



NYC Buildings Department  
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner



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## BUILDINGS BULLETIN 2011-003

### Zoning

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**Supersedes:** None

**Issuer:** Fatma M. Amer, P.E.  
First Deputy Commissioner

**Issuance Date:** February 17, 2011

**Purpose:** This document clarifies that a facility verified by a governmental agency as permanent supportive housing may be classified as a Use Group 3 under the New York City Zoning Resolution

**Related Code/Zoning Section(s):** ZR 22-13

**Subject(s):** Zoning Resolution, Use Group 3, philanthropic or non-profit institution with sleeping accommodation; Philanthropic or non-profit institution with sleeping accommodation; Use Group 3; HPD, OMH, DHS, supportive housing;

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**Background:** NYC Department of Housing and Preservation (HPD), NYC Department of Homeless Services (DHS), NYS Office of Mental Health (OMH) and other government agencies may sponsor programs that provide supportive housing for populations with special needs at various facilities in the city. An integral component of such programs, in addition to providing permanent housing for the special needs population, is that the occupants have access to on-site support services to help them to live independently.

As a condition for providing capital financing, the city, state and/or federal government funding the supportive housing project requires the parties to enter a regulatory agreement, recorded against the property, that requires the set-aside of units in the building for the special needs population.

**Zoning:** In accordance with section 22-13 of the Zoning Resolution, such a facility shall be classified as a philanthropic or non-profit institution with sleeping accommodations, Use Group 3 provided:

- The owner and operator of the facility is a non-profit organization; and
- At least 60% of the units in such facility are designated for the special needs population and are dispersed throughout the facility

All units in such facility may be considered part of the Use Group 3 classification, provided that the sponsoring governmental agency attests that any units that are marketed to residents of the local community are a necessary component for the successful administration of the program.

On-site support services located within the same facility may serve others not residing in the building.

**Required document:** Prior to construction document approval of a new building application to establish a supportive housing facility as Use Group 3, the applicant shall provide the department (plan examiner) with a letter from the sponsoring governmental agency (HPD, OMH, DHS, etc.) attesting to the fact that the proposed development qualifies as a supportive housing facility as outlined above. Such letter shall indicate at a minimum: the name and short description of the program, the population of special needs to be served, the minimum percentage of units required to be reserved for special needs population, and the name of the non-profit organization acting as owner/operator.

**Schedule A and Certificate of Occupancy**

The following note shall be included in the PW1-A form (Schedule A – Occupancy/Use), Box 2 to be reflected on the Certificate of Occupancy:

PW1A

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<b>2</b>	<b>Building Notes to appear on the Certificate of Occupancy</b>
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This facility shall be classified as a philanthropic or non-profit institution with sleeping accommodations, Use Group 3 as supportive housing in accordance with the supportive housing program sponsored by [insert government agency].

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