



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. 1433-A**

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 1433-A, which would amend the Charter and 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 2- and 3-bedroom units and amending the city's fair housing plan."

Int. No. 1433-A requires that at least 25 percent of the total number of dwelling units in housing projects receiving city financial assistance have 2 bedrooms, and 15 percent of such units have 3 or more bedrooms, over a 5-year period. This legislation would add \$75 million to the City's capital budget each year and result in fewer affordable homes being built.

The City's current production target for 2- and 3-bedroom production exceeds the best indicators of demand for such units. Further, the primary demand for affordable housing in the City is from one- and two-person households. The requirements in Int. No. 1433-A overestimates demand for 2- and 3- bedroom units and instead adds costs to the City and reduces affordable housing available to New Yorkers.

Accordingly, I hereby disapprove Introductory No. 1433-A.

Sincerely,

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

Eric Adams  
Mayor

Cc: Hon. Adrienne Adams, Speaker

Proposed Int. No. 1433-A

By Council Members Dinowitz, Louis, Ayala, Stevens, Gennaro, Brooks-Powers, Feliz, Fariás, Avilés, Brewer, Hudson, Riley, Menin, Banks, Zhuang, Hanif, Narcisse, Gutiérrez, Abreu, Williams, Marte, Ung, Joseph, De La Rosa, Carr and the Public Advocate (Mr. Williams)

A Local Law to amend the New York city charter and 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 2- and 3-bedroom units and amending the city's fair housing plan

Be it enacted by the Council as follows:

1                   Section 1. Title 26 of the administrative code of the city of New York is amended by adding  
2                   a new chapter 38 to read as follows:

## CHAPTER 38

#### ALLOCATION OF AFFORDABLE UNITS BY HOUSEHOLD SIZE

5        § 26-3801 Definitions. As used in this chapter, the following terms have the following  
6        meanings:

7           Affordable housing. The term “affordable housing” has the meaning set forth in section  
8           16-a of the charter except it shall not include a dwelling unit under the supervision of the New  
9           York city housing authority.

10 City financial assistance. The term “city financial assistance” means any loans, grants, or  
11 tax credits conveyed or expended by the city other than as-of-right assistance.

12 Covered project for apartment size. The term “covered project for apartment size” means  
13 a 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 apartment size shall not include a project where:

16 (i) At least 50 percent of the dwelling units are restricted to households that include an  
17 adult aged 55 years or older;

(ii) More than 30 percent of the dwelling units are restricted to supportive housing;

(iii) The buildings consist of less than 20 dwelling units;

(iv) The council has approved a land use special permit subject to compliance with a site plan by December 18, 2025, or projects that have filed an application with the department of planning for such a special permit, as of December 18, 2025, and the city planning commission has certified such application by May 31, 2026;

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

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

(vii) At least 50 percent of the units are rooming units as such term is defined in the New City zoning resolution.

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

On-site supportive services. The term “on-site supportive services” means the provision of services to residents that may include, but are not limited to, assistance with the physical health, health, and substance misuse needs of such residents.

Supportive housing. The term “supportive housing” means a project for the provision of housing subject to a regulatory agreement with a federal, state, or local government entity that reserves (i) at least 1 residential unit in such project to be reserved for homeless individuals or families, and (ii) the provision of on-site supportive services to such individuals or families.

1       § 26-3802 Minimum percentages of 2- and 3-bedroom rental units. During the period  
2       beginning July 1, 2027, and ending September 30, 2031, and for every 5-year period thereafter,  
3       the department shall execute agreements regarding covered projects for apartment size so that the  
4       aggregate number of dwelling units so created meets the following conditions:

5           (i) At least 25 percent of the dwelling units shall be 2-bedroom dwelling units; and  
6           (ii) At least 15 percent of the dwelling units shall have 3 or more bedrooms.

7       § 26-3803 Reserved.

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

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

16       b. The department may adjust the percentages required by section 26-3802 if the  
17      department determines that it is not financially feasible in the given period to achieve such  
18      percentages due to either (i) a 50 percent or more decrease in federal housing resources to the  
19      department over the prior 4 years or (ii) the complete loss of availability of such resources to fund  
20      newly constructed affordable housing. The department's determination, pursuant to subdivision b  
21      of this section shall specify the adjustments to the percentages required by section 26-3802 for the  
22      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           § 2. Subdivision a of section 16-a of the New York city charter is amended by adding new  
5           definitions of "extremely low-income household" and "very low-income household" in  
6           alphabetical order to read as follows:

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

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

13           § 3. Subdivisions c and d of section 16-a of the New York city charter, as added by local  
14           law number 167 for the year 2023, are amended to read as follows:

15           c. Long-term housing needs assessment. No later than 1 year after the date required for the  
16           submission of a fair housing plan pursuant to subdivision b of this section, the administrating  
17           agency shall conduct a citywide assessment of the total number of housing units, affordable  
18           housing units, deeply affordable housing units, and housing serving formerly homeless households  
19           that such agency determines is needed to provide housing opportunity for households of all socio-  
20           economic levels. Such analysis shall consider, among other factors deemed relevant by the  
21           administrating agency: [expected changes in total population, jobs, and housing units;]  
22           demographic trends in the composition of the city's population, including [aging] household size:  
23           percentage of households that include an adult aged 55 years or older; expected changes in jobs;

1 overcrowding and prevalence of rent burdened households; affordability and availability of  
2 market-rate dwelling units based on the number of bedrooms of such dwelling units; and other  
3 relevant data from the equitable development data tool.

4 d. Housing production targets. No later than 1 year after the submission of a fair housing  
5 plan pursuant to subdivision b of this section, the administrating agency shall submit to the mayor  
6 and the speaker of the council and post on its website:

7 1. A 5-year citywide housing production target for each of the following housing types:  
8 total housing units; affordable housing units; preservation of housing units; extremely low-income,  
9 very low-income, and deeply affordable housing units; housing serving formerly homeless  
10 households; [and the preservation of housing units] newly constructed affordable housing units  
11 with 1 bedroom for adults aged 55 years or older; newly constructed affordable housing units with  
12 2 bedrooms for adults aged 55 years or older; newly constructed affordable housing units with 2  
13 bedrooms; and newly constructed affordable housing units with 3 bedrooms. In determining such  
14 targets, the administrating agency shall consider, among other factors it deems relevant, the long-  
15 term housing needs assessment developed pursuant to subdivision c of this section and changes in  
16 federal, state, or local funding used to produce affordable housing.

17 2. For each community district, 5-year housing production targets for the following housing  
18 types identified in paragraph 1 of this subdivision: total housing units; affordable housing units;  
19 deeply affordable housing units; and housing serving formerly homeless households. In  
20 determining such targets, the administrating agency shall consider, among other factors it deems  
21 relevant:

22 (a) The total number of housing units, affordable housing units, deeply affordable housing  
23 units, and housing serving formerly homeless households produced over the previous 10 years;

(b) A community district's status as a limited affordability area or a high displacement-risk area;

3 (c) Relevant data from the equitable development data tool or other sources on access to  
4 transit, employment opportunities, open space, and other neighborhood amenities and public  
5 services; and

6 (d) Impacts associated with climate change.

7       § 4. This local law takes effect immediately.

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:

JEF/WV  
LS # 11242 20586  
12/10/2025 11:33 PM

Affirmative.....	45
Negative.....	1
Abstentions.....	2

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

## DISAPPROVED

ON THE 31<sup>st</sup> DAY OF Dec 2025  
- Em A MAYOR