

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2018**

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**No. 136**

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Introduced by The Speaker (Council Member Johnson), Council Members Constantinides, Cornegy, Reynoso, Chin, Perkins, Rosenthal, Miller and Rivera.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to implementation of a tracking system for and a review of expiring affordable housing units**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 22 to read as follows:

*CHAPTER 22*

*EXPIRING AFFORDABLE HOUSING*

*§ 26-2201 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Affordable housing unit. The term “affordable housing unit” means a dwelling unit that is (i) required, pursuant to a federal, state or local law, rule or program administered by the city or an agreement with the city or a person acting on the city’s behalf, to be affordable for an extremely low income household, a very low income household, a low income household, a moderate income household or a middle income household and (ii) operates pursuant to an agreement administered by the department.*

*Area median income. The term “area median income” means the Income Limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in Section 3 of the Housing Act of 1937, as amended.*

*Department. The term "department" means the department of housing preservation and development.*

*Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term in the housing maintenance code.*

*Expiring affordable housing unit. The term “expiring affordable housing unit” means, with respect to the report required by sections 26-2204 and 26-2205, an affordable housing unit that, without a change in a federal, state or local law, rule or program or an agreement with the city or a person acting on the city’s behalf, will cease to be an affordable housing unit in or before the end of the second calendar year that commences after the due date of such report.*

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

*Extremely low income affordable housing (ELI-AH) unit. The term “extremely low income affordable housing (ELI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by an extremely low income household.*

*Low income household. The term “low income household” means a household that has an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.*

*Low income affordable housing (LI-AH) unit. The term “low income affordable housing (LI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a low income household.*

*Moderate income household. The term “moderate income household” means a household that has an income of more than 80 percent of the area median income but no more than 120 percent of the area median income, adjusted for the size of the household.*

*Moderate income affordable housing (MI-AH) unit. The term “moderate income affordable housing (MI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a moderate income household.*

*Middle income household. The term “middle income household” means a household that has an income of more than 120 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.*

*Middle income affordable housing (MIDI-AH) unit. The term “middle income affordable housing (MIDI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a middle income household.*

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

*Very low income affordable housing (VLI-AH) unit. The term “very low income affordable housing (VLI-AH) unit” means an affordable housing unit that is required to be occupied upon initial occupancy by a very low income household.*

*§ 26-2202 Tracking system plan. By no later than April 30, 2019, the department shall submit to the mayor and the speaker of the council, and post publicly on the city's website, a report providing details of a plan for the development of an integrated data tracking system for (i) start dates and expiration dates for all department regulatory agreements containing requirements for affordable housing units to the extent such information is available in the regulatory agreements or department records, (ii) the affordability requirements contained in such regulatory agreements to the extent such information is available in the regulatory agreements or department records, and (iii) a target date for implementation of the plan.*

*§ 26-2203 Reporting. By no later than April 30, 2020, and annually thereafter, the department shall submit to the mayor and to the council a report on the progress of the tracking system plan required by section 26-2202, until the completion of the implementation of the plan.*

*§ 26-2204 Annual review. By no later than December 31 in each year following the implementation of the tracking system required by section 26-2202, the department shall conduct a review of affordable housing units citywide to determine:*

- 1. The number of ELI-AH units that are expiring affordable housing units;*
- 2. The number of VLI-AH units that are expiring affordable housing units;*
- 3. The number of LI-AH units that are expiring affordable housing units;*
- 4. The number of MI-AH units that are expiring affordable housing units; and*
- 5. The number of MIDI-AH units that are expiring affordable housing units.*

*§ 26-2205 Review of expiring affordable housing units. a. The department shall submit to the mayor, the speaker of the council and each council member by no later than December 31 in each year following implementation of the tracking system required by section 26-2202:*

*1. The number of ELI-AH units that are expiring affordable housing units in the council district that such member represents;*

*2. The number of VLI-AH units that are expiring affordable housing units in the council district that such member represents;*

*3. The number of LI-AH units that are expiring affordable housing units in the council district that such member represents;*

*4. The number of MI-AH units that are expiring affordable housing units in the council district that such member represents;*

*5. The number of MIDI-AH units that are expiring affordable housing units in the council district that such member represents; and*

*6. A description of department preservation efforts and the tools available to the department for the purpose of preservation.*

*b. The department shall conduct outreach to council members representing expiring affordable housing units to discuss preservation efforts.*

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 28, 2018 and returned unsigned by the Mayor on July 31, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 136 of 2018, Council Int. No. 722-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.