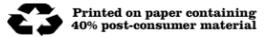




# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD  
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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### CITY COUNCIL

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 10:00 A.M. on Thursday, May 21, 2009:

#### DOCK STREET - DUMBO

**BROOKLYN CB - 2** **C 090181 ZMK**  
Application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and
- establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

#### DOCK STREET - DUMBO

**BROOKLYN CB - 2** **C 090183 ZSK**  
Application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 and 53), in an M1-2/R8 (MX-2) District, with a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts.

#### DOCK STREET - DUMBO

**BROOKLYN CB - 2** **C 090184 ZSK**  
Application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City

Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 59, 52 and 53), in an M1-2/R8 (MX-2) District, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, and 53, and Block 26, Lots 33 and 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts.

#### DOCK STREET SCHOOL

**BROOKLYN CB - 2** **20095229 SCK**  
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 300-Seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Borough of Brooklyn, Community School District No. 13.

■ m15-21

### 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:

- 1. 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
- 2. 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:

- 3. 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
- 4. 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 PPQ**  
**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 62-352, 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 3:

(map deleted)

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

(e) 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 23-96, paragraph(e), 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 23-922 (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 23-05.

**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**

**23-941951 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**

Column A	Column B
On-site Without #public funding#:	
#New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#:	3.75
#Preservation Affordable Housing# With #public funding#:	2.0
#New Construction Affordable Housing#.	
#Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing#	1.25
On-site Substantial Rehabilitation	3.2
Off-site New Construction (Private Site)	4.0
Off-site New Construction (Public Site)*	2.5
Off-site Substantial Rehabilitation (Private Site)	3.7

\* 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:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**, R6A	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8, R8A	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

\* 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 (e) 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 income #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.

#### **23-051 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 90 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 – 740 net square feet
  - 750 – 940 net square feet
  - 950 – 1140 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#.

#### **23-052 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#.

#### **23-053 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 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

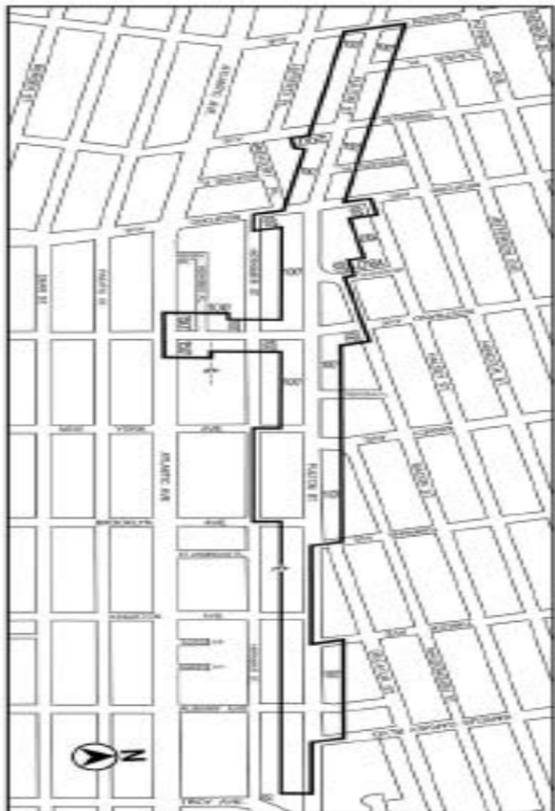
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix A. The #residence districts# listed for such areas shall include #commercial districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations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

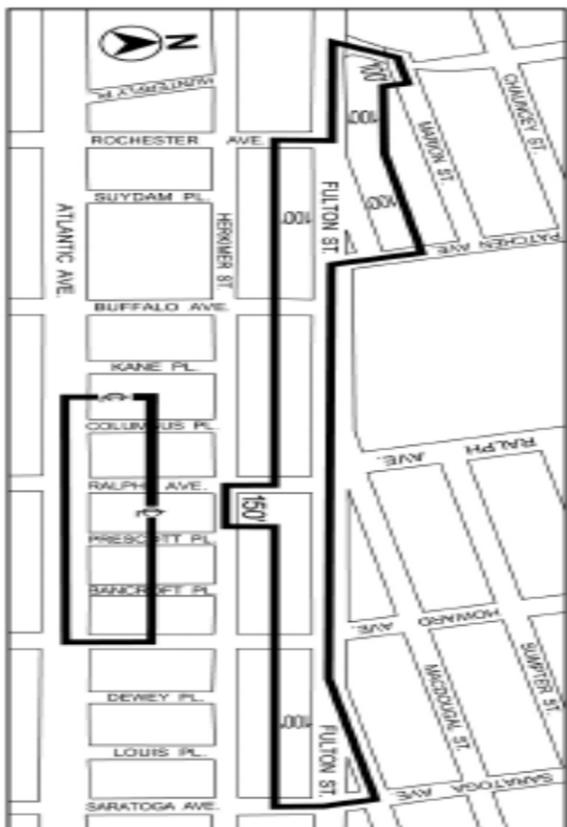


Map 1 Portion of Community District 1, Brooklyn



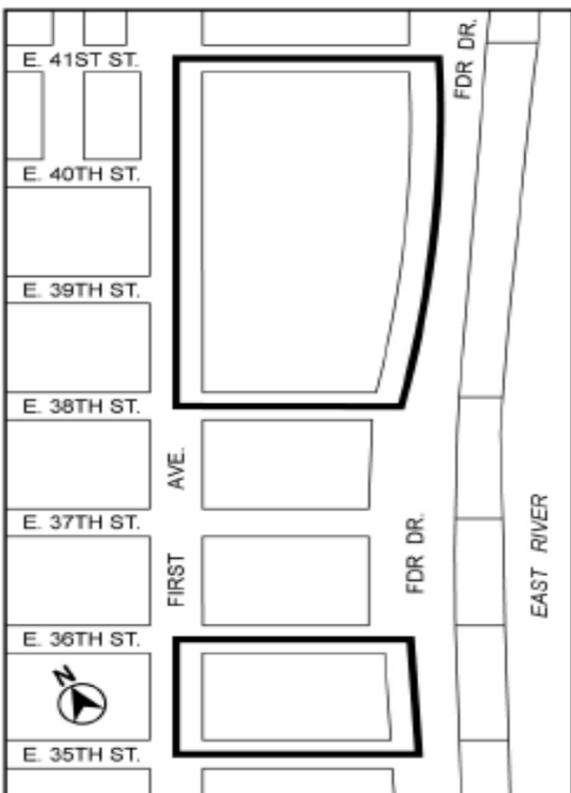


MAP 11  
Portion of Community District 3, Brooklyn



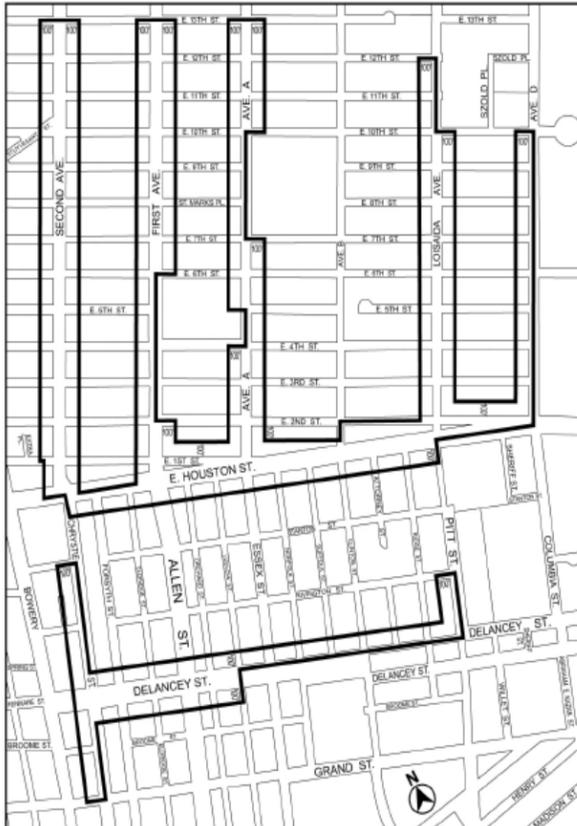
MAP 12  
Portion of Community District 3, Brooklyn

(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 23-05, except as modified in this paragraph, (c).

(1) The provisions of Section 23-05, 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 23-05, 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 23-051, 23-052 and 23-053 shall apply, except that 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# 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 23-053, 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 23-00 (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 35th Street, Eighth Avenue, West 32nd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-00, (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-rentals 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 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 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#.
- (e) 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 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 do 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.

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#, #moderate income# or #middle income housing# 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#, #moderate income# or #middle 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 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 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 3(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 23-05, 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 23-05, 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 23-05, 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 23-051, 23-052 and 23-053 shall apply, except that 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#. Furthermore, 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 Section 23-053, 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 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

- (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 #residential buildings# under 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 #residential buildings# under 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 ratio# 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.

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 (b) of Section 23-90 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) of Section 23-90 (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 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 BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, May 20, 2009 at 8:00 P.M., Kings Plaza Community Room, Flatbush Avenue and Avenue V, Brooklyn, NY

#### BSA #49-09-BZ

Premises affected - 1323 East 32nd Street  
 A public hearing on an application filed pursuant to Section 72-21 of the Zoning Resolution, to waive Section 24-35(a), side yard requirements for a bulk variance to allow the enlargement of a synagogue that is currently under construction at the subject premises located in an R4 zoning district.

m14-20

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

## 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

## OFFICE OF THE MAYOR

### PUBLIC HEARINGS

#### NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Tuesday, May 26, 2009 at 3:30 P.M.:**

**Intro 380-A** - A Local Law to amend the administrative code of the City of New York, in relation to requiring registration for the purchase and possession of etching acid.

**Intro 506-A** - A Local Law to amend the administrative code of the City of New York, in relation to the creation of a comprehensive wetlands protection strategy for New York City.

Michael R. Bloomberg  
 Mayor

**NOTE:** Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than **five business days prior to the public hearing**. TDD users call Verizon relay service.

m15

## YOUTH AND COMMUNITY DEVELOPMENT

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Youth and Community Development, 156 William Street, 2nd floor, Borough of

Manhattan, Wednesday, May 20, 2009, commencing at 2:00 P.M. on the following item:

**IN THE MATTER** of the proposed contract between the Department of Youth and Community Development and the Contractor listed below to provide a Web-based adult student record system. The Contractor's PIN numbers and contract amount is indicated below. The term of the contract shall be from January 1, 2009 to December 31, 2009; with one option to renew.

Contractor/Address	PIN #	Amount
Literacy Assistance Center 32 Broadway, 10th Floor New York, NY 10004	260090000LAC	\$135,000

The proposed vendor has been selected as a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection from May 15, 2009 to May 20, 2009 at The Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038, between the hours of 9:00 A.M. and 5:00 P.M. except holidays.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Mr. Vincent Perneti, Deputy Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038, [vpnetti@dycd.nyc.gov](mailto:vpnetti@dycd.nyc.gov). If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

m15

## 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 UNCLEAR 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

#### SALE OF: BI-ANNUAL SCRAP METAL REMOVAL CONTRACT from DEP Remsen Avenue Brooklyn site from July 1, 2009 to June 30, 2011.

S.P.#: 09017 DUE: May 28, 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.

m14-28

## 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 – San Gennaro Senior Center  
1556 Williamsbridge Road, Bronx, NY 10461  
PIN#: 12509NABP1ZU - Contract Amount: \$10,250

Neighborhood Self-Help by Older Persons Project, Inc.  
953 Southern Blvd., Bronx, NY 10459  
PIN#: 12509NABP1ZW - Contract Amount: \$34,568

Southern Brooklyn Community Organization  
4520 18th Avenue, Brooklyn, NY 11204  
PIN#: 12509NABP2P1 - Contract Amount: \$36,500

BWICA Educational Fund Inc.  
5901 13th Avenue, Brooklyn, NY 11219  
PIN#: 12509NABP2P3 - Contract Amount: \$78,000

Structured Employment Economic Development Corp.  
915 Broadway, 17th Fl., New York, NY 10010  
PIN#: 12509NABP3PR - Contract Amount: \$15,000

The Jewish Museum  
1109 5th Avenue, New York, NY 10128  
PIN#: 12509NABP3PS - Contract Amount: \$10,000

Jamaica Service Program for Older Adults Inc.  
162-04 Jamaica Avenue, 3rd Floor, Jamaica, NY 11432  
PIN#: 12509NABP4PC - Contract Amount: \$38,000

Jamaica Service Program for Older Adults Inc.  
162-04 Jamaica Avenue, 3rd Floor, Jamaica, NY 11432  
PIN#: 12509NABP4U1 - Contract Amount: \$93,140

Council of Senior Centers and Services of New York City Inc.  
49 West 45th Street, 7th Floor, New York, NY 10036  
PIN#: 12509NABP4P9 - Contract Amount: \$55,000

m15

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF FACILITIES MANAGEMENT AND CONSTRUCTION

#### ■ SOLICITATIONS

#### Construction/Construction Services

**REHABILITATION OF THE MIDTOWN COMMUNITY COURT** – Competitive Sealed Bids – DUE 07-27-09 AT 11:59 A.M. –  
PIN# 856090000760 - General Construction Work  
PIN# 856090000763 - Elevator Work  
PIN# 856090000762 - Mechanical Work  
PIN# 856090000759 - Plumbing and Fire Protection  
PIN# 856090000761 - Electrical Work

Located at 314 West 54th Street, NYC. This procurement is subject to goals for project participation by minority owned business enterprises (MBEs) and/or women owned business enterprises (WBEs) as required by Local Law 129 of 2005. Comptroller's Prevailing Wage Rates must be paid to employees performing the work, as required by Local Law 220 affecting wages and benefits. This procurement is also subject to Apprenticeship Program Requirements for each trade with a contract value of \$1,000,000 or over, as required by Labor Law 816-b. This applies to all trades except for the Elevator contract of this Project. A separate contract will be awarded for each individual Procurement Identification Number (PIN). PIN: 856090000760 - CONTRACT No. 1 - GENERAL CONSTRUCTION WORK. A bid bond for 10% of the bid amount; OR a certified check or bank check in the amount of \$100,000. Estimated amount is between \$9,500,000 to \$10,600,000. PIN: 856090000763 - CONTRACT No. 2 - ELEVATOR WORK. A bid bond for 10% of the bid amount; OR a certified check or bank check in the amount of \$22,000. Estimated amount is between \$850,000 and \$940,000. PIN: 856090000762 - CONTRACT No. 3 - MECHANICAL WORK. A bid bond for 10% of the bid amount; OR a certified check or bank check in the amount of \$45,000. Estimated amount is between \$3,600,000 and \$4,400,000. PIN: 856090000759 - CONTRACT No. 4 - PLUMBING AND FIRE PROTECTION WORK. A bid bond for 10% of the bid amount; OR a certified check or bank check in the amount of \$30,000. Estimated amount is \$900,000 to \$1,300,000. PIN: 856090000761 - CONTRACT No. 5 - ELECTRICAL WORK. A bid bond for 10% of the bid amount; OR a certified check or bank check in the amount of \$45,000. Estimated amount is \$2,600,000 to \$3,300,000. Project Duration is: Three Years. Bid packages will be available for purchase beginning: 5-15-09. Bidders are urged to purchase and review the bid documents prior to the pre-bid conference. There will be a mandatory pre-bid conference on 6-04-09 starting at 1:00 P.M. at 314 West 54th Street, NYC. PLEASE BE ON TIME. You must enter the building through the main entrance, wherein you will walk through metal detectors. Bidders will be escorted to the conference room. We encourage bidding contractors to have a qualified representative attend the conference. There will be a discussion of the new laws that affect the bid submission and award requirements. A site walkthrough is scheduled immediately thereafter. Bid submission is at: One Centre St., NYC, Room 1860 on 7-27-09. Bid opening will be at: One Centre St., NYC, Room 1860 at 12:00 Noon on 7-28-09. Payment and performance bonds for 100% of the contract amount are required on all of the contracts.

Bid packages must be obtained in person between the hours of 9:00 A.M. to 4:00 P.M. at the DCAS Office of Contracts, One Centre Street, 18th Floor, Room 1860, NY 10007. Bid package deposit is \$35.00 per set. Company checks or money orders are accepted (NO CASH) and are made payable to: DCAS. For bid results and availability of bid packages, call the plan desk at (212) 669-3499.

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 Citywide Administrative Services  
1 Centre Street, Room 1860, New York, NY 10007.  
Louis Pastore (212) 669-3499.

m15

### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### ■ SOLICITATIONS

#### Goods

**KOSHER DINNERS FOR DOC** – Competitive Sealed Bids – PIN# 8570901035 – DUE 05-20-09 AT 10:00 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.  
Department of Citywide Administrative Services  
Office of Vendor Relations, 1 Centre Street, Room 1800  
New York, NY 10007. Jeanette Megna (212) 669-8610.

m15

## 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:

- Collection Truck Bodies
- Collection Truck Cab Chassis
- 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

**MIND-BUILDERS CREATIVE ARTS CENTER RENOVATION THE BRONX** – Competitive Sealed Bids – DUE 06-11-09 AT 2:00 P.M. – PIN# 8502009PV0017C - General Construction  
PIN# 8502009PV0018C - Plumbing  
PIN# 8502009PV0020C - HVAC  
PIN# 8502009PV0019C - Electrical

PROJECT NO.: PV467-MIN. Contract documents will not be sold after Friday, May 29, 2009. There will be a mandatory pre-bid walk-thru on Monday, June 1, 2009 at 10:00 A.M. at the Mind-Builders Creative Arts Center located at 3415 Olinville Avenue, Bronx NY 10467. Contract documents must be purchased prior to pre-bid walk-thru. Bid documents are available at: <http://www.nyc.gov/buildnyc>

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.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).

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 document deposit - \$35.00 per set. Company check or money order only. 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.

m15

## EDUCATION

### DIVISION OF CONTRACTS AND PURCHASING

#### SOLICITATIONS

##### Goods & Services

**RENTAL OF TENTS, TABLES AND CHAIRS** – Competitive Sealed Bids – PIN# Z1047040 – DUE 05-28-09 AT 5:00 P.M. – This OMA is seeking a responsible vendor to provide rental delivery setup take down and pickup of tents, chairs and tables at PSAL events. The contract resulting from this OMA will be for 2 years or until expenditures have reached \$99,999. If you cannot download this OMA, please send an e-mail to [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov) with the OMA number and title in the subject. For all questions related to this OMA, please send an e-mail to [EGinsberg@schools.nyc.gov](mailto:EGinsberg@schools.nyc.gov) with the OMA's number and title in the subject line of your e-mail. Bid opening: Friday, May 29th, 2009 at 11:00 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.

Department of Education, 65 Court Street, Room 1201  
Brooklyn, NY 11201. Ida Rios (718) 935-2300  
[vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)

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## ENVIRONMENTAL PROTECTION

### BUREAU OF WASTEWATER TREATMENT

#### SOLICITATIONS

##### Construction / Construction Services

**REPLACEMENT OF THE PRIMARY SLUDGE AND PIPING AT THE PORT RICHMOND WPCP, STATEN ISLAND** – Competitive Sealed Bids – PIN# 82610WPC1187 – DUE 06-04-09 AT 11:30 A.M. – CONTRACT PR-105: Document Fee \$80.00. Project Manager: Aung Maung at (718) 595-3664. There will be a pre-bid conference on 5/28/09 at 10:00 A.M. at the Port Richmond WPCP, Richmond Terrace and Bodine Street, Staten Island, NY 10310. Vendor Source ID#: 59925.

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 Environmental Protection*  
59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.  
Greg Hall (718) 595-3236, [ghall@dep.nyc.gov](mailto:ghall@dep.nyc.gov)

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## 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

**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

**CATHETER** – Competitive Sealed Bids – PIN# 111-09-130 – DUE 05-29-09 AT 3:00 P.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.  
*Bellevue Hospital Center, 462 First Avenue, Room 12E35, New York, NY 10016. Densil Lett (212) 562-5137*  
[densil.lett-rivera@nychhc.org](mailto:densil.lett-rivera@nychhc.org)

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##### Goods & Services

**EMBOSPHERE MICROSPHERES** – Competitive Sealed Bids – PIN# 22209129 – DUE 05-29-09 AT 4:00 P.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.  
*Lincoln Hospital Center, 234 East 149th Street, Room 2A2, Bronx, NY 10451. Edwin Iyasere (718) 579-5106.*

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**CATERING SERVICES** – Competitive Sealed Bids – PIN# 331-09-045 – DUE 05-29-09 AT 11:00 A.M. – Catering Services for up to 120 people including parking. Provide full range buffet - appetizers, desserts and beverages. Must be within 5 miles of Coney Island Hospital. Event 6/11/09 from 6:00 P.M. - 11:00 P.M. Vendor must provide all inclusive pricing per person. Must submit sample menu with proposal. For copy of bid fax request to Nadine at (718) 616-4614.

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.  
*Coney Island Hospital, Purchasing, 2601 Ocean Parkway, Room 1N45, Brooklyn, NY 11235.*  
Nadine Patterson (718) 616-4271.

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## 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

**VINYL COMPOSITION FLOOR TILE IN APARTMENTS** – Competitive Sealed Bids – DUE 06-09-09 – PIN# 9007176 - Soundview Houses Due at 10:00 A.M.  
PIN# 9007177 - Nostrand Houses Due at 10:05 A.M.  
PIN# 9007178 - Smith Houses Due at 10:10 A.M.  
PIN# 9007180 - Clinton Houses Due at 10:15 A.M.  
PIN# 9007181 - Dyckman Houses Due at 10:20 A.M.  
PIN# 9007182 - Harlem River I and Harlem River II Due at 10:25 A.M.  
PIN# 9007184 - Sheepshead Bay Houses Due at 10:30 A.M.  
PIN# 9007185 - Kingsborough Houses and Kingsborough Extension Due at 10:35 A.M.  
PIN# 9007186 - Polo Grounds Towers Due at 10:40 A.M.  
PIN# 9007187 - Independence Towers Due at 10:45 A.M.

Contract for installation of vinyl composition floor tile and removal and installation of vinyl composition floor tile in apartments.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

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 Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.*

m15

##### Construction / Construction Services

**REQUIREMENTS CONTRACT FOR 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

**SENIOR CENTER RENOVATION AT KING TOWERS** – Competitive Sealed Bids – PIN# GR6014902 – DUE 05-29-09 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 (718) 306-3121, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m14-20

**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

**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 (MANHATTAN)** – Competitive Sealed Bids – PIN# BW9004497 – DUE 05-28-09 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)*

m14-20

## HOUSING PRESERVATION & DEVELOPMENT

### DIVISION OF MAINTENANCE

#### AWARDS

*Services (Other Than Human Services)*

**GAS-FIRED HEATING PLANTS** – Renewal – PIN# 806066708242 – AMT: \$350,000.00 – TO: S.J. Fuel Co., Inc., 601 Union Street, Brooklyn, NY 11215.

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### AGENCY CHIEF CONTRACTING OFFICER

#### AWARDS

*Services (Other Than Human Services)*

**IP OPERATIONS AND TELECOMMUNICATIONS CONSULTING SERVICES** – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 85809OGS0005 – AMT: \$9,000,000.00 – TO: Dyntek Services, Inc., 12 Metro Park, Albany, NY 12205.

☛ m15

## LAW

### INTENT TO AWARD

*Services (Other Than Human Services)*

**TEMPORARY ATTORNEY LEGAL SERVICES** – Negotiated Acquisition – PIN# 02509X100030 – DUE 05-18-09 AT 9:00 A.M. – This ad is for informational purposes only. The Law Department is entering into a negotiated acquisition extension contract with Litigation Resources of America Northeast, Inc. d/b/a The Dine Group for the services of temporary attorneys. The term of the extension contract is from March 1, 2009 to June 30, 2009. This award is based upon a previous contract with the vendor for the services of temporary attorneys, which contract is being extended. Any firm that wishes to be considered for future procurements may submit contact information at this time. There is no need for firms that have previously submitted contact information to resubmit that information.

This is a negotiated acquisition extension pursuant to PPB Rules Section 3-04(b)(2)(iii).

*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 Dept., 100 Church Street, New York, NY 10007.  
Anita Fajans (212) 788-0970, afajans@law.nyc.gov

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## 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

### REVENUE AND CONCESSIONS

#### AWARDS

*Human/Client Service*

**OPERATION OF ONE (1) PROCESSING CART FOR THE SALE OF PARKS APPROVED MENU ITEMS** – Competitive Sealed Bids – PIN# M42-10-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Elizendo Vaquero of 1050 White Plains Road, Bronx, New York 10472, for the operation of one (1) processing cart for the sale of Parks approved menu items at Inwood Hill Park, inside the park along the path on the perimeter of the northern soccer fields, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 6, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$643.84, Year 2: \$1,100, Year 3: \$1,200, Year 4: \$1,300, and Year 5: \$1,400. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All prices are subject to Parks approval.

☛ m15

*Services (Other Than Human Services)*

**OPERATION OF ONE (1) NON-PROCESSING PUSH CART FOR THE SALE OF PARKS APPROVED ITEMS** – Competitive Sealed Bids – PIN# M10-61-ED-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to the Asia Food Service, Inc. of 36-05 29th Street, #C-3, Astoria, New York, 11106 for the operation of one (1) non-processing pushcart for the sale of Parks approved items with an additional 3'x3' unit for the sale of ice cream (in warm weather) and nuts (in cold weather) at the entrance to the path leading to the pond, East Drive and 61st Street, Central Park, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 8, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$58,684.93, Year 2: \$95,000, Year 3: \$100,000, Year 4: \$105,000, and Year 5: \$112,000. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All prices are subject to Parks approval.

☛ m15

**OPERATION OF ONE (1) PROCESSING CART FOR THE SALE OF PARKS APPROVED MENU ITEMS** – Competitive Sealed Bids – PIN# M242-BC – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Iman Gad of 7201 6th Avenue, Brooklyn, New York 11201, for the operation of one (1) processing cart for the sale of Parks approved menu items at Collect Pond Park, inside the park at Leonard and Centre Streets, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 6, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$1052.05, Year 2: \$2,300, Year 3: \$3,000, Year 4: \$3,500, and Year 5: \$5,000. Vendor may only operate after 11:00 A.M. during hours that the park is open. Vendor must comply with all Health Department codes. All prices are subject to Parks approval.

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**OPERATION OF ONE (1) NON-PROCESSING PUSH CART FOR THE SALE OF PARKS APPROVED ITEMS** – Competitive Sealed Bids – PIN# M10-100-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to the Asia Food Service, Inc., of 36-05 29th Street, #C-3, Astoria, New York 11106, for the operation of one (1) non-processing pushcart for the sale of Parks approved items with an additional 3'x3' unit for the sale of ice cream (in warm weather) and nuts (in cold weather) at West 100th Street and Central Park West, Central Park, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 13, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$3,510.96, Year 2: \$5,900, Year 3: \$7,000, Year 4: \$9,000, and Year 5: \$11,500. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All prices are subject to Parks approval.

☛ m15

**OPERATION OF ONE (1) NON-PROCESSING PUSH CART FOR THE SALE OF PARKS APPROVED ITEMS** – Competitive Sealed Bids – PIN# M10-104-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to the Mohammad T. Islam of 88-36 Elmhurst Avenue, Apt. 2H, Elmhurst, New York 11372, for the operation of one (1) non-processing pushcart for the sale of Parks approved items with an additional 3'x3' unit for the sale of ice cream (in warm weather) and nuts (in cold weather) at the Parkside of East 104th Street and 5th Avenue, Central Park, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 13, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$7,660.27, Year 2: \$14,000, Year 3: \$17,000, Year 4: \$19,000, and Year 5: \$21,000. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All prices are subject to Parks approval.

☛ m15

**OPERATION OF ONE (1) NON-PROCESSING PUSH CART FOR THE SALE OF PARKS APPROVED ITEMS** – Competitive Sealed Bids – PIN# M060-C – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to the Janani Food Service, Inc. of 143-07 101st Avenue, Jamaica, New York 11435, for the operation of one (1) non-processing pushcart for the sale of Parks approved items with an additional 3'x3' unit for the sale of ice cream (in warm weather) and nuts (in cold weather) at the Park Avenue Mall, southwest corner of East 68th Street and Park Avenue, Manhattan. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, effective May 13, 2009 and shall expire on December 31, 2013. Compensation to the City is as follows: Year 1: \$3,766.30, Year 2: \$6,500, Year 3: \$8,200, Year 4: \$9,000, and Year 5: \$10,500. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All prices are subject to Parks approval.

☛ m15

**OPERATION OF A HIGH-QUALITY SNACK BAR FACILITY** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-NM-SB – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession operation of a high-quality snack bar facility located in the North Meadow Recreation Center in Central Park to Thomas McGarry of 250 South End Ave., Apt. 4F, New York, NY 10280. The concession, which was solicited by a Request for Proposals, operates pursuant to a license agreement for a seven (7) year term. Compensation to the City is as follows: in each operating year of the license, licensee shall pay the City a license fee of: Year 1: \$8,004; Year 2: \$8,412; Year 3: \$8,832; Year 4: \$9,276; Year 5: \$9,774; Year 6: \$10,236; Year 7: \$10,752.

☛ m15

## SCHOOL CONSTRUCTION AUTHORITY

### CONTRACT ADMINISTRATION

#### SOLICITATIONS

*Construction/Construction Services*

**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

**ACCESSIBILITY** – Competitive Sealed Bids – PIN# SCA09-12566D-1 – DUE 06-01-09 AT 3:00 P.M. IS 275: Metropolitan Diploma Plus HS (Brooklyn). Project Range: \$2,570,000.00 to \$2,705,000.00. 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@nycsca.org

☛ m15-21

**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@nycsca.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@nycsca.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@nycsca.org

m12-18

**NEW SCHOOL** – Competitive Sealed Bids – PIN# SCA09-00091B-1 – DUE 06-10-09 AT 3:00 P.M. – P.S. 133 (Brooklyn). Project Range: \$73,630,000.00 to \$77,502,000.00. 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.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List)  
Arnell Construction Corp., Bovis Lend Lease LMB Inc., Leon D. DeMatteis Construction, Plaza Construction Corp., Petracca and Sons Inc., Skanska Mechanical and Structural, 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. Anthony Largie (718) 752-5842  
alargie@nycsca.org

m14-20

**VENTILATION SYSTEMS REFURBISHMENT** – Competitive Sealed Bids – PIN# SCA09-12783D-1 – DUE 06-02-09 AT 11:30 A.M. – Springfield Gardens H.S. (Queens). Ventilation Systems Refurbishment. Project Range: \$1,670,000.00 to \$1,763,000.00. 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

m14-20

## CONTRACT SERVICES

### SOLICITATIONS

Construction / Construction Services

**PLAYGROUND REDEVELOPMENT** – Competitive Sealed Bids – PIN# SCA09-12345D-1 – DUE 06-04-09 AT 11:00 A.M. – PS 370 (Brooklyn). Project Range: \$2,050,000.00 to \$2,161,000.00. Non-refundable document charge: \$100.00.

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  
First Floor, Long Island City, NY 11101.  
Ricardo Forde (718) 752-5288, rforde@nycsca.org

m15-21

**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@nycsca.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@nycsca.org

m13-19

## 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.**

## FINANCIAL INFORMATION SERVICES AGENCY

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of two (2) proposed contracts between the Financial Information Services Agency of the City of New York (“FISA”) and the Contractors listed below, providing Multiplatform Information Technology “I.T.” Hardware Maintenance Services. The total amount for the two contractors is not to exceed \$1,935,628.50. The contract term shall be for three (3) years from July 1, 2009 to June 30, 2012 with a unilateral option to renew for an aggregate of two three-year terms from July 1, 2012 to June 30, 2015 and from July 1, 2015 to June 30, 2018.

### Contractor/Address

- Computer Specialist Inc. (Class D)  
2101 Gaither Road, Suite 175, Rockville, MD 20850  
**PIN#** 12709EX00051 (A) **Amount** \$122,091.00
- QualTech Services Group, Inc. (Class A and B)  
70 Lake Drive, Heightstown, NJ 08520  
**PIN#** 12709EX00051 (B) **Amount** \$1,813,537.50

The proposed contractors have been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

Draft copies of the proposed contracts are available for public inspection at the Office of FISA, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603 (between Ninth and Tenth Avenues), on business days, from May 15, 2009 to May 28, 2009, excluding Holidays, from 9:30 A.M. to 4:30 P.M.

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## HOMELESS SERVICES

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector 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 Common Ground Management Corp., 505 Eighth Avenue, 15th Floor, New York, NY 10018, to provide single room occupancy support services for formerly homeless adults located at 160 Schermerhorn Street, Brooklyn, New York 11201. The contract amount shall be \$1,642,200. The contract term shall be from October 1, 2008 to June 30, 2014.  
**PIN#:** 071-09S-03-1403.

The proposed contractor has been selected by means of a 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 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 5:00 P.M.

**IN THE MATTER** of a proposed contract between the Department of Homeless Services and Vocational Instruction Project Community Services, Inc, 1910 Arthur Avenue, Bronx, New York 10457, to provide single room occupancy (SRO) support services for formerly homeless adults located at 946-50 College Avenue, Bronx, NY 10456. The contract amount shall be \$783,360. The contract term shall be from July 1, 2008 to June 30, 2014. **PIN#:** 071-09S-03-1406.

The proposed contractor has been selected by means of a 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 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 5:00 P.M.

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## LAW

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector 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 New York City Law Department and Strategic Legal Solutions, Inc., 500 Fifth Avenue, New York, NY 10110, for the provision of Temporary Attorney Services in Support of Litigation. The contract amount shall not to exceed \$5,296,800.00. The contract term shall be from July 1, 2009 to June 30, 2012. **PIN#:** 02508X1000A6.

The proposed contractor has been selected by means of Negotiated Acquisition, pursuant to Section 3-04 (b) (2) (iv) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Law Department, 100 Church Street, Fourth Floor East Reception Area, New York, New York 10007, from May 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays, from 9:30 A.M. to 5:00 P.M.

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## PARKS AND RECREATION

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector 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 City of New York Parks and Recreation and Prospect Park Alliance, 95 Prospect Park West, Brooklyn, NY 11215, to provide Construction Supervision Services for the Reconstruction of the Vanderbilt Street Playground and Surrounding Landscape located at the intersection of Vanderbilt Street and Prospect Park Southwest in Prospect Park, Borough of Brooklyn. The contract amount shall be \$129,092.25. The contract term shall be 365 Consecutive Calendar Days from date of the written notice to proceed. **PIN #:** 8462008B073S01.

The proposed contractor has been selected as a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the City of New York Parks and Recreation, Consultant Procurement Unit, Room 61, Olmsted Center, Flushing Meadows-Corona Park, Queens, New York 11368, from May 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests should be sent to Grace Fields-Mitchell, Supervisor for Consultant Contracts, Department of Parks & Recreation, Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, New York 11368. (Grace.fields-mitchell@parks.nyc.gov.) If The Department of Parks & Recreation receives no written requests to speak within the prescribed time, Parks & Recreation reserves the right not to conduct the public hearing.

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## AGENCY RULES

### ENVIRONMENTAL CONTROL BOARD

#### NOTICE

NOTICE OF PROMULGATION OF  
AMENDMENTS TO THE RULES OF PROCEDURE OF  
THE ENVIRONMENTAL CONTROL BOARD,  
CHAPTER 3 OF TITLE 48 OF  
THE RULES OF THE CITY OF NEW YORK

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates amendments to its Rules of Procedure as required by Local Law 35 of 2008. The Rules of Procedure of the Environmental Control Board appear as Chapter 3 of Title 48 of the Rules of the City of New York. No amendment of Subchapter G is proposed. Because of its length, Subchapter G is not reproduced below. Matter in underline is new, to be added;

Matter in [brackets] is to be deleted.

The proposed amendments were published in the City Record on April 1, 2009. A public hearing was held on May 1, 2009.

This notice, the rule and the statement of basis and purpose will be available for at least 90 days on the websites of the Office of Administrative Trials and Hearings and the Environmental Control Board at:

[www.nyc.gov/oath](http://www.nyc.gov/oath)

and

[www.nyc.gov/ecb](http://www.nyc.gov/ecb)

Roberto Velez  
Chief Administrative Law Judge  
Office of Administrative Trials and Hearings

Subchapters A through F of Chapter 3 of Title 48 of the Rules of the City of New York are hereby amended to read as follows:

#### Chapter 3 Enforcement Procedures Before the Environmental Control Board

Subchapter	A	General Rules
	B	Adjudications – Pre-Hearing Procedure
	C	Adjudications – Hearing Procedures
	D	<u>Adjudications - Appeal Procedures</u>
	E	Miscellaneous
	F	Special Hearings and Enforcement Proceedings
	G	Penalties

#### SUBCHAPTER A GENERAL RULES

§ 3-11	Definitions.
§ 3-12	Scope of Rules.
§ 3-13	Filing.
§ 3-14	Form of Documents.
§ 3-15	Computation of Time.
§ 3-16	Appearances.
§ 3-17	Public Information and Access.

#### § 3-11 Definitions.

As used herein the following terms shall have the meanings specified.

**Appearance.** “Appearance” means a communication with the board or its tribunal that is made by a party or the representative of a party in connection with a notice of violation that is or was pending before the board or its tribunal. An appearance may be made in person or otherwise – for example, by mail.

**Board.** “Board” means the Environmental Control Board of the City of New York[;].

**Executive Director.** “Executive Director” means the [E]xecutive [D]irector of the Environmental Control Board of the City of New York[;].

**Hearing Officer.** “Hearing Officer” means a person designated as a hearing officer by the chairman of the board[;].

**Notice of Violation.** “Notice of Violation” means the document issued by a petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Environmental Control Board.

**Party.** “Party” means the person named as petitioner or respondent, or intervening as of right, in an adjudicatory or enforcement action before the board or its tribunal.

**Person.** “Person” means any individual, partnership, unincorporated association, corporation or governmental agency [;].

**Petitioner.** “Petitioner” means the commissioner, department or bureau within a department of the City of New York which commences an adjudicatory or enforcement proceeding before the Environmental Control Board[;].

**Respondent.** “Respondent” means the person against whom the charges alleged in a notice of violation have been filed[;].

**Tribunal.** “Tribunal” means the hearing officers and staff at the Environmental Control Board under the direction of the executive director charged with holding hearings on notices of violation, or hearings in the course of any special enforcement proceeding by the board.

#### § 3-12 Scope of Rules.

The rules contained herein govern the conduct of all adjudicatory hearings at the tribunal brought pursuant to the provisions of § 1049-a of the New York City Charter and provisions of the New York City Administrative Code, or as otherwise authorized by law, and the conduct of such special hearings or enforcement proceedings before the board as authorized by Title 24 of the New York City Administrative Code.

#### § 3-13 Filing.

All documents required or permitted to be filed with the tribunal or the board shall be filed at the office of the executive director or at the tribunal or a branch thereof when more specifically provided by notice from the tribunal.

#### § 3-14 Form of Documents.

(a) All documents filed with the executive director shall contain a caption setting forth the title of the action, the file or docket number assigned to the action and a designation as to the nature of the document.

(b) All documents filed must be signed by the party or by the party’s attorney or other duly authorized agent. The signature of an attorney constitutes a certification that he or she has read the document; that to the best of his or her knowledge, information and belief, there is good ground to support it[;]; and that it is not interposed for delay.

(c) All documents, other than notices of violation (provision for which is made in [rule] § 3-3), required to be served on other parties, shall be accompanied by an affidavit of service when filed. Such affidavit of service shall recite the date and manner of service as to each party and be executed by the serving party.

#### § 3-15 Computation of Time.

(a) Except as otherwise provided herein, computation of any period of time prescribed in these rules shall be as follows:

(1) The start date for the time period shall not be considered in the computation. The next business day is the first day of the time period.

(2) The computation is based on the number of calendar days.

(3) If the last day in the period is a Saturday, Sunday or New York City legal holiday, the period is extended to the next business day.

(b) When mail is used for service of any document (other than a notice of violation) on an opposing party, five additional days shall be granted the opposing party in taking any action or making any response required or permitted by these rules.

(c) Any emergency action taken by the board which requires action within a 24 hour period shall be taken regardless of whether the 24 hour period includes a Saturday, Sunday or legal holiday.

#### § 3-16 Appearances.

The following persons are permitted to participate in proceedings before the tribunal:

(a) An individual may appear [in] on his or her own behalf or by an authorized agent, or by attorney licensed to practice in the State of New York.

(b) A business entity, not-for-profit organization or government agency may appear by any authorized officer or employee or by attorney licensed to practice in the State of New York, or by any other duly authorized agent.

(c) Any representative who is authorized by a City agency to appear on its behalf before the board or its tribunal may be authorized by any other City agency that issues notices of violation returnable to the board to appear on its behalf. An appearance includes any time an agency appears before a hearing officer to present a case or a motion for adjournment or for any other purpose concerning a notice of violation.

#### § 3-17 Public Information and Access.

(a) The executive director shall maintain files containing all information, documents, evidence, tape recordings, transcripts, and any other items submitted or produced in the course of any adjudicatory or special hearing or enforcement proceeding.

(b) Case files shall be available to the public in accordance with the Public Information Law of the State of New York (Public Officers Law, Art. 6) and the Rules of the City of New York (43 RCNY 1). Case files shall be retained on the premises of the tribunal for one year after the final action in a proceeding and then may be archived or destroyed in accordance with law.

#### SUBCHAPTER B ADJUDICATIONS – PRE-HEARING PROCEDURE

§ 3-31	Notice of Violation.
§ 3-32	Admissions and Payments by Mail.
§ 3-33	Pre-hearing Reschedules.
§ 3-34	Adjudication by Mail.
§ 3-35	Motions to Intervene
§ 3-36	Consolidation.
§ 3-37	Discovery.
§ 3-38	Subpoenas.

#### § 3-31 Notice of Violation.

(a) *Form:* All adjudicatory hearings instituted by a petitioner shall be commenced by the issuance of a notice of violation on a form approved by the board.

(b) *Contents:* The notice of violation shall contain the name and address, when known, of a respondent[;]; a brief description of the alleged violation, its date and place of

occurrence[;]; and reference to the provision of law or rule charged. The notice of violation shall contain information advising the respondent of the maximum penalty and of the time in which the respondent may admit or deny the violation charged. The notice of violation shall also contain a warning to the respondent that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against the respondent. On or after November 25, 2008, any notice of violation filed pursuant to this section that refers to section 1404 of the Charter as the legal authority [and] for jurisdiction under which a hearing is to be held shall be deemed to refer to [section] § 1049-a of the Charter.

(c) *Service:* A notice of violation issued by a petitioner may be served on a respondent in accordance with the methods set out in §1049-a(d)(2) of the New York City Charter which render the tribunal’s decision and order automatically docketable in Civil Court, or alternatively as provided by the statute, rule or other provision of law governing the violation alleged. Lawful service in a manner other than that provided for in §1049-a(d)(2) shall give the tribunal jurisdiction to hold a hearing or render a decision and order whether after hearing or in default thereof, but such decision and order shall not be entered in Civil Court or any other place provided for entry of civil judgments without court proceedings.

(d) *Filing:* The original or a copy of the notice of violation, together with the proof(s) of service, shall be filed with the tribunal prior to the first scheduled hearing date. Failure to timely file all proofs of service shall not divest the tribunal of jurisdiction to proceed with a hearing or to issue a default order.

#### § 3-32 Admissions and Payments by Mail.

Where the notice of violation states that a mailable penalty schedule exists for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail in the manner and time directed by the notice of violation. Payment in full is deemed an admission of liability and no further hearings or appeal will be allowed.

#### § 3-33 Pre-hearing Reschedules.

Upon application by respondent, ex-parte, to the executive director and for good cause shown, the executive director may postpone the hearing date set in the notice of violation for a brief period of time and reschedule the hearing. The executive director may deny any further requests for a reschedule and require respondent to appear and make such motion for adjournment to a hearing officer at the scheduled hearing.

#### § 3-34 Adjudication by Mail.

(a) The executive director may designate certain classes of alleged violations or defenses as appropriate for adjudication by mail and prescribe procedures for such adjudication. Where respondent is offered the option of contesting the violation or presenting a defense by mail, respondent may move for such adjudication by application addressed to the tribunal. Such application shall set forth all facts and arguments relevant to the case relied on by the respondent. The application may be supported by affidavits or other documentary evidence.

(b) Upon receipt by the tribunal of an application for adjudication by mail, the matter shall be assigned to a hearing officer who shall review the record. The hearing officer may request further evidence to be submitted by respondent, may direct respondent to serve a copy of the application on petitioner, or may render a recommended decision and order based on the evidence in the record. The hearing officer may also deny the application for adjudication by mail and direct respondent to appear for a hearing in person.

#### § 3-35 Motions to Intervene.

(a) *As of Right.*

(1) A person may intervene as of right in an adjudicatory or enforcement proceeding if such person may be directly and adversely affected by an order of the board. An order imposing a monetary penalty only shall not be deemed an order directly or adversely affecting any person other than respondent.

(2) A written application by any person to intervene as of right shall be filed with the tribunal and served upon each party to the proceeding not less than 5 days before the hearing. Such application shall set forth in detail the reasons the applicant seeks to intervene. Upon being served with an application for intervention, any party wishing to respond thereto may do so within 3 days after receipt of the application. Such response, accompanied by any supporting documents, must be filed with the tribunal and served upon the applicant and all other parties. When such written application is made by any person, the matter shall be assigned to a hearing officer for disposition.

(3) An intervenor as of right shall have all the rights of an original party, except that the hearing officer may provide that such intervenor shall be bound by orders previously entered or evidence previously received, and that the intervenor shall not raise issues or seek to add parties which might have been raised or added more properly at an earlier stage of the proceeding.

(b) *Discretionary Intervention.*

When written application by any person for discretionary intervention is filed with the tribunal prior to the date set for hearing in any adjudicatory proceeding, the matter shall be assigned to a hearing officer. The hearing officer, subject to the necessity of conducting an orderly and expeditious hearing, may permit such person to intervene if good cause is shown therefore or if the applicant is in a position to assist in the proof or defense of the proceeding. An intervenor permitted to intervene at the discretion of the hearing officer shall be assigned such role in the proceeding as the hearing officer in his or her discretion may direct, taking into consideration the avoidance of unfairness to the parties and the intervenor and the avoidance of undue delay. An oral application to intervene by any person may be made at the commencement of the hearing and shall be considered by the

hearing officer assigned to the case. A discretionary intervenor is not a party to the proceeding and has no standing to appeal the hearing officer's recommended decision and order.

### § 3-36 Consolidation.

In the interest of convenient, expeditious and complete determination of cases involving the same or similar issues or the same parties, the hearing officer may consolidate two or more notices of violation for adjudication at one hearing.

### § 3-37 Discovery.

(a) Upon written request received by the opposing party at least five business days prior to the scheduled hearing date, any party is entitled to receive from the opposing party a list of the names of witnesses who may be called and copies of documents intended to be submitted into evidence.

(b) Pre-hearing discovery shall be limited to the matters enumerated above. All other applications or motions for discovery, including depositions on oral examination, shall be made to a hearing officer at the commencement of the hearing and the hearing officer may order such further discovery as is deemed appropriate in his or her discretion.

(c) Upon the failure of any party to properly respond to a lawful discovery order or request or such party's wrongful refusal to answer questions or produce documents, the hearing officer may take whatever action he or she deems appropriate including but not limited to preclusion of evidence or witnesses, or striking the pleadings or defenses of such party. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

### § 3-38 Subpoenas.

(a) Upon application to the tribunal by a party, the tribunal shall issue a subpoena for attendance at deposition or hearing, which may include a command to produce specified books, documents or tangible things which are reasonably necessary to a resolution of the issues, subject to the limitations on discovery prescribed by these rules.

(b) All subpoenas shall be issued on forms approved by the board and shall be signed by a hearing officer. A hearing officer, on motion timely made before the return date of the subpoena, or on the hearing officer's own motion, may quash or modify the subpoena if it is unreasonable or was wrongfully issued.

## SUBCHAPTER C ADJUDICATIONS – HEARING PROCEDURES

§ 3-51	General Rules.
§ 3-52	Hearing Officers.
§ 3-52.1	Adjournments.
§ 3-53	Amendments to Notice of Violation.
§ 3-54	Evidence.
§ 3-55	Interlocutory Appeals.
§ 3-56	Transcript.
§ 3-57	Decisions.

### § 3-51 General Rules.

(a) *Expedition.* Hearings shall proceed with all reasonable expedition and insofar as is practicable shall be held at one place and shall continue without suspension, except for brief recesses, until concluded. Subject to § 3-52.1, t[T]he hearing officer shall have the authority to grant brief adjournments, for good cause shown, and consistent with the requirements of expedition.

(b) *Notice of Hearing.* The notice of violation shall set the hearing date and place or, if none, the executive director shall set such time and place. In no event shall such hearing date be set for more than 60 days after the filing of the notice of violation at the tribunal. At least 10 days notice of such hearing date and location shall be sent to all parties. Where respondent waives the 10 day notice and requests an expedited hearing, the executive director may assign the case for immediate hearing, upon appropriate notice to petitioner and opportunity for petitioner to appear.

(c) *Rights of Parties.* Every party, except intervenors under § 3-35(b), shall have the right of due notice, cross examination, presentation of evidence, objection, motion, argument and all other rights essential to a fair hearing.

(d) *Order of Hearing.* The following shall be the order of all adjudicatory hearings, subject to modification by the hearing officer for good cause:

- (1) Presentation and argument of motions preliminary to a hearing on the merits;
- (2) Presentation of opening statements; if any
- (3) Petitioner's case in chief;
- (4) Respondent's case in chief;
- (5) Petitioner's case in rebuttal;
- (6) Respondent's case in rebuttal;
- (7) Respondent's closing argument;
- (8) Petitioner's closing argument.

(e) *Oaths.* All persons giving testimony as witnesses at a hearing must be placed under oath.

(f) *Language Assistance Services.* (1) Appropriate language assistance services shall be afforded to respondents whose primary languages are not English to assist such respondents in communicating meaningfully with hearing officers. Such language assistance services shall include interpretation of hearings and of pre-hearing conferences conducted by hearing officers, where interpretation is necessary to assist the respondent in communicating meaningfully with the hearing officer. At the beginning of any hearing or pre-hearing conference, the hearing officer shall advise the respondent of the availability of interpretation. In determining whether interpretation is necessary to assist the respondent in communicating meaningfully with the hearing officer, the hearing officer shall consider all relevant factors,

including but not limited to the following: (i) information from board administrative personnel identifying a respondent as requiring language assistance services to communicate meaningfully with a hearing officer; (ii) a request by the respondent for interpretation; (iii) even if interpretation was not requested by the respondent, the hearing officer's own assessment whether interpretation is necessary to enable meaningful communication with the respondent. If the respondent requests an interpreter and the hearing officer determines that an interpreter is not needed, that determination and the basis for the determination shall be made on the record.

(2) When required by paragraph (1) of this subsection, interpretation services shall be provided at hearings and at pre-hearing conferences by a professional interpretation service that is made available by the board, unless the respondent requests the use of another interpreter, in which case the hearing officer in his or her discretion may use the respondent's requested interpreter. In exercising that discretion, the hearing officer shall take into account all relevant factors, including but not limited to the following: (i) the respondent's preference, if any, for his or her own interpreter; (ii) the apparent skills of the respondent's requested interpreter; (iii) whether the respondent's requested interpreter is a child under the age of eighteen; (iv) minimization of delay in the hearing process; (v) maintenance of a clear and usable hearing record; (vi) whether the respondent's requested interpreter is a potential witness who may testify at the hearing. The hearing officer's determination and the basis for this determination shall be made on the record.

### § 3-52 Hearing Officers.

(a) *Who [p]resides.* Hearings in enforcement proceedings shall be presided over by a hearing officer appointed by the board.

(b) *Powers and [d]uties.* Hearing officers shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to these ends, including the following:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas and discovery orders and to rule upon objections to such orders;
- (3) To rule upon offers of proof and receive evidence;
- (4) To regulate the course of the hearing and the conduct of the parties and their representatives;
- (5) To hold conferences for the simplification of issues or any other proper purpose;
- (6) To interrogate witnesses;
- (7) To consider and rule upon all procedural and other motions, including requests for adjournment;
- (8) To make and file recommended decisions and orders.

(c) *Interference.* In the performance of their adjudicative functions, hearing officers shall not be responsible to or subject to the supervision or direction of any officer, employee or agent of a petitioner. No ex-parte communication relating to other than ministerial matters regarding a proceeding, including internal agency directives not published as rules, shall be received by a hearing officer from the petitioning agency or from individual members of the board.

(d) *Power to [d]iscipline.* The hearing officer may for good cause noted on the record, and after a warning, bar any person, including a party or an attorney or other representatives of a party, from continued participation in a hearing where such person refuses to comply with the hearing officer's directions or behaves in a disorderly, dilatory or obstructionist manner. Any person so barred may make a prompt application to the executive director for a review of the hearing officer's action. The hearing may continue at the hearing officer's discretion, unless the executive director orders that further proceedings be stayed pending a decision on the application. No interlocutory appeal shall lie to the board from the decision of the executive director granting or denying the application.

(e) *Disqualification of Hearing Officer.*

(1) When a hearing officer deems himself or herself disqualified to preside in a particular proceeding, the hearing officer shall withdraw from the proceeding by notice on the record and shall notify the executive director of such withdrawal.

(2) A party may, for good cause shown, request that the hearing officer remove or disqualify himself or herself. Such motion shall be ruled upon by the hearing officer in the proceeding. If the hearing officer denies the motion, the party may obtain a brief adjournment in order to promptly apply for review by the executive director.

(3) Upon recusal or removal of the hearing officer, the executive director shall appoint another hearing officer to continue the case. If a refusal to recuse is upheld by the executive director, the party may re-raise the issue on appeal.

#### § 3-52.1 Adjournments.

(a) In general, a hearing officer may adjourn a proceeding if he or she decides that the adjournment would allow one party to present its side of the dispute more effectively and would not be unreasonably inconvenient or unfair to the other party. In certain instances, however, a hearing officer's authority to adjourn a proceeding is limited. This Rule describes those instances.

(b) The Rule uses these special definitions:

(i) A respondent's appearance is "timely" if the respondent appeared within two hours of the scheduled hearing time for a notice of violation.

(ii) If the respondent has timely appeared, an appearance by the officer who issued the notice of violation is "timely" if the officer appears within two hours of the scheduled hearing time for the notice of violation or within one hour after a hearing officer has announced that he or she is available to

call the notice of violation for a hearing.

(iii) "Extraordinary circumstances" are circumstances that could not reasonably have been foreseen by the petitioning agency. They do not include the fact that the parties disagree about the notice of violation or the charges it contains.

(c) Respect for a respondent's convenience means that a hearing should not be routinely adjourned once a respondent has appeared at a board office as instructed by the notice of violation. If a respondent makes a timely appearance on the date indicated on a notice of violation and at the specific board office location indicated on the notice of violation (or, if no specific board office location is indicated, at any board office location), the hearing officer may adjourn the hearing only if (i) the respondent consents to the adjournment; or (ii) a representative of the petitioning agency appears at the hearing, unless the failure of any representative of the petitioning agency to appear is due to extraordinary circumstances.

(d) Once a hearing has been adjourned for the convenience of one party, it should not routinely be adjourned again to accommodate the same party unless good cause is shown that a further adjournment is necessary to afford the party a reasonable opportunity to present relevant, non-cumulative testimony or evidence that would contribute to a full and fair hearing of each party's side of the dispute. However, absent extraordinary circumstances, a hearing will not be adjourned for the sole purpose of enabling the officer who issued the notice of violation to attend if: (i) the hearing has already been adjourned for the sole purpose of enabling the officer who issued the notice of violation to attend; (ii) the respondent timely appears on the adjourned hearing date at the specific board office location indicated on the adjournment order; and (iii) the issuing officer does not timely appear at the specific board office indicated on the adjournment order. In order to ensure the fairness and efficient functioning of the adjournment process, the petitioning agency will be granted an opportunity to confirm the issuing officer's availability for the proposed adjourned date of the hearing. If it is not possible for the date to be confirmed at the time of the hearing, proposed adjourned dates will be selected at the hearing, the petitioning agency will confirm with the hearing officer and within one week of the initial hearing notify the board of the adjourned date upon which the issuing officer will be available. A written notice will be mailed by the board to the respondent and the petitioning agency confirming the new adjourned date.

(e) An adjournment will sometimes be appropriate because of extraordinary circumstances. Under such circumstances, a petitioning agency may be entitled to an adjournment that would not otherwise be permitted. To ask for an adjournment because of extraordinary circumstances, the agency must file with the board a written statement of the claimed circumstances, accompanied by any supporting documents. The agency must also serve a copy of its request and any supporting documents on the respondent. The request must be made as soon as is reasonable after the agency becomes aware of the circumstances it claims to be extraordinary, but in no event more than five days after the agency becomes aware of those circumstances. The hearing officer before whom the case is pending shall determine whether extraordinary circumstances have been demonstrated to warrant an adjournment. The hearing officer shall also determine whether the case should be continued through consideration of written submissions only or through one or more additional hearing dates. In making those determinations, the hearing officer shall give the respondent an opportunity to state and support a position with respect to the existence of extraordinary circumstances, the appropriateness of an adjournment, the best approach to continuing the hearing and any other matter raised by the petitioning agency's submission.

### § 3-53 Amendments to Notice of Violation.

(a) *By Leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing officer may, upon such conditions as are necessary to avoid injustice or unfair surprise to a party, allow appropriate amendments to the notice of violation.

(b) *Conformance to Evidence.* When issues not raised by the notice of violation but reasonably within its scope are tried by the express or implied consent of the parties, they shall be treated in all respects as if they had been raised, and such amendments of the notices of violation as may be necessary to make it conform to the evidence shall be allowed at any time.

### § 3-54 Evidence.

(a) *Burden of Proof.* The petitioner shall have the burden of proof in establishing by a preponderance of the credible evidence that respondent has committed the violation charged in the notice of violation, but the proponent of any factual proposition shall be required to sustain the burden of proof with respect thereto. The notice of violation, if sworn to or affirmed, shall constitute prima facie evidence of the facts stated therein.

(b) *Admissibility.* Relevant, material and reliable evidence shall be admitted without regard to technical or formal rules or laws of evidence applicable in the courts of the State of New York. Irrelevant, immaterial, unreliable or unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official Notice.* Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge and experience of the board or the hearing officer. Opportunity to disprove such noticed fact shall be granted to any party making timely motion therefore.

(d) *Objections.* Objections to evidence shall be timely and shall briefly state the grounds relied upon. Rulings on all objections shall appear on the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required.

**§ 3-55 Interlocutory Appeals.**

Interlocutory appeals from rulings of a hearing officer may be filed only after leave to file has been obtained from the hearing officer. Leave to appeal will not be granted except upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. The board may, in its discretion, refuse to hear such interlocutory appeal even though leave to appeal has been obtained from the hearing officer. Unless otherwise ordered by the board or the hearing officer, an interlocutory appeal shall not stay the proceeding or extend the time for the performance of an act.

**§ 3-56 Transcript.**

The board shall provide or arrange for either a stenographically reported or mechanically recorded verbatim transcript of all hearings. A digital, tape or other electronic or mechanical recording may be deemed the transcript of the hearing for all purposes under these Rules.

**§ 3-57 Decisions.**

(a) *Hearing Officer's Recommended Decision and Order.* As soon as possible after conclusion of the hearing, the hearing officer shall prepare a recommended decision and order. The hearing officer's decision shall set forth findings of fact and conclusions of law, and it shall set forth the hearing officer's reasons for findings on all material issues. If the charges contained in the notice of violation are upheld, the hearing officer shall prepare an order setting forth the penalty, and if the board is authorized by law to impose remedial relief or other sanction, the relief or sanctions recommended. The recommended decision and order shall be filed with the executive director and served on all parties.

(b) *Finality.* If timely exceptions are not filed as per § 3-71, the hearing officer's recommended decision and order will be automatically adopted by the board without further action and shall constitute the board's final action in the matter.

## SUBCHAPTER D

## ADJUDICATIONS – APPEAL PROCEDURES

§ 3-71 Exceptions to Recommended Decision and Order.

§ 3-72 Timeliness and Extensions of Time.

§ 3-73 Payment of Penalty.

§ 3-74 Board Review.

§ 3-75 Amendments to Board Appeal Decision and Order.

§ 3-76 Judicial Review of Board Decisions.

**§ 3-71 Exceptions to Recommended Decision and Order.**

(a) *Filing.* Any party aggrieved by the hearing officer's recommended decision and order may, within 30 days of mailing of the same, file written exceptions with the tribunal. A copy of the exceptions shall be served upon all parties, and proof of such service filed with the tribunal within 30 days of the mailing of said decision and order. Written exceptions must contain a concise statement of the issues presented, specific objections to the findings of fact and conclusions of law set forth in the hearing officer's recommended decision and order, and arguments presenting clearly the points of law and fact relied on in support of the position taken on each issue.

(b) *Answer.* Within 20 days after the service on a party of exceptions to the hearing officer's recommended decision and order, any party supporting the hearing officer's recommended decision and order or opposing the matters raised in the exceptions may file an answering brief. An answering brief shall follow the format and be served as required of exceptions by subparagraph (a).

(c) *Replies.* Further briefing shall not be permitted unless required by the board.

**§ 3-72 Timeliness and Extensions of Time.**

(a) Any application for a written copy of the transcript of the hearing or a copy of the audio tape shall be made within the time allotted for the filing of exceptions. A copy of such application shall be served upon all parties, and proof of such service filed with the tribunal within the time allotted for filing exceptions. In that event, the time within which exceptions to the hearing officer's recommended decision and order must be filed with the tribunal shall be extended by 20 days from the date when such transcription or audio tape is delivered or mailed to the party requesting same.

(b) Any application to extend time to file for any other reason shall be made to the executive director and supported by evidence of impossibility or other explanation of inability to file timely. A copy of such application shall be served upon all parties, and proof of such service filed with the tribunal.

**§ 3-73 Payment of Penalty.**

(a) No appeal by a respondent shall be permitted unless within 20 days of the mailing of the hearing officer's recommended decision and order the civil penalty imposed by said order is paid or the respondent shall have posted a cash or recognized surety company bond in the full amount imposed by the decision and order appealed from.

(b) Any application for a waiver of such prior payment of the civil penalty must be made within 20 days of the mailing of the hearing officer's recommended decision and order and must be supported by evidence of financial hardship. Waivers of such prepayment may be granted in the discretion of the executive director.

**§ 3-74 Board Review.**

(a) When exceptions have been filed with the tribunal, the board shall consider the entire matter on the basis of the record before it. The notice of violation, the transcript of the hearing and all briefs filed and exhibits received in evidence, together with the hearing officer's recommended decision and order, shall constitute the hearing record.

(b) The board may from time to time establish panels from among its members who shall conduct the review. If an appeal panel deems it necessary, it shall order further testimony or evidence be taken or submitted, or it may order oral argument on any or all of the questions raised on appeal. The appeal panel shall report its findings to the full board for final resolution.

(c) After such review, the board shall issue its decision. Such decision shall contain findings of fact and conclusions of law. An order consistent with such decision shall be made, exercising such of the board's powers as are deemed appropriate.

**§ 3-75 Amendments to Board Appeal Decision and Order.**

An application to the board by any party for a superseding appeal decision and order may be made within 10 days of mailing of the board's final decision and order, to correct ministerial errors or errors due to mistake of fact or law. [After exhaustion of the procedures set forth above, judicial review of the final decision and order of the board may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.]

**§ 3-76 Judicial Review of Board Decisions.**

(a) After exhaustion of the procedures set forth above, judicial review of the final decision and order of the board may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

(b) If a respondent appeals and the board does not issue a final decision and order after 180 days from the filing of exceptions, the respondent may at any time seek judicial review of the hearing officer's recommended decision and order pursuant to Article 78 of the New York Civil Practice Law and Rules and rely on the hearing officer's recommended decision and order as the final decision and order of the board, provided that three specific conditions are met:

(i) at least 45 days before the filing of a petition pursuant to Article 78 of the New York Civil Practice Law and Rules, the respondent files with the board written notice of the respondent's intention to file the petition;

(ii) the board has still not issued a final decision and order when the respondent files the petition; and

(iii) the respondent serves the petition on the board pursuant to the New York Civil Practice Law and Rules.

(c) After a respondent files with the board notice of intention to file a petition for judicial review under the preceding subsection (b), the board may still issue a final decision and order unless the respondent has already filed the petition.

## SUBCHAPTER E

## MISCELLANEOUS

§ 3-81 Default by Respondent.

§ 3-82 Stays of Default.

§ 3-83 Late Request for Stay of Default.

§ 3-84 Stipulation in Lieu of Hearing.

**§ 3-81 Default by Respondent.**

(a) Failure of a respondent to make a timely response, or appear or proceed as required by the tribunal or hearing officer or these rules shall constitute a default. Upon default, the hearing officer or board shall thereupon render such decision and order in accordance with § 1049-a(d)(1)(d) of the Charter. Orders rendered in consequence of a default shall take effect immediately. Notice of such order shall be sent to respondent.

(b) Where respondent was permitted to admit and pay by mail pursuant to § 3-32, respondent shall also be offered the opportunity to enter a late admission and payment by mail within 30 days of the mailing date of the default order issued against respondent. An appropriate fee may be imposed by the tribunal for the processing of such late admission.

**§ 3-82 Stays of Default.**

Except as otherwise provided by rule or statute, a request by respondent for a stay of a default order and a hearing must be made by application to the executive director within 30 days of mailing of the default order. When a timely request is made for a stay of a first default, the executive director shall grant the request. A timely request for a stay of a second or subsequent default made for the same notice of violation may be denied by the executive director absent a showing of a meritorious defense.

**§ 3-83 Late Request for Stay of Default.**

(a) A request by a respondent for stay of default and a new hearing made more than 30 days after service of the default order shall be granted where, within 90 days from mailing of the default order, respondent alleges a credible explanation and excuse for the default together with an allegation of a meritorious defense to the violation charged.

(b) The executive director may designate categories of alleged defenses which in the interest of justice shall be grounds for a late stay of default and a hearing without regard to the requirements set out in paragraph (a) above.

**§ 3-84 Stipulation in Lieu of Hearing.**

(a) At any time prior to the issuance of the hearing officer's recommended decision and order the petitioner may offer the respondent a settlement of the matter by stipulation in lieu of further hearing. The stipulation shall contain an admission of the violation, the further facts stipulated to, if any, the amount of the penalty to be imposed, and the compliance ordered, if any.

(b) If entered into by respondent and filed with the tribunal prior to the first scheduled hearing date, in the manner and form set by the tribunal, the stipulation shall be reviewed by the board. Within a reasonable time after receipt of such stipulation, the board shall cause to be issued a final decision and order incorporating the terms of said stipulation or, if the stipulation is not acceptable to the board, the matter will be rescheduled for further hearing.

(c) If entered into before a hearing officer during the course of a hearing and if the hearing officer approves such stipulation, it shall be incorporated into the hearing officer's recommended decision and order.

(d) Decisions and orders based upon stipulations shall not be appealable.

SUBCHAPTER F  
SPECIAL PROCEEDINGS AND ENFORCEMENT  
PROCEEDINGS

§ 3-91 Cease and Desist Actions

§ 3-92 Post-Sealing Special Hearing

§ 3-93 Application for a Temporary or Limited Unsealing or Stay

§ 3-94 Hearings after Emergency Cease and Desist Orders

§ 3-95 Post Judgment Amendment of Records

**§ 3-91 Cease and Desist Actions.**

(a) *Scope.* This section governs cease and desist actions

brought by the board pursuant to Administrative Code §§ 24-178, 24-257, or 24-524, after respondent has had notice and an opportunity for a hearing on the violations alleged pursuant to the provisions of §§ 24-184, 24-263, or 24-524 as appropriate, and has failed to comply with orders issued by the board in such proceedings.

(b) *Issuance of Order and Notice.* Cease and desist actions shall be commenced by the issuance by the board of an order to cease and desist and a notice of special hearing. The order and notice shall identify the particular compliance order previously issued after an adjudicatory hearing, or in default thereof, that respondent is alleged to have disregarded, and the activity, equipment, device and/or process involved. The order shall direct respondent to show cause at a special hearing why the equipment, device or process should not be sealed and additional penalties imposed and shall notify respondent that if respondent does not appear as directed, the board order will be implemented forthwith.

(c) *Service.* The order to cease and desist and notice of special hearing shall be served personally or by certified mail, return receipt requested.

(d) *Hearing.* The special hearing shall be presided over by a hearing officer of the tribunal who shall have all of the powers and duties set out in subchapter C of these rules [for adjudicatory hearings], except as more specifically provided below. The hearing officer shall receive such evidence as may be presented by the petitioner which requested the board to issue the cease and desist order concerning respondent's failure to comply with orders previously issued, and such evidence as respondent may present in defense.

(e) *Report.* In lieu of a recommended hearing decision and order, the hearing officer shall prepare a report summarizing the evidence and arguments offered together with the hearing officer's findings of fact and recommendation as to whether the sealing should proceed and additional penalties be imposed. The report shall be promptly filed with the board.

(f) *Board Order.* Upon receipt of the hearing officer's report, the board may adopt, reject or modify the findings and recommendations and direct such further hearings or issue such further orders to respondent as are appropriate under the circumstances to assure correction of the violations. In any case in which the board issues an order requiring affirmative action to be taken by the respondent, such order may also require the respondent to file with the board a report or reports under oath attesting to respondent's compliance with the order. Failure to file a required report within the time limit set forth may, in the board's discretion, constitute a violation of the order regardless of whether the respondent has otherwise been in compliance with the provisions of the order.

**§ 3-92 Post-Sealing Special Hearing.**

At any time after a sealing has taken place, a respondent may request a special hearing to present evidence as to why the seal should be removed or sealing order modified. The request may be made by letter addressed to the board or the executive director or their designee at the tribunal. A special post-sealing hearing shall then be scheduled and shall be presided over by a hearing officer of the tribunal and conducted in accordance with the provisions of subparagraphs (d), (e) and (f) of § 3-81 [of these rules].

**§ 3-93 Application for a Temporary or Limited Unsealing or Stay.**

If it appears that remediation undertaken by a respondent cannot proceed or its effectiveness cannot be tested while a seal remains in place, the respondent may, by written application addressed to the executive director, request that a seal be temporarily removed or stayed for a limited period. The executive director may authorize a temporary unsealing or stay of sealing for the above specified reasons for such limited period and subject to such conditions as the executive director deems appropriate.

**§ 3-94 Hearings after Emergency Cease and Desist Orders.**

When the board has issued an emergency cease and desist order, without hearing, on account of an imminent peril to public health, pursuant to Administrative Code §§ 24-178(f), 24-346(e) or 24-523(b), any person affected by such emergency order may, by written notice to the board, request a hearing or an accelerated hearing in accordance with said provisions. The hearing held pursuant to the request shall be held by the board and shall not be referred to a hearing officer. The hearing shall otherwise be conducted in accordance with the relevant provisions of law and such of the board's rules for adjudicatory hearings as may be applicable.

**§ 3-95 Post Judgment Amendment of Records.**

(a) Upon the motion of any party, the board may amend a judgment or judgments to designate a judgment debtor by his, her or its correct legal name.

(b) The motion shall be made in writing and filed with the executive director. The movant shall also file an affidavit setting forth the facts and evidence relied on by the movant and an affidavit of service, by certified or registered mail and regular mail, of the motion on the party whose name is sought to be corrected in the judgment or judgments at his, her or its last known address and at the address or addresses at which the notice or notices of violation was or were served. Such motion shall be served on all parties. The date and time of the hearing on the motion is to be set forth in the moving papers in accordance with the direction of the executive director but shall not be sooner than 10 days after the service of such motion on the party whose name is sought to be corrected. At such hearing any party may appear, in person or otherwise, with or without counsel, cross-examine witnesses, present evidence and testify. If the party whose name is sought to be corrected does not appear at the hearing the hearing officer may proceed to determine the evidence presented by the moving party in support of the motion.

(c) If the hearing officer finds that the movant has established, by a preponderance of evidence (i) the true name of the judgment debtor, (ii) that such person is the same person as the person designated on the notice of violation as responsible for the violation or violations and (iii) that service of the notice or notices of violation and of all other papers in the proceeding or proceedings was or were properly made upon such person, he or she shall grant such motion and issue a recommended decision and order directing the amendment and correction, to reflect the correct legal name of such person, of all records relating to the proceedings commenced by the service of such notice or notices of violation, including the records of judgments filed with the civil court and in the office of the county clerk.

(d) The recommended decision and order shall be filed with the executive director and served on all parties. Any party

who appeared at the hearing, in person or otherwise, may file exceptions to such recommended decision and order in the manner provided in § 3-71 [of these rules] and the board shall render a final decision and order on such exceptions. Such final decision and order shall be the final decision of the board for purposes of review pursuant to article 78 of the Civil Practice Law and Rules.

(e) If exceptions are not filed within the time provided in § 3-71, the hearing officer's recommended decision and order shall become the final decision and order of the board and, in accordance with applicable law, shall not be subject to review pursuant to article 78 of the Civil Practice Law and Rules.

(f) An order correcting a judgment shall not affect the duration of a judgment. The judgment shall remain in full force and effect for eight years from the date the judgment was originally entered.

**Statement of Basis and Purpose of Final Rule**

Local Law 35 of 2008, signed by the Mayor on August 12, 2008 and effective November 23, 2008, created a new §1049-a of the City Charter, which consolidates the Environmental Control Board with the Office of Administrative Trials and Hearings. Section 2 of Local Law 35 also amended the City Charter to include a new subdivision b-1 of § 1049-a, which imposes upon the Environmental Control Board the obligation to promulgate rules concerning provision of language assistance services and limitations on the discretion of a hearing officer to adjourn a hearing under certain circumstances. Section 2 also adds a new subdivision (f) of Section 1049-a, which allows for judicial review of a hearing officer's recommended decision and order if the respondent files exceptions in accordance with the board's rules and the board does not render a decision within 180 days, provided that the respondent complies with certain requirements including prior written notice. Section 13 of the Local Law requires that mandated rules must be promulgated no later than 180 days after the effective date of the local law. Therefore, it is required that these amended rules be promulgated no later than May 22, 2009. The proposed rule was published for notice and comment in the City Record on April 1, 2009.

The amendments proposed are intended to effectuate the purposes and the specific requirements now set forth in § 1049-a, subdivision b-1 of the City Charter, as amended by Local Law 35. Other amendments have been proposed to clarify that a recording of a hearing may serve as a transcript for purposes of an appeal from a hearing officer's decision and to correct typographical errors and inconsistencies in the existing Rules of Procedure.

The Environmental Control Board held a public hearing on May 1, 2009 on the amendments to the Environmental Control Board's Rules of Procedure as required by Local Law 35 of 2008. Three written comments were received by the Environmental Control Board. No testimony was presented. After carefully considering the written comments submitted by the members of the public, the Board modified Section 3-52.1 (b) (i), entitled Adjournments to define a respondent's appearance on an adjourned date as "timely" if the respondent appears within two hours of the scheduled hearing time for a Notice of Violation (NoV). In the originally proposed rule, a respondent's appearance was "timely" if the respondent appeared within one hour of the scheduled hearing time. The reason for this modification is to provide the same definition of timely for both respondents and petitioning agencies.

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**HOUSING PRESERVATION & DEVELOPMENT**

NOTICE

**2009-2010 Regulatory Agenda**

**1. Real Property Tax Law ("RPTL") §421-a Tax Exemption**

- a. Reason: To amend rules governing the RPTL § 421-a program.
- b. Summary:
  - 1. Contents: Amendments to clarify existing rules and implement legislation.
  - 2. Objective: Clarify existing rules and implement legislation.
  - 3. Legal Basis: RPTL, Charter, and Administrative Code.
- c. Parties Affected: Sponsors of projects eligible for exemption.
- d. Related Laws and Rules: RPTL and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Elaine Toribio (212) 863-7698.

**2. RPTL § 489 (J-51 Tax Benefit Program)**

- a. Reason: To amend rules governing the J-51 Program and implement legislation.
- b. Summary:
  - 1. Contents: Amendments to clarify existing rules and implement legislation.
  - 2. Objective: Clarify existing rules and implement legislation.
  - 3. Legal Basis: RPTL, Charter, and Administrative Code.
- c. Parties Affected: Sponsors of projects eligible for tax benefits.

- d. Related Laws and Rules: RPTL and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Elaine Toribio (212) 863-7698.

**3. PHFL Article II (Mitchell-Lama Program)**

- a. Reason: To amend rules governing the Mitchell-Lama Program and implement legislation.
- b. Summary:
  - 1. Contents: Amendments to clarify existing rules and implement legislation.
  - 2. Objective: Clarify existing rules and implement legislation.
  - 3. Legal Basis: PHFL and Charter.
- c. Parties Affected: Owners of Mitchell-Lama projects and residents thereof.
- d. Related Laws and Rules: PHFL.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Julie C. Walpert (212) 863-6500.

**4. Emergency Repair Charges**

- a. Reason: To amend the rules governing emergency repair charges.
- b. Summary:
  - 1. Contents: Repeals existing rules governing emergency repair charges.
  - 2. Objective: To implement legislative changes to the statute and repeal outdated processes and procedures.
  - 3. Legal Basis: Administrative Code.
- c. Parties Affected: Owners of buildings where emergency repair work may be performed by the agency.
- d. Related Laws and Rules: Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Vito Mustaciolo (212) 863-8594.

**5. Childhood Lead Poisoning Prevention Act of 2003**

- a. Reason: To make technical amendments to the rules implementing the Childhood Lead Poisoning Prevention Act of 2003.
- b. Summary:
  - 1. Contents: Technical amendments to rules implementing the Childhood Lead Poisoning Prevention Act.
  - 2. Objective: To provide guidance to the regulated public.
  - 3. Legal Basis: Administrative Code.
- c. Parties Affected: Owners and occupants of residential buildings; repair and renovation companies and workers.
- d. Related Law and Rules: Administrative Code and Health Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

**6. Relocation of Tenants from Public Improvements and Quasi-public Sites and City Assisted Urban Renewal Sites**

- a. Reason: To amend rules providing relocation benefits.
- b. Summary:
  - 1. Contents: Amendments to update rules.
  - 2. Objective: To update rules to reflect current economic data and other technical amendments.

- 3. Legal Basis: Charter.
- c. Parties Affected: Residential and commercial tenants who are permanently displaced as the result of City-funded urban renewal activity.
- d. Related Laws and Rules: Charter.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Laurie LoPrimo (212) 863-8570.

**7. Relocation of Tenants from Private Property as a Result of Vacate Orders**

- a. Reason: To amend rules governing relocation benefits to tenants displaced as a result of vacate orders.
- b. Summary:
  - 1. Contents: Amendments clarifying scope of and process for providing relocation benefits.
  - 2. Objective: Clarify existing rules and procedures.
  - 3. Legal Basis: Charter and Administrative Code.
- c. Parties Affected: Tenants of building displaced by vacate orders.
- d. Related Laws and Rules: Charter and Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

**8. Fees for Administration of Loan Programs and Certain Other Activities**

- a. Reason: To enact and amend rules authorizing HPD to charge and collect certain fees.
- b. Summary:
  - 1. Contents: Rules authorizing fees for administering certain loan programs, and other activities relating to provision of affordable housing.
  - 2. Objective: Authorize and amend charge and collection of fees to defray administrative costs.
  - 3. Legal Basis: Charter, Private Housing Finance Law, and General Municipal Law.
- c. Parties Affected: Persons who engage in certain transactions with HPD.
- d. Related Laws and Rules: Charter, Private Housing Finance Law, and General Municipal Law.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

**9. Rules for Submission of Electronic Certification of Correction of Housing Maintenance Code Violations**

- a. Reason: To enact rules regarding the process for submission of electronic certifications.
- b. Summary:
  - 1. Contents: Rules authorizing submission of certification of correction of Housing Maintenance Code violations through an electronic process.
  - 2. Objective: Provide a process for such submissions.
  - 3. Legal Basis: Administrative Code.
- c. Parties Affected: Persons who certify correction of Housing Maintenance Code violations.
- d. Related Laws and Rules: Administrative Code.
- e. Schedule for Adoption: On or before June 30, 2010.
- f. Contact Person: Mary-Lynne Rifenburg (212) 863-8341.

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**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6253  
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/11/2009
2887105	2.0	#1DULS	MANH SPRAGUE ENERGY CORP	+0.0963 GAL.	1.9749 GAL.

Table with 7 columns: Contract No., Item No., Fuel/Oil Type, Vendor, Change, Price Eff. 5/11/2009. Lists various fuel contracts and vendors like SPRAGUE ENERGY CORP and METRO FUEL OIL CORP.

OFFICIAL FUEL PRICE SCHEDULE NO. 6254 FUEL OIL, PRIME AND START

Table with 7 columns: Contract No., Item No., Fuel/Oil Type, Vendor, Change, Price Eff. 5/11/2009. Lists fuel oil contracts and vendors like PACIFIC ENERGY and EAST COAST PETROLEUM.

OFFICIAL FUEL PRICE SCHEDULE NO. 6255 FUEL OIL AND REPAIRS

Table with 7 columns: Contract No., Item No., Fuel/Oil Type, Vendor, Change, Price Eff. 5/11/2009. Lists fuel oil and repairs contracts and vendors like SJ FUEL CO. INC. and PACIFIC ENERGY.

OFFICIAL FUEL PRICE SCHEDULE NO. 6256 GASOLINE

Table with 7 columns: Contract No., Item No., Fuel/Oil Type, Vendor, Change, Price Eff. 5/11/2009. Lists gasoline contracts and vendors like SPRAGUE ENERGY CORP and METRO TERMINALS.

the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Shows parcel 1, Block 2448, Lot 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.

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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.

a1-m18

CITY PLANNING COMMISSION

NOTICE

Re: Western Rail Yard Project - Final Scope of Work CEQR No. 09DCP007M ULURP Nos. PENDING Manhattan, Community District 4 Type 1 Action

A Final Scope of Work for the Draft Environmental Impact Statement (DEIS) has been issued for the above-referenced application. A Positive Declaration and the Draft Scope of Work were issued on September 2, 2008. A public scoping meeting was held on October 2, 2008, at the Jacob K. Javits Convention Center, 655 West 34th Street, Room 1A-03-05. Oral comments on the Draft Scope of Work were accepted at the meeting by the City Planning Commission and the Metropolitan Transportation Authority (the Co-Lead

agencies) and written comments were accepted until October 14, 2008. The Final Scope of Work incorporates changes made to the Draft Scope of Work subsequent to the public scoping meeting. The Final Scope is also available on the Department of City Planning website at http://www.nyc.gov/html/dcp/html/env\_review/scope.shtml.

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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

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CHANGES IN PERSONNEL

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 04/17/09

Table with 7 columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Parks & Recreation.

Table with 7 columns: Name, Title, Salary, Action, Prov, Eff Date. Lists personnel changes for various departments including Police and others.

SIMON	VIVIAN	M	80633	\$9.2100	APPOINTED	YES	03/23/09
SINGLETON	MARIAH		80633	\$9.2100	APPOINTED	YES	04/02/09
SLATER	JILL	E	20118	\$50000.0000	APPOINTED	YES	03/29/09
SLOLEY	TASHIE		10250	\$13.6100	INCREASE	YES	03/20/09
SMITH	BRIDGETT		80633	\$9.2100	APPOINTED	YES	03/30/09
SMITH	JEFFREY	L	80633	\$9.2100	APPOINTED	YES	03/30/09
SMITH	KENYA		80633	\$9.2100	APPOINTED	YES	03/30/09
SMITH	SHAWNTAI		80633	\$9.2100	APPOINTED	YES	04/02/09
SPENCER	KERRI	L	80633	\$9.2100	APPOINTED	YES	03/30/09
STENSON	DERRICK		80633	\$9.2100	APPOINTED	YES	03/27/09
STOKES	NICOLE	A	80633	\$9.2100	APPOINTED	YES	03/30/09
STOWE	DAVID		91406	\$11.1100	INCREASE	YES	04/01/09
STUKES	EVONE		80633	\$9.2100	APPOINTED	YES	03/16/09
SUAREZ	CHRISTOP	J	60430	\$35020.0000	INCREASE	YES	03/29/09
SULAJ	MEDIN		60421	\$32963.0000	APPOINTED	YES	03/26/09
SWAIN	KIMBERLY	D	80633	\$9.2100	APPOINTED	YES	03/27/09
SWINDELL	RENEE		80633	\$9.2100	APPOINTED	YES	03/30/09
TAYLOR	DENISE	M	80633	\$9.2100	APPOINTED	YES	03/26/09
TESTA	MICHAEL	A	90641	\$14.0200	APPOINTED	YES	04/05/09
THOMAS	DEVIN	T	91406	\$11.1100	INCREASE	YES	04/01/09
THOMPSON	QIANA		52406	\$13.5500	APPOINTED	YES	03/23/09
TORO	GEANNA	A	80633	\$9.2100	RESIGNED	YES	03/12/09
TORRES	CARMEN		80633	\$9.2100	APPOINTED	YES	03/30/09
TORRES	HERMINIA		91406	\$11.1100	INCREASE	YES	04/01/09
TORRES	NICHOLAS	M	90641	\$14.0200	APPOINTED	YES	04/06/09
TRADER	DENNIS		81309	\$20.1600	APPOINTED	YES	04/01/09
URGENT	KEISHA		91406	\$11.1100	APPOINTED	YES	04/01/09
VALENTIN	STEPHANI	P	80633	\$9.2100	RESIGNED	YES	03/04/09
VASQUEZ	NILDA		80633	\$9.2100	APPOINTED	YES	03/26/09
VEGA	HUGO		56058	\$28.7100	APPOINTED	YES	03/23/09
VEGA	SANDRA		91406	\$11.1100	INCREASE	YES	04/01/09
VENTURA	RICHARD	L	60422	\$50529.0000	INCREASE	YES	04/01/09
VICTOR	JEAN CLA		80633	\$9.2100	APPOINTED	YES	03/20/09
VILLANOVA	NICHOLE	T	80633	\$9.2100	APPOINTED	YES	03/23/09
VILLARREAL	ALBERTO		81307	\$7.3500	APPOINTED	YES	03/06/09
WALKER	KAREN	K	80633	\$9.2100	RESIGNED	YES	03/04/09
WALKER	NATHAN		52406	\$13.5500	APPOINTED	YES	03/31/09
WATSON	CARLISA		91406	\$11.1100	APPOINTED	YES	04/01/09
WATSON	JEFFREY	J	81361	\$43621.0000	APPOINTED	YES	03/29/09
WEST	JASMINE		80633	\$9.2100	RESIGNED	YES	03/04/09
WHITE	CORINNE	M	80633	\$9.2100	APPOINTED	YES	03/23/09
WHITE	NAKEYA	J	80633	\$9.2100	RESIGNED	YES	03/04/09
WHITESIDE	DARRELL	M	80633	\$9.2100	RESIGNED	YES	03/15/09
WHITNEY	WILLIAM		81111	\$61287.0000	INCREASE	YES	03/22/09
WHITNEY	WILLIAM		81303	\$53887.0000	APPOINTED	NO	03/22/09
WILLIAMS	CAMILLA		80633	\$9.2100	RESIGNED	YES	03/04/09
WILLIAMS	CONNIE		80633	\$9.2100	RESIGNED	YES	03/04/09
WILLIAMS	DEMETRIA		80633	\$9.2100	APPOINTED	YES	03/16/09
WILLIAMS	KIM		80633	\$9.2100	APPOINTED	YES	04/03/09
WILLIAMS	LENORE		80633	\$9.2100	APPOINTED	YES	03/16/09
WILLIAMS	NANTAYA		80633	\$9.2100	APPOINTED	YES	04/02/09
WILLIAMS	NATASHA	R	80633	\$9.2100	APPOINTED	YES	04/02/09
WILLIAMS	OCTOBER	V	80633	\$9.2100	APPOINTED	YES	04/02/09
WILLIAMS	PAULA		90641	\$14.0200	APPOINTED	YES	03/24/09
WILLIAMS	RANDY		80633	\$9.2100	APPOINTED	YES	03/20/09
WILLIAMS	RONALD		90641	\$14.0200	APPOINTED	YES	03/22/09
WILLIAMS	TYRA	L	80633	\$9.2100	APPOINTED	YES	04/03/09
WILSON	CHERYL	L	80633	\$9.2100	APPOINTED	YES	03/16/09
WILSON	JACKLYN	L	80633	\$9.2100	RESIGNED	YES	03/04/09
WILSON	NICOLE		80633	\$9.2100	APPOINTED	YES	03/16/09
WITHERSPOON	DOLORES		80633	\$9.2100	APPOINTED	YES	03/30/09
WITTWER LAIRD	GAIL	E	22124	\$78110.0000	DECREASE	YES	03/29/09
WONEY	WENNETTE		80633	\$9.2100	APPOINTED	YES	04/02/09
WORLEY	RAYMOND	R	80633	\$9.2100	APPOINTED	YES	04/02/09
WYNN	WILLIAM	A	90641	\$16.1200	APPOINTED	YES	03/24/09

YELLOTT	WILLIAM	L	81310	\$54111.0000	INCREASE	YES	04/05/09
ZHU	JOSEPH	X	90641	\$14.0200	APPOINTED	YES	03/25/09

DEPT. OF DESIGN & CONSTRUCTION  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
COFFMAN	JOSEPH	34202	\$52000.0000	APPOINTED	YES	04/05/09
GEISINGER	STEPHEN	22427	\$72383.0000	RETIRED	NO	03/29/09
TENG	NHI	20215	\$82795.0000	RETIRED	NO	03/31/09

DEPT OF INFO TECHNOLOGY & TELE  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
CARBONE	SUSANNA	10050	\$98000.0000	APPOINTED	YES	03/29/09
FOLKES	SHARON	P 10124	\$54412.0000	RESIGNED	YES	04/05/09
IQBAL	JAVED	10050	\$82719.0000	APPOINTED	YES	03/29/09
KANPA	MURUGAN	P 10074	\$102000.0000	APPOINTED	YES	04/05/09
KAPADIA	ASHA	N 10050	\$92500.0000	APPOINTED	YES	04/05/09
LAOR	NANCY	10260	\$34017.0000	RESIGNED	YES	03/22/09
LOYOLA TAMARO	JUAN	I 10260	\$29581.0000	RESIGNED	YES	04/09/09
MELENDEZ	SOLLUZ	10025	\$64019.0000	INCREASE	YES	04/05/09
MITCHELL	ANDREA	10050	\$80000.0000	APPOINTED	YES	04/05/09
OZDENOGLU	IBRAHIM	13621	\$69767.0000	RETIRED	NO	04/07/09
RAMLOGAN	AHALIA	N 20248	\$71085.0000	APPOINTED	YES	03/29/09
RIVERA	AIDA	E 10260	\$34049.0000	RETIRED	NO	03/24/09
SHARON	ELIHU	31105	\$33632.0000	TERMINATED	NO	04/05/09
WALKER-BRYANT	BRENDA	10025	\$72101.0000	INCREASE	YES	04/05/09

DEPT OF RECORDS & INFO SERVICE  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
GUILFORD	CHERYL	56057	\$32321.0000	INCREASE	YES	04/08/09

CONSUMER AFFAIRS  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BUTLER-WOOD	ALEXIS	R 10229	\$35022.0000	RESIGNED	YES	03/29/09
CASABLANCA	HAYDA	L 56057	\$20.3400	INCREASE	YES	04/05/09
DOHERTY	HEATHER	A 56058	\$53000.0000	APPOINTED	YES	04/05/09
FITZGERALD	LYNN	56057	\$38000.0000	INCREASE	YES	04/05/09
KO	JAE	56058	\$45615.0000	APPOINTED	YES	03/31/09

DEPT OF CITYWIDE ADMIN SVCS  
FOR PERIOD ENDING 04/17/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BERGER	MARC	E 95937	\$39.4700	RESIGNED	YES	03/26/09
DEKANCHUK	JOHN	E 91628	\$342.0000	RETIRED	NO	04/07/09
DELGADO	JAIME	D 90644	\$27065.0000	APPOINTED	YES	03/29/09
DELUCA	MICHAEL	A 91916	\$222.6000	APPOINTED	NO	02/23/09
FULGIERI	STEPHEN	M 92340	\$314.3700	RESIGNED	YES	09/23/07
GOMEZ	LUIS	91916	\$222.6000	APPOINTED	NO	02/23/09
GUTIERREZ	JUAN	P 12749	\$37786.0000	APPOINTED	YES	01/04/09
HARRISON	CAMILLE	10251	\$13.6000	APPOINTED	YES	03/29/09
KIM	SHIN	Y 12749	\$37786.0000	APPOINTED	YES	02/01/09
LAPORTE	MIREILLE	10251	\$16.2600	RETIRED	YES	03/31/09
MAQUINE	JACQUELI	M 31105	\$40288.0000	RESIGNED	YES	03/29/09
MILLIEN	SHELLY	10251	\$13.6000	APPOINTED	YES	03/31/09

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LATE NOTICES

CITY COUNCIL

HEARING

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, MAY 20, 2009, AT 11:30 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTERS:

- **M-1390**, Communication from the Public Advocate submitting the name of Karen A. Phillips for re-appointment as a member of the **New York City Planning Commission** ("CPC") pursuant to §§ 31 and 192(a) of the *New York City Charter*. Should Ms. Phillips receive the advice and consent of the Council, she will serve for the remainder of a five-year term that expires on June 30, 2010.
- **M-1424**, Communication from the Staten Island Borough President submitting the name of Rayann Besser for appointment as a member of the **New York City Planning Commission** ("CPC") pursuant to §§ 31 and 192(a) of the *New York City Charter*. Should Ms. Besser receive the advice and consent of the Council, she will succeed John Merolo and serve the remainder of a five-year term that expires on June 30, 2011.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney  
City Clerk, Clerk of the Council

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HEALTH AND MENTAL HYGIENE

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector

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 Health and Mental Hygiene and the Contractor listed below, for a Supportive Housing Program for Homeless Adults with Severe and Persistent Mental Illness in the Borough of Brooklyn. The contract term shall be from February 1, 2009 to June 30, 2011 and will contain two three-year options to renew from July 1, 2011 to June 30, 2014 and from July 1, 2014 to June 30, 2017.

Contractor/Address

Services for the Underserved, Inc.  
305 Seventh Avenue, New York, NY 10001

**PIN#** 05MH007016R0X00 **Amount** \$847,380

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from May 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Department within 5 business days after the publication of this notice. Written requests to speak should be sent to Joyce Scott, 93 Worth Street, Room 812, New York, NY 10013, or to [jscott1@health.nyc.gov](mailto:jscott1@health.nyc.gov). If DOHMH does not receive any written requests to speak within the prescribed time, DOHMH reserves the right not to conduct the Public Hearing.

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HOMELESS SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector 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 Home Life Services, Inc., 1716 Coney Island Avenue, Brooklyn, NY 11230, to develop and operate a stand-alone transitional residence for homeless families located at the Rainbow Family Residence, 1530 Beach Avenue, Bronx, NY 10460, Community Board 9. The contract amount shall be \$5,877,215. The contract term shall be from July 1, 2009 to June 30, 2014, with one four-year option to renew from July 1, 2014 to June 30, 2018. **PIN#**: 071-00S-003-265.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method (Open Ended Request

for Proposals), pursuant to Section 3-03 (b) (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 15, 2009 to May 28, 2009, excluding Saturdays, Sundays and Holidays from 9:00 A.M. to 5:00 P.M.

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POLICE

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 28, 2009, in Spector 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 Police Department of the City of New York and MorphoTrak, Inc., 3 Washington Square, Albany, New York 12205, for the maintenance of the NYPD's Livescan System. The contract amount shall be \$3,652,039. The contract term shall be from August 1, 2007 to June 30, 2012 with one two-year option to renew from July 1, 2012 to June 30, 2014. **PIN#**: 056090000648.

The proposed contractor has been selected as a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Police Department, Contract Administration Unit, 51 Chambers Street, Room 310, New York, New York 10007, on business days, excluding Holidays, from May 15, 2008 to May 28, 2009, from 9:30 A.M. to 4:30 P.M. Please contact the Contract Administration Unit at (646) 610-5753 to arrange a visitation.

**IN THE MATTER** of a proposed contract between the Police Department of the City of New York and Bernard Hodes Group, 220 East 42nd Street, New York, New York 10017, for the recruitment and advertising and production services for NYPD. The contract amount shall be \$42,000,000.00. The contract term shall be for five years from written notice to proceed with two two-year options to renew. **PIN#**: 056090000614.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Police Department, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007, on business days, excluding Holidays, from May 15, 2009 to May 28, 2009, from 9:30 A.M. to 4:30 P.M. Please contact the Contract Administration Unit at (646) 610-5753 to arrange a visitation.

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