



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### QUEENS BOROUGH PRESIDENT

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, May 14, 2009 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

**CD07 – BSA# 246-01 BZ – IN THE MATTER** of an application submitted by Eric Palatnik, PC on behalf of Bodhi Fitness Center, Inc. pursuant to Section 73-11 of the NYC Zoning Resolution, for a waiver of the Rules of Practice, a reopening to reflect the new owner/operator, and an extension of the term for a previously granted special permit for a physical culture establishment, which expired on June 1, 2008 in an M1-1/C2-2 district located at 35-11 Prince Street, Block 4958, Lot 1, Zoning Map 10a, Flushing, Borough of Queens.

**CD07 – BSA# 41-06 BZ – IN THE MATTER** of an application submitted by Akerman Senterfitt Stadtmauer Bailkin on behalf of New York Hospital Queens pursuant to Sections 72-01 and 72-22 of the NYC Zoning Resolution, to legalize the relocation of the most northwestern portion of the parking structure, creating a 4'-8" side yard at the northwest corner which does not comply with the BSA-approved plans and ZR§ 33-25 in an R2/C1-2 district located at 139-24 Booth Memorial Avenue, Block 6401, Lot 19, Zoning Map 10b, Flushing, Borough of Queens.

**CD 08 – BSA #24-09 BZ — IN THE MATTER** of an application submitted by Sheldon Lobel, P.C. on behalf of Meadow Park Rehabilitation and Health Care Center LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a bulk variance to allow expansion of an existing nursing care facility located in an R3-2 district at 78-10 164th Street, Block 6851, Lots 9, 11, 12, 23 & 24, Zoning Map 14c, Borough of Queens.

**CD06 – ULURP# C 070429 MMQ – IN THE MATTER** of an application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment of the City Map involving the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road

in R3-2 and M1-1 districts, Block 3886, Lots 340 and 558 and Block 3897, Lot 12, Zoning Map 14b, Glendale, Borough of Queens.

**CD05 – ULURP# C 090382 ZMQ – IN THE MATTER** of an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map of approximately 300 blocks in west-central Queens, roughly bounded by the Queens-Midtown Expressway, Woodhaven Boulevard, Forest Park, Mt. Carmel Cemetery, Cypress Hills Cemetery, Fresh Pond Road and 59th Street, Zoning Maps 13c, 13d, 14a, 14b, 17c, Middle Village, Glendale and Maspeth, Borough of Queens..

m8-14

### CITY PLANNING COMMISSION

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, May 20, 2009, commencing at 10:00 A.M.**

#### BOROUGH OF MANHATTAN Nos. 1, 2 & 3 ARC RAILROAD PASSENGER STATION No. 1

**CDs 4 & 5 N 090262 ZSM**  
**IN THE MATTER OF** an application submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

#### Article VII Chapter 4 Special Permits by the City Planning Commission

\* \* \*

#### 74-60 PUBLIC SERVICE OR TRANSPORTATION FACILITIES

\* \* \*

#### 74-62 Railroad Passenger Stations

(a) In all districts, the City Planning Commission may permit the construction of railroad passenger stations, provided that the following findings are made:

- (a1) that the principal access for such #use# is not located on a local #street#;
- (b2) that such #use# is so located as to draw a

minimum of vehicular traffic to and through local #streets# in #residential# areas; and

- (e3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

- (b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
  - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
  - (ii) that the design of the facility will blend harmoniously with the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, the local Council Member and the Borough President. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

No. 2

**CDs 4 & 5 C 090263(A) ZSM**  
**IN THE MATTER OF** an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-62(b)\* of the Zoning Resolution to allow:

- to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
- to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

\*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

NOTE: A May 2009 environmental review technical memorandum has been prepared for this modified application. The technical memorandum concludes that the modified application would not result in any new or different significant adverse impacts than for the designs considered in the January 2009 NEPA FEIS and January 2009 Technical Memorandum.

No. 3

**CDs 4 & 5 C 090263 ZSM**  
**IN THE MATTER OF** an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b)\* of the Zoning Resolution to allow:

- to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides

access to such railroad passenger station; and

- to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

\*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Nos. 4, 5 & 6**  
**PIERS 92 AND 94**  
**No. 4**

**CD 4 C 090220 PPM**  
**IN THE MATTER OF** an application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

No. 5

**CD 04 C 090221 ZSM**  
**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY 10007.

No. 6

**CD 04 C 090222 ZSM**  
**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY 10007.

**No. 7**  
**111 8TH AVENUE**

**CD 4 C 080088 ZSM**  
**IN THE MATTER OF** an application submitted by 111 8th Avenue Parking LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 625 spaces on portions of the ground floor and cellar of an existing 17-story commercial building on property located at 111 8th Avenue (Block 39, Lot 1), in an M1-5 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**BOROUGH OF QUEENS**  
**No. 8**  
**GLENDALE YARDS**

**CD 6 C 070429 MMQ**  
**IN THE MATTER OF** an application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road,

in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

**No. 9**  
**COLLEGE POINT DISPOSITION**

**CD 7 C090320 PPM**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55

Queens Boulevard, Kew Gardens, Queens 11424.

**CITYWIDE**  
**No. 10**  
**INCLUSIONARY HOUSING TEXT**

**CITYWIDE N 090316 ZRY**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to modifications of Section 23-90 (Inclusionary Housing Program); and various related Sections of the Zoning Resolution.

Matter in underline is new, to be added; Matter in ~~strikeout~~ is to be deleted; Matter with # # is defined in Section 12-10; \* \* \* indicates where unchanged text appears in the Zoning Resolution

**12-10**  
**DEFINITIONS**

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Inclusionary Housing designated area (7/25/07)

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of #Such #Inclusionary Housing designated areas# are identified in ~~Section 23-922 Appendix A of Article II, Chapter 3 of this Resolution~~ or in Special Purpose Districts, as applicable.

\* \* \*

**Chapter 3**  
**Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-144**  
**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in ~~Section 23-922 (Inclusionary Housing designated areas)~~ Appendix A of this Chapter.

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*

**23-15**  
**Maximum Floor Area Ratio in R10 Districts**

R10  
 In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

\* \* \*

**23-90**  
**INCLUSIONARY HOUSING**

**23-91**  
**General Provisions**

An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.

**23-92**  
**Applicability**  
**23-921**  
**R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-922**  
**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

- (a) ~~In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK 1, as set forth in Section 62-252, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:~~

(map deleted)

**Map 1**  
Portion of Community District 1, Brooklyn

(map deleted)

**Map 2**  
Portion of Community District 1, Brooklyn

(b) In Community District 1, in the Borough of Brooklyn, in the R7-3 Districts within the area shown on the following Map 2:

(map deleted)

**Map 3**  
Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:

(map deleted)

**Map 4**  
Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:

(map deleted)

**Map 5**  
Portion of Community District 2, Queens

(map deleted)

**Map 6**  
Portion of Community District 2, Queens

(e) In Community District 2, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps 7, 8 and 9:

(map deleted)

**Map 7**  
Portion of Community District 2, Brooklyn

(map deleted)

**Map 8**  
Portion of Community District 2, Brooklyn

(map deleted)

**Map 9**  
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 10:

(map deleted)

**Map 10**  
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 11 and 12:

(map deleted)

**Map 11**  
Portion of Community District 3, Brooklyn

(map deleted)

**Map 12**  
Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 13:

(map deleted)

**Map 13**  
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

(map deleted)

**Map 14**  
Portion of Community District 3, Manhattan

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

## 23-93 Definitions

For the purposes of ~~the inclusionary housing program~~ this Section 23-90 (INCLUSIONARY HOUSING), inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

## 23-911 General Definitions

The following definitions shall apply throughout this Section 23-90 (INCLUSIONARY HOUSING), inclusive:

### Administering agent

The An "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible

for ensuring, pursuant to a #regulatory agreement#:

(a) that each subject rental #affordable housing unit# is rented in compliance with such ~~plan~~ #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or

(b) that each subject #homeownership affordable housing units# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, in #Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

### Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area".

(b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the "affordable floor area" in such #generating site# is the sum of:

(1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus

(2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

### Affordable housing

"Affordable housing" consists of:

(a) #affordable housing units#; and

(b) #eligible common areas#.

### Affordable housing plan

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

### Affordable housing unit

An "affordable housing unit" is:

(a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:

(1) #low income households#;

(2) where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or

(3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

(b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or

(c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

### Capital element

"Capital elements" are, with respect to any #generating site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# specified in the #guidelines#.

### Compensated development

A "compensated development" is a #development#, an

#enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 23-953(d), a conversion of a non-#residential building#, or portion thereof, to #dwelling units#, that is located within a #compensated zoning lot# which receives an increased #floor area ratio# as a result of satisfying the requirements of the inclusionary housing program.

### Compensated zoning lot

A "compensated zoning lot" is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

### Completion notice

A "completion notice" is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# is complete and stating the #affordable floor area# of such #affordable housing#.

### Development

For the purposes of this program, a "development" is a #development# as defined in Section 12-10, or an #enlargement# of more than 50 percent of the #floor area# of an existing #building#.

### Fair rent

At initial occupancy of #lower income housing#, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

(a) the then currently applicable "Section 8 Standard"; or

(b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:

(1) the initial #fair rent#; and

(2) the monthly costs of a reasonable compensation for these utilities, by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in # Inclusionary Housing designated areas#, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In # Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-06, paragraph(c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

### Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-022 (Inclusionary Housing designated areas).

**Lower income household**

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In #Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

**Lower income housing**

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) \_\_\_\_\_ real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) \_\_\_\_\_ operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, in # Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

**Lower income housing plan**

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95.

**Standard unit**

A "standard unit" is a:

- (a) \_\_\_\_\_ #dwelling unit#;
- (b) \_\_\_\_\_ #rooming unit#; or
- (c) \_\_\_\_\_ room used for sleeping purposes in a non-profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.

In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.

In #standard units#, all windows shall be double glazed.

**Eligible common area**

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

**Floor area compensation**

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

**Generating site**

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area#, or a #supportive housing project#, that generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

**Grandfathered tenant**

A "grandfathered tenant" is any #household# that:

- (a) \_\_\_\_\_ occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date# pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) \_\_\_\_\_ has not been certified by the #administering agent# to have an annual income below the #low income

limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or

- (c) \_\_\_\_\_ in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

**Guidelines**

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

**Household**

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons occupying such #affordable housing unit#.

**HPD**

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

**Income index**

The "income index" is 125 percent of the income ceiling established by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for low-income families receiving housing assistance payments in New York City, as adjusted for #household# size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by #HUD# or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income ceiling or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#, in a manner consistent with the standards and methodology in effect on [date of enactment].

**Initial occupancy**

"Initial occupancy" is:

- (a) \_\_\_\_\_ in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) \_\_\_\_\_ in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, "initial occupancy" is the #regulatory agreement date#.

**Low income floor area**

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

**Low income household**

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

**Low income limit**

The "low income limit" is 80 percent of the #income index#.

**Middle income floor area**

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

**Middle income household**

A "middle income household" is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

**Middle income limit**

The "middle income limit" is 175 percent of the #income index#.

**Moderate income floor area**

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

**Moderate income household**

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or

equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

**Moderate income limit**

The "moderate income limit" is 125 percent of the #income index#.

**New construction affordable housing**

"New construction affordable housing" is #affordable housing# that:

- (a) \_\_\_\_\_ is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) \_\_\_\_\_ is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) \_\_\_\_\_ complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

**Permit notice**

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) \_\_\_\_\_ state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) \_\_\_\_\_ state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) \_\_\_\_\_ state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and
- (d) \_\_\_\_\_ specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

**Preservation affordable housing**

"Preservation affordable housing" is #affordable housing# that:

- (a) \_\_\_\_\_ is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) \_\_\_\_\_ complies with the provisions of Section 23-961(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

**Public funding**

"Public funding" is any grant, loan or subsidy from any federal, state or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. "Public funding" shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a, or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

**Regulatory agreement**

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive and the #guidelines#.

**Regulatory agreement date**

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the "regulatory agreement date" is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

**Regulatory period**

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings or is otherwise under construction or in #use# in a #compensated development#.

**Substantial rehabilitation affordable housing**

"Substantial rehabilitation affordable housing" is #affordable housing# that:

- (a) \_\_\_\_\_ is a #generating site# that existed on the #regulatory agreement date#, and
- (b) \_\_\_\_\_ complies with the provisions of Section 23-961(f)

(Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

#### Super's unit

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

#### 23-912

##### Definitions Applying to Rental Affordable Housing

The following definitions shall apply to rental #affordable housing#:

#### Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), as subsequently adjusted in accordance with #rent stabilization#.

#### Maximum monthly rent

The "maximum monthly rent" is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

#### Monthly Rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), to a tenant in an #affordable housing unit#.

#### Rent stabilization

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, "rent stabilization" shall be defined as set forth in the #guidelines#.

#### Rent-up

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, "rent-up" shall have the same meaning as #regulatory agreement date#.

#### Rent-up date

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "rent-up date" is the #regulatory agreement date#.

#### Supportive housing project

A "supportive housing project" is a non-profit institution with sleeping accommodations as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

#### Supportive housing unit

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

#### Utility allowance

A "utility allowance" is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

#### 23-913

##### Definitions Applying to Homeownership Affordable Housing

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section 23-913:

#### Appreciated price

The "appreciated price" for any #homeownership affordable

housing unit# is the #initial price# of such #homeownership affordable housing unit# plus the product of such #initial price# and the #appreciation index# at the time of #resale#.

#### Appreciation cap

The "appreciation cap" is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

#### Appreciation Index

The "appreciation index" is a fraction expressing the permitted increase in the #resale# price of #homeownership affordable housing units#. The numerator of such fraction represents the percentage increase since the initial #sale# permitted pursuant to the annual rate of increase established by #HPD# for the #resale# price of #homeownership affordable housing units#, plus 100, and the denominator is 100. #HPD# shall initially set such annual rate of increase at 5 percent per year and may adjust such rate not more than once every two years in accordance with the #guidelines#.

#### Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "commencement date" is the #regulatory agreement date#.

#### Condominium Association

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site#.

#### Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

#### Down Payment

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase an #homeownership affordable housing unit#.

#### Eligible Buyer

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

- (a) except in the case of #succession#:
  - (i) be, at initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income; or
  - (ii) be, at #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;
  - (iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#; and
  - (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.
- (b) in the case of #succession#:
  - (i) have an income no greater than product of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to the #homeownership affordable housing unit# at #initial sale#, and taking into account any subsequent adjustments, multiplied by the #appreciation index#; and

- (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

#### Family Member

"Family member" shall have the meaning set forth in the #guidelines#.

#### Homeowner

A "homeowner" is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#, or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

#### Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

#### Initial price

The "initial price" is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time pursuant to a #regulatory agreement#.

#### Maximum resale price

The #maximum resale price# for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

#### Monthly Fees

The "monthly fees" are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit#'s share of the expenses of such #cooperative corporation# or #condominium association# as permitted by the #regulatory agreement#.

#### Mortgage

An "mortgage" is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

#### Mortgage Payment

The "mortgage payment" is any monthly repayment of principal and interest on a #mortgage#.

#### Resale

A "resale" is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

#### Sale

A "sale" is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

#### Sale date

A "sale date" is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

#### Succession

"Succession" is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

#### 23-92

##### General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93
Applicability

23-931
Lower income housing plans approved prior to (date of enactment)
Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-954(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), except as provided in this Section. Where such a #compensated development# is located in an R10 district outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 districts other than Inclusionary Housing designated areas) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply;

Any previously approved #lower income housing plan#, as such term was defined prior to (date of enactment), and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

23-932
R10 Districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

23-933
Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #inclusionary housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

23-94
Methods of Providing Affordable Housing

- (a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.
(b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.
(c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential# uses. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.
(d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.
(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

23-95
Floor Area Compensation

Compensated Zoning Lots

23-94951
Floor area compensation in R10 districts other than Inclusionary Housing designated areas
The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #compensated zoning lot development# provides #lower income-affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

Table with 2 columns: Column A, Column B. Rows include On-site Without #public funding#, #New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#, #Preservation Affordable Housing# With #public funding#, #New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing#, On-site Substantial Rehabilitation, Off-site New Construction (Private Site), Off-site New Construction (Public Site)\*, Off-site Substantial Rehabilitation (Private Site).

\* Public sites are those made available for this program by a public agency at nominal cost.

Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

23-9452
Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK 1 and in R7-3 Districts within Community District 1, Borough of Brooklyn.

- (a) Maximum #residential floor area ratio#
The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased on a #compensated zoning lot# by one and one quarter 1.25 square feet for each square foot of #low income floor area# provided for #lower income, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income low income floor area# required to receive such bonus #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in on the #building-compensated zoning lot#. In addition, the following rules shall apply:

Table with 3 columns: District, Base #floor area ratio#, Maximum #floor area ratio#. Rows include R6\*, R6\*\*, R6A, R6B, R7A, R7D, R7X, R8, R8A, R9, R9A, R10.

- \* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#
\*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

- (b) Height and setback
(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use

Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

- (e) #Lower income housing# requirements
The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

23-953
Special floor area compensation provisions in specified areas

- (ad) Optional provisions for #general large-scale developments# in C4-6 or C5 Districts
Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (a)(d), inclusive, modify the provisions of paragraphs (a) and (c) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements)952 (In inclusionary housing designated areas):

- (1) For the purposes of this paragraph, (d), inclusive, the definitions of #moderate income household# and #fair rent# in Section 23-231 (Definitions) shall apply.
"Moderate income housing" shall be defined as #standard units# occupied or to be occupied by #moderate income households#, and "middle income housing" shall be defined as #standard units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-92.
(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:
(i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each square foot of #floor area# provided for #lower income housing#;
(ii) the #floor area# of a #development# or #enlargement# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to this paragraph, (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;
(iii)(2) However, the amount of #affordable lower income housing# #moderate income housing# and #middle income housing# required to receive such bonus #floor area compensation# need not exceed the amounts specified in this paragraph (da)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of #moderate income housing floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income housing floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income housing households# and #lower income housing# are provided households#, the amount of #middle income housing floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph (a), inclusive, #low income floor area# may be considered #moderate income floor area#

or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(3) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:

- (i) the provisions of paragraphs (a), (b) and (c)(i) of Section 93-233 shall apply; and
- (ii) #moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.

(b) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, #affordable housing# may be provided that is restricted to #moderate income floor area#, in accordance with the provisions of Section 62-352.

(c) Within the #Special Hudson Yards District# and the #Special West Chelsea District#, #affordable housing# may be provided that is restricted to #moderate income floor area# or #middle income floor area#, in accordance with the provisions of Sections 93-23 and 98-26, respectively.

(d) Within the #Special West Chelsea District#, conversions of non-#residential buildings#, or portions thereof, to #dwelling units#, that exceed the maximum #floor area ratio# specified in Section 98-22, shall be subject to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, as modified by Section 98-26.

**23-954  
Additional requirements for compensated developments**

(a) Height and setback in #inclusionary housing designated areas#

- (1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
- (2) In #inclusionary housing designated areas# within #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the #compensated development# must comply with the provisions of paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(b) Compensated Development Building Permits

- (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.
- (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of (i) the #regulatory agreement date#, or (ii) the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(c) Compensated Development Certificates of Occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that

utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:

- (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked, or
- (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

**23-956  
Lower Income Housing Requirements for Generating Sites**

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

(a) Standards

All #lower income housing# shall be in #standard units#. Except in #buildings# in which all #standard units# are occupied by #lower income housing#, the #floor area# devoted to #lower income housing# shall be considered only the #floor area# within the perimeter walls of the #standard units# of the #lower income housing# and a pro-rata share of the common areas of the #building# exclusive of those common areas for which a fee is charged to #lower income households# for its use. In #buildings# in which all of the #standard units# are occupied by #lower income housing#, all of the #residential floor area# shall be considered as devoted to #lower income housing#.

(b) Tenant selection

All incoming households of #standard units# in #lower income housing# must be #lower income households#.

Sublessees of a #lower income household# must also be #lower income households#. The #administering agent# shall verify the income of such sublessee households prior to their occupancy of the #lower income housing#, to assure that such households are #lower income households#. On and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty:

- (1) to maintain in a habitable condition all #lower income housing#, and
  - (2) to rent such housing to #lower income households#.
- This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) Rent levels

All #standard units# in #lower income housing# shall be rented at #fair rents#. The total average annual rent for all #lower income housing# approved pursuant to a #lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.

(d) Income verification

Prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower income households#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower income households#.

(e) Lower income housing plan

A #lower income housing plan# acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the #floor area# devoted to #lower income housing# and shall demonstrate the feasibility of creating and maintaining the specified #lower income housing# required in accordance with the Inclusionary Housing program, including demonstrating that:

- (1) the #lower income housing# will be managed and operated by a responsible #administering agent#;
- (2) there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and
- (3) tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the #zoning lot# on which the #lower income housing# is constructed and shall set forth the obligations, running with such #zoning lot#, of the owner and all its successors in interest to provide #lower income housing# in accordance with the #lower income housing plan#. The #lower income housing plan# shall be incorporated by reference into the restrictive declaration, and attached as an exhibit thereto.

No later than the date on which a #lower income housing plan# is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No #lower income housing plan# shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

A copy of any #lower income housing plan# that is accepted by the Commissioner of Housing Preservation and Development within 24 months of May 21, 1987, shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

(f) Permits and certificates of occupancy

No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing. Any insurance proceeds received as a result of

damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

(h) Obligations for life of increased #floor area#

The obligation to provide a specified amount of #lower income housing# shall run with the #zoning lot# containing such #lower income housing# for the life of the increased #floor area# of the #compensated development#. In the event any portion of such housing is damaged or destroyed, no #floor area# may be replaced on said #zoning lot# unless such #floor area# contains the specified amount of #lower income housing#.

(i) Single #building# for #lower income housing#

Any #building# may contain #lower income housing# that satisfies the requirements of this program for more than one #compensated development#, provided that no #floor area# in the #lower income housing# is counted more than once in determining the amount of increased #floor area# for #compensated developments#.

(j) Subsequent compensation

The Commissioner of Housing Preservation and Development may certify that a #lower income housing plan# is in compliance with the requirements of this program and that #lower income housing# is in compliance with said plan prior to the filing of plans for a #compensated development#. #Developments# may subsequently be compensated with additional #floor area# under this program for such #lower income housing#.

(k) Applicability to rent regulation

Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.

To provide for the effective implementation of the Inclusionary Housing program, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:

The Commissioner of Housing Preservation and Development shall develop guidelines for #lower income housing plans#, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and Development shall, within one year of initial adoption of the guidelines, submit the then existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then existing guidelines to the Board.

The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Any plan submitted to the Commissioner of Housing Preservation and Development under the then existing guidelines shall not be affected by any subsequent modification thereto.

**22-051**  
**On-site new construction option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.

(b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

- under 600 net square feet
- 600 – 749 net square feet
- 750 – 949 net square feet
- 950 – 1149 net square feet

1150 or more net square feet

In #Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

**22-052**  
**Substantial rehabilitation and off-site new construction options**

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:

- (1) within the same Community District as the #compensated development#; or
- (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

(b) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.

(c) On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.

**22-053**  
**Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:

- (1) within the same Community District as the #compensated development#; or
- (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

(b) Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.

(c) The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.

(d) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.

(e) The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become

#lower income housing# preserved pursuant to this Section.

#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of Generating Site and Compensated Zoning Lot

Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:

(1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or

(2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#. However, where the #compensated zoning lot# is located in Community District 1, Borough of Brooklyn, such adjacent Community District shall be located in the Borough of Brooklyn; in the #Special Downtown Jamaica District#, #affordable housing# shall be located in accordance with the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, #affordable housing# shall be located in accordance with the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of Affordable Housing Units

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

(1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and

(2) not more than 33 percent of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than 33 percent of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

(c) Bedroom Mix of Affordable Housing Units

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or

(ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street# may waive these requirements for #substantial

rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
  - (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
  - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
  - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
  - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Administering Agent

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either (i) the #affordable housing# is participating in a federal, state or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#, or (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The

#administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) Regulatory Agreement

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.
- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,
  - (i) appoint a receiver to manage such #generating site# or
  - (ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.
- (7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing Standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any city or state agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under city, state or federal programs.

(i) Duration of Obligations

The obligation to provide and maintain a specified

amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or
- (2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

(k) Guidelines

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

**23-961  
Additional Requirements for Rental Affordable Housing**

The following additional requirements shall apply # to rental #affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Tenant Selection

- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly Rent

- (1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.
  - (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory

agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.

- (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#. due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.
- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit#

that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

- (c) Income
- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (d) Affordable Housing Plan
- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with this Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
- (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
- (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
- (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:
- (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments, or
- (ii) 45 days from the date that such proposal was submitted to the affected Community Board.
- (e) Special requirements for rental #preservation affordable housing#
- The following additional requirements shall apply to rental #preservation affordable housing#:
- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in

the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;

- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.
- (f) Special requirements for rental #substantial rehabilitation affordable housing#
- The following additional requirements shall apply to rental #substantial rehabilitation affordable housing#:
- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.
- 23-962**  
**Additional Requirements for Homeownership Affordable Housing**  
 The following additional requirements shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#:
- (a) Homeowner Selection

- (1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.
- (4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.
- (3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.
- (5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.
- (3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
  - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
  - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
  - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Special requirements for #homeownership preservation affordable housing#.

The following additional requirements shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to

#homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing ) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

\* \* \*  
**APPENDIX A  
 INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix A. The #residence districts# listed for such areas shall include #commercial districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

- (a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

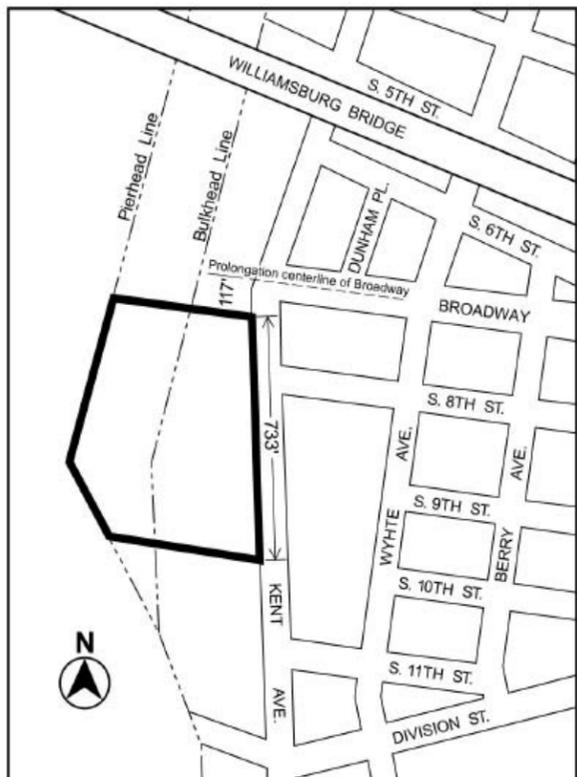


Map 1  
 Portion of Community District 1, Brooklyn



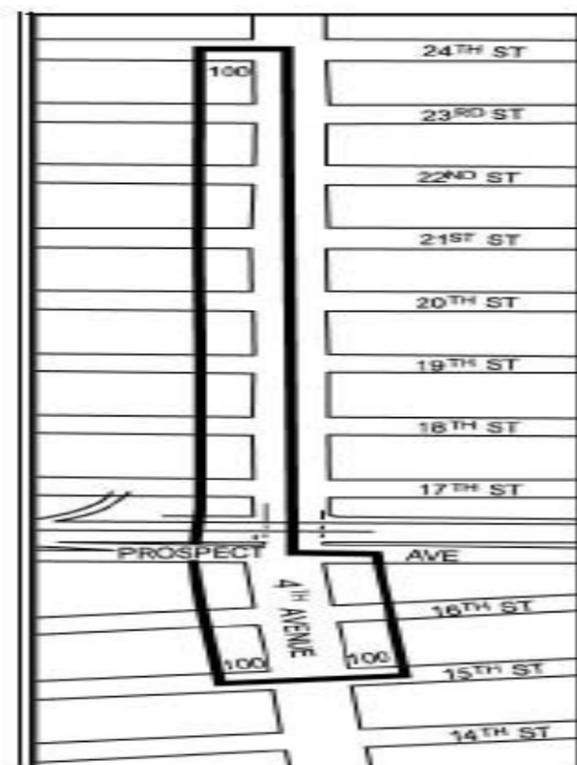
Map 2  
Portion of Community District 1, Brooklyn

(b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



Map 3  
Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

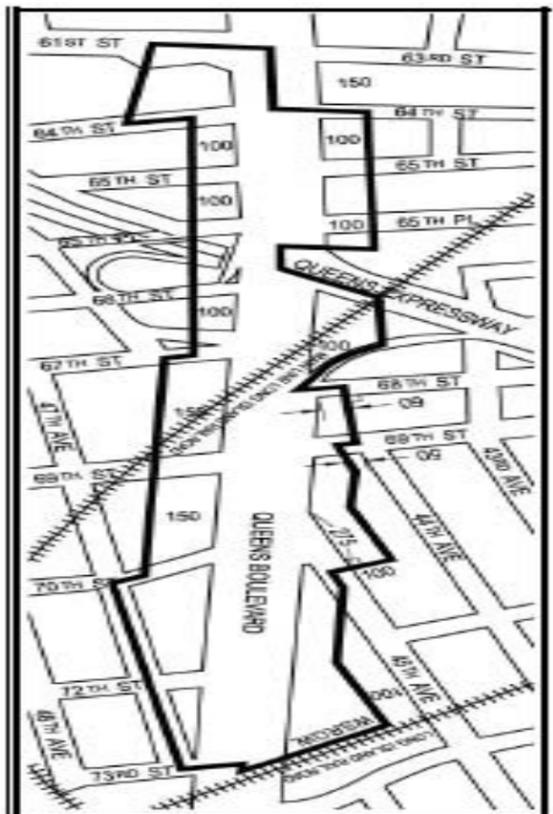


Map 4  
Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:

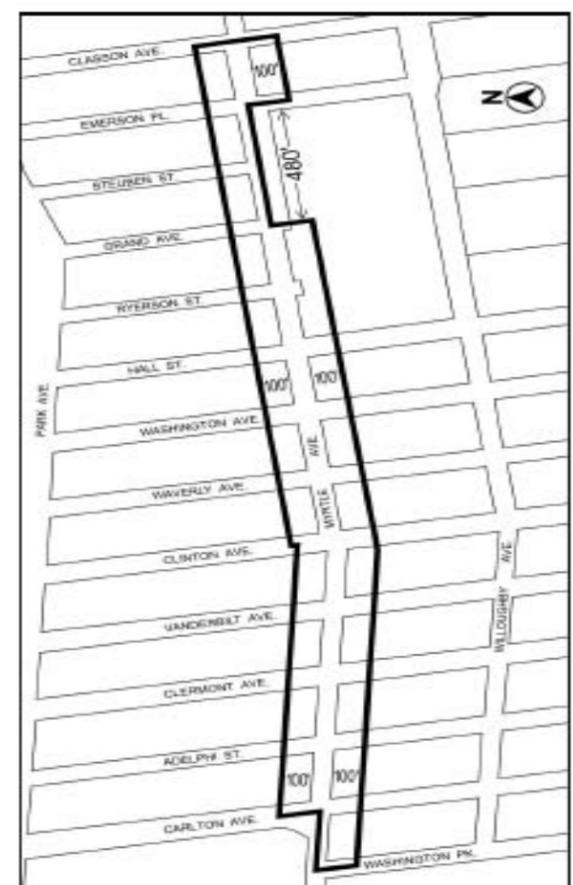


Map 5  
Portion of Community District 2, Queens

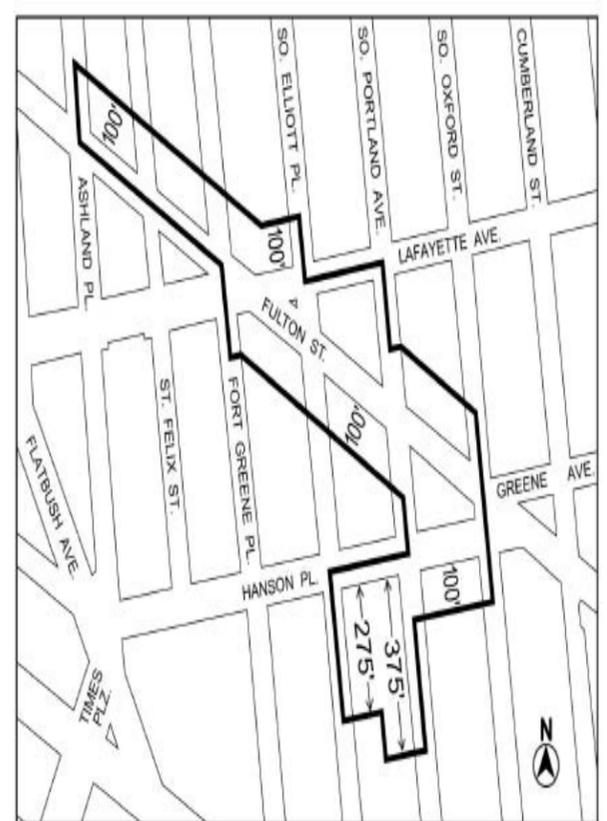


Map 6  
Portion of Community District 2, Queens

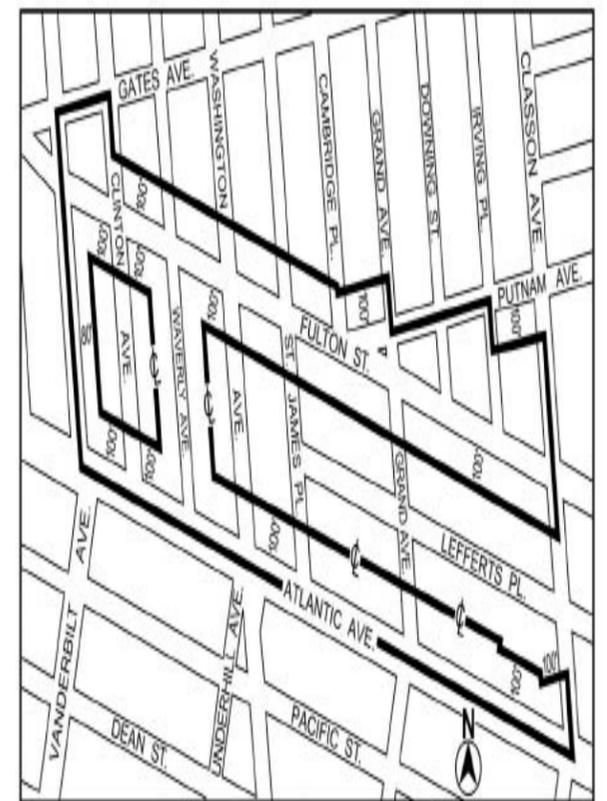
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7  
Portion of Community District 2, Brooklyn

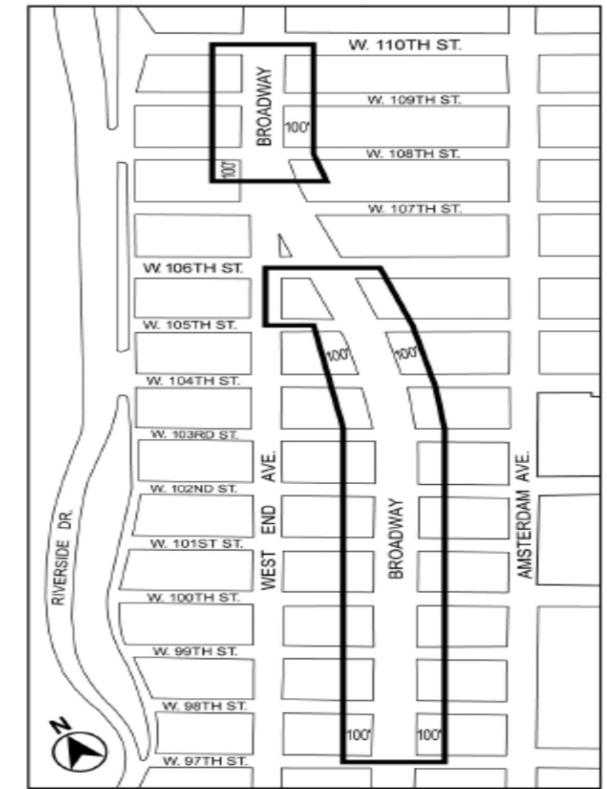


Map 8  
Portion of Community District 2, Brooklyn



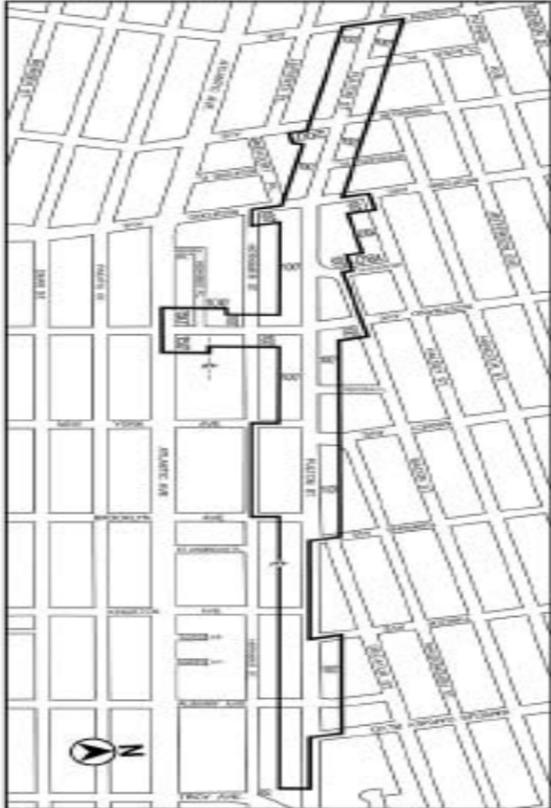
Map 9  
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, the R9A Districts within the areas shown on the following Map 10:



Map 10  
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, the R7D Districts within the areas shown on the following Maps 11 and 12:

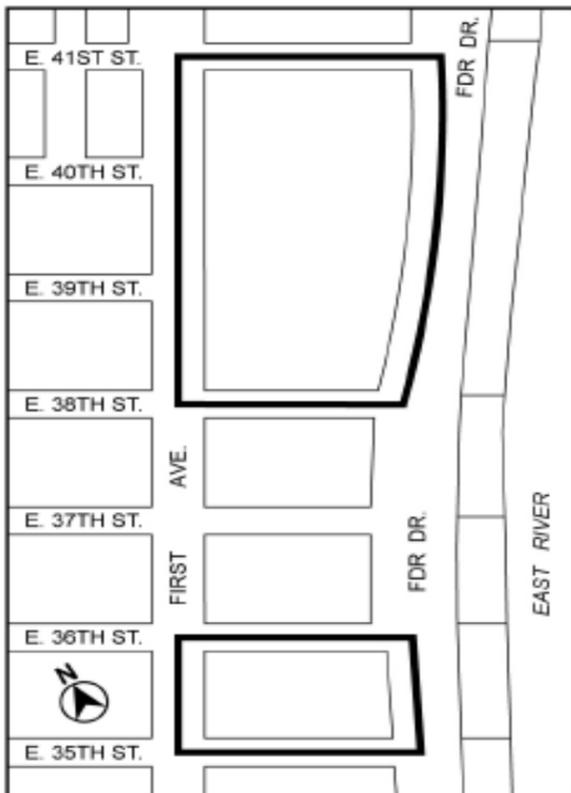


MAP 11  
Portion of Community District 3, Brooklyn



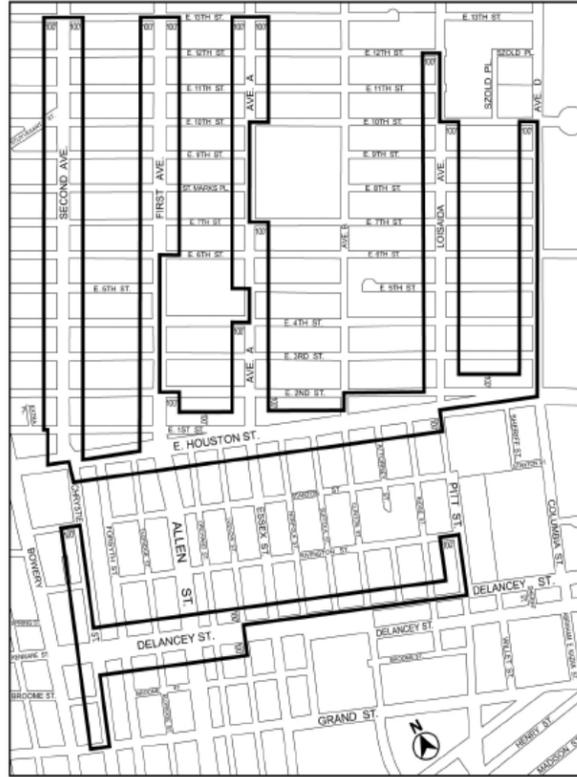
MAP 12  
Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, the R10 Districts within the areas shown on the following Map 13:



MAP 13  
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14  
Portion of Community District 3, Manhattan  
In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125<sup>th</sup> Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)

\* \* \*

**24-161  
Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

\* \* \*

**35-31  
Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such

base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

A non-residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

\* \* \*

**Chapter 2  
Special Regulations Applying in the Waterfront Area**

\* \* \*

**62-35  
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn**

\* \* \*

**62-352  
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10; or in Section 23-90 (INCLUSIONARY HOUSING), inclusive or in this Section, as modified.

**Fair rent**

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (1) the then currently applicable "30 Percent Standard"; or
- (2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:

- (i) the initial #fair rent#; and
- (ii) the monthly costs of a reasonable compensation for these utilities, by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

**Lower income housing**

For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.

Moderate income household  
For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for

New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 2(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80

(b) #Floor area compensation# increase

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

(i) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the #moderate income floor area# is equal to at least 15 percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the amount of #moderate income floor area# is equal at least five percent of the total #residential floor area#, exclusive of ground-floor non-residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.

For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) #Lower Income Housing# Requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified

in this paragraph, (c).

(1) The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(2) The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.

(3) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing# plan.

(d) Permits and certificate of occupancy

The requirements of paragraphs (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations has issued a #completion notice# with respect to the #lower income affordable housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph

(b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Hudson Yards District

93-23 Modifications of Inclusionary Housing Program The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 25th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.

93-231 Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive, the following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

If an entity other than a not for profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.

Fair rent

"Fair rent" shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered "fair rent," provided that such rents do not exceed 30 percent of a #lower income household#'s income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rents shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

The following definition of "fair rent" shall apply to #moderate income households# and #middle income households#. At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, #fair rent# shall include an annual rent for each such housing unit equal to not more than 20 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#, and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing# occupied by a #moderate income# or #middle income household#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) of Section 23-05 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

#### Lower income household

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

#### Lower income housing

For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, "lower income housing", as defined in Section 23-03, shall include #standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-03, and #moderate income# or #middle income households#, as defined in this Section.

#### Moderate income household

For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

#### Middle income household

For the purposes of Section 93-23, inclusive, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "90 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

#### 93-232

##### Floor area increase

The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts

B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
  - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
  - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
  - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.
- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:
  - (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
  - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
  - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

For the purposes of this Section 93-232, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#. Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

#### Lower income housing requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-05, except as modified in this Section.

- (a) The provisions of paragraph (b) (Tenant selection) of Section 23-05 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this

Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (b) The provisions of paragraph (d) (Income verification) of Section 23-05 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.
- (c) The provisions of paragraph (g) (Insurance) of Section 23-05 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.
- (d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-05 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply. No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

- (e) The provisions of Sections 23-051 (On site new construction option), 23-052 (Substantial rehabilitation and off site new construction option) and 23-053 (Preservation option) shall apply, except as follows:
  - (i) with respect to Sections 23-051, paragraph (a), 23-052, paragraph (b), and 23-053, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;
  - (ii) if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-051, paragraph (b), then the size and distribution requirements of Section 23-051, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and
  - (iii) Section 23-053 (a) shall be modified to provide that the #administering agent#

shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

Chapter 7 Special 125th Street District

4/30/08

97-42 Floor Area Bonuses

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

97-421 Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

Chapter 8 Special West Chelsea District

98-26

Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District, as set forth in this Section, inclusive.

98-261 Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
(b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income household# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income household# or #middle income household's# income:

- (1) the initial #fair rent#; and
(2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the

requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income household# or #middle income household# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (c) (Rent levels) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

"Lower income households" shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income household#, #moderate income household# or #middle income household#.

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 2(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of this Section, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 2(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

98-262 Floor area increase

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor areas# equal to at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

(b) In C6-3 Districts:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
(2) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
(3) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.

For the purposes of this Section 98-262, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

Lower income housing requirements

#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.

(a) The provisions of Section 23-95, paragraph (b) (Tenant selection), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(b) The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

(c) The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

(d) Permits and certificate of occupancy

The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 23-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

\* \* \*  
**ARTICLE XI**  
**SPECIAL PURPOSE DISTRICTS**

\* \* \*  
**Chapter 5**  
**Special Downtown Jamaica District**

\* \* \*  
**115-211**  
**Special Inclusionary Housing regulations**

- (a) Applicability  
 R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.
- (b) Maximum #floor area ratio#  
 The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of

#lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8 C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

- (c) Modification of location requirements  
 The requirements of paragraph (a) of Section 23-9526 (Requirements for Generating Sites Substantial rehabilitation and off site new construction options) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.
- (d) Height and setback  
 The height and setback regulations of paragraph (b) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

\* \* \*  
**Article XI - Special Purpose Districts**  
**Chapter 7**  
**Special Long Island City Mixed Use District**

\* \* \*  
**117-631**  
**Floor area ratio and lot coverage modifications**  
 (a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

- (b) Maximum #floor area ratio# and lot coverage for #residential uses#
  - (1) M1-2/R5B designated district  
 The maximum #floor area ratio# for #residential use# shall be 1.65.  
 The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.
  - (2) M1-3/R7X designated district
    - (i) Inclusionary Housing Program  
 Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.
    - (ii) Maximum #floor area ratio#  
 Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

\* \* \*  
**Article XII - Special Purpose Districts**  
**Chapter 3**  
**Special Mixed Use District**

\* \* \*  
**123-64**  
**Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings**  
 (a) Maximum #floor area ratio#

- (1) Manufacturing or commercial portions  
 The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for

#manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion  
 The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion  
 Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the maximum #floor area ratios# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in of Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive (In Inclusionary Housing designated areas) shall apply.

\* \* \*  
**Article XII - Special Purpose Districts**  
**Chapter 5**  
**Special Southern Hunters Point District**

**125-22**  
**Newtown Creek Subdistrict**  
 In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities  
 For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125- 45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

- (b) #Floor area# increase for Inclusionary Housing
  - (1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, and this Section, applicable within the Special District.
  - (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly

accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

- (i) the height and setback regulations of paragraph (ba) of Section 23-94~~25~~4 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and
- (ii) the provisions of paragraph (a)~~(2)~~ of Section 23- 95~~26~~26 (~~Substantial rehabilitation and off site new construction options~~Requirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development zoning lot#, it ~~is~~shall be located within a one-half mile radius of the #compensated development zoning lot# in an adjacent Community District in the Borough of Queens.

**YVETTE V. GRUEL, Calendar Officer**

**City Planning Commission**  
22 Reade Street, Room 2E, New York, New York 10007  
Telephone (212) 720-3370

m6-20

## COMMUNITY BOARDS

### ■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 4 - Tuesday, May 19, 2009 at 6:00 P.M., Bronx Lebanon Hospital - Murray Cohen Auditorium, 1650 Grand Concourse, Bronx, NY

#### #C 090365ZMX

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the zoning map, eliminating from within an existing R7-1 district a C1-4 district bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street.

m13-19

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 6 - Wednesday, May 13, 2009 at 6:30 P.M., Abraham Plaza, 1870 Crotona Avenue, (corner of East 176th St.), Bronx, NY

#### #C 090342ZMX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the zoning map, eliminating within an existing R7-1 district a C1-4 district bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176th Street, and a line 80 feet southeasterly of Traflger Place.

m7-13

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 7 - Saturday, May 16, 2009 at 1:00 P.M., Our Lady of Perpetual Help School Auditorium, 6th Avenue betw. 59th and 60th Streets, Brooklyn, NY

#### C #090387ZMK

A Public Hearing on the Sunset Park Rezoning.

m12-15

## BOARD OF CORRECTION

### ■ MEETING

Please take note that the next meeting of the Board of Correction will be held on May 14, 2009 at 9:00 A.M., in the Conference Room of the Board of Correction. Located at: 51 Chambers Street, Room 929, New York, NY 10007.

At that time, there will be a discussion of various issues concerning New York City's correctional system.

m7-14

## EMPLOYEES' RETIREMENT SYSTEM

### ■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, May 14, 2009 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m7-13

## FRANCHISE AND CONCESSION REVIEW COMMITTEE

### ■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting at 2:30 P.M., on Wednesday, May 13, 2009 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

m4-13

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 19, 2009** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 09-8066 - Block 8066, lot 60-237-17 38th Road - Douglaston Historic District  
A Contemporary Colonial Revival style house built 1961 and altered in 2008. Application is to legalize work completed in non-compliance with Certificate of Appropriateness 07-8128, and alterations to the front yard without Landmarks Preservation Commission permits.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8164 - Block 175, lot 18-39 White Street - Tribeca East Historic District  
A Greek Revival style converted dwelling with Italianate style additions, built in 1831-32 and 1860-61. Application is to construct a rooftop addition. Zoned C6-2A.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6531 - Block 145, lot 12-125-131 Chambers Street, aka 95-99 West Broadway; and 101-107 West Broadway, aka 113 Reade Street - Tribeca South Historic District  
A Gothic Revival/Italianate style hotel building built in 1844-1845, with additions built in 1852-53, 1867-1868 and 1869, and altered in 1987-1989, and a two story building, constructed in 1967-1968. Application is to modify the entrance and construct a rooftop bulkhead on 125 Chambers Street, and to demolish 101 West Broadway and construct a six story building. Zoned C6-3A.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6675 - Block 620, lot 71-234 West 4th Street - Greenwich Village Historic District  
An apartment house originally built in 1891 and altered in 1927. Application is to replace windows and to establish a master plan governing the future installation of through-window air conditioning units.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8552 - Block 572, lot 62-37-39 West 8th Street - Greenwich Village Historic District  
A loft building remodeled to its present appearance in 1908, and a loft building built in 1910, with a later addition. Application is to enlarge window openings, install a door and infill, and install rooftop railings.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8102 - Block 550, lot 1-1 Washington Square North - Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1833. Application is to install a flagpole.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5560 - Block 634, lot 53-763 Greenwich Street - Greenwich Village Historic District  
A Greek Revival style house built in 1838 and subsequently altered. Application is to install mechanical equipment and a railing at the roof, and to construct a rear yard addition and excavate at the rear yard. Zoned C1-6.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7077 - Block 738, lot 80-56 9th Avenue - Gansevoort Market Historic District  
A Greek Revival style rowhouse with stores, built c. 1841-1842. Application is to install storefront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7107 - Block 642, lot 1-113 Jane Street - American Seamen's Friend Society Sailor's Home-Individual Landmark  
A neo-Classical style building designed by William A. Boring and built in 1907-08. Application is to construct rooftop additions. Zoned C6-2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6816 - Block 699, lot 5-547 West 27th Street, aka 548 West 28th Street - West Chelsea Historic District  
An American Round Arch style factory building designed by William Higginson and built in 1899-1900. Application is to install storefront infill and stretch banners.

#### BINDING REPORT

BOROUGH OF MANHATTAN 09-7692 - Block 719, lot 3-469 West 21st Street - Chelsea Historic District  
An Italianate style rowhouse built in 1853. Application is to install lightposts, construct rear yard and rooftop additions, alter the rear facade, and install mechanical equipment on the roof. Zoned R7B.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8128 - Block 822, lot 58-30-32 West 21st Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Buchman & Fox and built in 1907, and a vacant lot. Application is to install a fence, HVAC equipment, paving, and planters.

#### BINDING REPORT

BOROUGH OF MANHATTAN 09-8603 - Block 922, lot 1-Stuyvesant Square Park - Stuyvesant Square Historic District  
A public park originally designed circa 1840s and redesigned in 1946. Application is to install gates and remove paving.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8585 - Block 1016, lot 51-236 West 45th Street - The Plymouth Theater-Interior Landmark, Individual Landmark  
A theater designed by Herbert J. Krapp, and built in 1917-18. Application is to replace windows.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8310 - Block 1305, lot 1-109 East 50th Street - St. Bartholomew's Church and Community House-Individual Landmark  
A Byzantine style church designed by Bertram Goodhue and built in 1914-19. Application is to install new paving at the terrace.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7948 - Block 1125, lot 24-13-25 West 72nd Street, aka 14-18 West 73rd Street - Upper West Side/Central Park West Historic District  
A modern style apartment building designed by Horace Ginsbern & Associates and built in 1961-63. Application is to replace windows.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7556 - Block 1200, lot 9, 10-43-45 West 86th Street - Upper West Side/Central Park West Historic District  
Two Georgian Revival style rowhouses designed by John H. Duncan, and built in 1895-96. Application is to combine two buildings, construct rooftop and rear yard additions, and alter the facades. Zoned R10A.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6808 - Block 1229, lot 35-452 Amsterdam Avenue - Upper West Side/Central Park West Historic District  
A Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1891. Application is to replace storefront infill.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8545 - Block 1378, lot 22-713 Madison Avenue - Upper East Side Historic District  
A neo-Grec style rowhouse designed by Charles Baxter, built in 1877 and altered in 1915. Application is to install a new storefront.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 07-7900 - Block 1906, lot 28-101 West 121st Street - Mount Morris Park Historic District  
A rowhouse designed by John Burne and built in 1890. Application is to alter the areaway and rear yard, construct a rooftop bulkhead, replace the entrance door, and legalize the removal of stained glass transoms without Landmarks Preservation Commission permits.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-6415 - Block 154, lot 17-372 Fulton Street - Gage & Tollner Restaurant-Interior Landmark, Individual Landmark.  
A late-Italianate style townhouse with restaurant built circa 1870. Application is to modify interior features.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-1475 - Block 2111, lot 11-321 Ashland Place - Brooklyn Academy of Music Historic District  
A Classically inspired institutional building designed by Voorhees, Gmelin & Walker, and built in 1927. Application is to demolish a portion of the existing building, and construct an addition. Zoned C6-1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-7535 - Block 291, lot 25-

224 Clinton Street - Cobble Hill Historic District  
A transitional Greek Revival/Italianate style house built in 1847-48. Application is to alter the areaway.

**BINDING REPORT**

BOROUGH OF THE BRONX 09-7382 - Block 3222, lot 62-2060 Sedgwick Avenue - Gould Memorial Library-Interior Landmark-Individual Landmark  
A Roman Classical style library interior designed by Stanford White, and built in 1897-1899. Application is to install an interior fire egress door.

m6-19

**LOFT BOARD**

■ PUBLIC MEETING

NOTICE IS HEREBY GIVEN PURSUANT TO ARTICLE 7 OF THE PUBLIC OFFICERS LAW that the New York City Loft Board will have its monthly Board meeting on Thursday, May 21, 2009. The meeting will be held at 2:00 P.M. at Spector Hall, 22 Reade Street, 1st Floor. The proposed agenda will include cases and general business.

The general public is invited to attend and observe the proceedings.

m11-13

**TAXI AND LIMOUSINE COMMISSION**

■ MEETING

**Notice of Rescheduled Commission Meeting**

**PUBLIC NOTICE IS HEREBY GIVEN THAT THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION** is rescheduling the Commission Meeting originally scheduled for Thursday, May 14th, 2009 at 9:30 A.M. The Commission Meeting will be held on Thursday, May 28th, 2009 at 9:30 A.M., at the offices of the New York City Taxi and Limousine Commission, located at 40 Rector Street, 5th Floor, New York, New York.

m13

**TRANSPORTATION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, May 13, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing St. Luke's-Roosevelt Hospital Center to continue to maintain and use a bridge over and across West 114th Street, east of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$20,272
- For the period July 1, 2010 to June 30, 2011 - \$20,862
- For the period July 1, 2011 to June 30, 2012 - \$21,452
- For the period July 1, 2012 to June 30, 2013 - \$22,042
- For the period July 1, 2013 to June 30, 2014 - \$22,632
- For the period July 1, 2014 to June 30, 2015 - \$23,222
- For the period July 1, 2015 to June 30, 2016 - \$23,812
- For the period July 1, 2016 to June 30, 2017 - \$24,402
- For the period July 1, 2017 to June 30, 2018 - \$24,992
- For the period July 1, 2018 to June 30, 2019 - \$25,582

the maintenance of a security deposit in the sum of \$25,600, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#2 In the matter of a proposed revocable consent authorizing 1285 LLC to continue to maintain and use a tunnel under and across West 51st Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$169,095
- For the period July 1, 2010 to June 30, 2011 - \$174,168
- For the period July 1, 2011 to June 30, 2012 - \$179,241
- For the period July 1, 2012 to June 30, 2013 - \$184,314
- For the period July 1, 2013 to June 30, 2014 - \$189,387
- For the period July 1, 2014 to June 30, 2015 - \$194,460
- For the period July 1, 2015 to June 30, 2016 - \$199,533
- For the period July 1, 2016 to June 30, 2017 - \$204,606
- For the period July 1, 2017 to June 30, 2018 - \$209,679
- For the period July 1, 2018 to June 30, 2019 - \$214,752

the maintenance of a security deposit in the sum of \$214,800, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#3 In the matter of a proposed revocable consent authorizing Cornell University modification of the consent so as to

construct, maintain and use an additional conduit under, across and along East 70th Street, west of York Avenue, in the Borough of Manhattan. The proposed modified revocable consent is for a term of five years from the date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$18,309
- For the period July 1, 2010 to June 30, 2011 - \$18,736
- For the period July 1, 2011 to June 30, 2012 - \$19,163
- For the period July 1, 2012 to June 30, 2013 - \$19,590
- For the period July 1, 2013 to June 30, 2014 - \$20,017

the maintenance of a security deposit in the sum of \$35,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Arthur Spears to continue to maintain and use a stoop and a fenced-in area on the east sidewalk of St. Nicholas Avenue, north of 145th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing Edmund L. Resor to continue to maintain and use a stoop, steps and planted areas on the south sidewalk of East 90th Street, west of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing Promesa Inc. to continue to maintain and use two communication conduits under and across East 175th Street, between Anthony Avenue and Clay Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2009 - \$25/annum

the maintenance of a security deposit in the sum of \$2,500, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

a22-m13

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 09001 - W & X**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans and light duty vehicles to be held on Wednesday, May 13, 2009 (SALE NUMBER 09001-W). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, May 27, 2009 (SALE NUMBER 09001-X) has been cancelled.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>  
Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

m5-27

■ SALE BY SEALED BID

**SALE OF: 12 LOTS OF ROLL-OFF CONTAINERS, USED.**

S.P.#: 09020

DUE: May 19, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

m6-19

**SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES.**

S.P.#: 09021

DUE: May 21, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

m8-21

**SALE OF: 50,000 LBS. OF UNCLEAN BRASS WATER METERS.**

S.P.#: 09019

DUE: May 26, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

m12-26

**POLICE**

**OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

The following listed property is in the custody, of the Property Clerk Division without claimants.

**Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.**  
**Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.**

**INQUIRIES**

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

**FOR MOTOR VEHICLES**

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

**FOR ALL OTHER PROPERTY**

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 1158**

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is May 18, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on May 19, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

m6-19

## PROCUREMENT

*“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”*

### AGING

#### AWARDS

##### Goods & Services

**SERVICES FOR SENIOR CITIZENS** – Negotiated Acquisition – Available only from a single source – Regional Aid for Interim Needs Inc. 811 Morris Park Avenue, Bronx, NY 10462 PIN#: 12509NABP1XV - Contract Amount: \$34,250

Gods Love We Deliver  
166 Avenue of the Americas, New York, NY 10013  
PIN#: 12509NABP3PA - Contract Amount: \$18,000

Hellenic American Neighborhood Action Committee Inc.  
49 West 45th Street, 4th Fl., New York, NY 10036  
PIN#: 12509NABP4UC - Contract Amount: \$15,000

Neighborhood Self-Help by Older Adult Persons Project, Inc.  
953 Southern Blvd., Bronx, NY 10459  
PIN#: 12509NABP1ZZ - Contract Amount: \$200,000

Central Queens YM and YWHA  
67-09 108th Street, Forest Hills, NY 11375  
PIN#: 12509NABP4P7 - Contract Amount: \$80,000

☛ m13

**SERVICES FOR SENIOR CITIZENS** – BP/City Council Discretionary – Kings Bay YM-YWHA  
3495 Nostrand Avenue, Brooklyn, NY 11229  
PIN#: 12509DISC2V5 - Contract Amount: \$25,000

NYC Chapter Arthritis Foundation  
122 East 42nd Street, 18th Fl., New York, NY 10168  
PIN#: 12509DISC6WZ - Contract Amount: \$58,500

☛ m13

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### AWARDS

##### Goods

**EMC SYSTEMS AND STORAGE** – Intergovernmental Purchase – PIN# 8570901108 – AMT: \$249,839.00 – TO: EMC Corporation, 176 South St., Hopkinton, MA 01748. NYS Contract #PT60953.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

☛ m13

**NOVELL SOFTWARE AND SERVICES - DOITT** – Intergovernmental Purchase – PIN# 8570901122 – AMT: \$3,749,514.00 – TO: Computer Integrated Services Co. of NY LLC, 561 7th Ave., 13th Fl., New York, NY 10018. NYS Contract #PT64417.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

☛ m13

#### VENDOR LISTS

##### Goods

**ACCEPTABLE BRAND LIST** – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

- Mix, Biscuit - AB-14-1:92
- Mix, Bran Muffin - AB-14-2:91
- Mix, Corn Muffin - AB-14-5:91
- Mix, Pie Crust - AB-14-9:91
- Mixes, Cake - AB-14-11:92A
- Mix, Egg Nog - AB-14-19:93
- Canned Beef Stew - AB-14-25:97
- Canned Ham Shanks - AB-14-28:91
- Canned Corned Beef Hash - AB-14-26:94
- Canned Boned Chicken - AB-14-27:91
- Canned Corned Beef - AB-14-30:91
- Canned Ham, Cured - AB-14-29:91
- Complete Horse Feed Pellets - AB-15-1:92
- Canned Soups - AB-14-10:92D
- Infant Formula, Ready to Feed - AB-16-1:93
- Spices - AB-14-12:95
- Soy Sauce - AB-14-03:94
- Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

j4-jy17

**EQUIPMENT FOR DEPARTMENT OF SANITATION** – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:  
A. Collection Truck Bodies

B. Collection Truck Cab Chassis  
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

j4-jy17

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

j4-jy17

### DESIGN & CONSTRUCTION

#### CONTRACT SECTION

##### SOLICITATIONS

##### Construction / Construction Services

**REPLACEMENT OF CONCRETE, STEEL FACED AND GRANITE CURBS AND REPAIR/RESTORE AFFECTED SIDEWALK AND ROADWAY PAVEMENT** – Competitive Sealed Bids – PIN# 8502009HW0028C – DUE 06-04-09 AT 11:00 A.M. – PROJECT NO.: HWCURB07. As necessary in various locations, Citywide. Bid documents are available at: <http://www.nyc.gov/ddc>. This bid solicitation includes M/WBE participation goals for subcontracted work. For the M/WBE goals, please visit our website at [www.ddc.nyc.gov/buildnyc](http://www.ddc.nyc.gov/buildnyc). See “Bid Opportunities.” For more information about M/WBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified). Vendor Source ID#: 59919.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid documents deposit - \$35.00 per set. Company check or money order. No cash accepted. Late bids will not be accepted.  
*Department of Design and Construction*  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

☛ m13

### HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

#### SOLICITATIONS

##### Goods

**VP-780-CH-SDR XSIGO VIRTUAL I/O DIRECTOR** – Competitive Sealed Bids – PIN# RB09-327192 – DUE 05-27-09 AT 3:00 P.M. – Required for Security Camera System (2 Chasis)

Vendor MUST submit “Doing Business Data Forms”, EEO Clearance will be required. For submission of Vendex Questionnaires please follow instructions on Mayor’s website [www.nyc.gov/vendex](http://www.nyc.gov/vendex). All forms and certifications must be completed where applicable. Failure to comply may determine bid to be non-responsive. For bid package please contact Rup Bhowmick at (718) 245-2125 or e-mail him - [rup.bhowmick@nychhc.org](mailto:rup.bhowmick@nychhc.org)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Carl Berment (718) 245-2126.*  
*Support Office Building, 591 Kingston Avenue, Room 251 Brooklyn, NY 11203.*

☛ m13

**GENZYME REAGENTS** – Sole Source – Available only from a single source - PIN# 231-09-131 – DUE 05-22-09 AT 10:00 A.M. – The North Brooklyn Health Network (“NBHN”) intends to enter into a sole source contract for Genzyme Reagents with Genzyme Diagnostics, 115 Summit Drive, Exton, PA 19341.

Any other supplier who is capable of providing this service/product for the NBHN may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Room C-32, Brooklyn, NY 11205 or [abraham.caban@nychhc.org](mailto:abraham.caban@nychhc.org).

☛ m13-19

### HOMELESS SERVICES

#### OFFICE OF CONTRACTS AND PROCUREMENT

##### SOLICITATIONS

##### Human / Client Service

**TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals -

PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.*  
*Marta Zmoira (212) 361-0888, [mzmoira@dhs.nyc.gov](mailto:mzmoira@dhs.nyc.gov)*

j12-24

### HOUSING AUTHORITY

#### SOLICITATIONS

##### Goods & Services

**INSTALLATION OF AIR CONDITIONING OUTLETS AND INDIVIDUAL APPLIANCE CIRCUITS IN APARTMENTS** – Small Purchase – DUE 05-27-09 AT 4:00 P.M. – PIN# 9006863 - Various Manhattan North  
PIN# 9006864 - Various Manhattan South

Providing new A.C. outlets in apts., providing fuses or circuit breakers, circuit breaker panels. If required, new wiring within existing conduits, short sections of surface metal raceway and associated fittings, receptacles, connections, etc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 23-02 49th Avenue, 4th Floor - Bid Reception Desk, Long Island City, NY 11101.*  
*Joseph Schmidt (718) 707-8921.*

☛ m13

##### Construction / Construction Services

**INSTALLATION OF SIDEWALK SHEDS AT VARIOUS LOCATIONS, MANHATTAN** – Competitive Sealed Bids – PIN# BW9004521 – DUE 05-27-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

☛ m13-19

**ROOFING REPLACEMENT AND ASBESTOS ABATEMENT AT LOWER EAST SIDE II HOUSES** – Competitive Sealed Bids – PIN# RF7007705 – DUE 05-26-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m11-15

**REQUIREMENT CONTRACT FOR REPLACEMENT AND REPAIR OF INTERIOR COMPACTORS AT VARIOUS DEVELOPMENTS IN BROOKLYN AND STATEN ISLAND** – Competitive Sealed Bids – PIN# RC9006095 – DUE 05-20-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo (212) 306-3121 [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m7-13

**REPLACEMENT OF ROOF WATER TANKS AT MORRIS HOUSES** – Competitive Sealed Bids – PIN# PL8020294 – DUE 05-27-09 AT 11:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m12-18

**LOCAL LAW 11 BRICK REPAIR AT VARIOUS LOCATIONS (BROOKLYN AND STATEN ISLAND)** – Competitive Sealed Bids – PIN# BW9005668 – DUE 05-21-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m8-14

**PURCHASING DIVISION**

■ SOLICITATIONS

*Goods*

**PLUMBING SUPPLIES** – Competitive Sealed Bids – RFQ #6695 HS – DUE 06-03-09 AT 10:35 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY:*  
*http://www.nyc.gov/html/nychal/html/business/goods\_materials.shtml* Harvey Shenkman (718) 707-5466.

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**HOUSING PRESERVATION & DEVELOPMENT**

**DIVISION OF MAINTENANCE**

■ AWARDS

*Construction / Construction Services*

**EMERGENCY DEMOLITION OF THREE (3) BUILDINGS** – Emergency Purchase – Available only from a single source - PIN# 806088701711 – AMT: \$109,000.00 – TO: N.B.I. Equipment Corp., 7302 Avenue W, Brooklyn, NY 11234.

☛ m13

*Services (Other Than Human Services)*

**GAS-HIRED HEATING PLANTS** – Renewal – PIN# 806066708243 – AMT: \$250,000.00 – TO: S.J. Fuel Co., Inc., 601 Union Street, Brooklyn, NY 11215.

☛ m13

**HUMAN RESOURCES ADMINISTRATION**

■ AWARDS

*Human / Client Service*

**EMERGENCY DV SHELTER** – Renewal – Volunteers of America Greater New York Inc. 340 West 85th Street, NYC, NY 10024  
PIN#: 06909H002403 Contract Amount: \$2,617,196.00  
Contract Term: 03/01/09 - 02/28/10

Jewish Board of Family and Children's Services Inc. 120 West 57th Street, 7th Fl., NYC, NY 10019  
PIN#: 06909H002401 Contract Amount: \$1,451,160.00  
Contract Term: 03/01/09 - 02/28/10

☛ m13

**FOOD STAMP OUTREACH/FOOD DISTRIBUTION** – BP/City Council Discretionary – Food Bank for New York City, Food for Survival 355 Food Center Drive, Bronx, NY 10474  
PIN#: 06909H070010 Contract Amount: \$100,000.00  
Contract Term: 07/01/08 - 06/30/09

Food Bank for New York City, Food for Survival 355 Food Center Drive, Bronx, NY 10474  
PIN#: 06909H070001 Contract Amount: \$800,000.00  
Contract Term: 07/01/08 - 06/30/09

☛ m13

**CRISIS INTERVENTION** – BP/City Council Discretionary – Connect Inc. P.O. Box 20217 Greeley Square Station, NYC, NY 10001  
PIN#: 06909H070009 Contract Amount: \$17,000.00  
Contract Term: 07/01/08 - 06/30/09

Genesis Transitional Housing Ministries 122-27 192nd Street, Springfield Garden, NY 11413  
PIN#: 06909H070015 Contract Amount: \$7,500.00  
Contract Term: 07/01/08 - 06/30/09

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**LAW**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**STRUCTURED JUDGMENT/SETTLEMENT CONSULTANT SERVICES** – Request for Qualifications – PIN# 02509X100023 – DUE 06-04-09 AT 5:00 P.M. – The New York City Law Department (“Department”) seeks Expressions of Interest (“EOI”) from qualified structured judgment and settlement brokers and/or firms to assist the City of New York (“City”) with structured judgments and/or settlements in cases brought against:

- (1) the City, its agencies and/or employees; and
- (2) the NYC Department of Education and/or its employees. The intention is to create a panel of approximately five firms to assist the Department's Tort Division with structured judgments and/or settlements. It is anticipated that assignments will be made to firms on the panel on a rotating and case-by-case basis and that this panel will be in place for a period of approximately five years from the date it is established. Consultation services will include the following:
  - (1) providing annuity quotes and settlement illustrations;
  - (2) reviewing and pricing life care plans;
  - (3) attending court hearings, mediations and settlement conferences;
  - (4) preparing court documents, such as infant compromise orders, settlement agreements, judgments, Medicare Set Asides, Special and/or Supplemental Needs Trusts and other trust agreements; and
  - (5) periodic counseling and training of Law Department staff on the use of structured settlements and on the case law, mechanics and calculations required on periodic judgments. Firms will be selected for inclusion on the panel on the basis of the Department's evaluation of the EOIs submitted in response to this notice. The EOI should document and demonstrate that the interested firm has
    - (1) substantial experience in the structuring of judgments and settlements in personal injury cases;
    - (2) the ability to draft legal forms including settlement and trust agreements, infant compromise orders and judgments in accordance with CPLR Articles 50-A and B and applicable case law; and

(3) sufficient personnel and other resources to enable the firm to handle in a timely manner a significant volume of structured judgments and/or settlements and to provide related services.

Structured Judgment and Settlement brokers and/or firms wishing to be considered for inclusion on the Department's panel must submit one original and three copies of a written EOI to the contact person identified in this notice at the address and by the time stated in this notice. The EOI should be organized under the three above-specified criteria and should describe, demonstrate and document in detail and with specificity that the firm has the above-specified experience, ability and resources and meets the above-specified minimum requirements. Firms should document that they meet the above-stated minimum requirements by including in their EOIs

- (1) proof of membership in the National Structured Settlements Trade Association and
- (2) a written statement with respect to the firm's readiness, willingness and ability to issue a Certificate of Reliability and Assurances (“CORA”) for each Annuity Contract and Settlement Agreement the firm may prepare at the Department's request. The package containing the EOI should be marked prominently with the above-referenced Procurement Identification Number (PIN 02509X100023) and should otherwise identify the submission as an EOI submitted in response to this notice. Firms whose EOIs are determined to be within a competitive range of technical merit will receive one or more hypothetical cases for which the firm will prepare structured settlements. The written responses to the hypothetical cases will be among the factors considered by the Department in its decision making with respect to placement on the panel. Interested parties can view a copy of the written notice of solicitation by visiting the City Record on Line: <http://a856-internet.nyc.gov/nycvendoronline/VendorShort/asp/VendorMenu.asp>

The following minimum qualification requirements apply to this solicitation:

- (1) all structured settlement and judgment brokers and/or firms on the Department's panel must be members of the National Structured Settlements Trade Association; and
- (2) all panel members must agree to execute, under oath, a Certificate of Reliability and Assurances (“CORA”) which must accompany each Annuity Contract and Settlement Agreement.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Law Department, 100 Church Street, Room 6-204 New York, NY 10007. Tom Dowling, Deputy Agency Chief Contracting Officer, (212) 788-1008, tdowling@law.nyc.gov*

m7-13

**OFFICE OF THE MAYOR**

**CRIMINAL JUSTICE COORDINATOR'S OFFICE**

■ INTENT TO AWARD

*Human / Client Service*

**CORRECTION: ADMINISTRATIVE AND SUPPORT SERVICES** – Sole Source – Available only from a single source - PIN# 00210DMPS308 – DUE 05-20-09 AT 3:00 P.M. – CORRECTION: The Criminal Justice Coordinator's Office (“CJC”), in accordance with Section 3-05 of the Procurement Policy Board Rules, intends to enter into agreement with the New York City Criminal Justice Agency (CJA) to provide administrative and support services to criminal justice agencies, including recognizance information on defendants for arraignment hearings, bail expedition, and research. The term of the contract will be for two years, from July 1, 2009 to June 30, 2011, with two, two year options to renew, for the period July 1, 2011 to June 30, 2013 and from July 1, 2013 to June 30, 2015.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Mayor's Office, 1 Centre Street, Room 1012, New York, NY 10007. Gerald Foley (212) 788-6833, gfoley@cityhall.nyc.gov*

m11-15

**NYC & COMPANY**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**LICENSING RIGHTS TO MAJOR MERCHANDISE CATEGORIES** – Request for Proposals – PIN# NYCCO-09-0504 – DUE 06-26-09 AT 5:00 P.M. – On behalf of the City of New York, NYC & Company, the City's exclusive licensing agent, is seeking proposals from qualified firms for licensing rights within the major merchandise categories listed below.

- Adult Apparel and Accessories
- Children's Apparel and Accessories
- Souvenirs, Novelties and Collectibles
- Plush Products
- Replica Vehicles
- Licensing Representation outside North America

Official City trademarks to be licensed include NYPD, FDNY, NYC Parks and Recreation, Department of Sanitation, Taxi and Limousine Commission, Department of Transportation and the Mayor's Office of Film, Theater and Broadcasting as well as a new stylized “NYC” brand.

Proposals will be considered from manufacturers, master licensees, agents or other parties.

As an alternative to requesting the RFP via the contact information listed in this ad, you can view and download a copy of the RFP by registering your contact information on the form provided at the following web address, [www.nycgo.com/licensing](http://www.nycgo.com/licensing).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*NYC & Company, 810 7th Avenue, 3rd Floor, New York, NY 10019. Kevin Konrad (212) 484-5446, kkonrad@nycgo.com*

m4-15

**PARKS AND RECREATION**

**CONTRACT ADMINISTRATION**

■ AWARDS

*Construction / Construction Services*

**PLUMBING WORK IN CONNECTION WITH THE RECON. OF THE TERRACE AND LANDSCAPING AT THE GOLDEN AGE CENTER** – Competitive Sealed Bids – PIN# 8462008X016C02 – AMT: \$81,444.48 – TO: Blue Water Plumbing and Heating Inc., 74-06 Metropolitan Ave., Middle Village, NY 11379. In Owen F. Dolen Park, located at East Tremont and Westchester Avenues, The Bronx, known as Contract #X016-307M.

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**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

■ SOLICITATIONS

*Construction / Construction Services*

**DEMOLITION OF BUILDING AND NEW 4 STORY/CELLAR** – Competitive Sealed Bids – PIN# SCA09-00085B-1 – DUE 06-05-09 AT 3:00 P.M. – PS/IS 277 (Queens). Project Range: \$50,870,000.00 to \$53,544,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List bids will only be accepted from the following Construction Managers/Prime General Contractors: Bovis Lend Lease LMB, Inc.; Hunter Roberts Construction Group, Leon D. McMatteis Construction Corp.; Petracca and Sons, Inc.; Skanska USA Building, Inc.; Tishman Construction Corp. of NY; Turner Construction Company.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Rookmin Singh (718) 752-5843 rsingh@nycsca.org*

m7-13

**FLOORS REPLACEMENT** – Competitive Sealed Bids – PIN# 09-12585D-1 – DUE 05-29-09 AT 3:30 P.M. – P.S. 149/I.S. 310 (Brooklyn). Project Range: \$1,740,000.00 - \$1,831,000.00.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*School Construction Authority, 30-30 Thomson Avenue 1st Floor, Long Island City, NY 11101. Seema Menon (718) 472-8284, smenon@nycsca.org*

m12-18

**REINFORCE SUPPORT ELEMENTS** – Competitive Sealed Bids – PIN# SCA09-11847D-1 – DUE 06-01-09 AT 11:00 A.M. – PS 33 (Bronx). Project Range: \$3,610,000.00 to \$3,800,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Kevantae Idlett (718) 472-8360 kidlett@nycsca.org*

m11-15

**AUDITORIUM / AIR CONDITIONING UPGRADE**

– Competitive Sealed Bids – PIN# SCA09-08779D-2 – DUE 06-02-09 AT 10:30 A.M. – Project Range: \$1,150,000.00 to \$1,220,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stacia Edwards (718) 752-5849 sedwards@nycsca.org*

☛ m13-19

**ELEVATOR REPAIR** – Competitive Sealed Bids – PIN# SCA09-12524D-1 – DUE 05-27-09 AT 10:00 A.M. – I.S. 71 (Brooklyn). Project Range: \$480,000.00 to \$504,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Anthony Largie (718) 752-5842 alargie@nycsca.org*

m7-13

**INT. SPACES/CAFE/PAVED AREAS/ELEC SYS/EXT. MAS** – Competitive Sealed Bids – PIN# SCA09-12274D-1 – DUE 06-03-09 AT 11:00 A.M. – Park West HS (Manhattan). Project Range: \$3,230,000.00 to \$3,400,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Rookmin Singh (718) 752-5843 rsingh@nyscsa.org

m13-19

**DESIGN BUILD/NEW SCHOOL AND EXISTING BUILDING ALTERATIONS** – Competitive Sealed Bids – PIN# SCA09-00077B-1 – DUE 06-16-09 AT 2:30 P.M. – Project Range: \$34,810,000.00 to \$36,642,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Mandatory pre-bid meeting date: May 18, 2009 at 10:00 A.M. at NYC School Construction Authority, 30-30 Thomson Avenue, LIC, NY 11101.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List); The Morganti Group, Inc.; Petracca and Sons, Inc.; Iannelli Construction Co., Inc.; Arena Construction Co., Inc.; Arnell Construction Corp.; Plaza Construction Corporation, Tishman Construction Corp. of NY; Skanska USA Building, Inc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stacia Edwards (718) 752-5849 sedwards@nyscsa.org

m11-15

**SCIENCE LAB UPGRADE** – Competitive Sealed Bids – PIN# SCA09-12323D-1 – DUE 05-29-09 AT 10:00 A.M. – IS 71 (Brooklyn). Project Range: \$1,180,000.00 to \$1,242,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nyscsa.org

m12-18

## CONTRACT SERVICES

### SOLICITATIONS

#### Construction / Construction Services

**NEW ADDITION AND ALTERATIONS** – Competitive Sealed Bids – PIN# SCA09-00078B-1 – DUE 06-02-09 AT 3:00 P.M. – PS 8 (Brooklyn). Project Range \$16,190,000.00 to \$17,043,000.00. Non-Refundable Document Charge \$250.00.

Limited List, Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List): Petracca & Sons, Inc., J. Petrocelli Construction, Inc., J. Kokolakis Contracting, Inc., Iannelli Construction Co., Inc., Turner Construction Co., Arena Construction Co., Inc., Arnell Construction Corp., Kreisler Borg Florman General Construction, Plaza Construction Corporation, Tishman Construction Corp. of NY, Hunter Roberts Construction Group.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue First Floor, Long Island City, NY 11101. Ricardo Forde (718) 752-5288, rforde@nyscsa.org

m7-13

**DEMOLITION / NEW FOUR STORY BLDG. WITH CELLAR** – Competitive Sealed Bids – PIN# SCA09-00086B-1 – DUE 06-12-09 AT 2:30 P.M. – Maspeth Campus High School IS/HS 582 (Queens). Project Range: \$74,740,000.00 to \$78,680,000.00. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Below).

Bovis Lend Lease LMB, Inc., Leon D. DeMatteis Construction Corp.; Plaza Construction Corp.; Skanska USA Building Inc., Tishman Construction Corp.; Turner Construction Co.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Lily Persaud (718) 752-5852 lpersaud@nyscsa.org

m11-15

**VENTILATION SYSTEMS REFURBISHMENT** – Competitive Sealed Bids – PIN# SCA09-12780D-1 – DUE 06-01-09 AT 11:30 A.M. – Erasmus Hall High School (Brooklyn). Project Range: \$1,380,000.00 - \$1,451,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Lily Persaud (718) 752-5852 lpersaud@nyscsa.org

m13-19

## SMALL BUSINESS SERVICES

### SOLICITATIONS

#### Services (Other Than Human Services)

**OPS CONSULTANT** – Request for Proposals – PIN# 000111 – DUE 05-22-09 – The Workforce Development Corporation (“WDC”) is seeking an Operations Consultant to perform the analysis of existing operations to identify and subsequently implement process improvements to enhance the efficiency of project management and due diligence operations. The accompanying materials are a formal invitation for you to submit a response to this solicitation.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038. Candice Reel (212) 618-6765, creel@sbs.nyc.gov

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## AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: [www.nyc.gov/tv](http://www.nyc.gov/tv)” **NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

## HOMELESS SERVICES

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 21, 2009, in Specter Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Homeless Services and Services for the Underserved Inc., 305 Seventh Avenue, 10th Floor, New York, NY 10001, to provide single room occupancy support services for formerly homeless adults located at 89-92 Mother Gaston Boulevard, Brooklyn, New York 11233. The contract amount shall be \$627,200. The contract term shall be from March 1, 2009 to June 30, 2014. PIN#: 071-09S-03-1405.

The proposed contractor has been selected by means of Required Authorized Source, pursuant to Section 1-02 (d) (2) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Homeless Services, 33 Beaver Street, NY, NY 10004, from May 13, 2009 to May 21, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 5:00 P.M.

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## AGENCY RULES

## BUILDINGS

### NOTICE

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING TO LOW PRESSURE BOILER INSPECTION AND FILING REQUIREMENTS, PENALTIES AND WAIVERS

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of Buildings by Sections 643 and 1043 of the New York City Charter, and in accordance with Article 303 of Title 28 of the New York City Administrative Code, that the Department of Buildings proposes to repeal Chapter 2 of Title 1 of the Rules of the City of New York and to add a new Subchapter C and a new Section 103-01 to

Chapter 100 of Title 1 of the Rules of the City of New York. Matter underlined is new.

A public hearing on the proposed rule will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 6th Floor Training Room, New York, New York on June 18, 2009 at 1:00 P.M. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Deputy Commissioner, New York City Department of Buildings, 280 Broadway, New York, New York 10007, on or before June 18, 2009.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Commissioner, Executive Offices, Department of Buildings, 280 Broadway, New York, New York 10007.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Phyllis Arnold at the foregoing address by May 27, 2009.

This rule was not included in the agency’s most recent regulatory agenda.

Section 1. It is proposed that Chapter 2 of Title 1 of the Rules of the City of New York, relating to Boiler Inspections, be **REPEALED**.

§2. It is proposed that Chapter 100 of Title 1 of the Rules of the City of New York be amended by adding a new subchapter C and a new Section 103-01 to read as follows:

#### Subchapter C Maintenance of Buildings

§103-01 Low pressure boiler inspection and filing requirements, penalties and waivers.

(a) Scope. This rule implements Article 303 of Title 28 of the New York City Administrative Code (“Administrative Code”) by specifying the low pressure boiler annual inspection requirements, the processes through which the department shall regulate the filings of low pressure boiler annual inspection reports and shall issue penalties and waivers for failure to file and/or late filing, and the penalties for failure to file and/or untimely filing of a written notice of removal or disconnection of a low pressure boiler.

(b) References. See Sections 28-201.2.2, 28-202.1 and Article 303 of Title 28 of the Administrative Code and Section 101-07 of this chapter.

(c) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) Filing deadline. For the low pressure boiler annual inspection report or any part thereof, forty-five (45) days from the date of the inspection, but in no event later than December 31<sup>st</sup> of each calendar year.

(2) First Test. An inspection of a newly installed or replaced boiler required for the department to approve its use and operation.

(3) Inspection cycle. November 16th of the preceding calendar year through November 15th of the calendar year for which the report is being submitted. Annual inspections must be at least six (6) months apart.

(4) Late filing. An inspection report or any part thereof that is filed after the filing deadline.

(5) Owner. Any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of, the premises and/or boiler.

(6) Removal or disconnection. Removal or discontinuance, pursuant to Section 28-303.8 of the Administrative Code.

(7) Waiver. Removal of the obligation to pay a penalty associated with a violation. A waiver does not result in dismissal of the violation.

(d) Owner’s responsibilities.

(1) Inspection and report filing. An owner shall comply with the inspection requirements and shall file low pressure boiler annual inspection reports as provided for in Section 101-07 of this chapter.

(2) Notification. An owner shall notify the department’s Boiler Division within thirty (30) days of the owner’s change of address or sale of the premises housing the boiler. The owner must reference the department’s boiler number in all correspondence.

(3) New owner. A new owner is responsible for inspection in the year that he or she purchases the building, only if he or she purchases the building on or before June 30 of that year.

(e) Civil penalties, low pressure boiler annual inspection report.

(1) Failure to file. An owner who fails to file the low pressure boiler annual inspection report or any part thereof for each boiler, pursuant to Article 303 of Title 28 of the Administrative Code and this

section, shall be liable for a civil penalty of not less than one thousand dollars (\$1000.00) per boiler. In accordance with Section 101-07 of this chapter, a low pressure boiler annual inspection report not filed within twelve (12) months from the date of the inspection shall be deemed expired and shall not be accepted by the department.

(2) Late filing. An owner who submits a late filing, but who provides proof that the inspection took place within the inspection cycle for which the report was due, shall be liable for a civil penalty of not less than fifty dollars (\$50.00) per month, per boiler, commencing on the day following the filing deadline and ending on the date of submission of a complete report, including a late filing of the certification affirming that all defects identified on an inspection report have been corrected. The total penalty shall not exceed six hundred dollars (\$600.00) per boiler. For the purposes of this paragraph, "proof" shall mean a notarized affidavit from the approved boiler inspector who conducted the inspection with his or her seal stating that the inspection was completed within the inspection cycle for which the report was due.

(3) Challenge of civil penalty. An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing written proof of a timely and complete inspection and filing to the department. Examples of such proof shall include, but are not limited to, the following:

(i) Receipts and/or invoices for completed inspections paid for during the applicable inspection cycle;

(ii) A copy of the front and back of the canceled check(s) to qualified boiler inspectors for completed inspections;

(iii) A copy of the front and back of the canceled check(s) to the department for a boiler inspection report fee;

(iv) Route sheets of inspectors employed by authorized insurance companies indicating dates and addresses of inspections;

(v) Executed contracts with authorized insurance companies and other qualified boiler inspectors indicating dates of inspection; or

(vi) A copy of the inspection report for the inspection performed during the applicable inspection cycle.

(4) Extension of the filing deadline. An owner may request an extension of the filing deadline in order to correct low pressure boiler defects and file a certification that identified defects have been corrected in accordance with Section 101-07 of this chapter, upon submission of proof that the request is based on extraordinary circumstances and/or that the delay in correction is beyond the owner's control, not including financial or administrative hardship. The request shall be made prior to the expiration of the filing deadline and shall be made on such forms and in such manner as required by the commissioner.

(5) Waiver of penalties. An owner may request a waiver of penalties assessed for violation of Section 28-303.2 of the Administrative Code, Section 27-793 of the 1968 Building Code and/or related rules enforced by the department. Requests shall be made in writing.

(i) Owner status.

(A) New owner. A new owner may be granted a waiver of penalties contingent upon the department's acceptance of the owner's proof that transfer of ownership to the new owner occurred after penalties were incurred. Such a waiver is limited to one of the following circumstances:

((a)) The new owner has obtained full tax exemption status from the New York City Department of Finance; or

((b)) The new owner submits proof to the department (such as a certificate from the Department of Housing Preservation and Development) that he or she took title to the property as part of an economic development program sponsored by a government agency.

(B) Government ownership. An owner may be granted a waiver of penalties upon submission of official documentation from a government entity affirming that the premises was owned in its entirety by the entity during the period for which a waiver is requested.

(C) Bankruptcy. An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition, together with proof that either the department or the New York City

Law Department was served with a "Notice of Bar Date".

(ii) Device status. An owner may be granted a waiver of penalties contingent upon the department's acceptance of proof of the following:

(A) Removed or disconnected. That the low pressure boiler was removed from the building or disconnected prior to the inspection cycle for which the report was due. In the event that proof of removal or disconnection has not yet been entered into the department's database at the time of the request for a waiver, the owner shall submit to the department a copy of the Self-Certification of Removed or Existing Boiler(s) form.

(B) New or replaced. That the First Test was performed during the inspection cycle for which the report was due.

(C) Work in progress. That there is work in progress for the replacement or installation of a new boiler or burner or a major renovation requiring that the boiler or burner be inactivated during the work.

(iii) Building status. An owner may be granted a waiver of penalties contingent upon the department's confirmation of the following:

(A) Demolished. That the demolition of the building occurred prior to the inspection cycle for which the report was due and that such demolition was signed-off by the department and/or that a new building permit has been issued for the property.

(B) Sealed or vacated. That the building was sealed or ordered to be vacated at least nine (9) months prior to the expiration of the inspection cycle for which the report was due.

(f) Civil penalties, written notice of removal or disconnection of a low pressure boiler. Failure to file a written notice of removal or disconnection (a Self-Certification of Removed or Existing Boiler(s) form) in accordance with Section 28-303.8 of the Administrative Code, or filing of such form past thirty (30) days of the date of the removal or disconnection of a low pressure boiler shall be a lesser violation and shall subject the owner to penalties as set forth in this subdivision.

(1) Failure to file. An owner who fails to file such notice within twelve (12) months from the date following thirty (30) days from the removal or disconnection, shall be liable for a civil penalty of not less than five hundred dollars (\$500.00) per boiler.

(2) Untimely filing. An owner who files such notice past thirty (30) days from the date of removal or disconnection, but within twelve (12) months from such date, may submit an untimely filing and shall be liable for a civil penalty of not less than fifty dollars (\$50.00) per month, per boiler commencing on the day following the date the notice was due and ending on the date of submission of the notice. The total penalty shall not exceed five hundred dollars (\$500.00) per boiler.

(3) Challenge of civil penalty. An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of a timely filing to the department. An example of such proof shall include, but is not limited to, the following: a stamped and dated copy of a Self-Certification of Removed or Existing Boiler(s) form filed with the department, which may be supported by a copy of the front and back of a canceled check(s) to the department for the fee for the filing of a Self-Certification of Removed or Existing Boiler(s) form.

#### STATEMENT OF BASIS AND PURPOSE

The foregoing rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

This rule repeals Chapter 2 of Title 1 of the Rules of the City of New York, relating to boiler inspections, and implements Article 303 of Title 28 of the New York City Administrative Code by specifying the low pressure boiler annual inspection requirements, and the processes through which the department will regulate the filings of low pressure boiler annual inspection reports and issue penalties and waivers for failure to file and/or late filing.

Under current law, building owners are required to file low pressure boiler annual inspection reports and to certify that any defects identified in the reports have been corrected. This rule sets forth the manner by which the reports shall be filed and the penalties that will be imposed for failure to comply. Section 28-201.2.2 of the Administrative Code specifies that failure to perform boiler inspections and to file required reports is a major violation and Section 28-202.1(2) of the Administrative Code sets the limits on civil penalties for major violations.

This rule proposes to replace and alter the terms of the department's Procedure & Policy Notice (PPN) 1/05, which

governs the granting of waivers of assessed civil penalties to building owners.

This rule sets out new criteria under which new owners may be granted waivers. In order to qualify for a waiver of penalties that were issued prior to the owner taking title to the property, there must be evidence of a broader community benefit. Examples of evidence of a broader community benefit are that the new owner has obtained full tax exemption status from the New York City Department of Finance or has taken title to the property as part of an economic development program. By limiting the availability of waivers, the department hopes to eliminate a loophole in current law allowing a simple transfer of property to qualify as a basis for a waiver of penalties.

The rule also establishes as a lesser violation the failure to file and/or untimely filing of a written notice of removal or disconnection of a low pressure boiler (a Self-Certification of Removed or Existing Boiler(s) form) in accordance with Sections 28-202.1 and 28-303.8 of the Administrative Code, and sets the penalties for the violation.

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## MAYOR'S OFFICE OF CONTRACT SERVICES

### NOTICE

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT

The Procurement Policy Board (PPB) intends to promulgate an amendment to § 1-01, **Definitions, of chapter 1 of Title 9 of the Rules of the City of New York**, pursuant to Sections 311 and 1043 of the New York City Charter.

#### Basis and Purpose of the Amendment

The proposed amendment conforms the definition of construction to the definition of construction contract in section 6-129(c)(10) of the Administrative Code of the City of New York

#### How to Comment

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

**Section 1. The definition of the term "construction" set forth in subdivision (e) of section 1-01 of Title 9 of the Rules of the City of New York is amended as follows:**

\* \* \*

Construction. The process of constructing [building], reconstructing, demolishing, excavating, renovating, altering, improving, rehabilitating, [converting, altering, extending, improving,] or repairing any building, facility, or physical structure of any kind, excluding the performance of routine maintenance [, maintaining, or demolishing City real property or other public improvements].

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#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT

The Procurement Policy Board (PPB) intends to promulgate an amendment to § 2-04, **Multi-Term Contracts (Client Services), of chapter 3 of Title 9 of the Rules of the City of New York**, pursuant to Sections 311 and 1043 of the New York City Charter.

#### Basis and Purpose of the Amendment

The proposed amendment expands the circumstances under which an agency may enter into six year and nine year contract terms for client service contracts, and clarifies the circumstances under which terms longer than nine years may be used. These changes will result in client services contracts that more appropriately serve clients' needs, and will better permit client services vendors to establish links with the communities served, as well as appropriate lease and financing terms for the facilities needed for the provision of such services.

#### How to Comment

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

**Section 1. Subdivisions (e) and (f) of section 2-04 of Title 9 of the Rules of the City of New York is amended as follows:**

**Section 2-04 MULTI-TERM CONTRACTS (CLIENT SERVICES).**

\* \* \*

(e) Permitted Length of Contract Terms. Client service contracts [may] should be awarded for a term that is appropriate for the services to be performed, taking into consideration the nature of the services themselves, as well as other factors relevant to the provision of the services. The ACCO shall make a determination as to the basis for the

term of a client services contract. All client service contracts may be awarded for at least an initial term, or a total term including all renewals, of up to three years [for Category One, six years for Category Two, and nine years for Category Three. The ACCO shall make a determination as to whether a particular contract or category of contract shall be designated as Category One, Two or Three. Such contracts may be structured as contracts for a lesser period of time, with a renewal clause in accordance with these Rules, so long as the term of the original contract including all renewals does not exceed the stated limits]. The term for a client services contract should otherwise be guided, in general, by the provisions set forth below.

[In an extraordinary case for compelling reasons, such as the need to finance a program through the issuance of long-term bonds, a contract may be awarded for a term in excess of nine years. For such an award, the determination of the CCPO that such a longer term is necessary, shall be required.]

[(f) Categories One, Two, and Three.

(1) General. Any client services contract may be treated as a Category One contract. Any Category Three contract may be treated as a Category Two contract. Any client services contract that is not within Category Two or Category Three shall be within Category One.

(2) Category Two. Category Two includes:]

(1) Six-year contracts. Examples of contracts for which a total term, including renewals, of up to six years would be appropriate include:

(i) contracts in programs [where services are provided in a center-based facility where obtaining necessary permits and approvals and/or other control of the site as a result of zoning or land use issues is unusually complex or difficult;

(ii) contracts in programs] in which there is a requirement for the vendor to establish linkages with other vendors in the locality, in order to provide effective services to the clients;

(iii) contracts in programs where the population to be served is fragile and/or difficult to serve and the well-being of the clients would be jeopardized by potentially frequent change in the vendor;

(iv) contracts in programs where the development and continuity of a personal, supportive, or therapeutic relationship between the caregiver and the affected client(s) is an integral requirement of the support service or treatment being provided, and the support service or treatment would be impaired by the severance of that relationship as a result of the change of vendors; and

(v) [in the case of other specific contracts, including contracts that would otherwise fall within Category One, under extraordinarily compelling circumstances] other contracts where the ACCO has set forth with particularity the reasons that it is not practicable or advantageous to competitively resolicit proposals as often as every three years[, and this determination has been approved by the CPPO prior to the solicitation].

[Examples of programs that may be included within Category Two are:

(i) day care, head start, and homemaker services;

(ii) youth programs and community development programs (other than community services block grant programs);

(iii) alcohol and substance abuse programs;

(iv) worker career centers;

(v) abuse prevention, community guardian program, center-based employment programs, foodbank and hunger program, home care programs, non-residential services for victims of domestic violence, and protective services for adults;

(vi) caregiver respite services, case management, elder abuse prevention, home care delivered meals, safe streets program, senior centers, social adult daycare, and transportation;

(vii) disaster relief;

(ix) alternatives to incarceration, anti-drug abuse, indigent criminal defense, mediation services, victim services, and youth recreational services;

(x) crime victim services, juvenile diversion programs, outpatient alcohol and substance abuse programs;

(xi) aftercare programs; and

(xii) medical services for secure and non-secure detention facilities, and non-secure detention facilities.]

(2) Nine-year contracts. Examples of contracts for which a total term, including renewals, of up to nine years would be appropriate include:

[(3) Category Three. Category Three includes:]

(i) contracts in programs where the treatment modality includes a long-term therapeutic

relationship between the client and the caregiver as an integral part of the treatment program, and the treatment of service would be jeopardized by the severance of that relationship as a result of change of vendors;

(ii) contracts in residential care programs; [and]

(iii) contracts in programs where services are provided in a center-based facility where obtaining necessary permits and approvals and/or other control of the site as a result of zoning land use issues or leasing is unusually complex or difficult;

(iv) contracts in programs where the procurement includes a significant investment by the contractor for capital improvements; and

(v) [iii] [in the case of other specific contracts, under extraordinarily compelling circumstances,] other contracts where the ACCO has set forth with particularity the reasons that it is not practicable or advantageous to competitively resolicit proposals as often as every six years[, and this determination has been approved by the CPPO prior to the solicitation].

[Examples of programs that may be included within Category Three are:

(i) foster care and preventative services;

(ii) direct mental hygiene services (other than alcohol and substance abuse programs);

(iii) family center services;

(iv) AIDS housing and domestic violence shelters;

(v) reception centers, tier II temporary family residences, and transitional adult residences; and

(vi) residential care.

(e) (3) In an extraordinary case for compelling reasons, such as the need to finance a program through the issuance of long-term bonds or the need to obtain financing associated with securing a site that can only be obtained from a long term lease, a contract may be awarded for a term in excess of nine years and shall be coterminous with the financing provisions. For such an award, the determination of the CCPO that such a longer term is necessary shall be required.

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#### **NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT**

The Procurement Policy Board (PPB) intends to promulgate amendments to § 3-11, **Demonstration Projects For Innovative Products, Approaches, or Technologies**, and to §4-02, **Contract Changes, of chapters 3 and 4 of Title 9 of the Rules of the City of New York**, pursuant to Sections 311 and 1043 of the New York City Charter.

#### **Basis and Purpose of the Amendment**

In order to facilitate appropriate evaluation of demonstration projects, with provision for continued services during the time necessary to conduct a solicitation for such services if the demonstration is successful, the proposed amendment to section 3-11 extends the standard length of the initial term of a demonstration project procurement from one year to three years, with provisions for longer initial terms when necessary to conduct the demonstration and evaluate its effectiveness, and for demonstration project contract extensions of up to one year, with CCPO approval. The proposed amendment to section 3-11 also allows an agency to initiate a demonstration project, and for client services programs allows an agency to initiate a demonstration project to solicit proposals for innovative approaches to the provision of new or existing services. The proposed amendment to rule 4-02 conforms the rule to the proposed changes to the rule 3-11.

#### **How to Comment**

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### **The Amended Rule**

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

**Section 1. Subdivisions (a), (d), (e) and (f) of section 3-11 of Title 9 of the Rules of the City of New York is amended as follows:**

#### **Section 3-11 DEMONSTRATION PROJECTS FOR INNOVATIVE PRODUCTS, APPROACHES, OR TECHNOLOGIES.**

(a) Policy and Purpose. It is in the City's best interest to consider proposals for demonstration projects. A demonstration project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City. Demonstration projects may be proposed for goods, services or construction. They allow the City to observe and analyze effectiveness and efficiency without a large commitment of resources. Demonstration projects may be initiated by an unsolicited proposal, or by an agency on its own initiative. For client services programs,

agencies may initiate a demonstration project in order to invite proposals for innovative approaches to the provision of existing or new services.

\* \* \*

(d) Contract Term. The initial term of a contract [Contracts] for a demonstration project should be for a term that is reasonable both to conduct the demonstration and to determine its effectiveness, and [projects ordinarily] shall not exceed [one year] three years. [In order to enter into a multi-term contract, the] The ACCO shall make a determination setting forth with specificity:]

(1) why the effectiveness of the product, approach, or technology cannot be evaluated within one year, and

(2) how the proposed term of the contract was determined. In making such determination, the ACCO may consider whether it would be in the City's best interest to ensure that no break in the provision of services occurs at the end of the demonstration project, if successful. If the ACCO makes such a determination, the ACCO should establish an initial term that, although no longer than three years, is long enough to allow for the subsequent solicitation of those services at the conclusion of the project's evaluation. In the event that a longer period is needed to allow for continuity of services and/or to evaluate the demonstration, the agency may extend the contract for an additional period of up to one year with CCPO approval.

(e) Notice. Prior to entering into negotiations for the award of a contract for a demonstration project exceeding the small purchase limits, the ACCO shall give notice of that determination by placing a notice in the City Record.

(1) Frequency. Notice of intent to enter negotiations for a demonstration project exceeding the small purchase limits shall be published in not less than five consecutive editions of the City Record at least ten calendar days before entering into negotiations with the vendor and shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication.

(2) Content. Such notice shall include:

- (i) agency name;
- (ii) PIN;
- (iii) title and/or brief description of the goods, services, or construction to be procured;
- (iv) estimated quantity, if any;
- (v) name of the proposed vendor, if the agency has identified a vendor;
- (vi) summary of the determination;
- (vii) how vendors may express their interest in providing such good, [service] services or construction; and
- (viii) due date.

(f) Evaluation. Upon the evaluation of expressions of interest received, if any, the ACCO shall make a determination of how to proceed, which includes the basis for such determination. Where it appears that the product, approach, or technology is already competitively available in the marketplace, the ACCO may determine that a competitive solicitation may be issued; or, if it appears that the product, approach, or technology can be reasonably evaluated using short-term contracts with more than one vendor, the ACCO may determine that negotiations to establish such demonstration projects may be conducted with more than one vendor, or negotiations may proceed with the single vendor originally identified. For client services, whether or not an initial vendor has been identified, an agency may utilize the demonstration project method to solicit proposals for innovative approaches to the provision of existing or new services, in which case the ACCO may determine that negotiations to establish such demonstration projects may be conducted with more than one vendor, or negotiations may proceed with the single vendor originally identified, if any. To the extent required by Section 322 of the Charter, an agency determination to utilize an alternative procurement procedure for a particular procurement or for a particular type of procurement shall require the approval of the Mayor prior to seeking bids or proposals. The CCPO shall have final authority with respect to evaluation, acceptance, and rejection of all demonstration projects.

**Section 2. Subparagraphs (iv), (v) and (vi) of paragraph (1) of subdivision (b) of section 4-02 of Title 9 of the Rules of the City of New York are renumbered subparagraphs (v), (vi) and (vii), respectively, and a new subparagraph (iv) is added, to read as follows.**

#### **Section 4-02 CONTRACT CHANGES.**

\* \* \*

(b) Types of Changes Permitted.

(1) Changes may include any one or more of the following:

(i) specification changes to account for design errors or omissions;

(ii) changes in contract amount due to authorized additional or omitted work. Any such changes require appropriate price and cost analysis to determine reasonableness. In addition, except for non-construction requirements contracts, all changes that cumulatively exceed the greater of ten percent of the original contract amount or \$100,000 shall be approved by the CCPO;

(iii) extensions of a contract term for good and

sufficient cause for a cumulative period not to exceed one year from the date of expiration of the current contract. Requirements contracts shall be subject to this limitation;

(iv) extensions of a contract term pursuant to Section 3-11(d) of these Rules;

(v) changes in delivery location;

(vi) changes in shipment method; and

(vii) any other change not inconsistent with this section.

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#### **NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT**

The Procurement Policy Board (PPB) intends to promulgate an amendment to § 4-04, **Renewals, of chapter 4 of Title 9 of the Rules of the City of New York**, pursuant to Sections 311 and 1043 of the New York City Charter.

#### **Basis and Purpose of the Amendment**

The proposed amendment removes the requirement that ACCOs make certain determinations as part of a pre-renewal review of client services contracts and folds the substantive requirements into the Recommendation for Renewal that is required to be approved by the ACCO prior to contract renewals. The proposed amendment also requires the contracting agency to post notices of the intent to renew such contracts on the agency's web site. These changes will expedite the processing of renewal contracts, thus ensuring seamless continuation of needed services to clients, while fostering accountability and transparency into the selection process of services.

#### **How to Comment**

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### **The Amended Rule**

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

#### **Section 1. Section 4-04 of Title 9 of the Rules of the City of New York is amended as follows:**

##### **Section 4-04 RENEWALS.**

(a) Defined. Renewals are defined as re-registration of previous contracts with the same vendor [or service provider], with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or items to be supplied.

(b) Renewals Not Permitted. Unless specifically contracted for, as in contracts containing an option to renew, renewals shall not be permitted where:

(1) additional quantities of goods are required, except in the case of goods acquired through requirements contracts (which shall be subject to the contract term extension limitations in Section 4-02(b)(1)(iii), or

(2) except as provided in Sections 4-02(b)(1)(ii) and 4-02(b)(1)(iii), a continuation of types of services is required, the procurements shall be made by new solicitations by one of the appropriate methods of source selection set forth in these Rules.

(c) [Pre-Renewal Review (Client Services). Prior to exercising the renewal option of any contract in Categories One, Two, and Three, the ACCO shall make the following determinations and, where required, shall provide public notice and conduct a public hearing pursuant to these Rules

(1) the services in questions are still needed, required, or mandated;

(2) based on the agency's performance evaluation process, the provider's performance for the prior contract period is determined to be in compliance with the requirements of the contract;

(3) based on Fiscal Officer certification, funds are or are expected to be available for the renewal contract;

(4) the prices set forth in the contract are still fair and reasonable;

(5) renewal of the contract with the existing service provider is in the best interest of the individual clients and client populations being served, community, and City; and

(6) the renewal contract is on substantially the same terms and conditions as the original contract.

(d) Recommendation for Renewal. [Subsequent to making the determination to renew a contract with a client services provider, the] The Contracting Officer shall prepare a Recommendation for Renewal which shall be approved by the ACCO. The Recommendation for Renewal shall include the following documentation:

(1) agency name and department;

(2) PIN;

(3) [client services provider] vendor name, address, Tax Identification Number, and telephone number;

(4) program name(s) and address(es) where services are actually provided to clients, or administered if the services are not "center-based";

(5) borough(s) and community district(s) in which the program shall operate;

(6) period of (including prospective renewal options, if any) and amount of contract;

(7) period of and amount of prior contract;

(8) source of funding, and a certification from an authorized fiscal officer of the agency that funds are or are expected to be available for the renewal contract;

(9) if applicable, dates of City Record and other publication of notices pertaining to the intent to renew;

(10) [for client services,] if applicable, an assessment of vendor's performance during the prior contract period (overall rating of latest performance assessment), and a statement, based on the agency's performance evaluation process, of whether the provider's performance for the prior contract period was determined to be in compliance with the requirements of the contract;

(11) if applicable, date, period covered, and findings of latest available financial audit report, name of the CPA firm that conducted it, and whether the CPA firm was unable to express an opinion as to the adequacy of the contractor's books and records;

(12) comparison of actual and contracted levels of service (and/or minimum outcome requirements) for the prior contract period, and for client services, if applicable, a statement that the services in question are still needed, required or mandated and that renewal of the contract with the existing service provider is in the best interests of the City including the interests of individuals clients, client populations being served and the affected community;

(13) proposed contracted levels of service (and/or minimum outcome requirements) for the new contract;

(14) if a public hearing was held, the date of the public hearing, the number of witnesses testifying, and an explanation of the effect, if any, of the testimony offered at the public hearing on the decision to renew and/or on the terms and conditions of the contract; if a public hearing was not held, an explanation of why a public hearing was not held, including a statement, if applicable, that the renewal contract is on substantially the same terms and conditions as the original contract;

(15) signature of the ACCO signifying his/her approval and verifying the accuracy of the information;

(16) the date the services contracted for pursuant to this contract were last solicited; and

(17) all applicable determinations called for by these Rules, including a determination, if applicable, that the prices set forth in the contract are still fair and reasonable.

[(e)] (d) Notice and Publication Requirements for Client Services Renewals. Public notice of the intent to renew a contract shall be provided in accordance with this subdivision, for the purpose of eliciting information concerning the provider's performance and other factors relevant to the renewal.

(1) Contracts subject to the public notice requirement.

(i) In the case of contracts in value greater than \$100,000, such notice shall be provided whenever a public hearing is required.

(ii) In the case of contracts in value greater than \$25,000 but not more than \$100,000, such notice shall be provided unless:

(A) public notice and the approval of the CCPO for the original contract award or the exercise of a renewal option occurred within the prior two years, and

(B) in connection with that award or renewal, public notice and approval were provided concerning both the original contract term and all possible renewal options contained within the contract.

(iii) Public notice is required if the renewal option to be exercised is for a

period of three or more years.

(iv) Such notice is not required in the case of renewals of contracts of \$25,000 or less.

(2) Publication Requirements. Within seven calendar days after the approval by the ACCO, the agency shall initiate steps to publish notice of the intent to renew once in the City Record and shall post such notice on the City's website in a location that is accessible by the public simultaneously with its publication. The agency may also publish notice of the intent to renew in one or more of the local newspapers of the borough and/or community within the borough where the services are provided. The notice shall also be mailed to the proposed provider and the Borough President(s) and Community Board chair(s) in the district(s) where the services are provided, and shall be conspicuously placed on the premises of the location where services are provided, if practicable, and otherwise where the program is administered. The agency shall take other steps to solicit comments from clients, advocates, and others sufficiently in advance of the renewal date so that appropriate action can be taken to respond to issues identified in such comments.

(3) Contract Summary. Prior to providing public notice of the intent to renew a contract, the ACCO shall prepare a summary of the terms and conditions of the proposed renewal contract, including a description of the scope of services, the target population, the proposed renewal term of the contract, and the location of the program. The summary may be prepared for a category of contracts, accompanied by a detailed contractor/site specific schedule.

(4) Content of Public Notice. The public notice of intent to renew the contract shall include:

(i) the City agency name;

(ii) the name and address of the vendor;

(iii) PIN;

(iv) the address of the location where the services are provided, if practicable, and otherwise where the program is administered;

(v) a brief description of the nature of the services to be provided; and

(vi) the name and telephone number of the City agency staff member who can be contacted to provide a copy of the contract summary.

[(f)] (e) Public Hearing Requirements. Renewal contracts shall be subject to public hearings for the purpose of eliciting information concerning the vendor's performance and other factors relevant to the renewal, unless:

(1) the renewal option to be exercised is in a contract where the original contract or any prior renewal option was subject to a public hearing, and the original contract term and all possible renewal options contained within the contract, were subject to such public hearing, or

(2) in exigent circumstances, in the case of contracts in value less than \$10,000,000, the ACCO has made a determination justifying an exemption and that justification has been approved by the CCPO.

[(g)] (f) Notice of Award. Notice of Award of a renewal contract shall be published in the City Record within fifteen days after registration of the renewal contract.

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#### **NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT**

The Procurement Policy Board (PPB) intends to promulgate amendments to: § 3-02, **Competitive Sealed Bidding, of chapter 3 of Title 9 of the Rules of the City of New York; and to § 4-02, Contract Changes, and § 4-06, Prompt Payment, of chapter 4 of Title 9 of the Rules of the City of New York, and to promulgate a new rule, §4-13, Subcontracting, of chapter 4 of Title 9 of the Rules of the City of New York**, pursuant to Sections 311 and 1043 of the New York City Charter.

#### **Basis and Purpose of the Amendment**

The proposed amendments to rule 3-02 conform the existing rule to recent changes in State law requiring bidders to submit separate lists of subcontractors it intends to use with bids where separate specifications are not required pursuant to the WICKS law. The amendment to rule 4-06 adds a requirement that all construction contracts include a payment clause that requires payment to subcontractors in accordance with section 106-b of the General Municipal Law. The proposed new rule codifies existing contract language and city practice by requiring contracts to obtain agency approval of all subcontractors and, in accordance with recent changes in State law, provides for circumstances where a contractor can change subcontractors listed in its bid.

#### **How to Comment**

A public hearing will be held on June 18, 2009 at 12:00 P.M.

at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

#### Section 1. Subparagraph (xix)(K) of paragraph (2) of subdivision (b) of section 3-02 of Title 9 of the Rules of the City of New York is amended as follows:

\* \* \*

(b) **Invitation for Bids.**

\* \* \*

(2) Content. The Invitation for Bids shall include the following:

\* \* \*

(xix) where applicable for construction contracts, the following shall be additionally included:

\* \* \*

(J) a notice that contract award is subject to the provisions of Section 6-108.1 of the New York City Administrative Code relating to the LBE program and its implementing rules[.]; and

\* \* \*

(K) a requirement that, where the preparation of separate specifications is not required for plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning apparatus; and electric wiring and standard illumination fixtures pursuant to New York General Municipal Law §101, the bidder shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform such work on the contract, and the agreed-upon amount to be paid to each.

#### Section 2. Paragraph (2) of subdivision (1) of section 3-02 of Title 9 of the Rules of the City of New York is amended as follows:

(1) **Receipt, Opening, and Recording of Bids.**

\* \* \*

(2) **Opening and Recording.** Bids and modifications shall be opened publicly, at the time, date, and place designated in the IFB. The name of each bidder, the bid price, and such other information as is deemed appropriate shall be read aloud or otherwise made available. These requirements may be met through access to a computer terminal at the location where bids are to be opened, provided that paper documents are available upon request at the time of bid opening. This information also shall be recorded at the time of bid opening. The bids shall be tabulated or a bid abstract prepared and made available for public inspection. The opened bids shall be available for public inspection at a reasonable time after bid opening but in any case before vendor selection except to the extent the bidder designates trade secrets or other proprietary data to be confidential. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. Prices, makes, and model or catalog numbers of the items offered, deliveries, and terms of payment shall be publicly available at a reasonable time after bid opening but in any event before vendor selection regardless of any designation to the contrary at the time of bid opening. For bids on construction contracts submitted in accordance with Section 3-02 (b)(xix)(K) of these Rules, the sealed list of subcontractors submitted with the low bid shall be opened after such low bid has been announced and the names of the subcontractors shall be announced. The sealed lists of subcontractors submitted by all other bidders pursuant to Section 3-02 (b)(xix)(K) of these Rules shall be returned to such bidders unopened after the contract award.

#### Section 3. Paragraph (4) of subdivision (b) of section 4-02 of Title 9 of the Rules of the City of New York is amended as follows:

(b) **Types of Changes Permitted.**

\* \* \*

(4) **Subcontracts.** Changes to construction subcontracts shall be made in accordance with Section 4-13 (d) of these Rules.

#### Section 4. Subparagraph (i) of paragraph (2) of subdivision (e) of section 4-06 of Title 9 of the Rules of the City of New York is amended as follows:

(e) **Additional Requirements for Construction and Construction-Related Services Contracts.**

(2) **Subcontracts.**

(i) All construction contracts awarded by the City shall include:

(A) a payment clause that obligates the prime contractor(s) to pay each subcontractor and vendor (including a materials vendor) not later than seven days after receipt of payment out of amounts paid to the contractor by the City for work performed by the subcontractor or supplier under that contract and that provides for the payment of interest by the prime contractor in accordance with Section 106-b of the New York State General Municipal Law on

amounts not timely paid to a subcontractor, and

(B) a clause requiring the prime contractor to include in each of its subcontracts a provision requiring each subcontractor to include the same payment clause in their contracts with each lower-tier subcontractor or vendor.

(ii) If a prime contractor is paid interest earned due to late payments by an agency, the proportionate share of that interest shall be forwarded by the prime contractor to each of its subcontractors and vendors.

#### Section 5. A new section 4-13 of Title 9 of the Rules of the City of New York is proposed as follows:

##### Section 4-13 SUBCONTRACTS

(a) Policy. Consistent with the terms of the contract, a vendor may enter into subcontracts where the contracting agency approves. The City has an interest in ensuring that all City work is performed by appropriate persons.

(b) Form. All subcontracts made by the vendor shall be in writing. A vendor shall not be entitled to payment for any work performed by a subcontractor prior to the vendor entering into a written subcontract with the subcontractor and complying with the provisions of this section.

(c) Approval. All subcontractors must be approved by the agency prior to commencing work under the subcontract.

(d) Approval Process.

(1) Before entering into any subcontracts, the vendor shall submit a written statement to the agency giving the name and address of the proposed subcontractor, the portion of the work and materials that the subcontractor is to perform and furnish, and the estimated cost of the subcontract.

(2) Upon receipt of the above, the agency in its discretion may grant or deny preliminary approval for the vendor to contract with the subcontractor.

(3) The Agency shall notify the vendor within thirty days whether preliminary approval has been granted. If preliminary approval is granted the vendor shall provide such documentation as may be requested by the agency to show that the proposed subcontractor has the necessary facilities, skill, integrity, past experience and financial resources to perform the required work, including, as applicable, but not limited to:

(i) Completed VENDEX questionnaires, if and as required under Rule 2-08(e);

(ii) References;

(iii) Licenses;

(iv) Documentation that the subcontractor has been certified by DSBS as a minority-owned, women-owned or emerging business enterprise.

(4) Upon receipt of all relevant documentation, the agency shall notify the vendor in writing whether the proposed subcontractor is approved. If the proposed subcontractor is not approved, the vendor may submit another proposed subcontractor unless the vendor decides to do the work. No subcontractor shall be permitted to perform work unless approved by the agency.

(e) Change of Subcontractor

For construction contracts where a list of subcontractors has been submitted in accordance with Section 3-02 (b)(xix)(K) of these Rules, any change of subcontractor or agreed-upon amount to be paid to a subcontractor shall require the approval of the City upon a showing of a legitimate construction need for such change. A legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined to Section 222 (2)(e) of the New York State Labor Law, or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. Documents relating to the City's approval of changes of subcontractors pursuant to this subdivision shall be open to public inspection.

(f) Payment

Payment to subcontractors shall be made in accordance with Section 4-06(e)(2) of these Rules.

(g) Privity

The approval by the City of a subcontractor shall not establish privity between that subcontractor and the City or relieve the vendor of any obligations under the contract.

**and § 4-09, Resolution of Disputes Arising Out of Contract Administration, of chapter 3 of Title 9 of the Rules of the City of New York,** pursuant to Sections 311 and 1043 of the New York City Charter.

#### Basis and Purpose of the Amendment

In light of the fact that the administrative functions of the Procurement Policy Board (PPB) are now handle by the Mayor's Office of Contract Services (MOCS), the proposed amendments substitute the City Chief Procurement Officer (CCPO) and the Comptroller, in lieu of the PPB, for receipt or filing of various documents required to be submitted to the PPB under the rules. The proposed amendment to 4-09 eliminates the reference to the Office of Construction because it is now a part of MOCS. Finally, because agencies have owed low levels of prompt payment interest in recent years, the proposed change to rule 4-06 removes the requirement that agencies publish monthly prompt payment performance statistics and instead requires them to provide them upon request. The proposed change to rule 4-06 also conforms the language to the Charter and requires posting of all reports on the City's website.

#### How to Comment

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

#### The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

#### Section 1. Paragraph (2) of subdivision (h) of section 2-08 of Title 9 of the Rules of the City of New York is amended as follows:

(2) A copy of the determination of non-responsibility shall be immediately sent to the non-responsible bidder or offeror. Notice to the non-responsible bidder must be mailed no later than two business days after the determination of non-responsibility is made and must inform the contractor of the right to appeal the determination to the Agency Head or designee within ten calendar days of receipt. A copy of the determination of non-responsibility shall also be sent to the CCPO and Comptroller [Procurement Policy Board].

#### Section 2. Subdivision (t) of section 3-02 of Title 9 of the Rules of the City of New York is amended as follows:

(t) Selection of Other Than Lowest Bidder. If the ACCO determines that the lowest bidder is either not responsible or not responsive, the lowest bidder shall immediately be notified in writing of such determination and the reasons therefor, and the right to appeal the determination, if applicable. A copy of the notification shall be filed with the CCPO and Comptroller [PPB].

#### Section 3. Paragraph (5) of subdivision (g) of section 4-06 of Title 9 of the Rules of the City of New York is amended as follows:

(5) assuring that inspectors general and internal auditors periodically review implementation, as they and their Agency Head deem appropriate. Copies of reports on audits and reviews should be provided to the CCPO and Comptroller [PPB] upon issuance.

#### Section 4. Subdivision (h) of section 4-06 of Title 9 of the Rules of the City of New York is amended as follows:

(h) Reporting Requirements. PPB shall coordinate and publish an annual prompt payment performance report detailing each agency's performance pursuant to Charter Section 332. PPB shall additionally [publish monthly] make cumulative prompt payment performance statistics available upon request. All reports shall be distributed to the CCPO, OMB, and Comptroller and shall be posted on the City's website in a location that is accessible by the public simultaneously with their publication.

#### Section 5. Paragraph (5) of subdivision (g) of section 4-09 of Title 9 of the Rules of the City of New York is amended as follows:

(5) Notification of CDRB Decision. The CDRB shall send a copy of its decision to the vendor, the ACCO, the Corporation Counsel, the Comptroller, the CCPO, [the Office of Construction, the PPB,] and, in the case of construction, the Engineer. A decision in favor of the vendor shall be subject to the prompt payment provisions of these Rules. The Required Payment Date shall be thirty days after the date the parties are formally notified of the CDRB's decision.

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#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT

The Procurement Policy Board (PPB) intends to promulgate an amendment to § 3-01, Policy, and § 3-10, Prequalification, of chapter 3 of Title 9 of the Rules of the City of New York, pursuant to Sections 311 and 1043 of the New York City Charter.

#### Basis and Purpose of the Amendment

The proposed amendments makes a series of changes to conform sections 3-01 and 3-10 to changes that have occurred in State law. The proposed amendment to section 3-01 removes the requirement that a special case determination

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE AMENDMENT

The Procurement Policy Board (PPB) intends to promulgate amendments to: § 2-08, Vendor Responsibility and Appeal of Determination of Non-Responsibility; § 3-02, Competitive Sealed Bidding; § 4-06, Prompt Payment;

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be made prior to use of PQLs for construction contracts. The proposed amendment to section 3-10 conforms the criteria for a vendor to be included on a PQL and conforms the circumstances when a PQL may be used to the changes in the law. The proposed amendment also changes the period within which vendors on PQL lists must reestablish their qualifications from one year to two. Finally the proposed amendment adds the requirement that, on a vendor's appeal from denial of inclusion on a PQL, the ACCO's determination shall be based on substantial evidence.

**How to Comment**

A public hearing will be held on June 18, 2009 at 12:00 P.M. at the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York City. In lieu of testimony, written comments may be sent to Jose Maldonado, Chair, Procurement Policy Board, 253 Broadway, 9th Floor, New York, N.Y., 10007. *To be considered, comments must be received by June 17, 2009.*

**The Amended Rule**

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

**Section 1. Subdivision (d) of section 3-01 of Title 9 of the Rules of the City of New York is amended as follows:**

\* \* \*

(d) "Special Case". Agencies may elect to use one of the methods of source selection listed herein, after making the determination that it is not practicable or not advantageous to the City to use competitive sealed bidding as required by this section.

(1) Methods of Source Selection for which "Special Case" Determination is Required: A "Special Case" determination is required for each case in which one of the following methods of source selection is used:

- (i) Competitive sealed bidding from prequalified vendors, except as provided in Section 3-10 (a);
- (ii) Competitive sealed proposals (including multi-step process);
- (iii) Competitive sealed proposals from prequalified vendors;
- (iv) Negotiated acquisition;
- (v) Sole source procurement;
- (vi) Demonstration project for innovative products, approaches, or technologies;
- (vii) Innovative procurement method; or
- (viii) Government-to-government purchase.

\* \* \*

**Section 3-10 of Title 9 of the Rules of the City of New York is amended as follows:**

(a) Policy. Prequalification allows an agency to evaluate the qualifications of vendors for provision of particular categories of goods, services, construction, or construction-related services (including subcategories based on expertise, size, dollar size of project, or other factors as determined by the ACCO) before issuing a solicitation for a specific contract. Except for procurements for construction, a procurement [Procurement] using a PQL shall be considered a "special case" under these Rules.

(b) "Special Case" Determination. Prior to using a PQL [list of prequalified vendors] for a procurement of goods, services or construction-related services, the ACCO shall make a determination that such procurement is a "special case" that requires the use of a PQL [prequalified list], that the list is composed of vendors that have been prequalified to provide the specified item(s) to be procured, and that the particular PQL is accurate, complete, and current. The ACCO may permit joint ventures of two or more prequalified vendors from one or more PQLs, or may combine PQLs for a solicitation. Use of a PQL for a procurement of construction does not require a special case determination.

(c) Circumstances of Use. Prequalification shall be used only where the need for advance screening of vendors' qualifications outweighs the benefits of broader competition, as determined by the ACCO. Such circumstances include, but are not limited to, categories of procurement where:

- (1) it is essential that only highly competent and experienced vendors be invited to bid;
- (2) high volume and/or repetitive procurements necessitate reduction of paperwork and delays in the award of contracts; [or]
- (3) the time between the occurrence of the need and the award of the contract must often be reduced to avert or respond to an emergency; or
- (4) with respect to procurement of construction, any basis that is in the best interests of the City.

(d) Criteria. Criteria that may be used to prequalify vendors include, but are not limited to:

- (1) current and past experience with similar projects;

- (2) references, past performance, and reliability;
- (3) organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of work;
- (4) financial capability, responsibility and reliability for such type and complexity of work, and availability of appropriate resources;
- (5) record of compliance with all federal, State, and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards;
- (6) record of maintaining harmonious labor relations;
- (7) use of subcontractors;
- (8) compliance with equal employment opportunity requirements and anti-discrimination laws, and demonstrated commitment to working with minority and women-owned businesses through joint ventures or subcontractor relationships;
- (9) record of protecting the health and safety of workers on public works projects and job sites as demonstrated by the vendor's experience modification rate for each of the last three years; and
- (7) record of business integrity of vendor.

In developing a PQL for a procurement of goods, services or construction-related services, the agency may use any of the criteria listed in this subsection. In developing a PQL for a procurement of construction, the agency must use all of the criteria listed in this subsection.

(e) Public Notice.

(1) Frequency.

(i) For each category of procurement for which an agency maintains a PQL or intends to establish a new PQL, the ACCO shall publish in the City Record at least once annually for five consecutive editions and shall post on the City's website in a location that is accessible by the public simultaneously with its publication a notice or notices specifically identifying each such category and inviting vendors to apply for inclusion on such PQL. Application for inclusion on such PQL shall be continuously available.

(ii) For each procurement not falling within a category for which a PQL has been established, but for which the agency intends to prequalify vendors prior to issuing a solicitation for such procurement, the ACCO shall publish in the City Record for five consecutive editions and shall post on the City's website in a location that is accessible by the public simultaneously with its publication a notice of its intention to establish such a PQL and invite vendors to apply for inclusion. There shall be a cutoff date for receipt of prequalification questionnaires for such PQL.

(iii) When using a PQL for a procurement, publication of notice inviting vendors to apply for such PQL shall have occurred within one year prior to the issuance of the solicitation.

(iv) The CCPO shall cause to be published in the City Record and shall post on the City's website in a location that is accessible by the public simultaneously with its publication a prominently placed continuous notice stating that New York City procurement policy encourages agencies to develop a PQL [prequalified lists] for various categories of goods, services, construction and construction-related services. Information and applications to be included on such PQLs [lists] may be obtained from the ACCO at each agency, may be submitted to ACCOs at any time, and shall be approved or denied within ninety days from the date of submission.

(v) For any PQL for construction, in addition to the notices required by this subsection, the ACCO shall publish, not less than annually, an advertisement in a New York City newspaper of general circulation inviting vendors to apply for inclusion on such PQL.

(2) Content. The notice shall include the agency name, category of procurement, and information on how the vendor may obtain an application.

(3) Updated PQLs. When using a PQL [prequalified list] for a procurement, publication of notice soliciting vendors for such list shall have occurred within one year of the solicitation.

(f) Questionnaire. To apply for inclusion on a PQL, a vendor must complete and submit an agency-developed prequalification questionnaire. At least once every two years [annually], and at the time of submitting any bid or proposal in response to a solicitation from a PQL, vendors shall affirm that there has been no change in the information included in the prequalification questionnaire, or shall supply such changed information. With respect to any PQL used in

connection with contract awards pursuant to Section 1-02(e) of these Rules, such affirmation by vendors that there has been no change in the information included in the prequalification questionnaire (or the supplying of such changed information) shall occur at the time of contract award.

(g) Making the Prequalification Decision. Prequalification questionnaires shall be reviewed by the ACCO and other agency personnel with knowledge, expertise, and experience sufficient to make a fair and reasonable determination, as appropriate. The ACCO shall have ninety days from the date of submission of a properly completed prequalification questionnaire to approve or deny prequalification.

(h) Solicitation from a PQL.

(1) Where a PQL has been established for a category of procurement or a particular procurement, the solicitation of bids or proposals for such procurement or category is not required to be publicly advertised, but may be limited to vendors on the PQL. PQLs for construction must have no less than five vendors and shall remain open for all additional qualified vendors. Where a PQL has been established for a category of construction procurement or a particular construction procurement, the solicitation of bids for such procurement or within such category must be limited to vendors on the PQL.

(2) Prequalified lists shall be reviewed at least once every two years [annually] to ensure that firms that no longer meet prequalification standards are not retained on the list.

\* \* \*

(m) Appeal of Denial or Revocation of Prequalification.

\* \* \*

(3) Determination. The Agency head shall consider the appeal, and shall make a prompt written decision with respect to its merits, except when such appeal relates to a DLS determination of non-compliance with equal employment opportunity requirements. Under such exception, the head of DLS shall consider the appeal and shall promptly inform the Agency Head in writing of his/her determination on the merits. The Agency Head or head of DLS (as applicable) may in his/her sole discretion convene an informal conference with the vendor and the ACCO to resolve the issue by mutual consent prior to making a determination. The Agency Head shall determine whether the ACCO's decision is arbitrary and capricious and whether it is based on substantial evidence.

\* \* \*

The agency shall forward a copy of all appeal-related documents within fourteen days of its receipt of the copy of the vendor's appeal to OATH. OATH shall review the decision and determine whether that decision is arbitrary or capricious and whether it is based on substantial evidence. Copies of OATH's determination shall be sent to the vendor, Agency Head, Comptroller's Office, and, where the decision results in the revocation of prequalification, to the CCPO for any modifications to the VENDEX database.

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**RENT GUIDELINES BOARD**

■ NOTICE

PLEASE TAKE NOTICE THAT SCHEDULES AND PROCEDURES RELATING to meetings and hearings of the New York City Rent Guidelines Board (RGB) or consideration of the guidelines for rent adjustments for apartment, loft and hotel dwelling units subject to the Rent Stabilization Law of 1969, as amended, have been formulated. In accordance with Chapter 45 of the New York City Charter (the "City Administrative Procedure Act"), the Board has proposed rent guidelines, which are now being followed by a notice and comment period, public hearings and the promulgation of final rent orders. The proposed rent guidelines will be published in accordance with the City Administrative Procedure Act and the public will have a minimum of 30 days to review and consider the proposals prior to the public hearings described below. Following the hearings and the receipt of public comments on the proposed rent guidelines, the Board will meet on **Tuesday, June 23, 2009 at 5:30 PM** at The Great Hall at Cooper Union, 7 East 7th Street at corner of 3rd Avenue (basement), New York, NY 10003 to adopt **final** rent guidelines. Apartment renewal leases and loft increase periods during the period of **October 1, 2009 through September 30, 2010** and rent stabilized hotel units will be affected.

**SCHEDULE OF MEETINGS AND HEARINGS**

The schedule of Rent Guidelines Board meetings and hearings to consider such adjustments is as follows:

DATE	LOCATION	TIME
Thursday June 4, 2009 Public Meeting	Department of City Planning Spector Hall 22 Reade Street New York, NY 10007	9:30 A.M. – 12:00 P.M.
Monday June 15, 2009 Public Hearing (Public Testimony)	Main Theatre of Hostos Community College/CUNY 450 Grand Concourse Bronx, NY 10451	4:00 P.M. – 10:00 P.M. (Public Hearing)
Wednesday June 17, 2009 Public Hearing (Public Testimony)	The Great Hall at Cooper Union 7 East 7th Street at corner of 3rd Ave. (basement) New York, NY 10003	10:00 A.M. – 6:00 P.M. (Public Hearing)
Tuesday June 23, 2009	The Great Hall at Cooper Union	5:30 P.M. – 9:30 P.M.

Public Meeting 7 East 7th Street (VOTE on  
(Final Vote) at corner of 3rd Ave. Final Rent  
(basement) Guidelines)  
New York, NY 10003

In order to ensure that the members of the Rent Guidelines Board are able to deliberate and to hear members of the public with regard to renewal lease adjustments, and that members of the public are able to participate meaningfully in the public meeting and hearing process, items that are reasonably likely to disrupt the proceedings, such as noisemakers and drums, are prohibited and may not be brought into meeting and hearing venues. We encourage you to arrive early to avoid delays and help speed the entry of all members of the public. Your cooperation, patience and understanding are greatly appreciated.

**NOTE: The Rent Guidelines Board reserves the right to cancel or reschedule public meetings.**

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call (212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. An exact time for speaking cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number. Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 P.M.

Pre-registered speakers who have confirmed their presence on the day of the hearing will be heard in the order of pre-registration and before those who have not pre-registered. If a speaker's pre-registered position has been passed before he or she has confirmed his or her pre-registration, his or her position is forfeited and he or she must re-register. There will be no substitutions of one speaker's position for another. Those who have not pre-registered or need to re-register can register at the hearing location from **3:45 P.M. until 8:00 P.M. at the June 15 hearing and from 9:45 A.M. until 6:00 P.M. at the June 17 hearing**, and will be heard in the order of their registration. Public officials and a limited number of speakers chosen by owner and tenant groups may be given priority over other speakers. The public is invited to observe all Public Meetings and Public Hearings but is invited to speak at only the Public Hearings. Please note that testimony regarding the preliminary guidelines from tenants and owners of rent stabilized apartments, lofts, and hotels, as well as public officials, will be heard throughout the day starting at 4:00 P.M. on June 15 and 10:00 A.M. on June 17. There is no scheduled break for lunch or dinner.

#### SCHEDULE FOR WRITTEN SUBMISSION OF INFORMATION AND COMMENTS BY THE PUBLIC

Written comments on the proposed rent guidelines must be received by **Wednesday, June 17, 2009**. Such materials must be submitted to the office of the RGB at 51 Chambers Street, Suite 202, New York, N.Y. 10007, or in the alternative may be submitted directly to the RGB Staff at the Hearings on **June 15 and June 17, 2009**. Written submissions can also be sent via fax at 212-385-2554 or by email to board@housingnyc.com.

#### INSPECTION AND ACCESS TO THE MATERIAL

Written material submitted to the RGB may be inspected by members of the public by appointment between the hours of 10:00 AM and 4:00 PM on weekdays at the RGB office. Copies of written materials submitted to the RGB may be ordered, in writing, at a cost of \$.25 per page, plus postage, which shall be paid in cash. In addition, copies of the existing guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above.

**Dated: May 6, 2009**

Marvin Markus, Chair  
New York City Rent Guidelines Board

#### **NEW YORK CITY RENT GUIDELINES BOARD NOTICE OF OPPORTUNITY TO COMMENT PROPOSED 2009 APARTMENT ORDER (#41)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969, as amended: Apartments and Lofts.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **proposes** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2009**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2009** and through **September 30, 2010**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

#### PUBLIC HEARINGS

Pursuant to Section 1043 of the City Charter and the hearing requirements of the Rent Stabilization Law of 1969, as amended, (Section 26-510(h) N.Y.C. Administrative Code)

hearings on the proposed guidelines set forth below shall be held on **Monday, June 15, 2009, from 4:00 P.M. to 10:00 P.M.** at the Main Theatre of Hostos Community College/CUNY, 450 Grand Concourse, Bronx, NY 10451, and **Wednesday, June 17, 2009, from 10:00 A.M. to 6:00 P.M.** at The Great Hall at Cooper Union, 7 East 7th Street, at the corner of 3rd Avenue (basement), New York, NY 10003.

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call (212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. An exact time for speaking cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number. Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 P.M.

Pre-registered speakers who have confirmed their presence on the day of the hearing will be heard in the order of pre-registration and before those who have not pre-registered. If a speaker's pre-registered position has been passed before he or she has confirmed his or her pre-registration, his or her position is forfeited and he or she must re-register. There will be no substitutions of one speaker's position for another. Those who have not pre-registered or need to re-register can register at the hearing location from **3:45 P.M. until 8:00 P.M. at the June 15 hearing and from 9:45 A.M. until 6:00 P.M. at the June 17 hearing**, and will be heard in the order of their registration. Public officials and a limited number of speakers chosen by owner and tenant groups may be given priority over other speakers. The public is invited to observe all Public Meetings and Public Hearings but is invited to speak at only the Public Hearings. Please note that testimony regarding the preliminary guidelines from tenants and owners of rent stabilized apartments, lofts, and hotels, as well as public officials, will be heard throughout the day starting at 4:00 PM on June 15 and 10:00 AM on June 17. There is no scheduled break for lunch or dinner.

#### SCHEDULE FOR WRITTEN SUBMISSION OF INFORMATION AND COMMENTS BY THE PUBLIC

Written comments on the proposed rent guidelines must be received by **Wednesday, June 17, 2009**. Such materials must be submitted to the office of the RGB at 51 Chambers Street, Suite 202, New York, N.Y. 10007, or in the alternative may be submitted directly to the RGB Staff at the Hearings on **June 15 and June 17, 2009**. Written submissions can also be sent via fax at 212-385-2554 or by email to board@housingnyc.com.

#### INSPECTION AND ACCESS TO THE MATERIAL

Written material submitted to the RGB may be inspected by members of the public by appointment between the hours of 10:00 A.M. and 4:00 P.M. on weekdays at the RGB office. Copies of written materials submitted to the RGB may be ordered, in writing, at a cost of \$.25 per page, plus postage, which shall be paid in cash. In addition, copies of the existing guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above.

#### PROPOSED RENEWAL ADJUSTMENTS FOR APARTMENTS

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

For a **one-year** renewal lease commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **2% - 4.5%**

For a **two-year** renewal lease commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **4% - 7.5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2% - 4.5% or \$20-\$45, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **4% - 7.5% or \$40-\$75, whichever is greater.**

Adjustments for renewal leases shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

#### PROPOSED VACANCY ALLOWANCE FOR APARTMENTS

**No vacancy allowance** is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

#### PROPOSED ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance

authorized by such subdivision shall be **10%**.

#### PROPOSED ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **proposes** the following levels of rent increase above the "base rent", as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **2% - 4.5%**

For **two-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **4% - 7.5%**

#### VACANT LOFT UNITS - PROPOSAL

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

#### FRACTIONAL TERMS - PROPOSAL

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

#### ESCALATOR CLAUSES - PROPOSAL

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2009** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2009** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

#### SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS - PROPOSAL

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2009** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

#### PROPOSED SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **proposes** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2009**, which become vacant after **September 30, 2009**, the special guideline shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

#### DECONTROLLED UNITS - PROPOSAL

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2009**, shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York

City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

CREDITS - PROPOSAL

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

**Dated: May 5, 2009**

Marvin Markus  
Chair  
New York City Rent Guidelines Board

**NEW YORK CITY RENT GUIDELINES BOARD  
NOTICE OF OPPORTUNITY TO COMMENT  
PROPOSED 2009 HOTEL ORDER (#39)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969: Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **proposes** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2009**.

APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2009**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2009** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

PUBLIC HEARINGS

Pursuant to Section 1043 of the City Charter and the hearing requirements of the Rent Stabilization Law of 1969, as amended, (Section 26-510(h) N.Y.C. Administrative Code) hearings on the proposed guidelines set forth below shall be held on **Monday, June 15, 2009, from 4:00 PM to 10:00 PM** at the Main Theatre of Hostos Community College/ CUNY, 450 Grand Concourse, Bronx, NY 10451, and **Wednesday, June 17, 2009, from 10:00 AM to 6:00 PM** at The Great Hall at Cooper Union, 7 East 7th Street, at the corner of 3rd Avenue (basement), New York, NY 10003.

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call (212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. **An exact time for speaking** cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number. Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 PM.

Pre-registered speakers who have confirmed their presence on the day of the hearing will be heard in the order of pre-registration and before those who have not pre-registered. If a speaker's pre-registered position has been passed before he or she has confirmed his or her pre-registration, his or her position is forfeited and he or she must re-register. There will be no substitutions of one speaker's position for another. Those who have not pre-registered or need to re-register can

register **at the hearing location from 3:45 P.M. until 8:00 P.M. at the June 15 hearing and from 9:45 A.M. until 6:00 P.M. at the June 17 hearing**, and will be heard in the order of their registration. Public officials and a limited number of speakers chosen by owner and tenant groups may be given priority over other speakers. The public is invited to observe all Public Meetings and Public Hearings but is invited to speak at only the Public Hearings. Please note that testimony regarding the preliminary guidelines from tenants and owners of rent stabilized apartments, lofts, and hotels, as well as public officials, will be heard throughout the day starting at 4:00 PM on June 15 and 10:00 AM on June 17. There is no scheduled break for lunch or dinner.

SCHEDULE FOR WRITTEN SUBMISSION OF INFORMATION AND COMMENTS BY THE PUBLIC

Written comments on the proposed rent guidelines must be received by **Wednesday, June 17, 2009**. Such materials must be submitted to the office of the RGB at 51 Chambers Street, Suite 202, New York, N.Y. 10007, or in the alternative may be submitted directly to the RGB Staff at the Hearings on **June 15 and June 17, 2009**. Written submissions can also be sent via fax at 212-385-2554 or by email to board@housingnyc.com.

INSPECTION AND ACCESS TO THE MATERIAL

Written material submitted to the RGB may be inspected by members of the public by appointment between the hours of 10:00 AM and 4:00 PM on weekdays at the RGB office. Copies of written materials submitted to the RGB may be ordered, in writing, at a cost of \$.25 per page, plus postage, which shall be paid in cash. In addition, copies of the existing guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above.

PROPOSED RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **proposes** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2009** shall be:

- 1) Residential Class A (apartment) hotels - **2% - 4.5%**
- 2) Lodging houses - **2% - 4.5%**
- 3) Rooming houses (Class B buildings containing less than 30 units) - **2% - 4.5%**
- 4) Class B hotels - **2% - 4.5%**
- 5) Single Room Occupancy buildings (MDL section 248 SRO's) - **2% - 4.5%**

Except that the allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2009** shall be **0%** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

NEW TENANCIES - PROPOSAL

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the levels over rentals charged on **September 30, 2009** permitted under the applicable rent adjustment provided above.

ADDITIONAL CHARGES - PROPOSAL

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

**Dated: May 5, 2009**

Marvin Markus  
Chair  
New York City Rent Guidelines Board

**TRANSPORTATION**

■ NOTICE

**NOTICE OF ADOPTION** of the Rule on Fees for Overdimensional Truck Permits.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE** Commissioner of the Department of Transportation by subdivision (b) of Section 2903 of the New York City Charter, Title 19 of the Administrative Code, and in accordance with the

requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby adopts subdivision (b), paragraph 17 of Section 4-15 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules. This rule was first published on April 1, 2009. This rule shall take effect 30 days from the date hereof.

Section one. Paragraph (17) of subdivision (b) of section 4-15 of Title 34 of the Rules of the City of New York is amended to read as follows:

**(17) Fees.** An administrative fee of [\$25.00] **\$35.00** shall be charged for each and every permit issued under this subdivision (b) unless otherwise provided by law. This fee shall not be refundable and is payable in addition to any other fees or charges provided for under the rules of the Department of Transportation.

**STATEMENT OF BASIS AND PURPOSE OF RULE**

The Commissioner of Transportation is authorized to promulgate rules regarding parking and traffic in the City pursuant to Section 2903 of the New York City Charter.

Section 4-15 is being amended to increase the fees collected for overweight and overdimensional truck permits. The fee currently charged by the Department no longer accurately reflects administrative and labor costs incurred in processing these permits.

■ m13

**SPECIAL MATERIALS**

**COMPTROLLER**

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on May 21, 2009, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	2448	P/O 60

Acquired in the proceeding, entitled: Third Water Tunnel Shaft 18B subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

m7-21

**HOUSING PRESERVATION & DEVELOPMENT**

■ NOTICE

**OFFICE OF PRESERVATION SERVICES  
CERTIFICATION OF NO HARASSMENT UNIT**

**REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION**

**DATE OF NOTICE:** May 7, 2009

**TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF**

**Address Application # Inquiry Period**

405 West 46th Street, Manhattan 30/09 September 5, 1973 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the **Special Clinton District**, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify

the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m7-15

Contact Persons

Patrick Blanchfield, Director of Environmental Review New York City Dept. of Housing Preservation and Development (HPD) (212) 863-5056

SEQRA Classification: Type I

Public Scoping Meeting:

Broadway Triangle (CEQR No. 09HPD019K)

The New York City Department of Housing Preservation and Development, as lead agency, has accepted a Draft Environmental Impact Statement on the Broadway Triangle Proposal. A public hearing on the Draft Environmental Impact Statement (DEIS) will be held at a later date to be announced, in conjunction with the City Planning Commission's public hearing pursuant to Uniform Land Use Review Procedures (ULURP). Subsequent notice will be given as to the time and place of the public hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing. The DEIS may be viewed online at: http://www.nyc.gov/html/hpd/html/developers/Broadway\_Triangle\_Proposal.shtml

The Proposed Action involves zoning map and text amendments, amendments to the Broadway Triangle Urban Renewal Plan (URP), and the disposition of City-owned property within a nine-block area of Williamsburg, Brooklyn, Community District 1. The Project Area includes the blocks generally bounded by Flushing Avenue to the south, Throop Avenue to the east, Lynch Street to the north, and Union Avenue, Walton Street, and Harrison Avenue to the west.

Under the Proposed Action (which has a build year of 2018), the zoning of the Project Area would change from M1-2, M3-

1, and C8-2 to R6A, R6A/C2-4, R7A, R7A/C2-4, and C4-3. The Proposed Action would result in an overall loss in vacant, auto-related, commercial, and manufacturing/storage uses and a net increase of approximately 1,851 residential units (of which 905 would be affordable), 103,286 square feet of retail space and 35,456 square feet of community facility space. In addition, funding may be sought from various federal, state, and local agencies.

Contact Person: Patrick Blanchfield, AICP, New York City Department of Housing Preservation and Development Address: 100 Gold Street, Rm 9V-3 City: New York State: New York Zip: 10038 Phone: (212) 863-5056 Fax: (212) 863-5052 Email: blanchfp@hpd.nyc.gov

m13

OFFICE OF THE MAYOR

OFFICE OF THE CRIMINAL JUSTICE COORDINATOR

NOTICE

The U.S. Department of Justice, Bureau of Justice Assistance (BJA), recently announced that \$29,062,259 is available for New York City under the American Recovery and Reinvestment Act, Edward Byrne Memorial Justice Assistance Grant (JAG) program. Funds may be used for several purpose areas, including: law enforcement programs, prosecution and court programs, prevention and education programs, corrections, drug treatment, planning, evaluation, and technology improvement programs, and crime victim and witness programs.

The Mayor's Office of the Criminal Justice Coordinator, in consultation with the New York City Office of Management

and Budget, is in the process of preparing a distribution plan for JAG funds. The City is required to submit an application for funding to BJA by May 18, 2009. Individuals or organizations who wish to provide comment about the distribution of JAG funds in New York City should send comments to:

Grants Coordinator New York City Mayor's Office of the Criminal Justice Coordinator One Centre Street, Room 1012 North, New York, NY 10007

All comments must be received by May 15, 2009.

m8-14

POLICE

NOTICE

The New York City Police Department (NYPD) is currently accepting applications for permits for the 2009 Arterial Tow Program selection process. Applications are available and may be picked up from May 4, 2009 to May 18, 2009 between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at 315 Hudson Street, 3rd Floor, New York, NY 10013. Or you may download applications by visiting the City Record Website http://a856-internet.nyc.gov/nycvendonline/VendorShort/asp/VendorMenu.asp and follow the links to NYPD solicitations. Note: The applications will not be available for download until May 4, 2009. Completed applications will be accepted from July 6, 2009 to July 10, 2009 between the hours of 9:00 A.M. and 5:00 P.M. at 315 Hudson Street, 3rd Floor, New York, NY 10013. Completed applications are due no later than July 10, 2009 at 5:00 P.M. Any inquiries regarding this solicitation must be directed to Mr. Frank Bello, Agency Chief Contracting Officer, NYPD Contract Administration Unit, via email at frank.bello@nypd.org or via fax at (646) 610-5129 on or before May 18, 2009.

al-m18

CHANGES IN PERSONNEL

COMMUNITY COLLEGE (MANHATTAN) FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Community College (Manhattan).

COMMUNITY COLLEGE (HOSTOS) FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Community College (Hostos).

COMMUNITY COLLEGE (LAGUARDIA) FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Community College (LaGuardia).

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Hunter College High School.

HUNTER COLLEGE HIGH SCHOOL FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Hunter College High School.

BROOKLYN COMMUNITY BOARD #8 FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Brooklyn Community Board #8.

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Department of Education Admin.

STEIN-HOLMES	RACHEL	K	12627	\$65833.0000	RESIGNED	YES	04/03/09
THOMAS	LAFERNE		40493	\$44209.0000	APPOINTED	YES	03/15/09
TRINCHETTO	KIM		06219	\$48.5200	RESIGNED	YES	12/09/07
WARD	GRETCHEN		06216	\$56094.0000	APPOINTED	YES	03/22/09
WASHINGTON	INDIA		56057	\$42318.0000	RESIGNED	YES	03/31/09

OFFICE OF PROBATION  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
MISTRETTA	ANNA	E	51801	\$33211.0000	RESIGNED	YES	03/29/09
ORTIZ-MONTALVO	ILEANA		51801	\$33211.0000	RESIGNED	YES	03/25/09

DEPARTMENT OF BUSINESS SERV.  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
BERTRAN	NICOLE	A	10095	\$70000.0000	RESIGNED	YES	09/14/08
BLAZHEVICH	ALINA		10209	\$12.8600	APPOINTED	YES	03/31/09
HIRSCH	DARIA		10209	\$12.8600	APPOINTED	YES	04/05/09
NAIDU	NITESH		10209	\$12.8600	APPOINTED	YES	03/29/09
SCOTT BLACKMON	LARRY		95143	\$144753.0000	RESIGNED	YES	01/27/09

HOUSING PRESERVATION & DVLPMNT  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
BHAGWAN	OSCAR	W	31670	\$51936.0000	APPOINTED	NO	03/22/09
DELLITURRI	PASQUALE		31670	\$51936.0000	APPOINTED	NO	03/22/09
GRACE	PETER	J	10026	\$141154.0000	RESIGNED	YES	02/08/09
GRIFFIN	JOHN	C	10050	\$118292.0000	PROMOTED	NO	03/29/09
GUBIN	ALAN		12158	\$38564.0000	INCREASE	NO	03/02/08
MULLIN	KATHLEEN	A	12627	\$63301.0000	RESIGNED	YES	11/25/07
PATEL	MAHENDRA	M	31670	\$51936.0000	APPOINTED	NO	03/22/09
PESNER	ROBERT		10074	\$137000.0000	APPOINTED	YES	03/29/09
SAM	MARK		21210	\$53216.0000	RESIGNED	NO	03/31/09
SPINELLI	MONALISA		31670	\$51936.0000	APPOINTED	NO	03/22/09
WALLACE	ANNETTE	G	10124	\$58542.0000	RETIRED	NO	04/01/09
WILKINSON	ISAAC		31311	\$45426.0000	RESIGNED	YES	04/07/09

DEPARTMENT OF BUILDINGS  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
DISTEFANO	JAMES		31629	\$48017.0000	APPOINTED	YES	03/29/09
FEROZE	MD		22410	\$70000.0000	APPOINTED	YES	03/29/09
HEWITT	MARIO	A	10209	\$13.4000	RESIGNED	YES	03/17/09
JORGE	JORGE		10124	\$36965.0000	APPOINTED	YES	03/29/09
PAHULIK	JEFFREY		31644	\$62928.0000	APPOINTED	YES	03/29/09
SIRAKIS	CONSTADI		10015	\$100700.0000	INCREASE	YES	04/05/09
SPENCE	JOHN	A	31629	\$57722.0000	RESIGNED	YES	04/02/09
WEN	LEUNG		10007	\$95102.6400	INCREASE	YES	04/05/09

DEPT OF HEALTH/MENTAL HYGIENE  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
ABRAMSON	ROSANA	E	31215	\$38436.0000	APPOINTED	YES	03/29/09
ADAMS	LARRY	J	90535	\$37723.0000	RETIRED	YES	04/01/09
ADAMS	LARRY	J	90510	\$17.8800	RETIRED	NO	04/01/09
ALEXANDER	STAFFORD		90505	\$32902.0000	RESIGNED	YES	03/25/09
AMONOO-THOMAS	SAMANTHA		51191	\$20.6800	RESIGNED	NO	03/20/09
ARISTILDE	JOSEPH		51191	\$45585.0000	RETIRED	NO	04/02/09
ASSALI	JOHN	T	12627	\$83493.0000	RESIGNED	YES	04/03/09
BHUIYAN	SHARIF	A	71022	\$47038.0000	RESIGNED	YES	04/02/09
BLUMENKOPF	REBECCA	A	30087	\$49169.0000	INCREASE	YES	03/15/09
BOWERS	KEVIN	R	70810	\$29096.0000	APPOINTED	NO	04/05/09
BROCK	BARBARA	A	5100B	\$29.1900	RESIGNED	YES	03/18/09
CHACKO	ANISH	T	31215	\$38436.0000	APPOINTED	YES	03/29/09
CLEMENTE	JESSICA		21744	\$73212.0000	RESIGNED	YES	03/29/09
CONNELLY	EDMUND	J	21744	\$97775.0000	RESIGNED	YES	04/09/09
DIFAVA	CARLO		40562	\$74918.0000	RESIGNED	YES	04/06/09
DUPLAN	LOUIS	M	10026	\$95303.0000	INCREASE	YES	03/29/09
FUSCO	ELISA MA		10209	\$10.2600	APPOINTED	YES	04/07/09
GOMEZ	FLAVIA	M	21513	\$51128.0000	RETIRED	NO	04/02/09
GRANDA	MARIA	A	5100C	\$58480.0000	RESIGNED	NO	02/03/09
HARRISON	BRIAN		31215	\$38436.0000	APPOINTED	YES	04/05/09
HOLLOWAY	SANDRA	D	31215	\$44201.0000	INCREASE	YES	03/29/09
JOHNSON	RONALD		10251	\$35460.0000	RESIGNED	YES	03/08/09
JORDAN	FANTA		31215	\$38436.0000	APPOINTED	YES	04/05/09
KELLY	DAVID		31215	\$38436.0000	APPOINTED	YES	03/29/09
LALMANSINGH	ASHLEY	L	10209	\$9.3100	APPOINTED	YES	04/05/09
LAWSON	JOYCE		81805	\$34857.0000	RETIRED	YES	04/01/09
LIU	GLORIA		13632	\$106759.0000	APPOINTED	YES	10/19/08
MAYBANK	KAREN	A	5304A	\$149500.0000	APPOINTED	YES	04/05/09
MOJICA	JANICE	T	10209	\$10.2600	RESIGNED	YES	01/09/09
MONDESIR	CLIFFORD	R	31215	\$38436.0000	APPOINTED	YES	03/29/09
MURPH	DEONTRA	M	31215	\$38436.0000	APPOINTED	YES	03/29/09
NADEL	MICHAEL	R	31215	\$38436.0000	APPOINTED	YES	04/05/09
NG-A-QUI	THERON	W	31215	\$38436.0000	APPOINTED	YES	03/29/09
O'DOHERTY	JOHN	K	51193	\$52462.0000	RETIRED	YES	04/01/09
O'DOHERTY	JOHN	K	51191	\$41007.0000	RETIRED	NO	04/01/09
PERRY	CHANETTE	J	31215	\$38436.0000	APPOINTED	YES	03/29/09
PRUITT	ROBERT		10069	\$57120.0000	RESIGNED	YES	03/17/09
RAMLOGAN	AHALIA	N	13641	\$71386.0000	RESIGNED	YES	03/29/09
SALIE	JOYCE		40526	\$38303.0000	RESIGNED	YES	04/01/09
SEPTIMUS	CHANTAL		5100B	\$29.1900	RESIGNED	YES	03/18/09
SUMMERS	CYNTHIA		10069	\$105226.0000	INCREASE	YES	03/29/09
TAYLOR	KEVIN	T	12626	\$56211.0000	APPOINTED	NO	03/22/09
TENNANT	EDWARD		12626	\$51094.0000	RETIRED	NO	03/29/09
TESTA	CHRISTIN	E	31220	\$56603.0000	APPOINTED	YES	04/05/09
THACKER	JOHN	W	12627	\$66771.0000	RETIRED	NO	03/31/09
THOMAS	STEPHANI	L	10209	\$10.2600	APPOINTED	YES	04/05/09
TORRES	MARION		51191	\$45585.0000	INCREASE	YES	03/29/09
TURNER	PATRICIA		31215	\$52568.0000	RESIGNED	NO	03/15/09
TUSSAY-LINDENBE	ALEXIA		21849	\$55593.0000	RESIGNED	YES	03/31/09
WILLIAMS	DARLENE		12749	\$37786.0000	APPOINTED	YES	01/04/09
XU	YAN		21513	\$52303.0000	APPOINTED	YES	03/29/09
YOUNG	SELINA	M	10251	\$17.4200	RETIRED	YES	04/01/09

DEPT OF ENVIRONMENT PROTECTION  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
ADAMOVICH	MICHAEL		90767	\$215.1200	PROMOTED	NO	03/22/09
ANTOSZ	STEPHEN	W	90767	\$215.1200	PROMOTED	NO	03/22/09
BAVARO	PHILIP		92205	\$267.6800	APPOINTED	NO	03/15/09
BEAUMONT	GREGORY	K	90767	\$215.1200	PROMOTED	NO	03/22/09
BEHARRY	DEVANAND		90767	\$215.1200	PROMOTED	NO	03/22/09
BERLYAVSKY	VIKTOR		20410	\$54216.0000	APPOINTED	NO	03/01/09
BRINCAT	MICHAEL		90767	\$215.1200	PROMOTED	NO	03/22/09
BUNCE	MARTIN	C	90767	\$215.1200	PROMOTED	NO	03/22/09
CANNING	JOHN	C	21744	\$81903.0000	INCREASE	YES	03/22/09
CANTALINO	ANTHONY	R	90767	\$215.1200	PROMOTED	NO	03/22/09
CARLSON	CHRISTOP		90767	\$215.1200	PROMOTED	NO	03/22/09
CARTWRIGHT	STEVEN	T	90767	\$215.1200	PROMOTED	NO	03/22/09
CAVALLERO	GEORGE		21538	\$63876.0000	INCREASE	NO	04/05/09
CERCHIO	CHRISTOP	A	90767	\$215.1200	PROMOTED	NO	03/22/09
CHAM	FRANTZ	F	90767	\$215.1200	PROMOTED	NO	03/22/09
CLARKE	KEVIN		20618	\$84017.0000	APPOINTED	YES	10/19/08
CURRY	JOSEPH	W	90767	\$215.1200	PROMOTED	NO	03/22/09
DAMASCO	ANTHONY		90767	\$215.1200	PROMOTED	NO	03/22/09
DAWE	THOMAS		90767	\$215.1200	PROMOTED	NO	03/22/09
DEMICO	ANDREW		90767	\$215.1200	PROMOTED	NO	03/22/09
FALCON	CHRISTOP	W	90767	\$215.1200	PROMOTED	NO	03/22/09
FARINA	PAUL	C	90767	\$215.1200	PROMOTED	NO	03/22/09
FERRANTINO	FRANK		90767	\$215.1200	PROMOTED	NO	03/22/09
FITZGIBBON	MICHAEL	M	90767	\$215.1200	PROMOTED	NO	03/22/09
FIX	RONALD		90767	\$215.1200	PROMOTED	NO	03/22/09
FRANKLIN	LYNCOLN		90767	\$215.1200	PROMOTED	NO	03/22/09
GALEOTTI	RICHARD	A	90767	\$215.1200	PROMOTED	NO	03/22/09
GRAHAM	MILTON	A	90767	\$215.1200	PROMOTED	NO	03/22/09
GREAVES	SAMUEL		92611	\$254.9600	RESIGNED	NO	03/15/09
GREAVES	SAMUEL		90756	\$274.1600	RESIGNED	NO	03/15/09
GUTEMA	JIGSAA	I	22427	\$65698.0000	INCREASE	YES	03/15/09
GWILLYM	THOMAS		90767	\$215.1200	PROMOTED	NO	03/22/09
HAIMSON	ROBERT		90767	\$215.1200	PROMOTED	NO	03/22/09
HALIK	MICHAEL	J	90767	\$215.1200	PROMOTED	NO	03/22/09
HARRIS	DARNEL	A	90767	\$215.1200	PROMOTED	NO	03/22/09

HATJISTEFANIS	STEFANIS		90767	\$215.1200	PROMOTED	NO	03/22/09
HEITNER	DAVID	N	12749	\$37786.0000	APPOINTED	NO	01/04/09
HO	HSIN-I		21801	\$38104.0000	APPOINTED	YES	03/29/09
HOPKINS	PATRICK	C	90767	\$215.1200	PROMOTED	NO	03/22/09
HORNE	GREGORY		10124	\$62527.0000	DECREASE	YES	03/08/09
HUGHES	MICHAEL	P	90767	\$215.1200	PROMOTED	NO	03/22/09
IACOMINO	CIRO	J	90739	\$187.0400	RESIGNED	NO	03/22/09
ISLAM	MUHAMMAD	A	90767	\$215.1200	PROMOTED	NO	03/22/09
IWENOFU	ALPHONSO		22426	\$51169.0000	APPOINTED	NO	01/11/09
JACKSON	ERNEST		90756	\$274.1600	RETIRED	NO	03/12/09
JAWANDO	DAWUD		90767	\$215.1200	PROMOTED	NO	03/22/09
JEREMIE	JODEL		10251	\$15.0500	RESIGNED	YES	11/23/08
JOSEPH	ADEBAYA	A	90767	\$215.1200	PROMOTED	NO	03/22/09
KEANE	WILLIAM	J	90767	\$215.1200	PROMOTED	NO	03/22/09
KRITIKOS	NICHOLAS	F	90767	\$215.1200	PROMOTED	NO	03/22/09
LAOR	NANCY		10251	\$35285.0000	APPOINTED	YES	03/22/09
LARSEN	DENNIS		90767	\$215.1200	PROMOTED	NO	03/22/09
LETANG	ATIAH	C	10209	\$9.3100	RESIGNED	YES	03/27/09
LLOYD	ROCKELLE	S	12749	\$37786.0000	APPOINTED	NO	01/04/09
LYNCH	COLIN	M	90767	\$215.1200	PROMOTED	NO	03/22/09
MAHLSTADT	EDWARD	S	90767	\$215.1200	PROMOTED	NO	03/22/09
MARICIC	ZIVORAD		90767	\$215.1200	PROMOTED	NO	03/22/09
MARTINEZ	ANTHONY	J	90767	\$215.1200	PROMOTED	NO	03/22/09
MCSHINE	TYRONE		20246	\$42958.0000	INCREASE	YES	04/05/09
MEYAPPAN	KARUPPAN		10209	\$10.2600	RESIGNED	YES	08/31/08
MILLER	KIAH		90767	\$215.1200	PROMOTED	NO	03/22/09
MOLANO	GISELL		10251	\$38595.0000	RESIGNED	YES	03/18/09
HOANG	NGO	C	10050	\$76875.0000	PROMOTED	NO	03/08/09
OSMAN	ISAMELDA	A	51181	\$58609.0000	APPOINTED	NO	02/17/09
PITZ							

FRANCE	MANDELA	U	9140A	\$12.0000	APPOINTED	YES	03/03/09
FRENCH	MARCUS		9140A	\$12.0000	APPOINTED	YES	03/03/09
FULLER	RAFAEL	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
FURR	ANTHONY		9140A	\$12.0000	APPOINTED	YES	03/03/09
FURR	ANTHONY		9140A	\$12.0000	APPOINTED	YES	03/03/09
GAMMON	STEVEN		10050	\$97347.0000	PROMOTED	NO	04/05/09
GARNER	RICHARD	C	9140A	\$12.0000	APPOINTED	YES	03/03/09
GEORGE	GERARDO	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
GEORGE	MARIO	F	9140A	\$12.0000	APPOINTED	YES	03/03/09
GIBBS	BERNIE	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
GLANTON	ALI		9140A	\$12.0000	APPOINTED	YES	03/03/09
GLENN	ANTOINE	O	9140A	\$12.0000	APPOINTED	YES	03/03/09
GODWIN	JAVON	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
GONSALVES	SYLVANNA		9140A	\$12.0000	APPOINTED	YES	03/03/09
GOODMAN	RONALD		70112	\$64108.0000	RETIRED	NO	04/02/09
GOSINE	DAVID	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
GRAHAM	DORIEL	B	9140A	\$12.0000	APPOINTED	YES	03/03/09
GRAHAM	TROY		9140A	\$12.0000	APPOINTED	YES	03/03/09
GRAVES	VICTOR		9140A	\$12.0000	APPOINTED	YES	03/03/09
GRAY	SHAUN	C	9140A	\$12.0000	APPOINTED	YES	03/03/09
GREEN	TAMEKA	R	71681	\$27013.0000	RESIGNED	NO	04/03/09
GREEN	TERRY	E	9140A	\$12.0000	APPOINTED	YES	03/03/09
GREGORY	DONALD		70112	\$64108.0000	RETIRED	NO	03/31/09
GRIFFITH	GERWIN	G	9140A	\$12.0000	APPOINTED	YES	03/03/09
GRIMM	DAMION	E	9140A	\$12.0000	APPOINTED	YES	03/03/09
HALL	HECTOR	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
HALL	WAYNE	G	9140A	\$12.0000	APPOINTED	YES	03/03/09
HARRIS	PARIS	T	9140A	\$12.0000	APPOINTED	YES	03/03/09
HARTMAN	SHIRLEY		9140A	\$12.0000	APPOINTED	YES	03/03/09
HARVARD	ERNEST		9140A	\$12.0000	APPOINTED	YES	03/03/09
HAWKINS	JUSTIN	I	9140A	\$12.0000	APPOINTED	YES	03/03/09
HAYES	JAMEL		9140A	\$12.0000	APPOINTED	YES	03/03/09
HAYLE	EDWARD		9140A	\$12.0000	APPOINTED	YES	03/03/09
HAYWOOD	KEITH	O	9140A	\$12.0000	APPOINTED	YES	03/03/09
HERNANDEZ	EDUARDO	C	9140A	\$12.0000	APPOINTED	YES	03/03/09
HIEU	JAHMALY	B	9140A	\$12.0000	APPOINTED	YES	03/03/09
HIGH	SHAUN	T	9140A	\$12.0000	APPOINTED	YES	03/03/09
HINDS	DAVID	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
HODGES	DIANE	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
HOLLAND	SCOTT		9140A	\$12.0000	APPOINTED	YES	03/03/09
IBRAHIM	RAMY		9140A	\$12.0000	APPOINTED	YES	03/03/09
JAMES	ANDREA		9140A	\$12.0000	APPOINTED	YES	03/03/09
JAMES	DAVID	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
JAMES	STEVEN	W	9140A	\$12.0000	APPOINTED	YES	03/03/09
JARRETT	DELROY	B	9140A	\$12.0000	APPOINTED	YES	03/03/09
JEAN	LEEDS		70112	\$64108.0000	RESIGNED	NO	03/24/09
JOHNSON	MARTELL	U	9140A	\$12.0000	APPOINTED	YES	03/03/09
JOHNSON	SYLVIA		9140A	\$12.0000	APPOINTED	YES	03/03/09
JONES	DERRICK	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
JONES	JOMO	N	9140A	\$12.0000	APPOINTED	YES	03/03/09
JONES	MELVIN	R	9140A	\$12.0000	APPOINTED	YES	03/03/09
JONES	STANLEY	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
JORDAN	GREGORY	H	9140A	\$12.0000	APPOINTED	YES	03/03/09
JOSEPH	EDWARD	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
JOSEPH	MARCUS	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
JULIEN	EBONIQUE	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
KELLY	CARL	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
KETTER	SHELLA		9140A	\$12.0000	APPOINTED	YES	03/03/09
KING	CURT	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
KOCHENDORFER	JOHN	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
KONNEH	MOHAMMED	K	9140A	\$12.0000	APPOINTED	YES	03/03/09
KURTZ	JAMES	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
LADSTETTER	BARRY		9140A	\$12.0000	APPOINTED	YES	03/03/09
LANGOMAS	APOLINAR		9140A	\$12.0000	APPOINTED	YES	03/03/09
LEGRAND	JOHN		9140A	\$12.0000	APPOINTED	YES	03/03/09
LEYRO	JOSE	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
LIGHTY	KENNETH	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
LIVATINO	AUGUSTUS	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
LOPEZ	JONATHAN	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
LOPEZ	JOSEPH	R	9140A	\$12.0000	APPOINTED	YES	03/03/09
MACKAY	SHELDON		9140A	\$12.0000	APPOINTED	YES	03/03/09
MARCUS	ALTON	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
MARTIN	GARY	J	70112	\$64108.0000	RETIRED	NO	03/31/09
MARTIN	KASIEB	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
MATALAS	JOHN	A	70112	\$64108.0000	RETIRED	NO	04/02/09
MATTHEWS	MARK		9140A	\$12.0000	APPOINTED	YES	03/03/09
MCCLAMY	CHEERY	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
MCCLENDON	ANTHONY		9140A	\$12.0000	APPOINTED	YES	03/03/09
MCCLENDON	CRAIG	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
MCLEOUD	TARON	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
MCRAE	JERRY	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
MILLER	PERRY		9140A	\$12.0000	APPOINTED	YES	03/03/09
MOLYNEUX	JOEL		9140A	\$12.0000	APPOINTED	YES	12/20/08
MOORE III	DANIEL	W	9140A	\$12.0000	APPOINTED	YES	03/03/09
MORELLI	LORENZO		92510	\$270.0800	DECEASED	NO	03/30/09
MORENO	JUAN		9140A	\$12.0000	APPOINTED	YES	03/03/09
MORRISON	HENRY		70112	\$64108.0000	RESIGNED	NO	04/08/09
MORRISON	JAMES		9140A	\$12.0000	APPOINTED	YES	03/03/09
MUHAMMAD	YUSIF	H	9140A	\$12.0000	APPOINTED	YES	03/03/09
MUNOZ	MARCO	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
MURPHY	ROBERT		9140A	\$12.0000	APPOINTED	YES	03/03/09
NASSER	MOHAMED	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
NAUPARI	CARLOS	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
NEAL	ALBERT		80633	\$9.2100	APPOINTED	YES	03/24/09
NG	JAMES	B	92510	\$270.0800	RETIRED	NO	04/03/09
NICHILO	VINCENT	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
NICKELSON JR	LUTHER	J	70112	\$64108.0000	RETIRED	NO	04/02/09
NOBLES	TYRIQ	S	9140A	\$12.0000	APPOINTED	YES	03/03/09
NORMAN	DEREK	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
NOVIELLO	JOSEPH	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
ODUBA	OLUSINA	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
PAGAN	JOHNATHA	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
PAUL	WINSTON	G	9140A	\$12.0000	APPOINTED	YES	03/03/09
PAWELCZYK	JOHN		10050	\$118838.0000	PROMOTED	NO	04/05/09
PAWLOWSKI	GREG		70112	\$33845.0000	RESIGNED	NO	04/03/09
PEARCY	JAMEL	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
PERRY	CLYDE		9140A	\$12.0000	APPOINTED	YES	03/03/09
PHILLIPS	SHAWN		9140A	\$12.0000	APPOINTED	YES	03/03/09
PIOLI	THOMAS	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
PITT	LARRY	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
POLIS	CHRIS		9140A	\$12.0000	APPOINTED	YES	03/03/09
POWELL	MARLON	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
PRICE	FEDELL	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
PURNELL	REGINALD	R	9140A	\$12.0000	APPOINTED	YES	03/03/09
RAM	RORY	N	9140A	\$12.0000	APPOINTED	YES	03/03/09
RAMOS TAMARA	RAFAEL	E	9140A	\$12.0000	APPOINTED	YES	03/03/09
RAMSARUP	BASIL		70112	\$64108.0000	RETIRED	NO	03/31/09
RAMSEY	GEORGE	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
REDDICK	FRANCES		9140A	\$12.0000	APPOINTED	YES	03/03/09
RESE	MICHAEL	B	9140A	\$12.0000	APPOINTED	YES	03/03/09
RICHARDS	DAVID	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
RIGOSI	ANTHONY	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
RIVERA	WANDALIS		9140A	\$12.0000	APPOINTED	YES	03/03/09
ROACH	ANTONIO	T	9140A	\$12.0000	APPOINTED	YES	03/03/09
ROBERTS	JAMEL	Y	9140A	\$12.0000	APPOINTED	YES	12/20/08
ROBINSON	KWAME	T	9140A	\$12.0000	APPOINTED	YES	03/03/09
ROBINSON	SEAN		9140A	\$12.0000	APPOINTED	YES	03/03/09
RODGERS	WAYNE		9140A	\$12.0000	APPOINTED	YES	03/03/09
RODRIGUEZ	FRED		70112	\$64108.0000	RETIRED	NO	03/31/09
RODRIGUEZ	MICHAEL		9140A	\$12.0000	APPOINTED	YES	03/03/09
ROMERO	VINCENT	C	9140A	\$12.0000	APPOINTED	YES	03/03/09
SANCHEZ	ELAINE		9140A	\$12.0000	APPOINTED	YES	03/03/09
SANDERS	DONALD		9140A	\$12.0000	APPOINTED	YES	03/03/09
SANDERS	TANDALIA	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
SANTIAGO	FRANK	A	70112	\$64108.0000	RETIRED	NO	03/31/09
SARGANT	DARYL	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
SCHUEMACHER	KAROLE	L	9140A	\$12.0000	APPOINTED	YES	03/03/09
SCHUEMACHER	REDA	E	9140A	\$12.0000	APPOINTED	YES	03/03/09
SHELDON	EDGAR	K	9140A	\$12.0000	APPOINTED	YES	03/03/09

SHEPHERD	JAMAL		9140A	\$12.0000	APPOINTED	YES	03/03/09
SLEDGE	THOMAS	T	9140A	\$12.0000	APPOINTED	YES	03/03/09
SMALLS	LAMAR	G	9140A	\$12.0000	APPOINTED	YES	03/03/09
SMITH	JEANNETT		70112	\$64108.0000	RETIRED	NO	03/31/09
SMITH	JOSEPH	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
SMITH	LEE		9140A	\$12.0000	APPOINTED	YES	03/03/09
SOTO	JOSE	D	9140A	\$12.0000	APPOINTED	YES	03/03/09
SPANN	TAKEYA		9140A	\$12.0000	APPOINTED	YES	03/03/09
SPENCE	OSBOURNE	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
STANGARONE	LUKE	A	9140A	\$12.0000	RESIGNED	YES	03/29/09
STEVENS	RANDY		9140A	\$12.0000	APPOINTED	YES	03/03/09
STRAUSS	JOEL	R	9140A	\$12.0000	APPOINTED	YES	03/03/09
STROMAN	TRACEY		9140A	\$12.0000	APPOINTED	YES	03/03/09
SULLIVAN	JOHN	L	70112	\$64108.0000	RETIRED	NO	04/01/09
SWINTON	DARNELL		9140A	\$12.0000	APPOINTED	YES	03/03/09
TARTER	JOHN		70150	\$86108.0000	RETIRED	NO	03/31/09
TAVAREZ	CARLOS	M	9140A	\$12.0000	APPOINTED	YES	03/03/09
THOMAS	ARTHUR		9140A	\$12.0000	APPOINTED	YES	03/03/09
THOMAS	DEREK	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
THOMAS	KEVIN		9140A	\$12.0000	APPOINTED	YES	03/03/09
TORIAN JR	ANTHONY		9140A	\$12.0000	APPOINTED	YES	03/03/09
TORRES	CARLOS		9140A	\$12.0000	APPOINTED	YES	03/03/09
TRIANO	JOSEPH	J	9140A	\$12.0000	APPOINTED	YES	03/03/09
VALLADARES	ISAIAS	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
VARGAS	ELIAS	A	9140A	\$12.0000	APPOINTED	YES	03/03/09
VASILENKO	VIKTOR		91719	\$329.0000	APPOINTED	NO	04/05/09
VASQUEZ	DARIO						