



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to requiring a percentage of dwelling units receiving city financial assistance to be universal design units

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 34 to read as follows:

CHAPTER 34

UNIVERSAL DESIGN UNITS

§ 26-3401 Definitions. As used in this chapter, the following terms have the following meanings:

Age group. The term “age group” means the range of ages of the head of household residing in a universal design unit, as determined by the department.

City financial assistance. The term “city financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness or land conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city other than as-of-right assistance, tax abatements or benefits, including but not limited to, benefits approved in accordance with sections 421-a or 489 of the real property tax law, or any assistance provided to a developer for a housing development project or a housing preservation project, the amount of which is based on an evaluation of as-of-right assistance, tax abatement or benefits for which such developer would have been eligible.

Class A dwelling unit. The term “class A dwelling unit” means a dwelling unit in a class A multiple

dwelling, as defined in section 4 of the multiple dwelling law.

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

Developer. The term “developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for a housing development project or a housing preservation project.

Dwelling unit offered for rent. The term “dwelling unit offered for rent” means a class A dwelling unit that is (i) occupied on a rental basis or (ii) required pursuant to a regulatory agreement with a federal, state or local government agency to be offered for occupancy on a rental basis, regardless of whether such unit has been constructed.

Housing development project. The term “housing development project” means construction of any multiple dwelling of no less than 41 new dwelling units offered for rent, provided that such multiple dwelling (i) is subject to a regulatory agreement with a federal, state or local government agency and (ii) shall not include any rehabilitation of a multiple dwelling, any construction of any multiple dwelling that is owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law or any construction of any multiple dwelling located on HUD restricted land.

Housing preservation project. The term “housing preservation project” means rehabilitation or alteration of any multiple dwelling by a developer that preserves at least one dwelling unit offered for rent; provided that such multiple dwelling is (i) subject to a regulatory agreement with a federal, state or local government agency and (ii) shall not include any rehabilitation or alteration of any multiple dwelling that is owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law or that is located on HUD restricted land.

HUD restricted land. The term “HUD restricted land” means land that was subject to a declaration of trust or restrictive covenant in favor of the United States department of housing and urban development for the purpose of public housing.

Income group. The term “income group” means a group of households eligible to rent a dwelling unit, based on such household’s income and size, and includes extremely low-income, very low-income, low-income, moderate-income and middle-income income groups.

Receives. The term “receives” means the execution of a written instrument that sets forth the provision of city financial assistance to a developer.

Rehabilitation. The term “rehabilitation” means correction and restoration to a better condition, including, but not limited to, projects involving demolition of (i) a multiple dwelling, reconstruction of a multiple dwelling in place of the demolished multiple dwelling and provision to tenants of such demolished multiple dwelling an opportunity to occupy the reconstructed multiple dwelling and (ii) dwelling units in a multiple dwelling and reconstruction of new dwelling units in such multiple dwelling.

Universal design. The term “universal design” means the design of a dwelling unit that fits into the comprehensive design of such unit so that such unit is accessible to all individuals.

Universal design unit. The term “universal design unit” means a dwelling unit that incorporates the principles of universal design from the universal design list required by this chapter.

§ 26-3402 Universal design list. Not later than 30 days after the effective date of the local law that added this chapter, the department, in consultation with the mayor’s office for people with disabilities and the department for the aging, shall develop a list of the principles of universal design that a developer, at a minimum, shall incorporate in a universal design unit. Such list shall include, but not be limited to, bright lighting throughout such unit, easy-to-open doors with door levers instead of door knobs, grab bars in bathrooms, non-slip walking surfaces, stepless entryways and wide interior doors and hallways.

§ 26-3403 Universal design units. The department shall require that any developer who receives city financial assistance incorporates universal design units in at least 10 percent of the dwelling units offered for rent in a housing development project or a housing preservation project. Such universal design units shall be distributed throughout each such project so there is at least one such unit available in each bedroom size and

among each income group in each such project, if applicable. Such universal design units shall be located on the ground floor or the lower levels of each such project without an elevator and distributed throughout each such project with an elevator.

2. The provisions of this section shall not apply to any written agreement between a city agency or a city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this chapter, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this chapter that results in the grant of any additional financial assistance to the financial assistance recipient shall make the project subject to the conditions specified in this section.

3. The department may promulgate such rules as may be necessary to carry out the purposes of this section.

§ 26-3404 Report required. No more than one year after the effective date of the local law that added this chapter, and annually thereafter, the department shall issue a report on the universal design units pursuant to this chapter, which the department shall submit to the mayor and the speaker of the council and post on the department's website. Such annual reports shall include, but need not be limited to, the following:

1. The principles of universal design that the department included on the list required by this chapter and an explanation as to why the department included such principles;

2. Whether each developer who received city financial assistance incorporated universal design units in at least 10 percent of the dwelling units offered for rent in a housing development project or a housing preservation project;

3. The following information for each housing development project constructed that year in which a developer received city financial assistance:

(a) The name of such project;

(b) The address and the borough-block-lot of such project;

(c) The total number of dwelling units in such project;

(d) The number of floors, the bedroom sizes and the income groups available in each such project; and

(e) The total number of such dwelling units that are universal design units;

4. The following information for each housing preservation project preserved that year in which a developer received city financial assistance:

(a) The name of such project;

(b) The address and the borough-block-lot of such project;

(c) The total number of dwelling units in such project;

(d) The number of floors, the bedroom sizes and the income groups available in each such project; and

(e) The total number of such dwelling units that are universal design units; and

5. The following anonymized information about each universal design unit constructed or preserved that year:

(a) The name of the housing development project or housing preservation project that such unit is located in;

(b) The floor on which such unit is located;

(c) The bedroom size of such unit; and

(d) The age group and income group of the head of household residing in such unit.

§ 2. This local law takes effect 240 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.

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