

# Mandatory Inclusionary Housing

Mandatory Inclusionary Housing (MIH) was adopted in March 2016 and updated in December 2024 under the New York City Zoning Resolution. Under this policy, MIH Areas are created in all five boroughs where zoning changes significantly increase permitted residential density. Within MIH Areas, 20-30% of residential floor area in new developments, enlargements, and conversions to residential use above 10 units and 12,500 square feet must be permanently affordable for low- and moderate-income New Yorkers. For details, refer to [Zoning Resolution \(ZR\) §27](#) and [Rules of the City of New York Chapter 41: Inclusionary Housing](#).

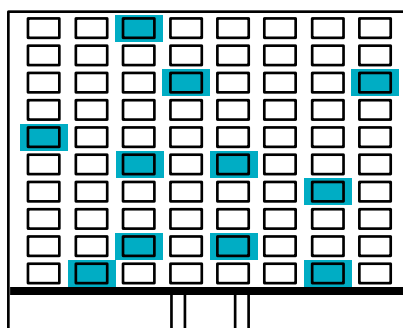
## MIH Options

MIH Areas include one or more compliance options determined through the City's Uniform Land Use Review Procedure (ULURP). Where more than one option is made available, the developer may choose from among those options. MIH units can be rental or homeownership. If MIH units are provided on a different zoning lot, they must be in the same Community District or within half a mile into an adjacent district. In such cases, an additional 5% is added to the applicable floor area requirement. See also ZR §27-131(a)(3) and (5).

Options	Affordable Floor Area Required +5% when offsite	Weighted Average of Income Bands	Limitations
Option 1	25% of residential floor area	60% Area Median Income (AMI) or lower	No more than 3 income bands 10% of floor area at 40% AMI No income band above 130% AMI
Option 2	30% of residential floor area	80% AMI or lower	No more than 3 income bands No income band above 130% AMI
Option 3	20% of residential floor area	40% AMI or lower	No more than 3 income bands No income band above 130% AMI No public funding without HPD approval
Option 4	30% of residential floor area	115% AMI or lower	No more than 4 income bands 5% of floor area at 70% AMI, 5% of floor area at 90% AMI No income band above 135% AMI No public funding Not available in Manhattan south of 96th Street *Must be mapped with at least 1 other option
Affordable Housing Fund Option			Available for projects that do not exceed 25 dwelling units and 25,000 square feet Amount paid must be comparable to the cost of providing affordable floor area in the same Community District

## Apartment Distribution Requirements (ZR §27-16(b))

**Vertical Distribution**  
MIH units must be distributed throughout at least 65% of the building's stories.



**Horizontal Distribution**  
No more than 2/3 of the dwelling units on any floor can be MIH units, unless every floor contains more than 2/3 MIH units.

## Bedroom Mix Requirements (ZR §27-16(c))

At least **50%** of MIH units must be **two-bedrooms** or greater, and **75%** of MIH units must be **one-bedroom** or greater,

**OR**

The bedroom mix between affordable and market-rate dwelling units must be **proportional**.

## Unit Size Requirements (ZR §27-16(d))

The average size of the MIH units for a particular bedroom size shall not be less than the average size of the non-MIH units or the minimum size listed below, whichever is less:

**Studio:** 400 square feet

**One-bedroom:** 575 square feet

**Two-bedroom:** 775 square feet

**Three-bedroom:** 950 square feet