S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N S E N A T E

June 12, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to tax exemption for multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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 LOCATED EITHER ONSITE OR OFFSITE: (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 LOCATED EITHER ONSITE OR OFFSITE: (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 LOCATED EITHER ONSITE OR OFFSITE: (A) NOT LESS THAN THIRTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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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 OPTION D" SHALL ONLY APPLY TO A HOMEOWNERSHIP PROJECT, OF WHICH TWENTY-FIVE PERCENT OF THE UNITS SHALL HAVE AN AVERAGE ASSESSED VALUE NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS.

(VI) "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.

(VII) "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 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED FORTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(VIII) "AFFORDABLE HOUSING SIXTY 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 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SIXTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(IX) "AFFORDABLE HOUSING SEVENTY 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 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SEVENTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(X) "AFFORDABLE HOUSING ONE HUNDRED THIRTY 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 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(XI) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVIDUALLY, AFFORDABLE HOUSING FORTY PERCENT UNITS, AFFORDABLE HOUSING SIXTY PERCENT UNITS, AFFORDABLE HOUSING SEVENTY PERCENT UNITS, AND AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

(XII) "AGENCY" SHALL MEAN THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT.

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

(XIV) "BUILDING SERVICE EMPLOYEE" SHALL MEAN ANY PERSON WHO IS REGULARLY EMPLOYED AT, AND PERFORMS WORK IN CONNECTION WITH THE CARE OR MAINTENANCE OF, AN ELIGIBLE SITE, INCLUDING, BUT NOT LIMITED TO, A WATCHMAN, GUARD, DOORMAN, BUILDING CLEANER, PORTER, HANDYMAN, JANITOR, GARDENER, GROUNDSKEEPER, ELEVATOR OPERATOR AND STARTER, AND WINDOW

CLEANER, BUT NOT INCLUDING PERSONS REGULARLY SCHEDULED TO WORK FEWER THAN EIGHT HOURS PER WEEK AT THE ELIGIBLE SITE.

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

(XVI) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF AN ELIGIBLE MULTIPLE DWELLING.

(XVII) "CONSTRUCTION PERIOD" SHALL MEAN, WITH RESPECT TO ANY ELIGIBLE MULTIPLE DWELLING, A PERIOD: (A) BEGINNING ON THE LATER OF THE COMMENCEMENT DATE OF SUCH ELIGIBLE MULTIPLE DWELLING OR THREE YEARS BEFORE THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING, AND (B) ENDING ON THE DAY PRECEDING THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING.

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

(XIX) "ELIGIBLE MULTIPLE DWELLING" SHALL MEAN A MULTIPLE DWELLING THAT MAY INCLUDE BOTH ONSITE AND OFFSITE UNITS OR HOMEOWNERSHIP PROJECT CONTAINING SIX OR MORE DWELLING UNITS CREATED THROUGH NEW CONSTRUCTION OR ELIGIBLE CONVERSION FOR WHICH THE COMMENCEMENT DATE IS AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND NINETEEN, AND FOR WHICH THE COMPLETION DATE IS ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND TWENTY-THREE.

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

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

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

(XXIII) "FOUR PERCENT TAX CREDITS" SHALL MEAN FEDERAL LOW INCOME HOUSING TAX CREDITS COMPUTED IN ACCORDANCE WITH CLAUSE (II) OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF SUBSECTION (B) OF SECTION FORTY-TWO OF THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX, AS AMENDED.

(XXIV) "HOMEOWNERSHIP PROJECT" SHALL MEAN A MULTIPLE DWELLING OR PORTION THEREOF OPERATED AS CONDOMINIUM OR COOPERATIVE HOUSING, HOWEVER, IT SHALL NOT INCLUDE A MULTIPLE DWELLING OR PORTION THEREOF OPERATED AS COOPERATIVE OR CONDOMINIUM HOUSING LOCATED WITHIN THE BOROUGH OF MANHATTAN.

(XXV) "MARKET UNIT" SHALL MEAN A DWELLING UNIT IN AN ELIGIBLE MULTIPLE DWELLING OTHER THAN AN AFFORDABLE HOUSING UNIT.

(XXVI) "MULTIPLE DWELLING" SHALL HAVE THE MEANING SET FORTH IN THE MULTIPLE DWELLING LAW.

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

(XXVIII) "RENT STABILIZATION" SHALL MEAN, COLLECTIVELY, THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE RENT STABILIZATION CODE, AND THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN HUNDRED SEVENTY-FOUR, ALL AS IN EFFECT AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION OR AS AMENDED

THEREAFTER, TOGETHER WITH ANY SUCCESSOR STATUTES OR REGULATIONS ADDRESSING SUBSTANTIALLY THE SAME SUBJECT MATTER.

(XXIX) "RENTAL PROJECT" SHALL MEAN AN ELIGIBLE SITE IN WHICH ALL DWELLING UNITS INCLUDED IN ANY APPLICATION ARE OPERATED AS RENTAL HOUSING.

(XXX) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELLING UNITS.

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

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

(XXXIII) "THIRTY-FIVE YEAR BENEFIT" SHALL MEAN: (A) FOR THE CONSTRUCTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY 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 APPLICABLE REQUIREMENTS OF THIS SUBDIVISION SHALL RECEIVE A THIRTY-FIVE YEAR BENEFIT. A HOMEOWNERSHIP PROJECT SHALL BE ELIGIBLE FOR, AND SHALL RECEIVE, 421-A BENEFITS CONSISTENT WITH THE APPLICABLE REQUIREMENTS OF THIS SUBDIVISION.

(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 OR FOR PURPOSES OF A HOMEOWNERSHIP PROJECT, SUCH PROJECT SHALL COMPLY WITH AFFORDABILITY OPTION D. 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 WHERE SUCH UNITS ARE IN THE SAME 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 CONTAINING RENTAL UNITS 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 CONTAINING RENTAL UNITS 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 OR FOR PURPOSES OF A HOMEOWNERSHIP PROJECT THE FAILURE TO COMPLY WITH AFFORDABILITY OPTION D 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, (B) MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH, (C) THE MARKETING AND MONITORING OF ANY HOMEOWNERSHIP PROJECT THAT IS GRANTED AN EXEMPTION PURSUANT TO THIS SUBDIVISION, (D) APPROVAL OF AN ELIGIBLE SITE UNDER THIS SECTION THAT PROVIDES BOTH ONSITE AND OFFSITE AFFORDABLE HOUSING UNITS GRANTED PURSUANT TO A CERTIFICATE PROGRAM THAT SHALL BE ESTABLISHED BY SUCH AGENCY; AND (E) CONVENING A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE PROGRAM INCLUDING THE LABOR AND WORKFORCE CONCERNS RELATED TO CONSTRUCTION UNDER TAKEN PURSUANT TO THIS SECTION, AND THE CREATION OF AFFORDABLE HOUSING. 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 ABSENCE OF 421-A BENEFITS, THE OWNER WOULD BE ENTITLED TO REMOVE SUCH MARKET UNIT FROM RENT STABILIZATION UPON VACANCY BY REASON OF THE MONTHLY RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

(G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARAGRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR 421-A BENEFITS, ANY SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOYEES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY MANAGEMENT COMPANY OR CONTRACTOR.

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

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

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

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

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

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

(E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOGNIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE EMPLOYEES IN SUCH CLASSIFICATION;

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

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

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

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

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

(A) AN ELIGIBLE MULTIPLE DWELLING CONTAINING LESS THAN FIFTY DWELLING UNITS; OR

(B) AN ELIGIBLE MULTIPLE DWELLING WHERE THE LOCAL HOUSING AGENCY CERTIFIES THAT AT INITIAL OCCUPANCY AT LEAST FIFTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE TO INDIVIDUALS OR FAMILIES WITH A GROSS HOUSEHOLD INCOME AT OR BELOW ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA MEDIAN INCOME AND THAT ANY SUCH UNITS WHICH ARE LOCATED IN RENTAL BUILDINGS WILL BE SUBJECT TO RESTRICTIONS TO INSURE THAT THEY WILL REMAIN AFFORDABLE FOR THE ENTIRE PERIOD DURING WHICH THEY RECEIVE BENEFITS UNDER THIS SECTION.

(H) REPLACEMENT RATIO. IF THE LAND ON WHICH AN ELIGIBLE SITE IS LOCATED CONTAINED ANY DWELLING UNITS THREE YEARS PRIOR TO THE COMMENCEMENT 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 OR FOR A HOMEOWNERSHIP PROJECT SUCH PROJECT SHALL CONTINUE TO COMPLY WITH AFFORDABILITY OPTION D OF THIS SUBDIVISION 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 SUCH 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.

(Q) AUTHORITY OF CITY TO ENACT LOCAL LAW. A CITY TO WHICH THIS SUBDIVISION IS APPLICABLE SHALL NOT BE AUTHORIZED TO ENACT A LOCAL LAW TO RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF 421-A BENEFITS IN ANY MANNER, OR GRANT 421-A BENEFITS BEYOND THOSE PROVIDED IN THIS SUBDIVISION. THE PROVISIONS OF SECTIONS 11-245 AND 11-245.1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR OF ANY OTHER LOCAL LAW OF THE CITY OF NEW YORK THAT WERE ENACTED ON OR BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS PARAGRAPH SHALL NOT RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF 421-A BENEFITS PURSUANT TO THIS SUBDIVISION.

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

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

(I) "AFFORDABLE HOUSING EIGHTY PERCENT UNITS" SHALL MEAN DWELLING UNITS THAT: (A) ARE SITUATED WITHIN THE EXTENDED AFFORDABILITY PROPERTY, (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A

VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE EACH AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT, AND (C) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE COLLECTIVELY AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED AN AVERAGE OF EIGHTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

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

(III) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVIDUALLY, AFFORDABLE HOUSING EIGHTY PERCENT UNITS AND AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

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

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

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

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

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

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

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

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

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

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

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

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

(XVI) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELLING UNITS.

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

(XVIII) "RESTRICTIVE DECLARATION DATE" SHALL MEAN THE DATE UPON WHICH THE RESTRICTIVE DECLARATION IS RECORDED AGAINST THE EXTENDED AFFORDABILITY PROPERTY.

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

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

(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, AN EXTENDED AFFORDABILITY PROPERTY SHALL BE GRANTED AN EXTENDED BENEFIT, PROVIDED, HOWEVER, THAT SUCH EXTENDED BENEFIT SHALL BE AVAILABLE ONLY IF ALL RESIDENTIAL TAX LOTS IN SUCH EXTENDED AFFORDABILITY PROPERTY OPERATE AS RENTAL HOUSING.

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

(I) REAL PROPERTY TAXES ON THE ASSESSED VALUATION OF SUCH LAND AND ANY IMPROVEMENTS THEREON IN EFFECT DURING THE TAX YEAR PRECEDING THE COMMENCEMENT OF THE CONSTRUCTION OF SUCH EXTENDED AFFORDABILITY PROPERTY WITHOUT REGARD TO ANY EXEMPTION OR ABATEMENT FROM REAL PROPERTY TAXATION IN EFFECT PRIOR TO SUCH CONSTRUCTION WHICH REAL PROPERTY TAXES SHALL BE CALCULATED ON 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. ANY EXTENDED BENEFIT SHALL BE REDUCED BY THE PERCENTAGE OF AGGREGATE FLOOR AREA OF THE EXTENDED AFFORDABILITY PROPERTY OCCUPIED BY COMMERCIAL, COMMUNITY FACILITY, PARKING, AND ACCESSORY USES AS PROVIDED IN PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION.

(E) CALCULATION OF BENEFIT. BASED ON THE CERTIFICATION OF THE AGENCY CERTIFYING THE APPLICANT'S ELIGIBILITY FOR THE EXTENDED BENEFIT, THE

ASSESSORS SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF TAXES TO BE EXEMPTED.

(F) AFFORDABILITY REQUIREMENT. DURING THE EXTENDED AFFORDABILITY PERIOD, AN EXTENDED AFFORDABILITY PROPERTY MUST COMPLY WITH THE EXTENDED AFFORDABILITY REQUIREMENT AND THE RESTRICTIVE DECLARATION. THE EXTENDED AFFORDABILITY PROPERTY SHALL ALSO COMPLY WITH ALL PROVISIONS OF THIS PARAGRAPH DURING THE EXTENDED AFFORDABILITY PERIOD AND WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH BOTH DURING AND AFTER THE EXTENDED AFFORDABILITY PERIOD TO THE EXTENT PROVIDED IN SUCH SUBPARAGRAPH.

(I) NOTWITHSTANDING THE PROVISIONS OF ANY LOCAL LAW FOR THE STABILIZATION OF RENTS OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENTS OF ALL AFFORDABLE HOUSING UNITS IN AN EXTENDED AFFORDABILITY PROPERTY SHALL BE FULLY SUBJECT TO CONTROL UNDER SUCH LOCAL LAW OR SUCH ACT DURING THE EXTENDED AFFORDABILITY PERIOD, PROVIDED THAT TENANTS HOLDING A LEASE AND IN OCCUPANCY OF SUCH AFFORDABLE HOUSING UNITS IN AN EXTENDED AFFORDABILITY PROPERTY AT THE EXPIRATION OF THE EXTENDED AFFORDABILITY PERIOD SHALL HAVE THE RIGHT TO REMAIN AS RENT STABILIZED TENANTS FOR THE DURATION OF THEIR OCCUPANCY. UPON ANY VACANCY OF AN AFFORDABLE HOUSING UNIT AFTER THE EXTENDED AFFORDABILITY PERIOD, SUCH AFFORDABLE HOUSING UNIT SHALL REMAIN FULLY SUBJECT TO RENT STABILIZATION UNLESS THE OWNER IS ENTITLED TO REMOVE SUCH AFFORDABLE HOUSING UNIT FROM RENT STABILIZATION UPON SUCH VACANCY BY REASON OF THE MONTHLY RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

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

(III) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH THAT REQUIRE THE MAINTENANCE, RENT STABILIZATION AND OCCUPANCY OF AFFORDABLE HOUSING UNITS IN AN EXTENDED AFFORDABILITY PROPERTY SHALL RESULT IN REVOCATION OF THE EXTENDED BENEFIT FOR THE PERIOD OF SUCH NON-COMPLIANCE.

(IV) 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 EXTENDED AFFORDABILITY PROPERTY 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.

(V) UPON EACH VACANCY, 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.

(VI) 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.

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

(VIII) THE AGENCY MAY ESTABLISH BY RULE SUCH REQUIREMENTS AS THE AGENCY DEEMS NECESSARY OR APPROPRIATE FOR: (A) THE MARKETING OF AFFORDABLE HOUSING UNITS, 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.

(G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARAGRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR EXTENDED BENEFITS, ANY SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOYEES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY MANAGEMENT COMPANY OR CONTRACTOR.

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

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

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

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

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

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

(E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOGNIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE EMPLOYEES IN SUCH CLASSIFICATION;

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

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

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

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

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

(A) AN EXTENDED AFFORDABILITY PROJECT CONTAINING LESS THAN FIFTY DWELLING UNITS; OR

(B) AN EXTENDED AFFORDABILITY PROJECT WHERE THE LOCAL HOUSING AGENCY CERTIFIES THAT AT INITIAL OCCUPANCY AT LEAST FIFTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE TO INDIVIDUALS OR FAMILIES WITH A GROSS HOUSEHOLD INCOME AT OR BELOW ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA MEDIAN INCOME AND THAT ANY SUCH UNITS WHICH ARE LOCATED IN RENTAL BUILDINGS WILL BE SUBJECT TO RESTRICTIONS TO INSURE THAT THEY WILL REMAIN

AFFORDABLE FOR THE ENTIRE PERIOD DURING WHICH THEY RECEIVE BENEFITS UNDER THIS SECTION.

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

(I) 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 AN EXTENDED BENEFIT 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.

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

(K) 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.

(L) MULTIPLE TAX LOTS. IF AN EXTENDED AFFORDABILITY PROPERTY 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 AN EXTENDED BENEFIT BASED UPON THE TAX LOTS INCLUDED IN SUCH APPLICATION.

(M) APPLICATIONS. (I) THE APPLICATION WITH RESPECT TO ANY EXTENDED AFFORDABILITY PROPERTY SHALL INCLUDE A CERTIFICATION THAT: (A) THE RESTRICTIVE DECLARATION HAS BEEN RECORDED AGAINST THE EXTENDED AFFORDABILITY PROPERTY, AND (B) THE EXTENDED AFFORDABILITY PROPERTY IS IN COMPLIANCE WITH SUCH RESTRICTIVE DECLARATION AND THIS SUBDIVISION.

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

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

(IV) 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 SUCH LAW, AND SHALL THEREAFTER BE INELIGIBLE TO SUBMIT A CERTIFICATION PURSUANT TO THIS SUBDIVISION.

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

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

(P) AUTHORITY OF CITY TO ENACT LOCAL LAW. A CITY TO WHICH THIS SUBDIVISION IS APPLICABLE SHALL NOT BE AUTHORIZED TO ENACT A LOCAL LAW TO

RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF EXTENDED BENEFITS IN ANY MANNER, OR GRANT EXTENDED BENEFITS BEYOND THOSE PROVIDED IN THIS SUBDIVISION. THE PROVISIONS OF SECTIONS 11-245 AND 11-245.1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR OF ANY OTHER LOCAL LAW OF THE CITY OF NEW YORK THAT WERE ENACTED ON OR BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS PARAGRAPH SHALL NOT RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF EXTENDED BENEFITS PURSUANT TO THIS SUBDIVISION.

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

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

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

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

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

(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 TAX EXEMPTION GRANTED PURSUANT TO THIS SUBDIVISION UNLESS THE LOCAL HOUSING 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.

S 5. The opening paragraph of subdivision 3 of section 421-a of the real property tax law is designated paragraph (a) and a new paragraph (b) is added to read as follows:

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

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

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

(IV) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF A BUILDING IN A COVERED PROJECT.

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

S 7. Paragraph (b) of subdivision 6 of section 421-a of the real property tax law, as added by chapter 110 of the laws of 2005, is amended to read as follows:

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

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

(ii) not less than ten percent of the units in the covered project are affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed eighty percent of the area median incomes adjusted for family size and not less than an additional fifteen percent of the units in the covered project are affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed one hundred twenty-five percent of the area median incomes adjusted for family size, AND AT LEAST ONE BUILDING IN SUCH COVERED

PROJECT THAT CONTAINS NOT LESS THAN TWENTY-FIVE PERCENT OF ITS DWELLING UNITS MEETING THIS AFFORDABLE HOUSING REQUIREMENT HAS A COMMENCEMENT DATE ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ALL OF THE BUILDINGS IN SUCH COVERED PROJECT THAT RECEIVE BENEFITS PURSUANT TO PARAGRAPH (F) OF THIS SUBDIVISION HAVE A COMPLETION DATE ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND TWENTY-FIVE.

S 8. Paragraph (f) of subdivision 6 of section 421-a of the real property tax law, as added by chapter 110 of the laws of 2005, is amended to read as follows:

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

S 9. Subdivision 8 of section 421-a of the real property tax law, as added by chapter 618 of the laws of 2007, subparagraph (i) of paragraph (a) and paragraph (c) as amended by chapter 15 of the laws of 2008, and paragraphs (d) and (e) as amended by chapter 619 of the laws of 2007, is amended to read as follows:

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

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

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

[(ii) "Prevailing wage" means the wage determined by the fiscal officer to be prevailing for the various classes of building service employees in the locality pursuant to section two hundred thirty of the labor law.]

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

(b) [No benefits under this section shall be conferred for any construction commenced on or after December twenty-eighth, two thousand seven for any tax lots now existing or hereafter created except where the applicant agrees that all building service employees employed at the building, whether employed directly by the applicant or its successors, or through a property management company or a contractor, shall receive the applicable prevailing wage for the duration of the building's tax exemption.] ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT IN A BUILDING WHOSE CONSTRUCTION COMMENCED ON OR AFTER DECEMBER

TWENTY-EIGHTH, TWO THOUSAND SEVEN SHALL RECEIVE THE APPLICABLE PREVAILING WAGE FOR THE DURATION OF BENEFITS PURSUANT TO THIS SECTION.

(C) [The limitations contained in paragraph] THE FISCAL OFFICER SHALL HAVE THE POWER TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION. IN ENFORCING SUCH PROVISIONS, THE FISCAL OFFICER SHALL HAVE THE POWER:

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

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

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

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

(V) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOGNIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE EMPLOYEES IN SUCH CLASSIFICATION;

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

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

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

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

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

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

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

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

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

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

S 10. This act shall take effect immediately, except that sections six, seven and eight of this act shall be deemed to have been in full force and effect on and after June 21, 2005, and section nine of this

act shall be deemed to have been in full force and effect on and after August 17, 2007.