



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

December 31, 2025

Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

**Re: Disapproval of Introductory No. 1443-A**

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 1443-A, which would amend the Administrative Code of the City of New York "in relation to the citywide percentage of rental units in projects receiving city financial assistance that must be affordable for extremely low-income and very low-income households."

Int. No. 1443-A requires that at least 50 percent of the total number of dwelling units constructed in housing projects receiving city financial assistance over a five-year period be affordable for extremely low-income (ELI) and very low-income (VLI) households. My administration has prioritized creating housing for ELI and VLI households and has often exceeded the targets set in this bill. But the City's ability to provide deeply affordable housing is largely dependent on the availability of federal resources, including rental assistance, which requires the need for flexibility to adjust on a project- and portfolio-level to maximize resources and provide the most affordable housing possible to New Yorkers beyond what this bill would allow. The Office of Management and Budget estimates that this bill would cost the city approximately \$15 million per year in capital expenditures and they note that the rigid requirements established would likely result in a decrease in the production of affordable housing units.

Accordingly, I hereby disapprove Introductory No. 1443-A.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Adams".

Eric Adams  
Mayor

Cc: Hon. Adrienne Adams, Speaker

By Council Members Nurse, Louis, Brewer, Hanif, Stevens, Marte, Farías and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to the citywide percentage of rental units in projects receiving city financial assistance that must be affordable for extremely low-income and very low-income households

Be it enacted by the Council as follows:

1                   Section 1. The chapter heading of chapter 38 of title 26 of the administrative code of the  
2 city of New York, as added by a local law amending the New York city charter and the  
3 administrative code of the city of New York, relating to the citywide percentage of rental units in  
4 projects receiving city financial assistance that must be 2- and 3-bedroom units and amending the  
5 city's fair housing plan, as proposed in introduction number 1433-A for the year 2025, is amended  
6 to read as follows:

## CHAPTER 38

## 8 ALLOCATION OF AFFORDABLE UNITS BY HOUSEHOLD SIZE AND INCOME BAND

9       § 2. Section 26-3801 of the administrative code of the city of New York is amended by  
10 adding new definitions of “covered project for income bands”, “extremely low-income  
11 household”, and “very low-income household” in alphabetical order to read as follows:

12 Covered project for income bands. The term “covered project for income bands” means a  
13 project that receives city financial assistance to newly construct a dwelling unit, which did not  
14 previously exist, and that is required to be offered for occupancy on a rental basis, except that a  
15 covered project for income bands shall not include a project where:

16 (i) The buildings consist of less than 75 dwelling units;

17 (ii) The council has approved a land use special permit subject to compliance with a site  
18 plan, as of December 18, 2025, or projects that have filed an application with the department of

1     city planning for such a special permit, as of December 18, 2025, and the city planning commission  
2     has certified such application by May 31, 2026;

3             (iii) The city planning commission has approved a land use authorization subject to  
4     compliance with a site plan or a phasing plan, as of December 18, 2025; and

5             (iv) Projects for which a new building or alteration application, including a complete  
6     zoning analysis, has been filed with the department of buildings as of August 31, 2026, and the  
7     department of buildings has issued a phased or partial approval, pursuant to Section 28-104.2.5,  
8     for such application, as of June 30, 2027.

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

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

15             § 3. Sections 26-3803, 26-3804, 26-3805 of the administrative code of the city of New  
16    York, as added by a local law amending the New York city charter and the administrative code of  
17    the city of New York, relating to the citywide percentage of rental units in projects receiving city  
18    financial assistance that must be 2- and 3-bedroom units and amending the city’s fair housing plan,  
19    as proposed in introduction number 1433-A for the year 2025, are amended to read as follows:

20             § 26-3803[Reserved.] Minimum percentages of affordable rental units. a. During the period  
21    beginning July 1, 2027, and ending September 30, 2031, and for every 5-year period thereafter,  
22    the department shall execute agreements regarding covered projects for income bands so that at  
23    least 50 percent of the aggregate number of dwelling units so created shall be affordable for

1 extremely low-income households and very low-income households, provided that at least 30  
2 percent of such aggregate dwelling unit count shall be affordable for extremely low-income  
3 households.

4 b. For the purposes of this section, a dwelling unit in a covered project for income bands  
5 that receives project-based rental assistance shall be considered affordable for an extremely low-  
6 income household.

7 § 26-3804 Report. As part of the long-term housing needs assessment required by  
8 subdivision c of section 16-a of the charter, the department shall demonstrate compliance with the  
9 requirements of [section] sections 26-3802 and 26-3803.

10 § 26-3805 Adjustments to allocation of unit type. a. Starting with the period beginning July  
11 1, 2027, and ending September 30, 2031, and every 5-year period thereafter, the department may  
12 adjust the percentages required by [section] sections 26-3802 and 26-3803 pursuant to subdivision  
13 b of this section. Such adjustments shall only be effective within the given period during which  
14 such adjustments were implemented.

15 b. The department may adjust the percentages required by [section] sections 26-3802 and  
16 26-3803 if the department determines that it is not financially feasible in the given period to  
17 achieve such percentages due to either (i) a 50 percent or more decrease in federal housing  
18 resources to the department over the prior 4 years or (ii) the complete loss of availability of such  
19 resources to fund newly constructed affordable housing. The department's determination,  
20 pursuant to subdivision b of this section, shall specify the adjustments to the percentages required  
21 by [section] sections 26-3802 and 26-3803 for the given 5-year period.

1                   c. Ninety days prior to issuing such determination, the department shall notify in writing  
2                   the speaker of the council and each borough president of the adjustments that the department  
3                   intends to make pursuant to this section.

4                   § 4. This local law takes effect on the same day that a local law amending the New York  
5                   city charter and the administrative code of the city of New York, relating to the citywide percentage  
6                   of rental units in projects receiving city financial assistance that must be 2- and 3-bedroom units  
7                   and amending the city's fair housing plan, as proposed in introduction number 1433-A for the year  
8                   2025, takes effect.

I hereby certify that the above bill was passed by the Council of the City of  
New York on Thursday, December 18, 2025 receiving the following votes:

Affirmative..... 38  
Negative..... 8  
Abstentions..... 2

  
Michael M. McSweeney, City Clerk, Clerk of the Council.

**DISAPPROVED**  
ON THE 23<sup>rd</sup> DAY OF Dec 2025  
John J. Sofio MAYOR