

Qualified Action Guidance - Housing Actions

July 10, 2026

As a result of [recent changes](#) to state law, certain housing, infrastructure and public works actions are now “Qualified Actions” that are exempt from the requirements of the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR).

This document provides initial guidance to applicants before City agencies about what housing-related actions will be determined to be Qualified Actions. This guidance is preliminary and subject to revision. Applicants seeking a determination about whether a particular action is a Qualified Action should consult environmental review staff at the appropriate lead agency. To make a determination, applicants must provide the agency with information on the proposed actions, including the location and the proposed development it would facilitate, as well as non-applicant-owned sites developable under the proposed action.

Determining Eligibility

If any of the following criteria are not met, an action is not a Qualified Action and the applicant should proceed to Type consideration under CEQR and SEQRA.

The Construction of Housing

Qualified Actions must be actions for the purposes of the construction of housing, such as a zoning map change to enable greater residential density. These housing-construction actions may include any discretionary actions concerning land use, zoning, permitting, real property acquisition or disposition, or development financial assistance that would otherwise require review under SEQRA / CEQR.

Zoning and Density Criteria

Qualified Actions for the purposes of the construction of housing must not exceed certain limits on incremental residential and non-residential development. Applicable limits depend on the existing zoning district at the time of the application.

Actions that facilitate additional development beyond what is allowed under existing zoning, i.e. actions that facilitate incremental development, may need to be compared to a no-action condition to determine if they qualify. The action must be considered as a whole, including the entire area subject to the action, as well as any non-applicant-owned sites that would be developable with the proposed action.

Applicable zoning and density criteria are as follows:

- Actions in low-density zoning districts must not exceed 250 incremental units.¹ This 250-unit limit applies if any part of the proposed action is within a low-density zoning district.
- Outside low-density zoning districts, actions must not exceed 500 incremental units.¹
- Actions must not be located in M2 or M3 districts.
- Actions must not facilitate more than 50,000 total incremental square feet of commercial, community facility or other non-residential, non-industrial use.²
- Actions must not facilitate any incremental industrial floor area.
- Actions must not facilitate the construction of only one single-family residence on a parcel of one-half or more acres.

Category	Zoning Districts
Low Density Districts (250-unit threshold)	R1 through R5 C3 or C4-1 Special Coney Island District/M1-2 M1-1D, M1-2D, M1-3D, M1-4D, M1-5D
Outside Low Density Districts (500-unit threshold)	R6 through R12 C1-6 through C1-9, C2-6 through C2-8, C4-2 through C4-7, C5, C6, C7, C8 All other M1 Districts
Districts Not Eligible for Qualified Actions (Areas zoned exclusively for industrial uses)	M2, M3

¹ Consistent with longstanding reasonable worst-case assumptions, dwelling units are generally assumed to occupy 850 sf per unit in transit-oriented development areas and 1,000 sf per unit elsewhere. See [DCP Reasonable Worst-Case Development Scenario Form](#) (noting that dwelling unit sizes typically range between 850 and 1,000 sf). Particular projects may warrant a different reasonable worst-case assumption. For example, office-to-residential conversions are generally assumed to occupy 1,400 sf per unit, and some projects in locations where residents are predominantly wealthy and prefer larger housing units, such as the Manhattan core, may warrant an even higher unit size assumption.

² Non-residential floor area includes commercial, community facility, or other floor area that is (1) not used for residential purposes or (2) not mechanical/utility equipment.

Locational Criteria

Qualified Actions for the purposes of the construction of housing must meet certain locational criteria:

- Actions must be connected to existing public water and sewer systems at the commencement of habitation.
- Actions must be located at a previously disturbed site³:
 - The site must have been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application for the action. This criterion is context dependent and applicants must provide the lead agency with information to assist the agency in making this determination.
 - The site is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the action.
 - The site must be located outside of a [Coastal Erosion Hazard Area](#).

Hazardous Materials

When initiated by private applicants, Qualified Actions for the purposes of the construction of housing must also satisfy certain requirements respecting hazardous materials remediation.

First, Qualified Actions are required to comply with all local municipal requirements for hazardous materials remediation, including such requirements as would be applicable under CEQR. These requirements include, but are not limited to, the completion of a Phase 1 Environmental Site Assessment and, as appropriate, the placement of an E-Designation regarding hazardous materials remediation or alternative remediation requirements.

Second, Qualified Actions must complete and submit a hazardous materials certification form (see [DCP Applicant Hazardous Materials Certification](#) as a template).

Complying with Other Federal, State, and Local Laws

While receiving a Qualified Action Determination from a Lead Agency exempts an action from further review under SEQRA and CEQR, it does not exempt projects from the land use approval process or other applicable federal, state, and local regulations. Applicants should therefore review and consider whether a contemplated action is subject to, among other

³ New York City having adopted Appendix G of the New York City Building Code, the requirements of Environmental Conservation Law 8-0105(11)(iv) do not apply.

laws, the National Environmental Policy Act; the National Historic Preservation Act; the New York State Historic Preservation Act; and the Uniform Land Use Review Procedure or the Expedited Land Use Review Procedure, among other potentially applicable laws.