

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 132

Introduced by The Speaker (Council Member Johnson), Council Members Richards, Lander, Chin, Rosenthal, Constantinides, Reynoso, Maisel, Perkins, Miller and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring certain reporting on an affordable housing plan

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

CHAPTER 21

AFFORDABLE HOUSING PLAN REPORT

§ 26-2101 Definitions. As used in this chapter:

Affordable housing. The term “affordable housing” means a dwelling unit that (i) is required pursuant to a federal, state or local law, rule or program to be affordable for an extremely low income household, a very low income household, a low income household, a moderate income household or a middle income household and (ii) operates pursuant to an agreement administered by the department.

Area median income. The term “area median income” means the Income Limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York,

NY HUD Metro FMR Area (HMFA), as established in Section 3 of the Housing Act of 1937, as amended.

Created. The term “created” means constructed or financed through the development of new buildings or down payment assistance enabling a new homeowner to access affordable housing.

Department. The term “department” means the department of housing preservation and development.

Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term in the housing maintenance code.

Extremely low income household. The term “extremely low income household” means a household that has an income of no more than 30 percent of the area median income, adjusted for the size of the household.

Extremely low income affordable housing (ELI-AH) unit. The term “extremely low income affordable housing (ELI-AH) unit” means affordable housing that is affordable to an extremely low income household.

Low income household. The term “low income household” means a household that has an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.

Low income affordable housing (LI-AH) unit. The term “low income affordable housing (LI-AH) unit” means affordable housing that is affordable to a low income household.

Middle income household. The term “middle income household” means a household that has an income of more than 120 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.

Middle income affordable housing (MIDI-AH) unit. The term “middle income affordable housing (MIDI-AH) unit” means affordable housing that is affordable to a middle income household.

Moderate income household. The term “moderate income household” means a household that has an income of more than 80 percent of the area median income but no more than 120 percent of the area median income, adjusted for the size of the household.

Moderate income affordable housing (MI-AH) unit. The term “moderate income affordable housing (MI-AH) unit” means affordable housing that is affordable to a moderate income household.

Preserved. The term “preserved” means received physical rehabilitation and/or financial operating assistance for existing buildings in exchange for affordability for existing and future tenants.

Very low income household. The term “very low income household” means a household that has an income of more than 30 percent of the area median income but no more than 50 percent of the area median income, adjusted for the size of the household.

Very low income affordable housing (VLI-AH) unit. The term “very low income affordable housing (VLI-AH) unit” means affordable housing that is serving a very low income household.

§ 26-2102 Affordable housing plan report. The mayor shall, by September 30, 2019, and by September 30 in every year thereafter, submit to the speaker of the council and make publicly available online a report on the progress of a citywide plan that provides for the creation and preservation of affordable housing. Such report shall include, at a minimum:

1. A summary of the current demand for affordable housing;

2. A description of obstacles to fulfilling such demand, including, but not limited to, the price of land and buildings; the availability of federal, state and local financial assistance, including tax benefits relating to the creation or preservation of affordable housing;

3. (a) The number of ELI-AH units projected to be created and the number of ELI-AH units projected to be preserved pursuant to such plan each year;

(b) The number of VLI-AH units projected to be created and the number of VLI-AH units projected to be preserved pursuant to such plan each year;

(c) The number of LI-AH units projected to be created and the number of LI-AH units projected to be preserved pursuant to such plan each year;

(d) The number of MI-AH units projected to be created and the number of MI-AH units projected to be preserved pursuant to such plan each year; and

(e) The number of MIDI-AH units projected to be created and the number of MIDI-AH units projected to be preserved pursuant to such plan each year;

4. (a) *The number of ELI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

(b) *The number of VLI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

(c) *The number of LI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

(d) *The number of MI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area; and*

(e) *The number of MIDI-AH units created pursuant to such plan in the preceding fiscal year in each neighborhood tabulation area;*

5. (a) *The number of ELI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

(b) *The number of VLI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

(c) *The number of LI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;*

(d) *The number of MI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area; and*

(e) The number of MIDI-AH units preserved pursuant to such plan the preceding fiscal year in each neighborhood tabulation area;

8. A list of policies, programs and actions that the city has implemented citywide to carry out such plan, including, but not limited to, additional term sheets created in the preceding fiscal year, preservation programs established by the department in the preceding fiscal year and any other programs established by the mayor to expand preservation and creation of affordable housing.

§ 26-2103 Public outreach. In developing a citywide plan for the creation and preservation of affordable housing, representatives of the department shall consult and meet with representatives from the real estate industry, building owners and managers, affordable housing developers, tenant advocacy organizations, affordable housing advocacy organizations, legal service providers and other relevant persons. Such plan shall include a description of outreach performed to fulfill the requirements of this section.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 28, 2018 and returned unsigned by the Mayor on July 31, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 132 of 2018, Council Int. No. 601-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.