

1 preserving and constructing 200,000 units of affordable housing; foster-
2 ing thriving and inclusive neighborhoods; and creating stable and caring
3 environments for homeless individuals, seniors, and others who have
4 special needs.

5 The legislature further finds that achieving the goals of the mayor's
6 Ten-Year Plan will require significant commitments of city capital. In
7 fiscal year 2015, the city doubled its capital budget for the preserva-
8 tion or construction of affordable housing relative to the level it had
9 committed in fiscal year 2014. The budget for the Ten-Year Plan projects
10 a gap of \$1.9 billion over 10 years. Accordingly, the legislature finds
11 that this legislation should be enacted to generate revenue that can be
12 used to meet this shortfall and subsidize the creation and preservation
13 of quality, affordable housing throughout the city of New York. The
14 revenue source included in this legislation is derived from the transfer
15 of high-value properties and is expected to generate approximately \$1.9
16 billion over the next 10 years. The affordable housing that will be
17 created or preserved with these funds may serve a wide variety of fami-
18 lies and individuals, including seniors, veterans, formerly homeless
19 persons and people living with disabilities.

20 S 2. Subdivision 1 of section 655 of the private housing finance law
21 is amended by adding a new paragraph (d) to read as follows:

22 (D) THE CITY, ACTING THROUGH THE MAYOR, MAY ASSIGN ALL OR ANY PORTION
23 OF THE TAXES PAYABLE TO THE CITY PURSUANT TO SUBDIVISION G OF SECTION
24 11-2102 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK TO THE CORPO-
25 RATION AND, AFTER SUCH ASSIGNMENT, SUCH TAXES AND THE RIGHT TO RECEIVE
26 SUCH TAXES SHALL BE THE PROPERTY OF THE CORPORATION AND MAY BE PLEDGED
27 BY THE CORPORATION TO THE PAYMENT OF NOTES AND BONDS OF THE CORPORATION.
28 FOLLOWING ANY SUCH ASSIGNMENT, SUCH TAXES SHALL CONTINUE TO BE PAID TO
29 THE COMMISSIONER OF FINANCE OF THE CITY, AS AGENT FOR THE CORPORATION,
30 AND PROMPTLY TRANSFERRED TO THE CORPORATION. NOTWITHSTANDING ANY
31 PROVISION OF THIS ARTICLE OR OF ANY OTHER LAW TO THE CONTRARY, INCLUDING
32 BUT NOT LIMITED TO THE RESTRICTIONS SET FORTH IN SECTION SIX HUNDRED
33 FIFTY-SIX OF THIS ARTICLE, THE CORPORATION IS HEREBY AUTHORIZED TO ISSUE
34 NEGOTIABLE NOTES AND BONDS IN ADDITION TO THOSE AUTHORIZED BY PARAGRAPHS
35 (A) AND (B) OF THIS SUBDIVISION IN SUCH PRINCIPAL AMOUNT AS THE CORPO-
36 RATION SHALL DETERMINE TO BE NECESSARY FOR THE PURPOSE OF FUNDING THE
37 DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING FOR PERSONS OR FAMI-
38 LIES OF LOW AND MODERATE INCOME WHICH BONDS AND NOTES SHALL BE SECURED
39 BY THE TAXES DESCRIBED IN THIS PARAGRAPH.

40 S 3. Section 11-2102 of the administrative code of the city of New
41 York is amended by adding three new subdivisions g, h and i to read as
42 follows:

43 G. IN ADDITION TO THE TAXES IMPOSED BY SUBDIVISIONS A AND B OF THIS
44 SECTION, THERE IS HEREBY IMPOSED A TAX ON EACH DEED OR OTHER INSTRUMENT
45 OR TRANSACTION CONVEYING OR TRANSFERRING RESIDENTIAL REAL PROPERTY OR AN
46 ECONOMIC INTEREST THEREIN, AT THE TIME OF DELIVERY BY A GRANTOR TO A
47 GRANTEE, WHEN THE CONSIDERATION FOR SUCH PROPERTY AND ANY IMPROVEMENT
48 THEREON (WHETHER OR NOT INCLUDED IN THE SAME DEED) IS GREATER THAN ONE
49 MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS, OR AT THE TIME OF THE
50 TRANSFER OF SUCH ECONOMIC INTEREST BY A GRANTOR TO A GRANTEE, WHERE THE
51 CONSIDERATION FOR SUCH ECONOMIC INTEREST IS GREATER THAN ONE MILLION
52 SEVEN HUNDRED FIFTY THOUSAND DOLLARS. EXCEPT AS OTHERWISE PROVIDED IN
53 THIS SECTION, ALL THE PROVISIONS OF THIS CHAPTER RELATING TO OR APPLICA-
54 BLE TO THE ADMINISTRATION, COLLECTION AND DETERMINATION OF THE TAX
55 IMPOSED BY SUBDIVISIONS A AND B OF THIS SECTION SHALL APPLY TO THE TAX
56 IMPOSED BY THIS SUBDIVISION WITH SUCH MODIFICATIONS AS MAY BE NECESSARY

TO ADAPT SUCH LANGUAGE TO THE TAX SO IMPOSED. FOR PURPOSES OF THIS SECTION, "RESIDENTIAL REAL PROPERTY" SHALL INCLUDE ANY PREMISES THAT ARE OR MAY BE USED IN WHOLE OR IN PART AS A PERSONAL RESIDENCE, AND SHALL INCLUDE A ONE, TWO OR THREE-FAMILY HOUSE, AN INDIVIDUAL RESIDENTIAL CONDOMINIUM UNIT, OR AN INDIVIDUAL RESIDENTIAL COOPERATIVE APARTMENT. SUCH TAX SHALL BE DETERMINED AS FOLLOWS:

(1) IF THE CONSIDERATION IS GREATER THAN ONE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS BUT NOT OVER FIVE MILLION DOLLARS, THE TAX SHALL BE AT THE RATE OF ONE PERCENT OF THE CONSIDERATION OR THE ECONOMIC INTEREST THEREIN; AND

(2) IF THE CONSIDERATION IS GREATER THAN FIVE MILLION DOLLARS, THE TAX SHALL BE FIFTY THOUSAND DOLLARS PLUS ONE AND ONE-HALF PERCENT OF THE CONSIDERATION OR THE ECONOMIC INTEREST THEREIN OVER FIVE MILLION DOLLARS.

H. FOR PURPOSES OF THIS SECTION, THE DETERMINATION OF WHETHER A CONVEYANCE OR TRANSFER SHALL BE SUBJECT TO THE TAXES IMPOSED BY SUBDIVISIONS A, B AND G OF THIS SECTION, AND OF THE RATE OF SUCH TAXES, SHALL BE MADE PRIOR TO THE APPLICATION OF SUBDIVISION F OF THIS SECTION AND PARAGRAPH EIGHT OF SUBDIVISION B OF SECTION 11-2106 OF THIS CHAPTER, PROVIDED, HOWEVER, THAT THE AMOUNT OF CONSIDERATION SUBJECT TO SUCH TAXES SHALL BE DETERMINED AFTER THE APPLICATION OF SUBDIVISION F OF THIS SECTION AND PARAGRAPH EIGHT OF SUBDIVISION B OF SECTION 11-2106 OF THIS CHAPTER.

I. ANY TAX COLLECTED PURSUANT TO SUBDIVISION G OF THIS SECTION SHALL BE USED FOR THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING, OR TO SECURE NOTES AND BONDS ISSUED FOR THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING, IN SUCH CITY. FOR PURPOSES OF THIS SUBDIVISION, "AFFORDABLE HOUSING" SHALL MEAN HOUSING THAT IS AFFORDABLE TO PERSONS OR FAMILIES OF LOW AND MODERATE INCOME.

S 4. The opening paragraph of section 11-2104 of the administrative code of the city of New York, as added by local law number 71 of the city of New York for the year 1986, is amended to read as follows:

The tax imposed [hereunder] PURSUANT TO SUBDIVISIONS A AND B OF SECTION 11-2102 OF THIS CHAPTER shall be paid by the grantor to the commissioner of finance at the office of the register in the county where the deed is or would be recorded within thirty days after the delivery of the deed by the grantor to the grantee but before the recording of such deed, or, in the case of a tax on the transfer of an economic interest in real property, at such place as the commissioner of finance shall designate, within thirty days after the transfer. The grantee shall also be liable for the payment of such tax in the event that the amount of tax due is not paid by the grantor or the grantor is exempt from tax. THE TAX IMPOSED PURSUANT TO SUBDIVISION G OF SECTION 11-2102 OF THIS CHAPTER SHALL BE PAID BY THE GRANTEE TO THE COMMISSIONER OF FINANCE AT THE OFFICE OF THE REGISTER IN THE COUNTY WHERE THE DEED IS OR WOULD BE RECORDED WITHIN THIRTY DAYS AFTER THE DELIVERY OF THE DEED BY THE GRANTOR TO THE GRANTEE BUT BEFORE THE RECORDING OF SUCH DEED, OR, IN THE CASE OF A TAX ON THE TRANSFER OF AN ECONOMIC INTEREST IN REAL PROPERTY, AT SUCH PLACE AS THE COMMISSIONER OF FINANCE SHALL DESIGNATE, WITHIN THIRTY DAYS AFTER THE TRANSFER. THE GRANTOR SHALL ALSO BE LIABLE FOR THE PAYMENT OF THE TAX IMPOSED PURSUANT TO SUBDIVISION G OF SECTION 11-2102 OF THIS CHAPTER IN THE EVENT THAT THE AMOUNT OF TAX DUE IS NOT PAID BY THE GRANTEE OR THE GRANTEE IS EXEMPT FROM PAYMENT OF THE TAX. All moneys received as such payments by the register during the preceding month shall be transmitted to the commissioner of finance on the

first day of each month or on such other day as is mutually agreeable to the commissioner of finance and the register.

A. From the moneys so received by him or her PURSUANT TO SUBDIVISIONS A AND B OF SECTION 11-2102 OF THIS CHAPTER, the commissioner of finance shall set said in a special account:

S 5. Section 11-2104 of the administrative code of the city of New York is amended by adding a new subdivision b to read as follows:

B. THE MONEYS RECEIVED BY THE COMMISSIONER OF FINANCE PURSUANT TO SUBDIVISION G OF SECTION 11-2102 OF THIS CHAPTER SHALL BE CREDITED TO AND DEPOSITED IN AN ACCOUNT ESTABLISHED BY THE CITY WITHIN ITS GENERAL FUND FOR THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING IN ACCORDANCE WITH SUBDIVISION I OF SUCH SECTION. SUCH MONEYS SHALL BE USED TO SUPPLEMENT, RATHER THAN SUPPLANT, LOCAL FUNDS THAT SUCH CITY WOULD HAVE EXPENDED FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

S 6. This act shall take effect on the ninetieth day after it shall have become a law.

PART B

Section 1. Section 421-a of the real property tax law is amended by adding two new subdivisions 16 and 17 to read as follows:

16. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SUBDIVISION:

(I) "421-A BENEFITS" SHALL MEAN EXEMPTION FROM REAL PROPERTY TAXATION PURSUANT TO THIS SUBDIVISION.

(II) "AFFORDABILITY OPTION A" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE: (A) NOT LESS THAN TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING FORTY PERCENT UNITS; (B) NOT LESS THAN AN ADDITIONAL TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING SIXTY PERCENT UNITS; (C) NOT LESS THAN AN ADDITIONAL FIVE PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS; AND (D) SUCH ELIGIBLE SITE IS DEVELOPED WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, EXCEPT THAT SUCH ELIGIBLE SITE MAY RECEIVE TAX EXEMPT BOND PROCEEDS AND FOUR PERCENT TAX CREDITS.

(III) "AFFORDABILITY OPTION B" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE, (A) NOT LESS THAN TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING SEVENTY PERCENT UNITS, AND (B) NOT LESS THAN AN ADDITIONAL TWENTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

(IV) "AFFORDABILITY OPTION C" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE, (A) NOT LESS THAN THIRTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS, AND (B) SUCH ELIGIBLE SITE IS DEVELOPED WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

(V) "AFFORDABILITY PERCENTAGE" SHALL MEAN A FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF AFFORDABLE HOUSING UNITS IN AN ELIGIBLE SITE AND THE DENOMINATOR OF WHICH IS THE TOTAL NUMBER OF DWELLING UNITS IN SUCH ELIGIBLE SITE.

(VI) "AFFORDABLE HOUSING FORTY PERCENT UNIT" SHALL MEAN A DWELLING UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A BENEFITS ARE GRANTED; AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES

1 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED FORTY PERCENT OF THE AREA MEDIAN
2 INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
3 INITIALLY OCCUPIES SUCH DWELLING UNIT.

4 (VII) "AFFORDABLE HOUSING SIXTY PERCENT UNIT" SHALL MEAN A DWELLING
5 UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A
6 BENEFITS ARE GRANTED; AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSE-
7 QUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
8 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
9 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SIXTY PERCENT OF THE AREA MEDIAN
10 INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
11 INITIALLY OCCUPIES SUCH DWELLING UNIT.

12 (VIII) "AFFORDABLE HOUSING SEVENTY PERCENT UNIT" SHALL MEAN A DWELLING
13 UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A
14 BENEFITS ARE GRANTED; AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSE-
15 QUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
16 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
17 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SEVENTY PERCENT OF THE AREA MEDI-
18 AN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
19 INITIALLY OCCUPIES SUCH DWELLING UNIT.

20 (IX) "AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNIT" SHALL MEAN A
21 DWELLING UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH
22 421-A BENEFITS ARE GRANTED; AND (B) UPON INITIAL RENTAL AND UPON EACH
23 SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
24 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
25 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE
26 AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH
27 HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

28 (X) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVIDUAL-
29 LY, AFFORDABLE HOUSING FORTY PERCENT UNITS, AFFORDABLE HOUSING SIXTY
30 PERCENT UNITS, AFFORDABLE HOUSING SEVENTY PERCENT UNITS, AND AFFORDABLE
31 HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

32 (XI) "AGENCY" SHALL MEAN THE DEPARTMENT OF HOUSING PRESERVATION AND
33 DEVELOPMENT.

34 (XII) "APPLICATION" SHALL MEAN AN APPLICATION FOR 421-A BENEFITS.

35 (XIII) "BUILDING SERVICE EMPLOYEE" SHALL MEAN ANY PERSON WHO IS REGU-
36 LARLY EMPLOYED AT, AND PERFORMS WORK IN CONNECTION WITH THE CARE OR
37 MAINTENANCE OF, AN ELIGIBLE SITE, INCLUDING, BUT NOT LIMITED TO, A
38 WATCHMAN, GUARD, DOORMAN, BUILDING CLEANER, PORTER, HANDYMAN, JANITOR,
39 GARDENER, GROUNDSKEEPER, ELEVATOR OPERATOR AND STARTER, AND WINDOW
40 CLEANER, BUT NOT INCLUDING PERSONS REGULARLY SCHEDULED TO WORK FEWER
41 THAN EIGHT HOURS PER WEEK AT THE ELIGIBLE SITE.

42 (XIV) "COMMENCEMENT DATE" SHALL MEAN, WITH RESPECT TO ANY ELIGIBLE
43 MULTIPLE DWELLING, THE DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF
44 INITIAL FOOTINGS AND FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR
45 AN ELIGIBLE CONVERSION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF
46 THE CONVERSION, ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING
47 OR STRUCTURE LAWFULLY BEGINS IN GOOD FAITH.

48 (XV) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL
49 DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIF-
50 ICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF AN ELIGIBLE MULTI-
51 PLE DWELLING.

52 (XVI) "CONSTRUCTION PERIOD" SHALL MEAN, WITH RESPECT TO ANY ELIGIBLE
53 MULTIPLE DWELLING, A PERIOD: (A) BEGINNING ON THE LATER OF THE COMMENCE-
54 MENT DATE OF SUCH ELIGIBLE MULTIPLE DWELLING OR THREE YEARS BEFORE THE
55 COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING; AND (B) ENDING ON

1 THE DAY PRECEDING THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELL-
2 ING.

3 (XVII) "ELIGIBLE CONVERSION" SHALL MEAN THE CONVERSION, ALTERATION OR
4 IMPROVEMENT OF A PRE-EXISTING BUILDING OR STRUCTURE RESULTING IN A
5 MULTIPLE DWELLING IN WHICH NO MORE THAN FORTY-NINE PERCENT OF THE FLOOR
6 AREA CONSISTS OF SUCH PRE-EXISTING BUILDING OR STRUCTURE.

7 (XVIII) "ELIGIBLE MULTIPLE DWELLING" SHALL MEAN A MULTIPLE DWELLING
8 CONTAINING SIX OR MORE DWELLING UNITS CREATED THROUGH NEW CONSTRUCTION
9 OR ELIGIBLE CONVERSION FOR WHICH THE COMMENCEMENT DATE IS AFTER DECEMBER
10 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ON OR BEFORE JUNE FIFTEENTH, TWO
11 THOUSAND NINETEEN, AND FOR WHICH THE COMPLETION DATE IS ON OR BEFORE
12 JUNE FIFTEENTH, TWO THOUSAND TWENTY-THREE.

13 (XIX) "ELIGIBLE SITE" SHALL MEAN EITHER: (A) A TAX LOT CONTAINING AN
14 ELIGIBLE MULTIPLE DWELLING; OR (B) A ZONING LOT CONTAINING TWO OR MORE
15 ELIGIBLE MULTIPLE DWELLINGS THAT ARE PART OF A SINGLE APPLICATION.

16 (XX) "FISCAL OFFICER" SHALL MEAN THE COMPTROLLER OR OTHER ANALOGOUS
17 OFFICER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

18 (XXI) "FLOOR AREA" SHALL MEAN "FLOOR AREA" AS DEFINED IN THE NEW YORK
19 CITY ZONING RESOLUTION.

20 (XXII) "FOUR PERCENT TAX CREDITS" SHALL MEAN FEDERAL LOW INCOME HOUS-
21 ING TAX CREDITS COMPUTED IN ACCORDANCE WITH CLAUSE (II) OF SUBPARAGRAPH
22 (B) OF PARAGRAPH (1) OF SUBSECTION (B) OF SECTION FORTY-TWO OF THE
23 INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX, AS AMENDED.

24 (XXIII) "HOMEOWNERSHIP PROJECT" SHALL MEAN A MULTIPLE DWELLING OR
25 PORTION THEREOF OPERATED AS CONDOMINIUM OR COOPERATIVE HOUSING.

26 (XXIV) "MARKET UNIT" SHALL MEAN A DWELLING UNIT IN AN ELIGIBLE MULTI-
27 PLE DWELLING OTHER THAN AN AFFORDABLE HOUSING UNIT.

28 (XXV) "MULTIPLE DWELLING" SHALL HAVE THE MEANING SET FORTH IN THE
29 MULTIPLE DWELLING LAW.

30 (XXVI) "NON-RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT DOES NOT
31 CONTAIN ANY DWELLING UNITS.

32 (XXVII) "RENT STABILIZATION" SHALL MEAN, COLLECTIVELY, THE RENT
33 STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE RENT STABILIZATION
34 CODE, AND THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR,
35 ALL AS IN EFFECT AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF
36 TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION OR AS AMENDED THEREAFT-
37 ER, TOGETHER WITH ANY SUCCESSOR STATUTES OR REGULATIONS ADDRESSING
38 SUBSTANTIALLY THE SAME SUBJECT MATTER.

39 (XXVIII) "RENTAL PROJECT" SHALL MEAN AN ELIGIBLE SITE IN WHICH ALL
40 DWELLING UNITS INCLUDED IN ANY APPLICATION ARE OPERATED AS RENTAL HOUS-
41 ING.

42 (XXIX) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELL-
43 ING UNITS.

44 (XXX) "RESTRICTION PERIOD" SHALL MEAN A PERIOD COMMENCING ON THE
45 COMPLETION DATE AND EXPIRING ON THE THIRTY-FIFTH ANNIVERSARY OF THE
46 COMPLETION DATE, NOTWITHSTANDING ANY EARLIER TERMINATION OR REVOCATION
47 OF 421-A BENEFITS.

48 (XXXI) "TAX EXEMPT BOND PROCEEDS" SHALL MEAN THE PROCEEDS OF AN EXEMPT
49 FACILITY BOND, AS DEFINED IN PARAGRAPH (7) OF SUBSECTION (A) OF SECTION
50 ONE HUNDRED FORTY-TWO OF THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED
51 EIGHTY-SIX, AS AMENDED, THE INTEREST UPON WHICH IS EXEMPT FROM TAXATION
52 UNDER SECTION ONE HUNDRED THREE OF THE INTERNAL REVENUE CODE OF NINETEEN
53 HUNDRED EIGHTY-SIX, AS AMENDED.

54 (XXXII) "THIRTY-FIVE YEAR BENEFIT" SHALL MEAN: (A) FOR THE
55 CONSTRUCTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY
56 TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS; (B) FOR THE

FIRST TWENTY-FIVE YEARS OF THE RESTRICTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS; AND (C) FOR THE FINAL TEN YEARS OF THE RESTRICTION PERIOD, AN EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, EQUAL TO THE AFFORDABILITY PERCENTAGE.

(B) BENEFIT. IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISION OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, NEW ELIGIBLE SITES, EXCEPT HOTELS, THAT COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE EXEMPT FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, IN THE AMOUNTS AND FOR THE PERIODS SPECIFIED IN THIS PARAGRAPH. A RENTAL PROJECT THAT MEETS ALL OF THE REQUIREMENTS OF THIS SUBDIVISION SHALL RECEIVE A THIRTY-FIVE YEAR BENEFIT. A HOMEOWNER-SHIP PROJECT SHALL NOT BE ELIGIBLE FOR, AND SHALL NOT RECEIVE, 421-A BENEFITS.

(C) TAX PAYMENTS. IN ADDITION TO ANY OTHER AMOUNTS PAYABLE PURSUANT TO THIS SUBDIVISION, THE OWNER OF ANY ELIGIBLE SITE RECEIVING 421-A BENEFITS SHALL PAY, IN EACH TAX YEAR IN WHICH SUCH 421-A BENEFITS ARE IN EFFECT, REAL PROPERTY TAXES AND ASSESSMENTS AS FOLLOWS:

(I) WITH RESPECT TO EACH ELIGIBLE MULTIPLE DWELLING CONSTRUCTED ON SUCH ELIGIBLE SITE, REAL PROPERTY TAXES ON THE ASSESSED VALUATION OF SUCH LAND AND ANY IMPROVEMENTS THEREON IN EFFECT DURING THE TAX YEAR PRIOR TO THE COMMENCEMENT DATE OF SUCH ELIGIBLE MULTIPLE DWELLING, WITHOUT REGARD TO ANY EXEMPTION FROM OR ABATEMENT OF REAL PROPERTY TAXATION IN EFFECT DURING SUCH TAX YEAR, WHICH REAL PROPERTY TAXES SHALL BE CALCULATED USING THE TAX RATE IN EFFECT AT THE TIME SUCH TAXES ARE DUE; AND

(II) ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(D) LIMITATION ON BENEFITS FOR NON-RESIDENTIAL SPACE. IF THE AGGREGATE FLOOR AREA OF COMMERCIAL, COMMUNITY FACILITY AND ACCESSORY USE SPACE IN AN ELIGIBLE SITE, OTHER THAN PARKING WHICH IS LOCATED NOT MORE THAN TWENTY-THREE FEET ABOVE THE CURB LEVEL, EXCEEDS TWELVE PERCENT OF THE AGGREGATE FLOOR AREA IN SUCH ELIGIBLE SITE, ANY 421-A BENEFITS SHALL BE REDUCED BY A PERCENTAGE EQUAL TO SUCH EXCESS. IF AN ELIGIBLE SITE CONTAINS MULTIPLE TAX LOTS, THE TAX ARISING OUT OF SUCH REDUCTION IN 421-A BENEFITS SHALL FIRST BE APPORTIONED PRO RATA AMONG ANY NON-RESIDENTIAL TAX LOTS. AFTER ANY SUCH NON-RESIDENTIAL TAX LOTS ARE FULLY TAXABLE, THE REMAINDER OF THE TAX ARISING OUT OF SUCH REDUCTION IN 421-A BENEFITS, IF ANY, SHALL BE APPORTIONED PRO RATA AMONG THE REMAINING RESIDENTIAL TAX LOTS.

(E) CALCULATION OF BENEFIT. BASED ON THE CERTIFICATION OF THE AGENCY CERTIFYING THE APPLICANT'S ELIGIBILITY FOR 421-A BENEFITS, THE ASSESSORS SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF TAXES TO BE EXEMPTED.

(F) AFFORDABILITY REQUIREMENTS. DURING THE RESTRICTION PERIOD, A RENTAL PROJECT SHALL COMPLY WITH EITHER AFFORDABILITY OPTION A, AFFORDABILITY OPTION B, OR AFFORDABILITY OPTION C. SUCH ELECTION SHALL BE MADE IN THE APPLICATION AND SHALL NOT THEREAFTER BE CHANGED. THE RENTAL PROJECT SHALL ALSO COMPLY WITH ALL PROVISIONS OF THIS PARAGRAPH DURING THE RESTRICTION PERIOD AND WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH BOTH DURING AND AFTER THE RESTRICTION PERIOD TO THE EXTENT PROVIDED IN SUCH SUBPARAGRAPH.

(I) ALL RENTAL DWELLING UNITS IN AN ELIGIBLE MULTIPLE DWELLING SHALL BE ACCESSED THROUGH THE SAME STREET ENTRANCES AND LOBBIES, AND NO SUCH ENTRANCE OR LOBBY SHALL SERVE SOME RENTAL DWELLING UNITS TO THE EXCLUSION OF OTHERS.

(II) UNLESS PREEMPTED BY THE REQUIREMENTS OF A FEDERAL, STATE OR LOCAL HOUSING PROGRAM, EITHER (A) THE AFFORDABLE HOUSING UNITS IN AN ELIGIBLE SITE SHALL HAVE A UNIT MIX PROPORTIONAL TO THE MARKET UNITS, OR (B) AT LEAST FIFTY PERCENT OF THE AFFORDABLE HOUSING UNITS IN AN ELIGIBLE SITE SHALL HAVE TWO OR MORE BEDROOMS AND NO MORE THAN TWENTY-FIVE PERCENT OF THE AFFORDABLE HOUSING UNITS SHALL HAVE LESS THAN ONE BEDROOM.

(III) NOTWITHSTANDING ANY PROVISION OF RENT STABILIZATION TO THE CONTRARY, THE RENTS OF ALL AFFORDABLE HOUSING UNITS SHALL BE FULLY SUBJECT TO RENT STABILIZATION DURING THE RESTRICTION PERIOD, PROVIDED THAT TENANTS HOLDING A LEASE AND IN OCCUPANCY OF SUCH AFFORDABLE HOUSING UNITS AT THE EXPIRATION OF THE RESTRICTION PERIOD SHALL HAVE THE RIGHT TO REMAIN AS RENT STABILIZED TENANTS FOR THE DURATION OF THEIR OCCUPANCY.

(IV) ALL RENT STABILIZATION REGISTRATIONS REQUIRED TO BE FILED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL CONTAIN A DESIGNATION THAT SPECIFICALLY IDENTIFIES AFFORDABLE HOUSING UNITS CREATED PURSUANT TO THIS SUBDIVISION AS "421-A AFFORDABLE HOUSING UNITS" AND SHALL CONTAIN AN EXPLANATION OF THE REQUIREMENTS THAT APPLY TO ALL SUCH AFFORDABLE HOUSING UNITS.

(V) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH THAT REQUIRE THE CREATION, MAINTENANCE, RENT STABILIZATION COMPLIANCE AND OCCUPANCY OF AFFORDABLE HOUSING UNITS SHALL RESULT IN REVOCATION OF ANY 421-A BENEFITS FOR THE PERIOD OF SUCH NON-COMPLIANCE.

(VI) NOTHING IN THIS SUBDIVISION SHALL (A) PROHIBIT THE OCCUPANCY OF AN AFFORDABLE HOUSING UNIT BY INDIVIDUALS OR FAMILIES WHOSE INCOME AT ANY TIME IS LESS THAN THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT PURSUANT TO THIS SUBDIVISION, OR (B) PROHIBIT THE OWNER OF AN ELIGIBLE SITE FROM REQUIRING, UPON INITIAL RENTAL OR UPON ANY RENTAL FOLLOWING A VACANCY, THE OCCUPANCY OF ANY AFFORDABLE HOUSING UNIT BY SUCH LOWER INCOME INDIVIDUALS OR FAMILIES.

(VII) FOLLOWING ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY AND UPON EACH VACANCY THEREAFTER, AN AFFORDABLE HOUSING UNIT SHALL PROMPTLY BE OFFERED FOR RENTAL BY INDIVIDUALS OR FAMILIES WHOSE INCOME DOES NOT EXCEED THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT PURSUANT TO THIS SUBDIVISION AND WHO INTEND TO OCCUPY SUCH AFFORDABLE HOUSING UNIT AS THEIR PRIMARY RESIDENCE. AN AFFORDABLE HOUSING UNIT SHALL NOT BE (A) RENTED TO A CORPORATION, PARTNERSHIP OR OTHER ENTITY, OR (B) HELD OFF THE MARKET FOR A PERIOD LONGER THAN IS REASONABLY NECESSARY TO PERFORM REPAIRS NEEDED TO MAKE SUCH AFFORDABLE HOUSING UNIT AVAILABLE FOR OCCUPANCY.

(VIII) AN AFFORDABLE HOUSING UNIT SHALL NOT BE RENTED ON A TEMPORARY, TRANSIENT OR SHORT-TERM BASIS. EVERY LEASE AND RENEWAL THEREOF FOR AN AFFORDABLE HOUSING UNIT SHALL BE FOR A TERM OF ONE OR TWO YEARS, AT THE OPTION OF THE TENANT.

(IX) AN AFFORDABLE HOUSING UNIT SHALL NOT BE CONVERTED TO COOPERATIVE OR CONDOMINIUM OWNERSHIP.

(X) THE AGENCY MAY ESTABLISH BY RULE SUCH REQUIREMENTS AS THE AGENCY DEEMS NECESSARY OR APPROPRIATE FOR (A) THE MARKETING OF AFFORDABLE HOUSING UNITS, BOTH UPON INITIAL OCCUPANCY AND UPON ANY VACANCY, AND (B) MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH. SUCH REQUIREMENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, RETAINING A MONITOR APPROVED BY THE AGENCY AND PAID FOR BY THE OWNER.

(XI) NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION TO THE CONTRARY, A MARKET UNIT SHALL BE SUBJECT TO RENT STABILIZATION UNLESS, IN THE

1 ABSENCE OF 421-A BENEFITS, THE OWNER WOULD BE ENTITLED TO REMOVE SUCH
2 MARKET UNIT FROM RENT STABILIZATION UPON VACANCY BY REASON OF THE MONTH-
3 LY RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

4 (G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARA-
5 GRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR 421-A BENEFITS, ANY
6 SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOY-
7 EES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY
8 MANAGEMENT COMPANY OR CONTRACTOR.

9 (II) ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT AT THE
10 ELIGIBLE SITE SHALL RECEIVE THE APPLICABLE PREVAILING WAGE FOR THE
11 ENTIRE RESTRICTION PERIOD.

12 (III) THE FISCAL OFFICER SHALL HAVE THE POWER TO ENFORCE THE
13 PROVISIONS OF THIS PARAGRAPH. IN ENFORCING SUCH PROVISIONS, THE FISCAL
14 OFFICER SHALL HAVE THE POWER:

15 (A) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
16 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH
17 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT
18 DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND
19 DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

20 (B) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR
21 ELSEWHERE;

22 (C) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE
23 WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE
24 EMPLOYEES;

25 (D) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOENAS,
26 ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A SUBPOENA
27 ISSUED UNDER THIS PARAGRAPH SHALL BE REGULATED BY THE CIVIL PRACTICE LAW
28 AND RULES;

29 (E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOG-
30 NIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO
31 DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE
32 EMPLOYEES IN SUCH CLASSIFICATION;

33 (F) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD
34 OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE
35 EMPLOYEES AND OF THEIR HOURS OF WORK;

36 (G) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR
37 OTHER AUTHORIZED REPRESENTATIVE; AND

38 (H) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR THE
39 PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS CONFERRED
40 UPON HIM OR HER BY THE PROVISIONS OF THIS SUBPARAGRAPH.

41 (IV) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO
42 COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH, HE OR SHE SHALL PRESENT
43 EVIDENCE OF SUCH NONCOMPLIANCE TO THE AGENCY.

44 (V) SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL NOT BE APPLICABLE TO:

45 (A) AN ELIGIBLE MULTIPLE DWELLING CONTAINING LESS THAN THIRTY DWELLING
46 UNITS; OR

47 (B) AN ELIGIBLE MULTIPLE DWELLING IN WHICH ALL OF THE DWELLING UNITS
48 ARE AFFORDABLE HOUSING UNITS AND NOT LESS THAN FIFTY PERCENT OF SUCH
49 AFFORDABLE HOUSING UNITS, UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT
50 RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, ARE AFFORDABLE
51 TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSE-
52 HOLD INCOME DOES NOT EXCEED ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA
53 MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
54 INITIALLY OCCUPIES SUCH DWELLING UNIT.

55 (H) REPLACEMENT RATIO. IF THE LAND ON WHICH AN ELIGIBLE SITE IS
56 LOCATED CONTAINED ANY DWELLING UNITS THREE YEARS PRIOR TO THE COMMENCE-

MENT DATE OF THE FIRST ELIGIBLE MULTIPLE DWELLING THEREON, THEN SUCH ELIGIBLE SITE SHALL CONTAIN AT LEAST ONE AFFORDABLE HOUSING UNIT FOR EACH DWELLING UNIT THAT EXISTED ON SUCH DATE AND WAS THEREAFTER DEMOLISHED, REMOVED OR RECONFIGURED.

(I) CONCURRENT EXEMPTIONS OR ABATEMENTS. AN ELIGIBLE MULTIPLE DWELLING RECEIVING 421-A BENEFITS SHALL NOT RECEIVE ANY EXEMPTION FROM OR ABATEMENT OF REAL PROPERTY TAXATION UNDER ANY OTHER LAW.

(J) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE ANY 421-A BENEFITS UNLESS THE AGENCY AUTHORIZES SUCH RENUNCIATION OR TERMINATION IN CONNECTION WITH THE COMMENCEMENT OF A NEW TAX EXEMPTION PURSUANT TO EITHER THE PRIVATE HOUSING FINANCE LAW OR SECTION FOUR HUNDRED TWENTY-C OF THIS TITLE.

(K) TERMINATION OR REVOCATION. THE AGENCY MAY TERMINATE OR REVOKE 421-A BENEFITS FOR NONCOMPLIANCE WITH THIS SUBDIVISION. IF 421-A BENEFITS ARE TERMINATED OR REVOKED FOR NONCOMPLIANCE WITH THIS SUBDIVISION, ALL OF THE AFFORDABLE HOUSING UNITS SHALL REMAIN SUBJECT TO RENT STABILIZATION AND ALL OTHER REQUIREMENTS OF THIS SUBDIVISION FOR THE RESTRICTION PERIOD AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION, AS IF THE 421-A BENEFITS HAD NOT BEEN TERMINATED OR REVOKED.

(L) POWERS CUMULATIVE. THE ENFORCEMENT PROVISIONS OF THIS SUBDIVISION SHALL NOT BE EXCLUSIVE, AND ARE IN ADDITION TO ANY OTHER RIGHTS, REMEDIES, OR ENFORCEMENT POWERS SET FORTH IN ANY OTHER LAW OR AVAILABLE AT LAW OR IN EQUITY.

(M) MULTIPLE TAX LOTS. IF AN ELIGIBLE SITE CONTAINS MULTIPLE TAX LOTS, AN APPLICATION MAY BE SUBMITTED WITH RESPECT TO ONE OR MORE OF SUCH TAX LOTS. THE AGENCY SHALL DETERMINE ELIGIBILITY FOR 421-A BENEFITS BASED UPON THE TAX LOTS INCLUDED IN SUCH APPLICATION.

(N) APPLICATIONS. (I) THE APPLICATION WITH RESPECT TO ANY ELIGIBLE MULTIPLE DWELLING SHALL BE FILED WITH THE AGENCY NOT LATER THAN ONE YEAR AFTER THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING.

(II) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, THE AGENCY MAY REQUIRE BY RULE THAT APPLICATIONS BE FILED ELECTRONICALLY.

(III) THE AGENCY MAY RELY ON CERTIFICATION BY AN ARCHITECT OR ENGINEER SUBMITTED BY AN APPLICANT IN CONNECTION WITH THE FILING OF AN APPLICATION. A FALSE CERTIFICATION BY SUCH ARCHITECT OR ENGINEER SHALL BE DEEMED TO BE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE HUNDRED NINE OF THE EDUCATION LAW. ANY LICENSEE FOUND GUILTY OF SUCH MISCONDUCT UNDER THE PROCEDURES PRESCRIBED IN SECTION SIXTY-FIVE HUNDRED TEN OF THE EDUCATION LAW SHALL BE SUBJECT TO THE PENALTIES PRESCRIBED IN SECTION SIXTY-FIVE HUNDRED ELEVEN OF THE EDUCATION LAW, AND SHALL THEREAFTER BE INELIGIBLE TO SUBMIT A CERTIFICATION PURSUANT TO THIS SUBDIVISION.

(O) FILING FEE. THE AGENCY MAY REQUIRE A FILING FEE OF THREE THOUSAND DOLLARS PER DWELLING UNIT IN CONNECTION WITH ANY APPLICATION. HOWEVER, THE AGENCY MAY PROMULGATE RULES IMPOSING A LESSER FEE FOR ELIGIBLE SITES CONTAINING ELIGIBLE MULTIPLE DWELLINGS CONSTRUCTED WITH THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

(P) RULES. THE AGENCY MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION.

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 THAT ADDED THIS PARAGRAPH SHALL NOT RESTRICT, LIMIT
12 OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF 421-A BENE-
13 FITS PURSUANT TO THIS SUBDIVISION.

14 (R) ELECTION. NOTWITHSTANDING ANYTHING IN THIS SUBDIVISION TO THE
15 CONTRARY, A RENTAL PROJECT WITH A COMMENCEMENT DATE ON OR BEFORE DECEM-
16 BER THIRTY-FIRST, TWO THOUSAND FIFTEEN THAT HAS NOT RECEIVED BENEFITS
17 PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF
18 THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION MAY ELECT
19 TO COMPLY WITH THIS SUBDIVISION AND RECEIVE 421-A BENEFITS PURSUANT TO
20 THIS SUBDIVISION.

21 17. (A) DEFINITIONS. FOR PURPOSES OF THIS SUBDIVISION:

22 (I) "AFFORDABLE HOUSING EIGHTY PERCENT UNITS" SHALL MEAN DWELLING
23 UNITS THAT: (A) ARE SITUATED WITHIN THE EXTENDED AFFORDABILITY PROPERTY;
24 (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A
25 VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE EACH AFFORDABLE
26 AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD
27 INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME,
28 ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY
29 OCCUPIES SUCH DWELLING UNIT; AND (C) UPON INITIAL RENTAL AND UPON EACH
30 SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY
31 PERIOD, ARE COLLECTIVELY AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIV-
32 VIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED AN AVERAGE OF
33 EIGHTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT
34 THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

35 (II) "AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS" SHALL MEAN
36 DWELLING UNITS THAT: (A) ARE SITUATED WITHIN AN EXTENDED AFFORDABILITY
37 PROPERTY; AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL
38 FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE EACH
39 AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE
40 HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE AREA
41 MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
42 INITIALLY OCCUPIES SUCH DWELLING UNIT.

43 (III) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVID-
44 UALLY, AFFORDABLE HOUSING EIGHTY PERCENT UNITS AND AFFORDABLE HOUSING
45 ONE HUNDRED THIRTY PERCENT UNITS.

46 (IV) "AGENCY" SHALL MEAN THE DEPARTMENT OF HOUSING PRESERVATION AND
47 DEVELOPMENT.

48 (V) "APPLICATION" SHALL MEAN AN APPLICATION FOR EXTENDED BENEFITS
49 PURSUANT TO THIS SUBDIVISION.

50 (VI) "BUILDING SERVICE EMPLOYEE" SHALL MEAN ANY PERSON WHO IS REGULARLY
51 EMPLOYED AT, AND PERFORMS WORK IN CONNECTION WITH THE CARE OR MAINTENANCE OF,
52 AN EXTENDED AFFORDABILITY PROPERTY, INCLUDING, BUT NOT LIMITED
53 TO, A WATCHMAN, GUARD, DOORMAN, BUILDING CLEANER, PORTER, HANDYMAN,
54 JANITOR, GARDENER, GROUNDSKEEPER, ELEVATOR OPERATOR AND STARTER, AND
55 WINDOW CLEANER, BUT NOT INCLUDING PERSONS REGULARLY SCHEDULED TO WORK
56 FEWER THAN EIGHT HOURS PER WEEK IN THE EXTENDED AFFORDABILITY PROPERTY.

1 (VII) "COMMENCEMENT DATE" SHALL MEAN THE LATER OF: (A) THE EXPIRATION
2 DATE; OR (B) THE RESTRICTIVE DECLARATION DATE.

3 (VIII) "EXPIRATION DATE" SHALL MEAN THE DATE UPON WHICH BENEFITS
4 GRANTED TO A TWENTY YEAR BENEFIT PROPERTY OR TWENTY-FIVE YEAR BENEFIT
5 PROPERTY PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE
6 CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION
7 WOULD EXPIRE.

8 (IX) "EXTENDED AFFORDABILITY PERIOD" SHALL MEAN, NOTWITHSTANDING ANY
9 EARLIER TERMINATION OR REVOCATION OF THE EXTENDED BENEFIT, THE PERIOD
10 COMMENCING UPON THE COMMENCEMENT DATE AND ENDING: (A) FIFTEEN YEARS
11 THEREAFTER FOR A TWENTY YEAR BENEFIT PROPERTY; AND (B) TEN YEARS THERE-
12 AFTER FOR A TWENTY-FIVE YEAR BENEFIT PROPERTY.

13 (X) "EXTENDED AFFORDABILITY PROPERTY" SHALL MEAN A TWENTY YEAR BENEFIT
14 PROPERTY OR A TWENTY-FIVE YEAR BENEFIT PROPERTY THAT COMPLIES WITH THE
15 PROVISIONS OF THIS SUBDIVISION.

16 (XI) "EXTENDED AFFORDABILITY REQUIREMENT" SHALL MEAN THAT, WITHIN ANY
17 EXTENDED AFFORDABILITY PROPERTY: (A) NOT LESS THAN TWENTY PERCENT OF THE
18 DWELLING UNITS ARE AFFORDABLE HOUSING EIGHTY PERCENT UNITS; AND (B) NOT
19 LESS THAN AN ADDITIONAL FIVE PERCENT OF THE DWELLING UNITS ARE AFFORDA-
20 BLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

21 (XII) "EXTENDED BENEFIT" SHALL MEAN, FOR ANY EXTENDED AFFORDABILITY
22 PROPERTY, A FIFTY PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER
23 THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, FOR THE EXTENDED AFFORDABILITY
24 PERIOD.

25 (XIII) "FISCAL OFFICER" SHALL MEAN THE COMPTROLLER OR OTHER ANALOGOUS
26 OFFICER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

27 (XIV) "FLOOR AREA" SHALL MEAN "FLOOR AREA" AS DEFINED IN THE NEW YORK
28 CITY ZONING RESOLUTION.

29 (XV) "MULTIPLE DWELLING" SHALL HAVE THE MEANING SET FORTH IN THE
30 MULTIPLE DWELLING LAW.

31 (XVI) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELL-
32 ING UNITS.

33 (XVII) "RESTRICTIVE DECLARATION" SHALL MEAN A DOCUMENT EXECUTED BY ALL
34 PARTIES IN INTEREST TO THE EXTENDED AFFORDABILITY PROPERTY WHICH
35 PROVIDES THAT, DURING THE EXTENDED AFFORDABILITY PERIOD, THE EXTENDED
36 AFFORDABILITY PROPERTY SHALL COMPLY WITH THE EXTENDED AFFORDABILITY
37 REQUIREMENT.

38 (XVIII) "RESTRICTIVE DECLARATION DATE" SHALL MEAN THE DATE UPON WHICH
39 THE RESTRICTIVE DECLARATION IS RECORDED AGAINST THE EXTENDED AFFORDABIL-
40 ITY PROPERTY.

41 (XIX) "TWENTY YEAR BENEFIT PROPERTY" SHALL MEAN A MULTIPLE DWELLING
42 THAT COMMENCED CONSTRUCTION PRIOR TO JULY FIRST, TWO THOUSAND EIGHT AND
43 THAT WAS GRANTED BENEFITS PURSUANT TO THIS SECTION PRIOR TO THE EFFEC-
44 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED
45 THIS SUBDIVISION DUE TO ITS COMPLIANCE WITH THE REQUIREMENTS OF ITEM B
46 OF CLAUSE (A) OF SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION TWO
47 OF THIS SECTION.

48 (XX) "TWENTY-FIVE YEAR BENEFIT PROPERTY" SHALL MEAN A MULTIPLE DWELL-
49 ING THAT COMMENCED CONSTRUCTION PRIOR TO JULY FIRST, TWO THOUSAND EIGHT
50 AND THAT WAS GRANTED BENEFITS PURSUANT TO THIS SECTION PRIOR TO THE
51 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT
52 ADDED THIS SUBDIVISION DUE TO ITS COMPLIANCE WITH THE REQUIREMENTS OF
53 ITEM B OF CLAUSE (D) OF SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVI-
54 SION TWO OF THIS SECTION.

55 (B) BENEFIT. IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE,
56 NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISION OF THIS SECTION

1 OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN EXTENDED
2 AFFORDABILITY PROPERTY SHALL BE GRANTED AN EXTENDED BENEFIT, PROVIDED,
3 HOWEVER, THAT SUCH EXTENDED BENEFIT SHALL BE AVAILABLE ONLY IF ALL RESI-
4 DENTIAL TAX LOTS IN SUCH EXTENDED AFFORDABILITY PROPERTY OPERATE AS
5 RENTAL HOUSING.

6 (C) TAX PAYMENTS. IN ADDITION TO ANY OTHER AMOUNTS PAYABLE PURSUANT TO
7 THIS SUBDIVISION, THE OWNER OF AN EXTENDED AFFORDABILITY PROPERTY
8 RECEIVING AN EXTENDED BENEFIT SHALL PAY, IN EACH TAX YEAR IN WHICH SUCH
9 EXTENDED BENEFIT IS IN EFFECT, REAL PROPERTY TAXES AND ASSESSMENTS AS
10 FOLLOWS:

11 (I) REAL PROPERTY TAXES ON THE ASSESSED VALUATION OF SUCH LAND AND ANY
12 IMPROVEMENTS THEREON IN EFFECT DURING THE TAX YEAR PRECEDING THE
13 COMMENCEMENT OF THE CONSTRUCTION OF SUCH EXTENDED AFFORDABILITY PROPERTY
14 WITHOUT REGARD TO ANY EXEMPTION OR ABATEMENT FROM REAL PROPERTY TAXATION
15 IN EFFECT PRIOR TO SUCH CONSTRUCTION WHICH REAL PROPERTY TAXES SHALL BE
16 CALCULATED ON THE TAX RATE IN EFFECT AT THE TIME SUCH TAXES ARE DUE; AND

17 (II) ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

18 (D) LIMITATION ON BENEFITS FOR NON-RESIDENTIAL SPACE. ANY EXTENDED
19 BENEFIT SHALL BE REDUCED BY THE PERCENTAGE OF AGGREGATE FLOOR AREA OF
20 THE EXTENDED AFFORDABILITY PROPERTY OCCUPIED BY COMMERCIAL, COMMUNITY
21 FACILITY, PARKING, AND ACCESSORY USES AS PROVIDED IN PARAGRAPH (D) OF
22 SUBDIVISION TWO OF THIS SECTION.

23 (E) CALCULATION OF BENEFIT. BASED ON THE CERTIFICATION OF THE AGENCY
24 CERTIFYING THE APPLICANT'S ELIGIBILITY FOR THE EXTENDED BENEFIT, THE
25 ASSESSORS SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF TAXES TO
26 BE EXEMPTED.

27 (F) AFFORDABILITY REQUIREMENT. DURING THE EXTENDED AFFORDABILITY PERI-
28 OD, AN EXTENDED AFFORDABILITY PROPERTY MUST COMPLY WITH THE EXTENDED
29 AFFORDABILITY REQUIREMENT AND THE RESTRICTIVE DECLARATION. THE EXTENDED
30 AFFORDABILITY PROPERTY SHALL ALSO COMPLY WITH ALL PROVISIONS OF THIS
31 PARAGRAPH DURING THE EXTENDED AFFORDABILITY PERIOD AND WITH SUBPARAGRAPH
32 (I) OF THIS PARAGRAPH BOTH DURING AND AFTER THE EXTENDED AFFORDABILITY
33 PERIOD TO THE EXTENT PROVIDED IN SUCH SUBPARAGRAPH.

34 (I) NOTWITHSTANDING THE PROVISIONS OF ANY LOCAL LAW FOR THE STABILIZA-
35 TION OF RENTS OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-
36 TY-FOUR, THE RENTS OF ALL AFFORDABLE HOUSING UNITS IN AN EXTENDED
37 AFFORDABILITY PROPERTY SHALL BE FULLY SUBJECT TO CONTROL UNDER SUCH
38 LOCAL LAW OR SUCH ACT DURING THE EXTENDED AFFORDABILITY PERIOD, PROVIDED
39 THAT TENANTS HOLDING A LEASE AND IN OCCUPANCY OF SUCH AFFORDABLE HOUSING
40 UNITS IN AN EXTENDED AFFORDABILITY PROPERTY AT THE EXPIRATION OF THE
41 EXTENDED AFFORDABILITY PERIOD SHALL HAVE THE RIGHT TO REMAIN AS RENT
42 STABILIZED TENANTS FOR THE DURATION OF THEIR OCCUPANCY. UPON ANY VACANCY
43 OF AN AFFORDABLE HOUSING UNIT AFTER THE EXTENDED AFFORDABILITY PERIOD,
44 SUCH AFFORDABLE HOUSING UNIT SHALL REMAIN FULLY SUBJECT TO RENT STABILI-
45 ZATION UNLESS THE OWNER IS ENTITLED TO REMOVE SUCH AFFORDABLE HOUSING
46 UNIT FROM RENT STABILIZATION UPON SUCH VACANCY BY REASON OF THE MONTHLY
47 RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

48 (II) ALL RENT STABILIZATION REGISTRATIONS REQUIRED TO BE FILED PURSU-
49 ANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTAIN A DESIGNATION
50 THAT SPECIFICALLY IDENTIFIES AFFORDABLE HOUSING UNITS COMPLYING WITH THE
51 EXTENDED AFFORDABILITY REQUIREMENT AS "421-A AFFORDABLE HOUSING UNITS"
52 AND SHALL CONTAIN AN EXPLANATION OF THE REQUIREMENTS THAT APPLY TO ALL
53 SUCH AFFORDABLE HOUSING UNITS.

54 (III) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH THAT
55 REQUIRE THE MAINTENANCE, RENT STABILIZATION AND OCCUPANCY OF AFFORDABLE
56 HOUSING UNITS IN AN EXTENDED AFFORDABILITY PROPERTY SHALL RESULT IN

1 REVOCATION OF THE EXTENDED BENEFIT FOR THE PERIOD OF SUCH NON-COMPLI-
2 ANCE.

3 (IV) NOTHING IN THIS SUBDIVISION SHALL: (A) PROHIBIT THE OCCUPANCY OF
4 AN AFFORDABLE HOUSING UNIT BY INDIVIDUALS OR FAMILIES WHOSE INCOME AT
5 ANY TIME IS LESS THAN THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME,
6 ADJUSTED FOR FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT
7 PURSUANT TO THIS SUBDIVISION; OR (B) PROHIBIT THE OWNER OF AN EXTENDED
8 AFFORDABILITY PROPERTY FROM REQUIRING, UPON INITIAL RENTAL OR UPON ANY
9 RENTAL FOLLOWING A VACANCY, THE OCCUPANCY OF ANY AFFORDABLE HOUSING UNIT
10 BY SUCH LOWER INCOME INDIVIDUALS OR FAMILIES.

11 (V) UPON EACH VACANCY, AN AFFORDABLE HOUSING UNIT SHALL PROMPTLY BE
12 OFFERED FOR RENTAL BY INDIVIDUALS OR FAMILIES WHOSE INCOME DOES NOT
13 EXCEED THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME, ADJUSTED FOR
14 FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT PURSUANT TO THIS
15 SUBDIVISION AND WHO INTEND TO OCCUPY SUCH AFFORDABLE HOUSING UNIT AS
16 THEIR PRIMARY RESIDENCE. AN AFFORDABLE HOUSING UNIT SHALL NOT BE: (A)
17 RENTED TO A CORPORATION, PARTNERSHIP OR OTHER ENTITY; OR (B) HELD OFF
18 THE MARKET FOR A PERIOD LONGER THAN IS REASONABLY NECESSARY TO PERFORM
19 REPAIRS NEEDED TO MAKE SUCH AFFORDABLE HOUSING UNIT AVAILABLE FOR OCCU-
20 PANCY.

21 (VI) AN AFFORDABLE HOUSING UNIT SHALL NOT BE RENTED ON A TEMPORARY,
22 TRANSIENT OR SHORT-TERM BASIS. EVERY LEASE AND RENEWAL THEREOF FOR AN
23 AFFORDABLE HOUSING UNIT SHALL BE FOR A TERM OF ONE OR TWO YEARS, AT THE
24 OPTION OF THE TENANT.

25 (VII) AN AFFORDABLE HOUSING UNIT SHALL NOT BE CONVERTED TO COOPERATIVE
26 OR CONDOMINIUM OWNERSHIP.

27 (VIII) THE AGENCY MAY ESTABLISH BY RULE SUCH REQUIREMENTS AS THE AGEN-
28 CY DEEMS NECESSARY OR APPROPRIATE FOR: (A) THE MARKETING OF AFFORDABLE
29 HOUSING UNITS; AND (B) MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS
30 PARAGRAPH. SUCH REQUIREMENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
31 RETAINING A MONITOR APPROVED BY THE AGENCY AND PAID FOR BY THE OWNER.

32 (G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARA-
33 GRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR EXTENDED BENEFITS, ANY
34 SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOY-
35 EES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY
36 MANAGEMENT COMPANY OR CONTRACTOR.

37 (II) ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT AT THE
38 EXTENDED AFFORDABILITY PROPERTY SHALL RECEIVE THE APPLICABLE PREVAILING
39 WAGE FOR THE ENTIRE EXTENDED AFFORDABILITY PERIOD.

40 (III) THE FISCAL OFFICER SHALL HAVE THE POWER TO ENFORCE THE
41 PROVISIONS OF THIS PARAGRAPH. IN ENFORCING SUCH PROVISIONS, THE FISCAL
42 OFFICER SHALL HAVE THE POWER:

43 (A) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
44 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH
45 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT
46 DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND
47 DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

48 (B) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR
49 ELSEWHERE;

50 (C) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE
51 WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE
52 EMPLOYEES;

53 (D) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOENAS,
54 ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A SUBPOENA
55 ISSUED UNDER THIS PARAGRAPH SHALL BE REGULATED BY THE CIVIL PRACTICE LAW
56 AND RULES;

1 (E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOG-
2 NIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO
3 DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE
4 EMPLOYEES IN SUCH CLASSIFICATION;

5 (F) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD
6 OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE
7 EMPLOYEES AND OF THEIR HOURS OF WORK;

8 (G) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR
9 OTHER AUTHORIZED REPRESENTATIVE; AND

10 (H) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR THE
11 PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS CONFERRED
12 UPON HIM OR HER BY THE PROVISIONS OF THIS SUBPARAGRAPH.

13 (IV) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO
14 COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH, HE OR SHE SHALL PRESENT
15 EVIDENCE OF SUCH NONCOMPLIANCE TO THE AGENCY.

16 (V) SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL NOT BE APPLICABLE TO:

17 (A) AN EXTENDED AFFORDABILITY PROPERTY CONTAINING LESS THAN THIRTY
18 DWELLING UNITS; OR

19 (B) AN EXTENDED AFFORDABILITY PROPERTY IN WHICH ALL OF THE DWELLING
20 UNITS ARE AFFORDABLE HOUSING UNITS AND NOT LESS THAN FIFTY PERCENT OF
21 SUCH AFFORDABLE HOUSING UNITS, UPON INITIAL RENTAL AND UPON EACH SUBSE-
22 QUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERI-
23 OD, ARE AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR
24 FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED TWENTY-FIVE
25 PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME
26 THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

27 (H) CONCURRENT EXEMPTIONS OR ABATEMENTS. AN EXTENDED AFFORDABILITY
28 PROPERTY RECEIVING AN EXTENDED BENEFIT SHALL NOT RECEIVE ANY EXEMPTION
29 FROM OR ABATEMENT OF REAL PROPERTY TAXATION UNDER ANY OTHER LAW.

30 (I) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE
31 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN
32 OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE AN
33 EXTENDED BENEFIT UNLESS THE AGENCY AUTHORIZES SUCH RENUNCIATION OR
34 TERMINATION IN CONNECTION WITH THE COMMENCEMENT OF A NEW TAX EXEMPTION
35 PURSUANT TO EITHER THE PRIVATE HOUSING FINANCE LAW OR SECTION FOUR
36 HUNDRED TWENTY-C OF THIS TITLE.

37 (J) TERMINATION OR REVOCATION. THE AGENCY MAY TERMINATE OR REVOKE THE
38 EXTENDED BENEFIT FOR NONCOMPLIANCE WITH THIS SUBDIVISION. IF THE
39 EXTENDED BENEFIT IS TERMINATED OR REVOKED FOR NONCOMPLIANCE WITH THIS
40 SUBDIVISION, ALL OF THE AFFORDABLE HOUSING UNITS SHALL REMAIN SUBJECT TO
41 THE PROVISIONS OF ANY LOCAL LAW FOR THE STABILIZATION OF RENTS OR THE
42 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR AND ALL OTHER
43 REQUIREMENTS OF THIS SUBDIVISION FOR THE ENTIRE EXTENDED AFFORDABILITY
44 PERIOD AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION,
45 AS IF THE EXTENDED BENEFIT HAD NOT BEEN TERMINATED OR REVOKED.

46 (K) POWERS CUMULATIVE. THE ENFORCEMENT PROVISIONS OF THIS SUBDIVISION
47 SHALL NOT BE EXCLUSIVE, AND ARE IN ADDITION TO ANY OTHER RIGHTS, REME-
48 DIES, OR ENFORCEMENT POWERS SET FORTH IN ANY OTHER LAW OR AVAILABLE AT
49 LAW OR IN EQUITY.

50 (L) MULTIPLE TAX LOTS. IF AN EXTENDED AFFORDABILITY PROPERTY CONTAINS
51 MULTIPLE TAX LOTS, AN APPLICATION MAY BE SUBMITTED WITH RESPECT TO ONE
52 OR MORE OF SUCH TAX LOTS. THE AGENCY SHALL DETERMINE ELIGIBILITY FOR AN
53 EXTENDED BENEFIT BASED UPON THE TAX LOTS INCLUDED IN SUCH APPLICATION.

54 (M) APPLICATIONS. (I) THE APPLICATION WITH RESPECT TO ANY EXTENDED
55 AFFORDABILITY PROPERTY SHALL INCLUDE A CERTIFICATION THAT: (A) THE
56 RESTRICTIVE DECLARATION HAS BEEN RECORDED AGAINST THE EXTENDED AFFORDA-

1 BILITY PROPERTY; AND (B) THE EXTENDED AFFORDABILITY PROPERTY IS IN
2 COMPLIANCE WITH SUCH RESTRICTIVE DECLARATION AND THIS SUBDIVISION.

3 (II) THE APPLICATION WITH RESPECT TO ANY EXTENDED AFFORDABILITY PROP-
4 ERTY SHALL BE FILED WITH THE AGENCY ON OR BEFORE THE LATER OF: (A)
5 DECEMBER THIRTY-FIRST, TWO THOUSAND SIXTEEN; OR (B) EIGHTEEN MONTHS
6 AFTER THE EXPIRATION DATE.

7 (III) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
8 LAW TO THE CONTRARY, THE AGENCY MAY REQUIRE BY RULE THAT APPLICATIONS BE
9 FILED ELECTRONICALLY.

10 (IV) THE AGENCY MAY RELY ON CERTIFICATION BY AN ARCHITECT OR ENGINEER
11 SUBMITTED BY AN APPLICANT IN CONNECTION WITH THE FILING OF AN APPLICA-
12 TION. A FALSE CERTIFICATION BY SUCH ARCHITECT OR ENGINEER SHALL BE
13 DEEMED TO BE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
14 HUNDRED NINE OF THE EDUCATION LAW. ANY LICENSEE FOUND GUILTY OF SUCH
15 MISCONDUCT UNDER THE PROCEDURES PRESCRIBED IN SECTION SIXTY-FIVE HUNDRED
16 TEN OF THE EDUCATION LAW SHALL BE SUBJECT TO THE PENALTIES PRESCRIBED IN
17 SECTION SIXTY-FIVE HUNDRED ELEVEN OF THE EDUCATION LAW, AND SHALL THERE-
18 AFTER BE INELIGIBLE TO SUBMIT A CERTIFICATION PURSUANT TO THIS SUBDIVI-
19 SION.

20 (N) FILING FEE. THE AGENCY MAY REQUIRE A FILING FEE OF THREE THOUSAND
21 DOLLARS PER DWELLING UNIT IN CONNECTION WITH ANY APPLICATION.

22 (O) RULES. THE AGENCY MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS
23 OF THIS SUBDIVISION.

24 (P) AUTHORITY OF CITY TO ENACT LOCAL LAW. EXCEPT AS OTHERWISE SPECI-
25 FIED IN THIS SUBDIVISION, A CITY TO WHICH THIS SUBDIVISION IS APPLICABLE
26 MAY ENACT A LOCAL LAW TO RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY
27 FOR OR THE SCOPE OR AMOUNT OF EXTENDED BENEFITS IN ANY MANNER, PROVIDED
28 THAT SUCH LOCAL LAW MAY NOT GRANT EXTENDED BENEFITS BEYOND THOSE
29 PROVIDED IN THIS SUBDIVISION AND PROVIDED FURTHER THAT SUCH LOCAL LAW
30 SHALL NOT TAKE EFFECT SOONER THAN ONE YEAR AFTER IT IS ENACTED. THE
31 PROVISIONS OF SECTIONS 11-245 AND 11-245.1 OF THE ADMINISTRATIVE CODE OF
32 THE CITY OF NEW YORK OR OF ANY OTHER LOCAL LAW OF THE CITY OF NEW YORK
33 THAT WERE ENACTED ON OR BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE
34 LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS PARAGRAPH SHALL NOT
35 RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT
36 OF EXTENDED BENEFITS PURSUANT TO THIS SUBDIVISION.

37 S 2. The opening paragraph of clause (A) of subparagraph (iv) of para-
38 graph (a) of subdivision 2 of section 421-a of the real property tax
39 law, as amended by section 41 of part B of chapter 97 of the laws of
40 2011, is amended to read as follows:

41 Unless excluded by local law, in the city of New York, the benefits of
42 this subparagraph shall be available in the borough of Manhattan for new
43 multiple dwellings on tax lots now existing or hereafter created south
44 of or adjacent to either side of one hundred tenth street that commence
45 construction after July first, nineteen hundred ninety-two and ON OR
46 before [June fifteenth] DECEMBER THIRTY-FIRST, two thousand fifteen,
47 PROVIDED, HOWEVER, THAT (1) SUCH A MULTIPLE DWELLING RECEIVES ITS FIRST
48 TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY COVERING ALL RESIDENTIAL
49 AREAS ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN, AND (2)
50 SOLELY FOR PURPOSES OF DETERMINING WHETHER THIS CLAUSE APPLIES AND
51 NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, "COMMENCE" SHALL MEAN THE
52 DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF INITIAL FOOTINGS AND
53 FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR AN ELIGIBLE CONVER-
54 SION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF THE CONVERSION,
55 ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING OR STRUCTURE
56 LAWFULLY BEGINS IN GOOD FAITH, only if:

1 S 3. Subparagraph (ii) of paragraph (c) of subdivision 2 of section
2 421-a of the real property tax law, as amended by section 42 of part B
3 of chapter 97 of the laws of 2011, is amended to read as follows:

4 (ii) construction is commenced after January first, nineteen hundred
5 seventy-five and ON OR before [June fifteenth] DECEMBER THIRTY-FIRST,
6 two thousand fifteen, provided, however, that (A) SUCH A MULTIPLE DWELL-
7 ING RECEIVES ITS FIRST TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY
8 COVERING ALL RESIDENTIAL AREAS ON OR BEFORE DECEMBER THIRTY-FIRST, TWO
9 THOUSAND NINETEEN, (B) SOLELY FOR PURPOSES OF DETERMINING WHETHER THIS
10 SUBPARAGRAPH APPLIES AND NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY,
11 "COMMENCE" SHALL MEAN THE DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF
12 INITIAL FOOTINGS AND FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR
13 AN ELIGIBLE CONVERSION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF
14 THE CONVERSION, ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING
15 OR STRUCTURE LAWFULLY BEGINS IN GOOD FAITH, AND (C) such commencement
16 period shall not apply to multiple dwellings eligible for benefits under
17 subparagraph (iv) of paragraph (a) of this subdivision;

18 S 4. Subdivision 2 of section 421-a of the real property tax law is
19 amended by adding a new paragraph (j) to read as follows:

20 (J) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE
21 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN
22 OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE ANY TAX
23 EXEMPTION GRANTED PURSUANT TO THIS SUBDIVISION UNLESS THE LOCAL HOUSING
24 AGENCY AUTHORIZES SUCH RENUNCIATION OR TERMINATION IN CONNECTION WITH
25 THE COMMENCEMENT OF A NEW TAX EXEMPTION PURSUANT TO EITHER THE PRIVATE
26 HOUSING FINANCE LAW OR SECTION FOUR HUNDRED TWENTY-C OF THIS TITLE.

27 S 5. The opening paragraph of subdivision 3 of section 421-a of the
28 real property tax law, as amended by chapter 655 of the laws of 1978, is
29 amended to read as follows:

30 A. Application forms for exemption under this section shall be filed
31 with the assessors between February first and March fifteenth and, based
32 on the certification of the local housing agency as herein provided, the
33 assessors shall certify to the collecting officer the amount of taxes to
34 be abated. If there be in a city of one million population or more a
35 department of housing preservation and development, the term "housing
36 agency" shall mean only such department of housing preservation and
37 development. No such application shall be accepted by the assessors
38 unless accompanied by a certificate of the local housing agency certify-
39 ing the applicant's eligibility pursuant to subdivisions two and four of
40 this section. No such certification of eligibility shall be issued by
41 the local housing agency until such agency determines the initial
42 adjusted monthly rent to be paid by tenants residing in rental dwelling
43 units contained within the multiple dwelling and the comparative
44 adjusted monthly rent that would have to be paid by such tenants if no
45 tax exemption were applicable as provided by this section. The initial
46 adjusted monthly rent will be certified by the local housing agency as
47 the first rent for the subject dwelling units. A copy of such certif-
48 ication with respect to such units shall be attached by the applicant to
49 the first effective lease or occupancy agreement. The initial adjusted
50 monthly rent shall reflect the full tax exemption benefits as approved
51 by the agency.

52 S 6. Subdivision 3 of section 421-a of the real property tax law is
53 amended by adding a new paragraph b to read as follows:

54 B. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW
55 TO THE CONTRARY, THE LOCAL HOUSING AGENCY MAY REQUIRE BY RULE THAT
56 APPLICATIONS BE FILED ELECTRONICALLY.

1 S 7. Paragraph (a) of subdivision 6 of section 421-a of the real prop-
2 erty tax law is amended by adding three new subparagraphs (iii), (iv)
3 and (v) to read as follows:

4 (III) "COMMENCEMENT DATE" SHALL MEAN, WITH RESPECT TO ANY BUILDING IN
5 A COVERED PROJECT AND NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, THE
6 DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF INITIAL FOOTINGS AND
7 FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR AN ELIGIBLE CONVER-
8 SION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF THE CONVERSION,
9 ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING OR STRUCTURE
10 LAWFULLY BEGINS IN GOOD FAITH.

11 (IV) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL
12 DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIF-
13 ICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF A BUILDING IN A
14 COVERED PROJECT.

15 (V) "COVERED PROJECT AGREEMENT" SHALL MEAN AN AGREEMENT EXECUTED AND
16 RECORDED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, AND
17 NOT THEREAFTER AMENDED TO INCLUDE ADDITIONAL REAL PROPERTY, BY AND
18 BETWEEN THE OWNERS OF THE REAL PROPERTY CONTAINING ALL OF THE AFFORDABLE
19 UNITS AND THE MARKET UNITS WHICH WILL CONSTITUTE A SINGLE COVERED
20 PROJECT AS DEFINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

21 S 8. Paragraph (b) of subdivision 6 of section 421-a of the real prop-
22 erty tax law, as added by chapter 110 of the laws of 2005, is amended to
23 read as follows:

24 (b) No benefits under the provisions of this section shall be
25 conferred on any BUILDING IN A covered project located in the Greenpoint
26 - Williamsburg waterfront exclusion area unless [such] THE REAL PROPERTY
27 CONTAINING SUCH BUILDING IS IDENTIFIED IN A COVERED PROJECT AGREEMENT,
28 AND THE COVERED project THAT INCLUDES SUCH BUILDING shall provide
29 affordable housing for persons and families of low and moderate income
30 that meets one of the following conditions:

31 (i) not less than twenty percent of the units in the covered project
32 are affordable to and occupied or available for occupancy by individuals
33 or families whose incomes at the time of initial occupancy do not exceed
34 eighty percent of the area median incomes adjusted for family size, AND
35 AT LEAST ONE BUILDING IN SUCH COVERED PROJECT THAT CONTAINS NOT LESS
36 THAN TWENTY PERCENT OF ITS DWELLING UNITS MEETING THIS AFFORDABLE HOUS-
37 ING REQUIREMENT HAS A COMMENCEMENT DATE ON OR BEFORE DECEMBER
38 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ALL OF THE BUILDINGS IN SUCH
39 COVERED PROJECT THAT RECEIVE BENEFITS PURSUANT TO PARAGRAPH (F) OF THIS
40 SUBDIVISION HAVE A COMPLETION DATE ON OR BEFORE JUNE FIFTEENTH, TWO
41 THOUSAND TWENTY-FIVE; or

42 (ii) not less than ten percent of the units in the covered project are
43 affordable to and occupied or available for occupancy by individuals or
44 families whose incomes at the time of initial occupancy do not exceed
45 eighty percent of the area median incomes adjusted for family size and
46 not less than an additional fifteen percent of the units in the covered
47 project are affordable to and occupied or available for occupancy by
48 individuals or families whose incomes at the time of initial occupancy
49 do not exceed one hundred twenty-five percent of the area median incomes
50 adjusted for family size, AND AT LEAST ONE BUILDING IN SUCH COVERED
51 PROJECT THAT CONTAINS NOT LESS THAN TWENTY-FIVE PERCENT OF ITS DWELLING
52 UNITS MEETING THIS AFFORDABLE HOUSING REQUIREMENT HAS A COMMENCEMENT
53 DATE ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ALL OF
54 THE BUILDINGS IN SUCH COVERED PROJECT THAT RECEIVE BENEFITS PURSUANT TO
55 PARAGRAPH (F) OF THIS SUBDIVISION HAVE A COMPLETION DATE ON OR BEFORE
56 JUNE FIFTEENTH, TWO THOUSAND TWENTY-FIVE.

1 S 9. Paragraph (f) of subdivision 6 of section 421-a of the real prop-
2 erty tax law, as added by chapter 110 of the laws of 2005, is amended to
3 read as follows:

4 (f) With respect to any covered project located entirely within the
5 Greenpoint - Williamsburg waterfront exclusion area, the period of tax
6 benefits awarded to any building in such covered project shall be the
7 same as the period of tax benefits awarded under clause [(A)] (D) of
8 subparagraph (iii) of paragraph (a) of subdivision two of this section.
9 With respect to any covered project which includes one or more buildings
10 located outside the Greenpoint - Williamsburg waterfront exclusion area,
11 the period of tax benefits awarded to any building in such covered
12 project that is located within the Greenpoint - Williamsburg waterfront
13 exclusion area shall be the same as the period of tax benefits awarded
14 under clause (A) of subparagraph (ii) of paragraph (a) of subdivision
15 two of this section.

16 S 10. Subdivision 8 of section 421-a of the real property tax law, as
17 added by chapter 618 of the laws of 2007, subparagraph (i) of paragraph
18 (a) and paragraph (c) as amended by chapter 15 of the laws of 2008,
19 paragraphs (d) and (e) as amended by chapter 619 of the laws of 2007, is
20 amended to read as follows:

21 8. (a) As used in this subdivision, the following terms shall have the
22 following meanings:

23 (i) "APPLICANT" MEANS AN APPLICANT FOR BENEFITS PURSUANT TO THIS
24 SECTION, ANY SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING
25 SERVICE EMPLOYEES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A
26 PROPERTY MANAGEMENT COMPANY OR CONTRACTOR.

27 (II) "Building service employee" means any person who is regularly
28 employed at a building who performs work in connection with the care or
29 maintenance of such building. "Building service employee" includes, but
30 is not limited to [superintendent], watchman, guard, doorman, building
31 cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator
32 operator and starter, and window cleaner, but shall not include persons
33 regularly scheduled to work fewer than eight hours per week in the
34 building.

35 [(ii) "Prevailing wage" means the wage determined by the fiscal offi-
36 cer to be prevailing for the various classes of building service employ-
37 ees in the locality pursuant to section two hundred thirty of the labor
38 law.]

39 (III) "FISCAL OFFICER" MEANS THE COMPTROLLER OR OTHER ANALOGOUS OFFI-
40 CER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

41 (b) [No benefits under this section shall be conferred for any
42 construction commenced on or after December twenty-eighth, two thousand
43 seven for any tax lots now existing or hereafter created except where
44 the applicant agrees that all building service employees employed at the
45 building, whether employed directly by the applicant or its successors,
46 or through a property management company or a contractor, shall receive
47 the applicable prevailing wage for the duration of the building's tax
48 exemption.] ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT IN
49 A BUILDING WHOSE CONSTRUCTION COMMENCED ON OR AFTER DECEMBER
50 TWENTY-EIGHTH, TWO THOUSAND SEVEN SHALL RECEIVE THE APPLICABLE PREVAIL-
51 ING WAGE FOR THE DURATION OF BENEFITS PURSUANT TO THIS SECTION.

52 (c) [The limitations contained in paragraph] THE FISCAL OFFICER SHALL
53 HAVE THE POWER TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION. IN ENFORC-
54 ING SUCH PROVISIONS, THE FISCAL OFFICER SHALL HAVE THE POWER:

55 (I) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
56 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH

1 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT
2 DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND
3 DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

4 (II) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR
5 ELSEWHERE;

6 (III) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE
7 WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE
8 EMPLOYEES;

9 (IV) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOE-
10 NAS, ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A
11 SUBPOENA ISSUED UNDER THIS SUBDIVISION SHALL BE REGULATED BY THE CIVIL
12 PRACTICE LAW AND RULES;

13 (V) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOG-
14 NIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO
15 DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE
16 EMPLOYEES IN SUCH CLASSIFICATION;

17 (VI) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD
18 OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE
19 EMPLOYEES AND OF THEIR HOURS OF WORK;

20 (VII) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR
21 OTHER AUTHORIZED REPRESENTATIVE; AND

22 (VIII) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR
23 THE PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS
24 CONFERRED UPON HIM OR HER BY THE PROVISIONS OF THIS PARAGRAPH.

25 (D) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO
26 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION, HE OR SHE SHALL PRESENT
27 EVIDENCE OF SUCH NONCOMPLIANCE TO THE LOCAL HOUSING AGENCY.

28 (E) PARAGRAPH (b) of this subdivision shall not be applicable to:

29 (i) projects containing less than fifty dwelling units; or

30 (ii) buildings where the local housing agency certifies that at
31 initial occupancy at least fifty percent of the dwelling units are
32 affordable to individuals or families with a gross household income at
33 or below one hundred twenty-five percent of the area median income and
34 that any such units which are located in rental buildings will be
35 subject to restrictions to insure that they will remain affordable for
36 the entire period during which they receive benefits under this section.

37 [(d)] (F) The local housing agency shall prescribe appropriate sanc-
38 tions for failure to comply with the provisions of this subdivision.

39 [(e)] (G) Solely for purposes of paragraph (b) of this subdivision,
40 construction shall be deemed to have commenced when excavation or alter-
41 ation has begun in good faith on the basis of approved construction
42 plans.

43 [(f)] (H) The [limitations on] eligibility CRITERIA for benefits
44 contained in this subdivision shall be in addition to those contained in
45 any other law or regulation.

46 S 11. This act shall take effect immediately, except that sections
47 seven, eight and nine of this act shall be deemed to have been in full
48 force and effect on and after June 21, 2005, and section ten of this act
49 shall be deemed to have been in full force and effect on and after
50 August 17, 2007.

51 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
52 sion, section or part of this act shall be adjudged by any court of
53 competent jurisdiction to be invalid, such judgement shall not affect,
54 impair, or invalidate the remainder thereof, but shall be confined in
55 its operation to the clause, sentence, paragraph, subdivision, section
56 or part thereof directly involved in the controversy in which such

1 judgement shall have been rendered. It is hereby declared to be the
2 intent of the legislature that this act would have been enacted even if
3 such invalid provisions had not been included herein.
4 S 3. This act shall take effect immediately, provided, however, that
5 the applicable effective date of Parts A and B of this act shall be as
6 specifically set forth in the last section of such Parts.