

# PROGRAM BILL # 17

Legislative Bill Drafting Commission  
12002-01-7

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*REALTXLA\*  
(Relates to affordable NY housing  
program benefits)

RPT L. 421-a benefits

## AN ACT

to amend the real property tax law,  
in relation to the affordable New  
York housing program and to repeal  
certain provisions of such law  
relating thereto

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s15 Addabbo	s50 DeFrancisco	s27 Hoylman	s25 Montgomery	s10 Sanders
s52 Akshar	s32 Diaz	s60 Jacobs	s40 Murphy	s23 Savino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s41 Serino
s46 Amedore	s17 Felder	s63 Kennedy	s62 Ortt	s29 Serrano
s11 Avella	s02 Flanagan	s34 Klein	s21 Parker	s51 Seward
s36 Bailey	s55 Funke	s28 Krueger	s13 Peralta	s26 Squadron
s42 Bonacic	s59 Gallivan	s24 Lanza	s30 Perkins	s16 Stavisky
s04 Boyle	s12 Gianaris	s39 Larkin	s19 Persaud	s35 Stewart-
s44 Breslin	s22 Golden	s37 Latimer	s07 Phillips	Cousins
s08 Brooks	s47 Griffo	s01 LaValle	s61 Ranzenhofer	s49 Tedisco
s38 Carlucci	s20 Hamilton	s45 Little	s48 Ritchie	s53 Valesky
s14 Comrie	s06 Hannon	s05 Marcellino	s33 Rivera	s57 Young
s03 Croci	s54 Helming	s43 Marchione	s56 Robach	

## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a145 Morinello	a009 Saladino
a092 Abinanti	a070 Dickens	a011 Jean-Pierre	a057 Mosley	a111 Santabarbar
a084 Arroyo	a054 Dilan	a116 Jenne	a039 Moya	a140 Schimminger
a035 Aubry	a081 Dinowitz	a135 Johns	a003 Murray	a076 Seawright
a120 Barclay	a147 DiPietro	a115 Jones	a065 Niou	a087 Sepulveda
a030 Barnwell	a016 D'Orso	a077 Joyner	a037 Nolan	a027 Simanowitz
a106 Barrett	a004 Englebright	a074 Kavanagh	a144 Norris	a052 Simon
a060 Barron	a133 Errigo	a142 Kearns	s130 Oaks	a036 Simotas
a082 Benedetto	a109 Fahy	a040 Kim	a069 O'Donnell	a104 Skartados
a042 Bichotte	a071 Farrell	a131 Kolb	a051 Ortiz	a099 Skoufis
a117 Blankenbush	a126 Pinch	a105 Lalor	a091 Otis	a022 Solages
a079 Blake	a008 Fitzpatrick	a013 Lavine	a132 Palmesano	a114 Stec
a098 Brabenec	a124 Friend	a134 Lawrence	a002 Palumbo	a110 Steck
a026 Braunstein	a095 Galef	a050 Lentol	a088 Paulin	a127 Stirpe
a119 Brindisi	a137 Gantt	a125 Lifton	a141 Peoples-	a001 Thiele
a138 Bronson	a007 Garbarino	a102 Lopez	Stokes	a061 Titone
a093 Buchwald	a148 Giglio	a123 Lupardo	a058 Perry	a031 Titus
a118 Butler	a080 Gjonaj	a010 Lupinacci	a023 Pheffer	a033 Vanel
a094 Byrne	a066 Glick	a121 Magee	Amato	a055 Walker
a103 Cahill	a150 Goodell	a129 Magnarelli	a086 Pichardo	a143 Wallace
a044 Carroll	a075 Gottfried	a064 Malliotakis	a089 Pretlow	a112 Walsh
a062 Castorina	a005 Graf	a090 Mayer	a073 Quart	a146 Walter
a047 Colton	a100 Gunther	a108 McDonald	a019 Ra	a041 Weinstein
a032 Cook	a046 Harris	a014 McDonough	a012 Raia	a024 Weprin
a085 Crespo	a139 Hawley	a017 McKeivitt	a006 Ramos	a059 Williams
a122 Crouch	a083 Heastie	a107 McLaughlin	a043 Richardson	a113 Woerner
a021 Curran	a028 Hevesi	a101 Miller, B.	a078 Rivera	a056 Wright
a063 Cusick	a048 Hiking	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a045 Cymbrowitz	a018 Hooper	a020 Miller, M.L.	a067 Rosenthal	
a053 Davila	a128 Hunter	a015 Montesano	a025 Rozic	
a072 De La Rosa	a029 Hyndman	a136 Morelle	a149 Ryan	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. The section heading of section 421-a of the real property  
2 tax law, as amended by chapter 857 of the laws of 1975 and such section  
3 as renumbered by chapter 110 of the laws of 1977, is amended to read as  
4 follows:

5 [Exemption of new multiple dwellings from local taxation.] Affordable  
6 New York Housing Program.

7 § 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of  
8 section 421-a of the real property tax law, as amended by chapter 15 of  
9 the laws of 2008, are amended to read as follows:

10 (i) all rent stabilization registrations required to be filed on or  
11 after January first, two thousand eight shall contain a designation  
12 which identifies all units that are subject to the provisions of this  
13 section as "[421-a] Affordable New York Housing Program units" and  
14 specifically identifies affordable units created pursuant to this  
15 section and units which are required to be occupied by persons or fami-  
16 lies who meet specified income limits pursuant to the provisions of a  
17 local law enacted pursuant to this section as "[421-a] Affordable New  
18 York Housing Program affordable units" and shall contain an explanation  
19 of the requirements that apply to all such units. The owner of a unit  
20 that is subject to the provisions of this section shall, in addition to  
21 complying with the requirements of section 26-517 of the rent stabiliza-  
22 tion law, file a copy of the rent registration for each such unit with  
23 the local housing agency;

24 (iii) the local housing agency shall create a report which, at a mini-  
25 mum, contains the following information for every building which  
26 receives benefits pursuant to this section: address, commencement and  
27 termination date of the benefits, total number of residential units,  
28 number of "[421-a] Affordable New York Housing Program units" and number

1 of "[421-a] Affordable New York Housing Program affordable units",  
2 apartment number or other designation of such units and the rent for  
3 each of such units. The local housing agency with the cooperation of the  
4 division of housing and community renewal shall maintain, and update  
5 such report no less than annually, with information secured from annual  
6 registrations. Such reports shall be available for public inspection in  
7 a form that assigns a unique designation to each unit other than its  
8 actual apartment number to maintain the privacy of such information; and  
9 § 3. Subdivision 16 of section 421-a of the real property tax law, as  
10 added by section 63-c of part A of chapter 20 of the laws of 2015, is  
11 amended to read as follows:

12 16. (a) Definitions. For the purposes of this subdivision:

13 (i) "[421-a] Affordable New York Housing Program benefits" shall mean  
14 exemption from real property taxation pursuant to this subdivision.

15 (ii) "Affordability option A" shall mean that, within any eligible  
16 site: (A) not less than ten percent of the dwelling units are affor-  
17 ble housing forty percent units; (B) not less than an additional ten  
18 percent of the dwelling units are affordable housing sixty percent  
19 units; (C) not less than an additional five percent of the dwelling  
20 units are affordable housing one hundred thirty percent units; and (D)  
21 such eligible site is developed without the substantial assistance of  
22 grants, loans or subsidies provided by a federal, state or local govern-  
23 mental agency or instrumentality pursuant to a program for the develop-  
24 ment of affordable housing, except that such eligible site may receive  
25 tax exempt bond proceeds and four percent tax credits.

26 (iii) "Affordability option B" shall mean that, within any eligible  
27 site, (A) not less than ten percent of the dwelling units are affordable  
28 housing seventy percent units, and (B) not less than an additional twen-

1 ty percent of the dwelling units are affordable housing one hundred  
2 thirty percent units.

3 (iv) "Affordability option C" shall mean that, within any eligible  
4 site excluding the geographic area south of ninety-sixth street in the  
5 borough of Manhattan, and all other geographic areas in the city of New  
6 York excluded pursuant to local law, (A) not less than thirty percent of  
7 the dwelling units are affordable housing one hundred thirty percent  
8 units, and (B) such eligible site is developed without the substantial  
9 assistance of grants, loans or subsidies provided by a federal, state or  
10 local governmental agency or instrumentality pursuant to a program for  
11 the development of affordable housing.

12 (v) "Affordability option D" shall only apply to a homeownership  
13 project, of which one hundred percent of the units shall have an average  
14 assessed value not to exceed sixty-five thousand dollars upon the first  
15 assessment following the completion date and where each owner of any  
16 such unit shall agree, in writing, to maintain such unit as their prima-  
17 ry residence for no less than five years from the acquisition of such  
18 unit.

19 (vi) "Affordability option E" shall mean that, within any eligible  
20 site within the enhanced affordability area, such site must consist of  
21 no less than three hundred rental dwelling units of which (A) not less  
22 than ten percent of the rental dwelling units are affordable housing  
23 forty percent units; (B) not less than an additional ten percent of the  
24 rental dwelling units are affordable housing sixty percent units; (C)  
25 not less than an additional five percent of the rental dwelling units  
26 are affordable housing one hundred twenty percent units; and (D) such  
27 eligible site is developed without the substantial assistance of grants,  
28 loans or subsidies provided by a federal, state or local governmental

1 agency or instrumentality pursuant to a program for the development of  
2 affordable housing, except that such eligible site may receive tax  
3 exempt bond proceeds and four percent tax credits.

4 (vii) "Affordability option F" shall mean that, within any eligible  
5 site within the enhanced affordability area, such site must consist of  
6 no less than three hundred rental dwelling units of which (A) not less  
7 than ten percent of the rental dwelling units are affordable housing  
8 seventy percent units; and (B) not less than an additional twenty  
9 percent of the rental dwelling units are affordable housing one hundred  
10 thirty percent units.

11 (viii) "Affordability option G" shall mean that, within any eligible  
12 site located within the Brooklyn enhanced affordability area or the  
13 Queens enhanced affordability area, such site must consist of no less  
14 than three hundred rental dwelling units of which (A) not less than  
15 thirty percent of the rental dwelling units are affordable housing one-  
16 hundred thirty percent units; and (B) such eligible site is developed  
17 without the substantial assistance of grants, loans or subsidies  
18 provided by a federal, state or local governmental agency or instrumen-  
19 tality pursuant to a program for the development of affordable housing.

20 [(vi)] (ix) "Affordability percentage" shall mean a fraction, the  
21 numerator of which is the number of affordable housing units in an  
22 eligible site and the denominator of which is the total number of dwell-  
23 ing units in such eligible site.

24 [(vii)] (x) "Affordable housing forty percent unit" shall mean a  
25 dwelling unit that: (A) is situated within the eligible site for which  
26 [421-a] Affordable New York Housing Program benefits are granted; and  
27 (B) upon initial rental and upon each subsequent rental following a  
28 vacancy during the restriction period, is affordable to and restricted

1 to occupancy by individuals or families whose household income does not  
2 exceed forty percent of the area median income, adjusted for family  
3 size, at the time that such household initially occupies such dwelling  
4 unit.

5 [(viii)] (xi) "Affordable housing sixty percent unit" shall mean a  
6 dwelling unit that: (A) is situated within the eligible site for which  
7 [421-a] Affordable New York Housing Program benefits are granted; and  
8 (B) upon initial rental and upon each subsequent rental following a  
9 vacancy during the restriction period, is affordable to and restricted  
10 to occupancy by individuals or families whose household income does not  
11 exceed sixty percent of the area median income, adjusted for family  
12 size, at the time that such household initially occupies such dwelling  
13 unit.

14 [(ix)] (xii) "Affordable housing seventy percent unit" shall mean a  
15 dwelling unit that: (A) is situated within the eligible site for which  
16 [421-a] Affordable New York Housing Program benefits are granted; and  
17 (B) upon initial rental and upon each subsequent rental following a  
18 vacancy during the restriction period, is affordable to and restricted  
19 to occupancy by individuals or families whose household income does not  
20 exceed seventy percent of the area median income, adjusted for family  
21 size, at the time that such household initially occupies such dwelling  
22 unit.

23 (xiii) "Affordable housing one hundred twenty percent unit" shall mean  
24 a dwelling unit that: (A) is situated within the eligible site for which  
25 Affordable New York Housing Program benefits are granted; and (B) upon  
26 initial rental and upon each subsequent rental following a vacancy  
27 during the restriction period, is affordable to and restricted to occu-  
28 pancy by individuals or families whose household income does not exceed

1 one hundred twenty percent of the area median income, adjusted for fami-  
2 ly size, at the time that such household initially occupies such dwell-  
3 ing unit.

4 [(x)] (xiv) "Affordable housing one hundred thirty percent unit" shall  
5 mean a dwelling unit that: (A) is situated within the eligible site for  
6 which [421-a] Affordable New York Housing Program benefits are granted;  
7 and (B) upon initial rental and upon each subsequent rental following a  
8 vacancy during the restriction period, is affordable to and restricted  
9 to occupancy by individuals or families whose household income does not  
10 exceed one hundred thirty percent of the area median income, adjusted  
11 for family size, at the time that such household initially occupies such  
12 dwelling unit.

13 [(xi)] (xv) "Affordable housing unit" shall mean, collectively and  
14 individually, affordable housing forty percent units, affordable housing  
15 sixty percent units, affordable housing seventy percent units, afforda-  
16 ble housing one hundred twenty percent units and affordable housing one  
17 hundred thirty percent units.

18 [(xii)] (xvi) "Agency" shall mean the department of housing preserva-  
19 tion and development.

20 [(xiii)] (xvii) "Application" shall mean an application for [421-a]  
21 Affordable New York Housing Program benefits.

22 [(xiv)] (xviii) "Average hourly wage" shall mean the amount equal to  
23 the aggregate amount of all wages and all employee benefits paid to, or  
24 on behalf of, construction workers for construction work divided by the  
25 aggregate number of hours of construction work.

26 (xix) "Brooklyn enhanced affordability area" shall mean any tax lots  
27 now existing or hereafter created which are located entirely within  
28 community boards one and two of the borough of Brooklyn bounded and

1 described as follows: All that piece or parcel of land situate and being  
2 in the boroughs of Queens and Brooklyn, New York. Beginning at the point  
3 of intersection of the centerline of Newtown Creek and the westerly  
4 bounds of the East River; Thence southeasterly along the centerline of  
5 Newtown Creek, said centerline also being the boundary between Queens  
6 County to the northeast and Kings County to the southwest, to the point  
7 of intersection with Greenpoint Avenue; Thence southwesterly along  
8 Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence  
9 southerly along Kingsland Avenue to the intersection with Meeker Avenue;  
10 Thence southwesterly along Meeker Avenue to the intersection with  
11 Leonard Street; Thence southerly along Leonard Street to the inter-  
12 section with Metropolitan Avenue; Thence westerly along Metropolitan  
13 Avenue to the intersection with Lorimer Street; Thence southerly along  
14 Lorimer Street to the intersection with Montrose Avenue; Thence westerly  
15 along Montrose Avenue to the intersection with Union Avenue; Thence  
16 southerly along Union Avenue to the intersection with Johnson Avenue;  
17 Thence westerly along Johnson Avenue to the intersection with Broadway;  
18 Thence northwesterly along Broadway to the intersection with Rutledge  
19 Street; Thence southwesterly along Rutledge Street to the intersection  
20 with Kent Avenue and Classon Avenue; Thence southwesterly and southerly  
21 along Classon Avenue to the intersection with Dekalb Avenue; Thence  
22 westerly along Dekalb Avenue to the intersection with Bond Street;  
23 Thence southwesterly along Bond Street to the intersection with Wyckoff  
24 Street; Thence northwesterly along Wyckoff Street to the intersection  
25 with Hoyt Street; Thence southwesterly along Hoyt Street to the inter-  
26 section with Warren Street; Thence northwesterly along Warren Street to  
27 the intersection with Court Street; Thence northeasterly along Court  
28 Street to the intersection with Atlantic Avenue; Thence northwesterly



1 along Atlantic Avenue, crossing under The Brooklyn Queens Expressway  
2 (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn  
3 Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn  
4 Bridge Park to the bulkhead of the East River at Pier 6; Thence in a  
5 general northeasterly direction along the easterly bulkhead or shoreline  
6 of the East River to the intersection with the centerline of Newtown  
7 Creek, and the point or place of Beginning.

8 (xx) "Building service employee" shall mean any person who is regular-  
9 ly employed at, and performs work in connection with the care or mainte-  
10 nance of, an eligible site, including, but not limited to, a watchman,  
11 guard, doorman, building cleaner, porter, handyman, janitor, gardener,  
12 groundskeeper, elevator operator and starter, and window cleaner, but  
13 not including persons regularly scheduled to work fewer than eight hours  
14 per week at the eligible site.

15 ~~[(xv)]~~ (xxi) "Commencement date" shall mean, with respect to any  
16 eligible multiple dwelling, the date upon which excavation and  
17 construction of initial footings and foundations lawfully begins in good  
18 faith or, for an eligible conversion, the date upon which the actual  
19 construction of the conversion, alteration or improvement of the pre-ex-  
20 isting building or structure lawfully begins in good faith.

21 ~~[(xvi)]~~ (xxii) "Completion date" shall mean, with respect to any  
22 eligible multiple dwelling, the date upon which the local department of  
23 buildings issues the first temporary or permanent certificate of occu-  
24 pancy covering all residential areas of an eligible multiple dwelling.

25 ~~[(xvii)]~~ (xxiii) "Construction period" shall mean, with respect to any  
26 eligible multiple dwelling, a period: (A) beginning on the later of the  
27 commencement date of such eligible multiple dwelling or three years  
28 before the completion date of such eligible multiple dwelling; and (B)

1 ending on the day preceding the completion date of such eligible multi-  
2 ple dwelling.

3 (xxiv) "Construction work" shall mean the provision of labor performed  
4 on an eligible site between the commencement date and the completion  
5 date, whereby materials and constituent parts are combined to initially  
6 form, make or build an eligible multiple dwelling, including without  
7 limitation, painting, or providing of material, articles, supplies or  
8 equipment in the eligible multiple dwelling, but excluding security  
9 personnel and work related to the fit-out of commercial spaces.

10 (xxv) "Construction workers" shall mean all persons performing  
11 construction work who (A) are paid on an hourly basis and (B) are not in  
12 a management or executive role or position.

13 (xxvi) "Contractor certified payroll report" shall mean an original  
14 payroll report submitted by a contractor or sub-contractor to the inde-  
15 pendent monitor setting forth to the best of the contractor's or sub-  
16 contractor's knowledge, the total number of hours of construction work  
17 performed by construction workers, the amount of wages and employee  
18 benefits paid to construction workers for construction work.

19 ~~[(xviii)]~~ (xxvii) "Eligible conversion" shall mean the conversion,  
20 alteration or improvement of a pre-existing building or structure  
21 resulting in a multiple dwelling in which no more than forty-nine  
22 percent of the floor area consists of such pre-existing building or  
23 structure.

24 ~~[(xix)]~~ (xxviii) "Eligible multiple dwelling" shall mean a multiple  
25 dwelling, including a portion of a multiple dwelling, or homeownership  
26 project containing six or more dwelling units created through new  
27 construction or eligible conversion for which the commencement date is  
28 after December thirty-first, two thousand fifteen and on or before June

1 fifteenth, two thousand [nineteen] twenty-two, and for which the  
2 completion date is on or before June fifteenth, two thousand [twenty-  
3 three] twenty-six.

4 [(xx)] (xxix) "Eligible site" shall mean either: (A) a tax lot  
5 containing an eligible multiple dwelling; or (B) a zoning lot containing  
6 two or more eligible multiple dwellings that are part of a single appli-  
7 cation.

8 (xxx) "Employee benefits" shall mean all supplemental compensation  
9 paid by the employer, on behalf of construction workers, other than  
10 wages, including, without limitation, any premiums or contributions made  
11 into plans or funds that provide health, welfare, non-occupational disa-  
12 bility coverage, retirement, vacation benefits, holiday pay, life insur-  
13 ance and apprenticeship training. The value of any employee benefits  
14 received shall be determined based on the prorated hourly cost to the  
15 employer of the employee benefits received by construction workers.

16 (xxxi) "Enhanced affordability area" shall mean the Manhattan enhanced  
17 affordability area, the Brooklyn enhanced affordability area and the  
18 Queens enhanced affordability area.

19 (xxxii) "Enhanced thirty-five year benefit" shall mean: (A) for the  
20 construction period, a one hundred percent exemption from real property  
21 taxation, other than assessments for local improvements; and (B) for the  
22 next thirty-five years of the extended restriction period, a one hundred  
23 percent exemption from real property taxation, other than assessments  
24 for local improvements.

25 (xxxiii) "Extended restriction period" shall mean a period commencing  
26 on the completion date and expiring on the fortieth anniversary of the  
27 completion date, notwithstanding any earlier termination or revocation  
28 of Affordable New York Housing Program benefits.

1 [(xxi)] (xxxiv) "Fiscal officer" shall mean the comptroller or other  
2 analogous officer in a city having a population of one million or more.

3 [(xxii)] (xxxv) "Floor area" shall mean the horizontal areas of the  
4 several floors, or any portion thereof, of a dwelling or dwellings, and  
5 accessory structures on a lot measured from the exterior faces of exte-  
6 rior walls, or from the center line of party walls.

7 [(xxiii)] (xxxvi) "Four percent tax credits" shall mean federal low  
8 income housing tax credits computed in accordance with clause (ii) of  
9 subparagraph (B) of paragraph (1) of subsection (b) of section forty-two  
10 of the internal revenue code of nineteen hundred eighty-six, as amended.

11 [(xxiv)] (xxxvii) "Homeownership project" shall mean a multiple dwell-  
12 ing or portion thereof operated as condominium or cooperative housing,  
13 however, it shall not include a multiple dwelling or portion thereof  
14 operated as cooperative or condominium housing located within the  
15 borough of Manhattan, and shall not include a multiple dwelling that  
16 contains more than thirty-five units.

17 [(xxv)] (xxxviii) "Independent monitor" shall mean an accountant  
18 licensed and in good standing pursuant to article one hundred forty-nine  
19 of the education law.

20 (xxxix) "Job action" shall mean any delay, interruption or interfer-  
21 ence with the construction work caused by the actions of any labor  
22 organization or concerted action of any employees at the eligible site,  
23 including without limitation, strikes, sympathy strikes, work stoppages,  
24 walk outs, slowdowns, picketing, bannering, hand billing, demon-  
25 strations, sickouts, refusals to cross a picket line, refusals to handle  
26 struck business, and use of the rat or other inflatable balloons or  
27 similar displays.

1     (xl) "Market unit" shall mean a dwelling unit in an eligible multiple  
2 dwelling other than an affordable housing unit.

3     ~~[(xxvi)]~~ (xli) "Multiple dwelling" shall have the meaning set forth in  
4 the multiple dwelling law.

5     ~~[(xxvii)]~~ (xlii) "Non-residential tax lot" shall mean a tax lot that  
6 does not contain any dwelling units.

7     ~~[(xxviii)]~~ (xliii) "Manhattan enhanced affordability area" shall mean  
8 any tax lots now existing or hereafter created located entirely south of  
9 96th street in the borough of Manhattan.

10     (xliv) "Project labor agreement" shall mean a pre-hire collective  
11 bargaining agreement setting forth the terms and conditions of employ-  
12 ment for the construction workers on an eligible site.

13     (xlv) "Project-wide certified payroll report" shall mean a certified  
14 payroll report submitted by the independent monitor to the agency based  
15 on each contractor certified payroll report which sets forth the total  
16 number of hours of construction work performed by construction workers,  
17 the aggregate amount of wages and employee benefits paid to construction  
18 workers for construction work and the average hourly wage.

19     (xlvi) "Queens enhanced affordability area" shall mean any tax lots  
20 now existing or hereafter created which are located entirely within  
21 community boards one and two of the borough of Queens bounded and  
22 described as follows: All that piece or parcel of land situate and being  
23 in the boroughs of Queens and Brooklyn, New York. Beginning at the point  
24 being the intersection of the easterly shore of the East River with a  
25 line of prolongation of 20th Avenue projected northwesterly; Thence  
26 southeasterly on the line of prolongation of 20th Avenue and along 20th  
27 Avenue to the intersection with 31st Street; Thence southwesterly along  
28 31st Street to the intersection with Northern Boulevard; Thence south-

1 westerly along Northern Boulevard to the intersection with Queens Boule-  
2 vard (aka Route 25); Thence southeasterly along Queens Boulevard to the  
3 intersection with Van Dam Street; Thence southerly along Van Dam Street  
4 to the intersection with Borden Avenue; Thence southwesterly along Van  
5 Dam Street to the intersection with Greenpoint Avenue and Review Avenue;  
6 Thence southwesterly along Greenpoint Avenue to the point of inter-  
7 section with the centerline of Newtown Creek, said centerline of Newtown  
8 Creek also being the boundary between Queens County to the north and  
9 Kings County to the south; Thence northwesterly along the centerline of  
10 Newtown Creek, also being the boundary between Queens County and Kings  
11 County to its intersection with the easterly bounds of the East River;  
12 Thence in a general northeasterly direction along the easterly bulkhead  
13 or shoreline of the East River to the point or place of Beginning.

14 (xlvii) "Rent stabilization" shall mean, collectively, the rent  
15 stabilization law of nineteen hundred sixty-nine, the rent stabilization  
16 code, and the emergency tenant protection act of nineteen seventy-four,  
17 all as in effect as of the effective date of the chapter of the laws of  
18 two thousand fifteen that added this subdivision or as amended thereaft-  
19 er, together with any successor statutes or regulations addressing  
20 substantially the same subject matter.

21 ~~[(xxix)]~~ (xlviii) "Rental project" shall mean an eligible site in  
22 which all dwelling units included in any application are operated as  
23 rental housing.

24 ~~[(xxx)]~~ (xlix) "Residential tax lot" shall mean a tax lot that  
25 contains dwelling units.

26 ~~[(xxxii)]~~ (1) "Restriction period" shall mean a period commencing on  
27 the completion date and expiring on the thirty-fifth anniversary of the

1 completion date, notwithstanding any earlier termination or revocation  
2 of [421-a] Affordable New York Housing Program benefits.

3 [(xxxii)] (li) "Tax exempt bond proceeds" shall mean the proceeds of  
4 an exempt facility bond, as defined in paragraph (7) of subsection (a)  
5 of section one hundred forty-two of the internal revenue code of nine-  
6 teen hundred eighty-six, as amended, the interest upon which is exempt  
7 from taxation under section one hundred three of the internal revenue  
8 code of nineteen hundred eighty-six, as amended.

9 (lii) "Third party fund administrator" shall be a person or entity  
10 that receives funds pursuant to paragraph (c) of this subdivision and  
11 oversees and manages the disbursement of such funds to construction work-  
12 ers. The third party fund administrator shall be a person or entity  
13 approved by the agency, and recommended by one, or more, representative  
14 or representatives of the largest trade association of residential real  
15 estate developers, either for profit or not-for-profit, in New York city  
16 and one, or more, representative or representatives of the largest trade  
17 labor association representing building and construction workers, with  
18 membership in New York city. The third party fund administrator shall  
19 be appointed for a term of three years, provided, however, that the  
20 administrator in place at the end of a three year term shall continue to  
21 serve beyond the end of the term until a replacement administrator is  
22 appointed. The agency, after providing notice and after meeting with the  
23 third party fund administrator, may remove such administrator for cause  
24 upon an agency determination that the administrator has been ineffective  
25 at overseeing or managing the disbursement of funds to the construction  
26 workers. The third party fund administrator shall, at the request of the  
27 agency, submit reports to the agency.

1    [(xxxiii)] (liii) "Thirty-five year benefit" shall mean: (A) for the  
2 construction period, a one hundred percent exemption from real property  
3 taxation, other than assessments for local improvements; (B) for the  
4 first twenty-five years of the restriction period, a one hundred percent  
5 exemption from real property taxation, other than assessments for local  
6 improvements; and (C) for the final ten years of the restriction period,  
7 an exemption from real property taxation, other than assessments for  
8 local improvements, equal to the affordability percentage.

9    [(xxxiv)] (liv) "Twenty year benefit" shall mean: (A) for the  
10 construction period, a one hundred percent exemption from real property  
11 taxation, other than assessments for local improvements; (B) for the  
12 first fourteen years of the restriction period, a one hundred percent  
13 exemption from real property taxation, other than assessments for local  
14 improvements, provided, however, that no exemption shall be given for  
15 any portion of a unit's assessed value that exceeds \$65,000; and (C) for  
16 the final six years of the restriction period, a twenty-five percent  
17 exemption from real property taxation, other than assessments for local  
18 improvements, provided, however, that no exemption shall be given for  
19 any portion of a unit's assessed value that exceeds \$65,000.

20    (lv) "Wages" shall mean all compensation, remuneration or payments of  
21 any kind paid to, or on behalf of, construction workers, including,  
22 without limitation, any hourly compensation paid directly to the  
23 construction worker, together with employee benefits, such as health,  
24 welfare, non-occupational disability coverage, retirement, vacation  
25 benefits, holiday pay, life insurance and apprenticeship training, and  
26 payroll taxes, including, to the extent permissible by law, all amounts  
27 paid for New York state unemployment insurance, New York state disabili-  
28 ty insurance, metropolitan commuter transportation mobility tax, federal



1 unemployment insurance and pursuant to the federal insurance contrib-  
2 utions act or any other payroll tax that is paid by the employer.

3 (b) Benefit. In cities having a population of one million or more,  
4 notwithstanding the provisions of any other subdivision of this section  
5 or of any general, special or local law to the contrary, new eligible  
6 sites, except hotels, that comply with the provisions of this subdivi-  
7 sion shall be exempt from real property taxation, other than assessments  
8 for local improvements, in the amounts and for the periods specified in  
9 this paragraph. A rental project that meets all of the requirements of  
10 this subdivision shall receive a thirty-five year benefit and a homeown-  
11 ership project that meets all of the requirements of this subdivision  
12 shall receive a twenty year benefit. A rental project that also meets  
13 all of the requirements of paragraph (c) of this subdivision shall  
14 receive an enhanced thirty-five year benefit.

15 (c) In addition to all other requirements set forth in this subdivi-  
16 sion, rental projects containing three hundred or more rental dwelling  
17 units located within the enhanced affordability area shall comply with  
18 the requirements set forth in this paragraph. For purposes of this para-  
19 graph, "contractor" shall mean any entity which by agreement with anoth-  
20 er party (including subcontractors) undertakes to perform construction  
21 work at an eligible site and "applicant" shall mean an applicant for  
22 Affordable New York Housing Program benefits and any successor thereto.

23 (i) Such rental project shall comply with either affordability option  
24 E, affordability option F or affordability option G.

25 (ii) The minimum average hourly wage paid to construction workers on  
26 an eligible site within the Manhattan enhanced affordability area shall  
27 be no less than sixty dollars per hour. Three years from the effective  
28 date of the chapter of the laws of two thousand seventeen that added

1 this paragraph and every three years thereafter, the minimum average  
2 hourly wage shall be increased by five percent; provided, however, that  
3 any building with a commencement date prior to the date of such increase  
4 shall be required to pay the minimum average hourly wage as required on  
5 its commencement date.

6 (iii) The minimum average hourly wage paid to construction workers on  
7 an eligible site within the Brooklyn enhanced affordability area or the  
8 Queens enhanced affordability area shall be no less than forty-five  
9 dollars per hour. Three years from the effective date of the chapter of  
10 the laws of two thousand seventeen that added this paragraph and every  
11 three years thereafter, the minimum average hourly wage shall be  
12 increased by five percent; provided, however, that any building with a  
13 commencement date prior to the date of such increase shall be required  
14 to pay the minimum average hourly wage as required on its commencement  
15 date.

16 (iv) The requirements of subparagraphs (ii) and (iii) of this para-  
17 graph shall not be applicable to:

18 (A) an eligible multiple dwelling in which at least fifty percent of  
19 the dwelling units upon initial rental and upon each subsequent rental  
20 following a vacancy during the restriction period, are affordable to and  
21 restricted to occupancy by individuals or families whose household  
22 income does not exceed one hundred twenty-five percent of the area medi-  
23 an income, adjusted for family size, at the time that such household  
24 initially occupies such dwelling unit;

25 (B) any portion of an eligible multiple dwelling which is owned and  
26 operated as a condominium or cooperative; or

27 (C) at the option of the applicant, to an eligible site subject to a  
28 project labor agreement.

1     (v) The applicant shall contract with an independent monitor. Such  
2 independent monitor shall submit to the agency within one year of the  
3 completion date a project-wide certified payroll report. In the event  
4 such project-wide certified payroll report is not submitted to the agen-  
5 cy within the requisite time, the applicant shall be subject to a fine  
6 of one thousand dollars per week, or any portion thereof; provided that  
7 the maximum fine shall be seventy-five thousand dollars. In the event  
8 that the average hourly wage is less than the minimum average hourly  
9 wage set forth in subparagraph (ii) or (iii) of this paragraph as appli-  
10 cable, the project-wide certified report shall also set forth the aggre-  
11 gate amount of such deficiency.

12     (vi) The contractor certified payroll report shall be submitted by  
13 each contractor and sub-contractor no later than ninety days after the  
14 completion of construction work by such contractor or sub-contractor. In  
15 the event that a contractor or sub-contractor fails or refuses to submit  
16 the contractor certified payroll report within the time prescribed in  
17 this subparagraph, the independent monitor shall notify the agency and  
18 the agency shall be authorized to fine such contractor or sub-contractor  
19 in the amount of one thousand dollars per week, or any portion thereof,  
20 provided that the maximum fine shall be seventy-five thousand dollars.

21     (vii) In the event that the project-wide certified payroll report  
22 shows that the average hourly wage as required by subparagraph (ii) or  
23 (iii) of this paragraph, as applicable, was not paid, (A) if the average  
24 hourly wage is within fifteen percent of the average hourly wage  
25 required by subparagraph (i) or (ii) of this paragraph, as applicable,  
26 then no later than one hundred twenty days from the date of submission  
27 of such project-wide certified payroll report, the applicant shall pay  
28 to the third party fund administrator an amount equal to the amount of

1 the deficiency set forth in the project-wide certified payroll report.  
2 The third party fund administrator shall distribute such payment to the  
3 construction workers who performed construction work on such eligible  
4 site. Prior to making such repayment, the third party fund administrator  
5 shall submit to the agency a plan subject to the agency's approval  
6 setting forth the manner in which the third party fund administrator  
7 will reach the required average wage within one hundred fifty days of  
8 receiving the payment from the applicant and how any remaining funds  
9 will be disbursed in the event that the third party fund administrator  
10 cannot distribute the funds to the construction workers within one year  
11 of receiving agency approval. In the event that the applicant fails to  
12 make such payment within the time period prescribed in this subpara-  
13 graph, the applicant shall be subject to a fine of one thousand dollars  
14 per week provided that the maximum fine shall be seventy-five thousand  
15 dollars; or (B) if the average hourly wage is more than fifteen percent  
16 below the minimum average hourly wage required by subparagraph (i) or  
17 (ii) of this paragraph, as applicable, then no later than one hundred  
18 twenty days from the date of submission of such project-wide certified  
19 payroll report, the applicant shall pay to the third party fund adminis-  
20 trator an amount equal to the amount of the deficiency set forth in the  
21 project-wide payroll report. The third party fund administrator shall  
22 distribute such payment to the construction workers who performed  
23 construction work on such eligible site. Prior to making such repayment,  
24 the third party fund administrator shall submit to the agency a plan  
25 subject to the agency's approval setting forth the manner in which the  
26 third party fund administrator will reach the required average wage  
27 within one hundred fifty days of receiving the payment from the appli-  
28 cant and how any remaining funds will be disbursed in the event that the

1 third party fund administrator cannot distribute the funds to the  
2 construction workers within one year of receiving agency approval. In  
3 addition, the agency shall impose a penalty on the applicant in an  
4 amount equal to twenty-five percent of the amount of the deficiency,  
5 provided, however, that the agency shall not impose such penalty where  
6 the eligible multiple dwelling has been the subject of a job action  
7 which results in a work delay. Any payments received by the agency  
8 pursuant to this subparagraph shall be used to provide affordable hous-  
9 ing. In the event that the applicant fails to make such payment within  
10 the time period prescribed in this subparagraph, the applicant shall be  
11 subject to a fine of one thousand dollars per week, provided that the  
12 maximum fine shall be seventy-five thousand dollars. Notwithstanding any  
13 provision of this paragraph, the applicant shall not be liable in any  
14 respect whatsoever for any payments, fines or penalties related to or  
15 resulting from contractor fraud, mistake, or negligence or for fraudu-  
16 lent or inaccurate contractor certified payroll reports or for fraudu-  
17 lent or inaccurate project-wide certified payroll reports, provided,  
18 however, that payment to the third party fund administrator in the  
19 amount set forth in the project-wide certified payroll report as  
20 described in this subparagraph shall still be made by the contractor or  
21 sub-contractor in the event of underpayment resulting from or caused by  
22 the contractor or sub-contractor, and that the applicant will be liable  
23 for underpayment to the third party administrator unless the agency  
24 determines, in its sole discretion, that the underpayment was the result  
25 of, or caused by, contractor fraud, mistake or negligence and/or for  
26 fraudulent or inaccurate contractor certified payroll reports and/or  
27 project-wide certified payroll reports. The applicant shall otherwise  
28 not be liable in any way whatsoever once the payment to the third party

1 fund administrator has been made in the amount set forth in the  
2 project-wide certified payroll report.

3 (viii) Nothing in this paragraph shall be construed to confer a  
4 private right of action to enforce the provisions of this paragraph,  
5 provided, however, that this sentence shall not be construed as a waiver  
6 of any existing rights of construction workers or their representatives  
7 related to wage and benefit collection, wage theft or other labor  
8 protections or rights and provided, further, that nothing in this para-  
9 graph relieves any obligations pursuant to a collective bargaining  
10 agreement.

11 (ix) A rental project containing three hundred or more residential  
12 dwelling units not located within the enhanced affordability area may  
13 elect to comply with the requirements of this paragraph. Such election  
14 shall be made in the application and shall not thereafter be changed.  
15 Such rental project shall comply with all of the requirements of this  
16 paragraph and shall be deemed to be located within the Brooklyn enhanced  
17 affordability area or the Queens enhanced affordability area for the  
18 purposes of this paragraph.

19 [(c)] (d) Tax payments. In addition to any other amounts payable  
20 pursuant to this subdivision, the owner of any eligible site receiving  
21 [421-a] Affordable New York Housing Program benefits shall pay, in each  
22 tax year in which such [421-a] Affordable New York Housing Program bene-  
23 fits are in effect, real property taxes and assessments as follows:

24 (i) with respect to each eligible multiple dwelling constructed on  
25 such eligible site, real property taxes on the assessed valuation of  
26 such land and any improvements thereon in effect during the tax year  
27 prior to the commencement date of such eligible multiple dwelling, with-  
28 out regard to any exemption from or abatement of real property taxation

1 in effect during such tax year, which real property taxes shall be  
2 calculated using the tax rate in effect at the time such taxes are due;  
3 and

4 (ii) all assessments for local improvements.

5 [(d)] (e) Limitation on benefits for non-residential space. If the  
6 aggregate floor area of commercial, community facility and accessory use  
7 space in an eligible site, other than parking which is located not more  
8 than twenty-three feet above the curb level, exceeds twelve percent of  
9 the aggregate floor area in such eligible site, any [421-a] Affordable  
10 New York Housing Program benefits shall be reduced by a percentage equal  
11 to such excess. If an eligible site contains multiple tax lots, the tax  
12 arising out of such reduction in [421-a] Affordable New York Housing  
13 Program benefits shall first be apportioned pro rata among any non-resi-  
14 dential tax lots. After any such non-residential tax lots are fully  
15 taxable, the remainder of the tax arising out of such reduction in  
16 [421-a] Affordable New York Housing Program benefits, if any, shall be  
17 apportioned pro rata among the remaining residential tax lots.

18 [(e)] (f) Calculation of benefit. Based on the certification of the  
19 agency certifying the applicant's eligibility for [421-a] Affordable New  
20 York Housing Program benefits, the assessors shall certify to the  
21 collecting officer the amount of taxes to be exempted.

22 [(f)] (g) Affordability requirements. During the restriction period, a  
23 rental project shall comply with either affordability option A, afforda-  
24 bility option B, or affordability option C or for purposes of a homeown-  
25 ership project, such project shall comply with affordability option D.  
26 Such election shall be made in the application and shall not thereafter  
27 be changed. The rental project shall also comply with all provisions of  
28 this paragraph during the restriction period and with subparagraph (iii)

1 of this paragraph both during and after the restriction period to the  
2 extent provided in such subparagraph. A rental project containing three  
3 hundred or more rental dwelling units located in the enhanced affor-  
4 bility area or a rental project containing three hundred or more rental  
5 dwelling units not located within the enhanced affordability area which  
6 elects to comply with the requirements of paragraph (c) of this subdivi-  
7 sion shall comply with either affordability option E, affordability  
8 option F, or affordability option G. Such election shall be made in the  
9 application and shall not thereafter be changed. Such rental project  
10 shall also comply with all provisions of this paragraph during the  
11 extended restriction period and with subparagraph (iii) of this para-  
12 graph both during and after the extended restriction period to the  
13 extent provided in such paragraph.

14 (i) Affordable units located in a rental project shall share the same  
15 common entrances and common areas as market rate units in such rental  
16 project, and shall not be isolated to a specific floor or area of [a  
17 building] the rental project. Common entrances shall mean any area  
18 regularly used by any resident of the rental project for ingress and  
19 egress from [a multiple dwelling] the rental project; and

20 (ii) Unless preempted by the requirements of a federal, state or local  
21 housing program, either (A) the affordable housing units in an eligible  
22 site shall have a unit mix proportional to the market units, or (B) at  
23 least fifty percent of the affordable housing units in an eligible site  
24 shall have two or more bedrooms and no more than twenty-five percent of  
25 the affordable housing units shall have less than one bedroom.

26 (iii) Notwithstanding any provision of rent stabilization to the  
27 contrary, all affordable housing units shall be fully subject to rent  
28 stabilization during the restriction period, provided that tenants hold-



1 ing a lease and in occupancy of such affordable housing units at the  
2 expiration of the restriction period shall have the right to remain as  
3 rent stabilized tenants for the duration of their occupancy.

4 (iv) All rent stabilization registrations required to be filed pursu-  
5 ant to subparagraph (iii) of this paragraph shall contain a designation  
6 that specifically identifies affordable housing units created pursuant  
7 to this subdivision as "[421-a] Affordable New York Housing Program  
8 affordable housing units" and shall contain an explanation of the  
9 requirements that apply to all such affordable housing units.

10 (v) Failure to comply with the provisions of this paragraph that  
11 require the creation, maintenance, rent stabilization compliance and  
12 occupancy of affordable housing units or for purposes of a homeownership  
13 project the failure to comply with affordability option D shall result  
14 in revocation of any [421-a] Affordable New York Housing Program bene-  
15 fits for the period of such non-compliance.

16 (vi) Nothing in this subdivision shall (A) prohibit the occupancy of  
17 an affordable housing unit by individuals or families whose income at  
18 any time is less than the maximum percentage of the area median income,  
19 adjusted for family size, specified for such affordable housing unit  
20 pursuant to this subdivision, or (B) prohibit the owner of an eligible  
21 site from requiring, upon initial rental or upon any rental following a  
22 vacancy, the occupancy of any affordable housing unit by such lower  
23 income individuals or families.

24 (vii) Following issuance of a temporary certificate of occupancy and  
25 upon each vacancy thereafter, an affordable housing unit shall promptly  
26 be offered for rental by individuals or families whose income does not  
27 exceed the maximum percentage of the area median income, adjusted for  
28 family size, specified for such affordable housing unit pursuant to this

1 subdivision and who intend to occupy such affordable housing unit as  
2 their primary residence. An affordable housing unit shall not be (A)  
3 rented to a corporation, partnership or other entity, or (B) held off  
4 the market for a period longer than is reasonably necessary to perform  
5 repairs needed to make such affordable housing unit available for occu-  
6 pancy.

7 (viii) An affordable housing unit shall not be rented on a temporary,  
8 transient or short-term basis. Every lease and renewal thereof for an  
9 affordable housing unit shall be for a term of one or two years, at the  
10 option of the tenant.

11 (ix) An affordable housing unit shall not be converted to cooperative  
12 or condominium ownership.

13 (x) The agency may establish by rule such requirements as the agency  
14 deems necessary or appropriate for (A) the marketing of affordable hous-  
15 ing units, both upon initial occupancy and upon any vacancy, (B) moni-  
16 toring compliance with the provisions of this paragraph and (C) the  
17 marketing and monitoring of any homeownership project that is granted an  
18 exemption pursuant to this subdivision. Such requirements may include,  
19 but need not be limited to, retaining a monitor approved by the agency  
20 and paid for by the owner.

21 (xi) Notwithstanding any provision of this subdivision to the contra-  
22 ry, a market unit shall be subject to rent stabilization unless, in the  
23 absence of [421-a] Affordable New York Housing Program benefits, the  
24 owner would be entitled to remove such market unit from rent stabiliza-  
25 tion upon vacancy by reason of the monthly rent exceeding any limit  
26 established thereunder.

27 [(g)] (h) Building service employees. (i) For the purposes of this  
28 paragraph, "applicant" shall mean an applicant for [421-a] Affordable

1 New York Housing Program benefits, any successor to such applicant, or  
2 any employer of building service employees for such applicant, includ-  
3 ing, but not limited to, a property management company or contractor.

4 (ii) All building service employees employed by the applicant at the  
5 eligible site shall receive the applicable prevailing wage for the  
6 entire restriction period.

7 (iii) The fiscal officer shall have the power to enforce the  
8 provisions of this paragraph. In enforcing such provisions, the fiscal  
9 officer shall have the power:

10 (A) to investigate or cause an investigation to be made to determine  
11 the prevailing wages for building service employees; in making such  
12 investigation, the fiscal officer may utilize wage and fringe benefit  
13 data from various sources, including, but not limited to, data and  
14 determinations of federal, state or other governmental agencies;

15 (B) to institute and conduct inspections at the site of the work or  
16 elsewhere;

17 (C) to examine the books, documents and records pertaining to the  
18 wages paid to, and the hours of work performed by, building service  
19 employees;

20 (D) to hold hearings and, in connection therewith, to issue subpoenas,  
21 administer oaths and examine witnesses; the enforcement of a subpoena  
22 issued under this paragraph shall be regulated by the civil practice law  
23 and rules;

24 (E) to make a classification by craft, trade or other generally recog-  
25 nized occupational category of the building service employees and to  
26 determine whether such work has been performed by the building service  
27 employees in such classification;

1 (F) to require the applicant to file with the fiscal officer a record  
2 of the wages actually paid by such applicant to the building service  
3 employees and of their hours of work;

4 (G) to delegate any of the foregoing powers to his or her deputy or  
5 other authorized representative; and

6 (H) to promulgate rules as he or she shall consider necessary for the  
7 proper execution of the duties, responsibilities and powers conferred  
8 upon him or her by the provisions of this subparagraph.

9 (iv) If the fiscal officer finds that the applicant has failed to  
10 comply with the provisions of this paragraph, he or she shall present  
11 evidence of such noncompliance to the agency.

12 (v) Subparagraph (ii) of this paragraph shall not be applicable to:

13 (A) an eligible multiple dwelling containing less than thirty dwelling  
14 units; or

15 (B) an eligible multiple dwelling in which all of the dwelling units  
16 are affordable housing units and not less than fifty percent of such  
17 affordable housing units, upon initial rental and upon each subsequent  
18 rental following a vacancy during the restriction period, are affordable  
19 to and restricted to occupancy by individuals or families whose house-  
20 hold income does not exceed one hundred twenty-five percent of the area  
21 median income, adjusted for family size, at the time that such household  
22 initially occupies such dwelling unit.

23 [(h)] (i) Replacement ratio. If the land on which an eligible site is  
24 located contained any dwelling units three years prior to the commence-  
25 ment date of the first eligible multiple dwelling thereon, then such  
26 eligible site shall contain at least one affordable housing unit for  
27 each dwelling unit that existed on such date and was thereafter demol-  
28 ished, removed or reconfigured.

1 [(i)] (j) Concurrent exemptions or abatements. An eligible [multiple  
2 dwelling] site receiving [421-a] Affordable New York Housing Program  
3 benefits shall not receive any exemption from or abatement of real prop-  
4 erty taxation under any other law.

5 [(j)] (k) Voluntary renunciation or termination. Notwithstanding the  
6 provisions of any general, special or local law to the contrary, an  
7 owner shall not be entitled to voluntarily renounce or terminate any  
8 [421-a] Affordable New York Housing Program benefits unless the agency  
9 authorizes such renunciation or termination in connection with the  
10 commencement of a new tax exemption pursuant to either the private hous-  
11 ing finance law or section four hundred twenty-c of this title.

12 [(k)] (l) Termination or revocation. The agency may terminate or  
13 revoke [421-a] Affordable New York Housing Program benefits for noncom-  
14 pliance with this subdivision, provided, however, that the agency shall  
15 not terminate or revoke Affordable New York Housing Program benefits for  
16 a failure to comply with paragraph (c) of this subdivision. If [421-a]  
17 Affordable New York Housing Program benefits are terminated or revoked  
18 for noncompliance with this subdivision, [all of the affordable housing  
19 units shall remain subject to rent stabilization or for a homeownership  
20 project such project shall continue to comply with affordability option  
21 D of this subdivision and all other requirements of this subdivision for  
22 the restriction period and any additional period expressly provided in  
23 this subdivision, as if the 421-a benefits had not been terminated or  
24 revoked] (i) all of the affordable housing units shall remain subject to  
25 rent stabilization and all other requirements of this subdivision for  
26 the restriction period and any additional period expressly provided in  
27 this subdivision, as if the Affordable New York Housing Program benefits  
28 had not been terminated or revoked; (ii) all of the market rate housing

1 units shall remain subject to rent stabilization and all other require-  
2 ments of this subdivision for the restriction period and any additional  
3 period expressly provided in this subdivision, as if the Affordable New  
4 York Housing Program benefits had not been terminated or revoked,  
5 provided, however, that the owner shall still be entitled to remove such  
6 market unit from rent stabilization upon vacancy by reason of the month-  
7 ly rent exceeding any limit established thereunder; (iii) or for a  
8 homeownership project such project shall continue to comply with afford-  
9 ability option D of this subdivision and all other requirements of this  
10 subdivision for the restriction period and any additional period  
11 expressly provided in this subdivision, as if the Affordable New York  
12 Housing Program benefits had not been terminated or revoked.

13 [(1)] (m) Powers cumulative. The enforcement provisions of this subdi-  
14 vision shall not be exclusive, and are in addition to any other rights,  
15 remedies, or enforcement powers set forth in any other law or available  
16 at law or in equity.

17 [(m)] (n) Multiple tax lots. If an eligible site contains multiple tax  
18 lots, an application may be submitted with respect to one or more of  
19 such tax lots. The agency shall determine eligibility for [421-a]  
20 Affordable New York Housing Program benefits based upon the tax lots  
21 included in such application and benefits for each multiple dwelling  
22 shall commence upon commencement of construction of such multiple dwell-  
23 ing.

24 [(n)] (o) Applications. (i) The application with respect to any eligi-  
25 ble multiple dwelling shall be filed with the agency not later than one  
26 year after the completion date of such eligible multiple dwelling.

1 (ii) Notwithstanding the provisions of any general, special or local  
2 law to the contrary, the agency may require by rule that applications be  
3 filed electronically.

4 (iii) The agency may rely on certification by an architect or engineer  
5 submitted by an applicant in connection with the filing of an applica-  
6 tion. A false certification by such architect or engineer shall be  
7 deemed to be professional misconduct pursuant to section sixty-five  
8 hundred nine of the education law. Any licensee found guilty of such  
9 misconduct under the procedures prescribed in section sixty-five hundred  
10 ten of the education law shall be subject to the penalties prescribed in  
11 section sixty-five hundred eleven of the education law, and shall there-  
12 after be ineligible to submit a certification pursuant to this subdivi-  
13 sion.

14 (iv) The agency shall not require that the applicant demonstrate  
15 compliance with the requirements of paragraph (c) of this subdivision as  
16 a condition to approval of the application.

17 [(o)] (p) Filing fee. The agency may require a filing fee of three  
18 thousand dollars per dwelling unit in connection with any application.  
19 However, the agency may promulgate rules imposing a lesser fee for  
20 eligible sites containing eligible multiple dwellings constructed with  
21 the substantial assistance of grants, loans or subsidies provided by a  
22 federal, state or local governmental agency or instrumentality pursuant  
23 to a program for the development of affordable housing.

24 [(p)] (q) Rules. The agency shall have the sole authority to enforce  
25 the provisions of this subdivision. The agency [may] shall promulgate  
26 rules to carry out the provisions of this subdivision, including, but  
27 not limited to, provisions related to the calculation of the average  
28 hourly wage.

1 [(q) Authority of city to enact local law. Except as otherwise speci-  
2 fied in this subdivision, a city to which this subdivision is applicable  
3 may enact a local law to restrict, limit or condition the eligibility  
4 for or the scope or amount of 421-a benefits in any manner, provided  
5 that such local law may not grant 421-a benefits beyond those provided  
6 in this subdivision and provided further that such local law shall not  
7 take effect sooner than one year after it is enacted. The provisions of  
8 sections 11-245 and 11-245.1 of the administrative code of the city of  
9 New York or of any other local law of the city of New York that were  
10 enacted on or before the effective date of the chapter of the laws of  
11 two thousand fifteen which added this paragraph shall not restrict,  
12 limit or condition the eligibility for or the scope or amount of 421-a  
13 benefits pursuant to this subdivision.]

14 (r) Election. Notwithstanding anything in this subdivision to the  
15 contrary, [if a memorandum of understanding pursuant to subdivision  
16 sixteen-a of this section has been executed and noticed,] a rental  
17 project or homeownership project with a commencement date on or before  
18 December thirty-first, two thousand fifteen that has not received bene-  
19 fits pursuant to this section prior to the effective date of the chapter  
20 of the laws of two thousand fifteen that added this subdivision may  
21 elect to comply with this subdivision and receive [421-a] Affordable New  
22 York Housing Program benefits pursuant to this subdivision.

23 § 4. Subdivision 16-a of section 421-a of the real property tax law is  
24 REPEALED.

25 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-  
26 sion, section or part of this act shall be adjudged by any court of  
27 competent jurisdiction to be invalid, such judgment shall not affect,  
28 impair, or invalidate the remainder thereof, but shall be confined in



1 its operation to the clause, sentence, paragraph, subdivision, section  
2 or part thereof directly involved in the controversy in which such judg-  
3 ment shall have been rendered. It is hereby declared to be the intent of  
4 the legislature that this act would have been enacted even if such  
5 invalid provisions had not been included herein.

6 § 6. This act shall take effect immediately; and provided, however,  
7 that sections one, two, and three of this act shall be deemed to have  
8 been in full force and effect on and after January 1, 2016.