housing projects:** The applicant must forward a copy of all application materials to the Department of Buildings, the affected community board(s) (and borough board, if applicable), the affected borough president, the affected City Council member, and the City Planning Commission.

§ 5. Appendix A of Title 2 of the rules of the city of New York is amended to add a new column to read as follows:

**appeals calendar (a) § 666-a**

- application referral – within three (3) days of filing must send copies to:
  - department of buildings
  - community board
  - borough president
  - city council member
  - city planning commission
- must submit proof of service of referral within ten (10) days of filing.
- hearing notice – Applicant At least twenty (20) days before hearing must:
  - Notify department of buildings
  - community board
  - borough president
  - city council member
  - city planning commission
  - affected property owners

must submit proof of service of hearing notice within ten (10) days of sending the notice.

§ 6. Section 1-01.4 of Title 2 of the rules of the city of New York is amended to read as follows:

**§ 1-01.4. Zoning Resolution.**

The New York City Zoning Resolution sets forth the Board's authority in: ZR § 72-00 et seq. (Powers of the Board of Standards and Appeals) and ZR § 73-00 et seq. (Special Permit Uses and Modifications), which allow the Board to grant variances and special permits;

ZR § 11-30 et seq. (Building Permits Issued before the Effective Date of Amendment), which allow the Board to renew building permits lawfully issued before the effective date of an amendment to the Zoning Resolution; and

ZR § 11-40 et seq. (Exceptions, Variances, Authorizations or Permits), which allow the Board to grant extend the terms of, and permit certain changes to previously approved use variances or special permits granted under provisions of the [1916 Zoning Resolution] regulations in effect at the time of such variance or special permit.

§ 7. Paragraph 1 of subdivision a of section 1-07.1 of title 2 of the rules of the city of New York is amended to read as follows:

**(1) Amendment:** Applications may be filed on the SOC calendar for amendments to (1) a pre-1961 use grant pursuant to Z.R. §§ 11-412 or 11-413, (2) a pre-1961 bulk grant, (3) a post-1961 [variance] approval pursuant to Z.R. §§ 11-46, 11-47, 72-01, or 72-22, (4) a post-1961 special permit pursuant to Z.R. §§ 11-46, 11-47, 73-01, or 73-04, or (5) a transient parking waiver. Amendments may include but are not limited to changes to the Board-approved plans or resolution.

§ 8. Appendix E of Title 2 of the rules of the city of New York is amended to read as follows:

**Appendix E**

**(a) Type II List:**

The following actions are not subject to review by the Board of Standards and Appeals under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to 2 RCNY Appendix E(B)(b):

1. Special permits for radio and television towers, pursuant to § 73-[30] 141 of the Zoning Resolution;
2. Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-[125] 134 of the Zoning Resolution;
3. Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution;
4. Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § [73-243] 73-311 of the Zoning Resolution;
5. An action listed in subdivision (d) of this Appendix, provided that such action also meets the requirements in subdivision (e) of this Appendix.