§ 421-a. Affordable New York Housing Program. 1. The following terms, whenever used or referred to in this section, shall have the following meaning, unless a different meaning clearly appears in the context.

a. "Adjusted Monthly Rent." The rent payable per month as provided in the first effective lease or occupancy agreement upon initial occupancy of a rental dwelling unit of a multiple dwelling after construction aided by exemption under this section less the cost of providing parking facilities and electricity, gas, cooking fuel and other utilities other than heat and hot water to occupants of such dwelling units.

b. "Floor area." The horizontal areas of the several floors or any portion thereof of a dwelling or dwellings and accessory structures on a lot measured from the exterior faces of exterior walls or from the center line of party walls.

c. "Multiple Dwelling." A dwelling which is to be occupied or is occupied as the residence or home of three or more families living independently of one another, whether such dwelling is rented or owned as a cooperative or condominium. A new multiple dwelling shall include new residential construction and the concurrent conversion, alteration or improvement of a pre-existing building or structure provided that (i) for all tax lots now existing or hereafter created, no more than forty-nine percent of the floor area (as defined in paragraph b of this subdivision) of the multiple dwelling consists of the pre-existing building or structure that was converted, altered or improved, and (ii) for tax lots in the city of New York now existing or hereafter created within the following area in the borough of Manhattan, the new residential construction and/or the concurrent conversion, alteration or improvement of the pre-existing building or structure is aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality: beginning at the intersection of the United States pierhead line in the Hudson river and the center line of Chambers street extended, thence easterly to the center line of Chambers street and continuing along the center line of Chambers street to the center line of Centre street, thence southerly along the center line of Centre street to the center line of the Brooklyn Bridge to the intersection of

the Brooklyn Bridge and the United States pierhead line in the East river, thence northerly along the United States pierhead line in the East river and the center line of one hundred tenth street extended, thence westerly to the center line of one hundred tenth street and continuing along the center line of one hundred tenth street to its westerly terminus, thence westerly to the intersection of the center line of one hundred tenth street extended and the United States pierhead line in the Hudson river, thence southerly along the United States pierhead line in the Hudson river to the point of beginning.

d. "Room Count." Two and one-half rooms for each dwelling unit plus one room for each bedroom plus one room for each additional room separated by either walls or doors plus one-half room for a balcony, provided that kitchens, bathrooms or corridors shall not count as such additional rooms.

2. (a) (i) Within a city having a population of one million or more, new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during construction so long as used at the completion of construction for dwelling purposes for a period not to exceed ten years in the aggregate after the taxable status date immediately following the completion thereof, as follows:

(A) except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for two years following such period;

(B) followed by two years of exemption from eighty per cent of such taxation;

(C) followed by two years of exemption from sixty per cent of such taxation;

(D) followed by two years of exemption from forty per cent of such

taxation;

(E) followed by two years of exemption from twenty per cent of such taxation;

The following table shall illustrate the computation of the tax exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	
Year:	
1	100%
2	100
3	80
4	80
5	60
6	60
7	40
8	40
9	20
10	20

(ii) (A) Within a city having a population of one million or more the local housing agency may adopt rules and regulations providing that except in areas excluded by local law new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed fifteen years in the aggregate, as follows:

a. except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three

years immediately following commencement of construction, whichever expires sooner, and for eleven years following such period;

b. followed by one year of exemption from eighty percent of such taxation;

c. followed by one year of exemption from sixty percent of such taxation;

d. followed by one year of exemption from forty percent of such taxation;

e. followed by one year of exemption from twenty percent of such taxation.

(B) The benefits of this subparagraph shall not be available in areas made ineligible for the benefits of this section by a local law enacted pursuant to paragraph (i) of subdivision two of this section, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas.

(C) Unless excluded by local law, in the city of New York the benefits of this subparagraph shall be available in the borough of Manhattan for tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street only if:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units be affordable to families of low and moderate income.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	

Year:	
1 through 11	100%
12	80
13	60
14	40
15	20

(iii) (A) Within a city having a population of one million or more the local housing agency may adopt rules and regulations providing that new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements, for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status date first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed twenty-five years in the aggregate, provided that the area in which the project is situated is a neighborhood preservation program area as determined by the local housing agency as of June first, nineteen hundred eighty-five, or is a neighborhood preservation area as determined by the New York city planning commission as of June first, nineteen hundred eighty-five, or is an area that was eligible for mortgage insurance provided by the rehabilitation mortgage insurance corporation as of May first, nineteen hundred ninety-two or is an area receiving funding for a neighborhood preservation project pursuant to the neighborhood reinvestment corporation act (42 U.S.C. §§180 et seq.) as of June first, nineteen hundred eighty-five, as follows:

a. except as otherwise provided herein there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for twenty-one years following such period;

b. followed by one year of exemption from eighty percent of such taxation;

c. followed by one year of exemption from sixty percent of such taxation;

d. followed by one year of exemption from forty percent of such taxation;

e. followed by one year of exemption from twenty percent of such taxation.

(B) The benefits of this subparagraph shall not be available in areas made ineligible for the benefits of this section by a local law enacted pursuant to paragraph (i) of subdivision two of this section, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects.

(C) Notwithstanding the provisions of item (A) or (D) of this subparagraph, in the city of New York the benefits of this subparagraph shall not be available in the borough of Manhattan for tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street.

(D) In addition to being available in the areas described in item (A) of this subparagraph, the benefits made available pursuant to this subparagraph shall be available where:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units be affordable to families of low and moderate income.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

	Exemption
During Construction (maximum three years)	100%
Following completion of work	
Year:	
1 through 21	100%

22 80
23 60
24 40
25 20

(E) A new multiple dwelling that is situated in (1) a neighborhood preservation program area as determined by the department of housing preservation and development as of June first, nineteen hundred eighty-five, (2) a neighborhood preservation area as determined by the New York city planning commission as of June first, nineteen hundred eighty-five, (3) an area that was eligible for mortgage insurance provided by the rehabilitation mortgage insurance corporation as of May first, nineteen hundred ninety-two, or (4) an area receiving funding for a neighborhood preservation project pursuant to the neighborhood reinvestment corporation act (42 U.S.C. §§ 8101 et seq.) as of June first, nineteen hundred eighty-five, shall not be eligible for the benefits available pursuant to this subparagraph unless it complies with the provisions of subdivision seven of this section.

(iv) (A) Unless excluded by local law, 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 December thirty-first, two thousand fifteen provided, however, that 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 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:

a. the construction is carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality, or

b. the local housing agency has imposed a requirement or has certified that twenty percent of the units are affordable to families of low and moderate income.

(B) Such new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of construction, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status dates first occurring after the expiration of the exemption herein conferred during such construction so long as used at the completion of construction for dwelling purposes for a period not to exceed twenty years in the aggregate, as follows:

a. except as otherwise provided herein, there shall be full exemption from taxation during the period of construction or the period of three years immediately following commencement of construction, whichever expires sooner, and for twelve years following such period;

b. followed by two years of exemption from eighty percent of such taxation;

c. followed by two years of exemption from sixty percent of such taxation;

d. followed by two years of exemption from forty percent of such taxation;

e. followed by two years of exemption from twenty percent of such taxation.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

During construction (maximum three years)	Exemption 100%
Following completion of work year:	
1 through 12	100%

13-14	80%
15-16	60%
17-18	40%
19-20	20%

(b) In addition to the taxes payable pursuant to the table above, the owner shall pay in each tax year in which such full or partial exemption 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 such construction 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.

(c) Such multiple dwellings shall be eligible for exemption from taxation pursuant to this section only if:

(i) exemption from taxes is not availed of concurrently under any other law and that on or after July first, nineteen hundred seventy-six no preliminary certificate of eligibility or certificate of eligibility issued under this section may be rescinded by the local housing agency to avail the property of the benefits of tax exemption or tax abatement for rehabilitation or new construction under the provisions of any other law, but that prior to July first, nineteen hundred seventy-six the local housing agency may rescind such certificates to avail the property of the benefits of tax exemption or tax abatement under the provisions of any other law;

(ii) construction is commenced after January first, nineteen hundred seventy-five and on or before 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;

(iii) in the event that, immediately prior to commencement of new construction, such land was improved with a residential building or buildings that have since been substantially demolished, and the new building or buildings contain more than twenty dwelling units, then such new construction shall contain at least five dwelling units for each class A dwelling unit in existence immediately prior to the demolition preceding construction; and

(iv) in the event that a project contains more than 100 dwelling units, at least 15 per cent of the dwelling units contain at least three and one-half rooms and at least 10 per cent of the dwelling units contain at least four and one-half rooms, unless a waiver from such requirements is granted by the local housing agency based on hardship.

(d) As of July first, nineteen hundred seventy-five, if the aggregate floor area of commercial, community facility and accessory use space exceeds twelve per cent of the aggregate floor area, as defined herein, of any building granted tax exemption pursuant to this section on or subsequent to July first, nineteen hundred seventy-one, tax exemption shall be reduced by an amount equal to the per cent of the aggregate floor area by which the aggregate floor area of commercial, community facility and accessory use space exceeds twelve per cent of the aggregate floor area of the building provided, however, that accessory use space shall not include accessory parking located not more than twenty-three feet above the curb level and provided, further, that whenever a building containing two or more separately assessed parcels of real property has commercial, community facility and accessory use space in excess of such twelve percent, the tax arising out of the reduction in exemption for such excess space shall not be apportioned pro rata among all of the separately assessed parcels in the building but shall be applied first to those separately assessed parcels which are unrelated to the residential use of the building; and only after such unrelated parcels are fully taxable shall the remainder of such tax be apportioned pro rata among the remaining separately assessed parcels and provided further, that no such exemption for commercial, community facility and accessory use space shall be applicable prior to July

first, nineteen hundred seventy-five. To be eligible for exemption under this section such construction shall take place on land which, thirty-six months prior to the commencement of such construction, was vacant, predominantly vacant, under-utilized, or improved with a non-conforming use, provided that if such new multiple dwelling displaces or replaces a building or buildings containing more than twenty-five occupied dwelling units in existence on December thirty-first, nineteen hundred seventy-four and administered under the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine, or the emergency tenant protection act of nineteen seventy-four, such new multiple dwelling shall not be eligible in the city of New York unless a certificate of eviction has been issued for any of the displaced or replaced units pursuant to the powers granted by the city rent and rehabilitation law, and that the sale, transfer or utilization of air rights over residential buildings that were not demolished shall not be construed as a displacement or replacement of the dwelling units contained within those buildings within the meaning of this subdivision.

(e) Any provision of this section to the contrary notwithstanding, the following properties shall not be eligible for exemption:

(i) any multiple dwelling located in any geographical area where the exemption is eliminated by regulations promulgated by the local housing agency, pursuant to subdivision three of this section, upon a finding by the local housing agency that the need for the tax incentive in such area has been significantly reduced, or that an area should be preserved for mainly non-residential purposes in accordance with local municipal policy; unless construction actually commenced prior to January first, nineteen hundred eighty-two; provided that the local housing agency shall not reduce or eliminate such exemption with respect to multiple dwellings of less than four stories in height, as stories are defined in the multiple dwelling law, except in areas to be preserved for mainly non-residential purposes provided further that no regulation regarding such geographical limitation shall eliminate benefits available pursuant to this section for construction which is commenced within two years from the effective date of such regulation, except in areas to be preserved for mainly non-residential purposes;

(ii) any land which is mapped as a public park, provided, however,

that this exclusion from eligibility for exemption shall not apply to any land which has been mapped as a public park but which, for a period of ten years or more after the date of such mapping, has not been acquired by the state or the city in which such land is located and with respect to which land the local department of parks and recreation has determined that such land is not required for public park purposes, and that such department has no intention of acquiring such land and that no funds have been allocated for such purpose;

(iii) any land which has been utilized for ten or more consecutive years prior to October first, nineteen hundred seventy-one as a "private park" as hereinafter defined. A private park is a privately owned zoning lot in a densely developed area having a minimum size of four thousand square feet, free of all developments and containing only trees, grass, benches, walkways and passive recreational facilities including structures incidental thereto which has been used and maintained during said period for such passive recreational activity by the general public without charge with the consent and participation of the owner thereof; where construction is commenced after December thirty-first, nineteen hundred seventy-two, eligibility shall be determined on the basis of the condition of the land on the first day of October, nineteen hundred seventy-one.

(f) Notwithstanding the provisions of any local law for the stabilization of rents in multiple dwellings or the emergency tenant protection act of nineteen seventy-four, the rents of a unit shall be fully subject to control under such local law or such act, unless exempt under such local law or such act from control by reason of the cooperative or condominium status of the unit, for the entire period during which the property is receiving tax benefits pursuant to this section for the period any such applicable law or act is in effect, whichever is shorter. Thereafter, such rents shall continue to be subject to such control to the same extent and in the same manner as if this section had never applied thereto, except that such rents shall be decontrolled if:

(i) with respect to units subject to the provisions of this section on the effective date of this subparagraph such a unit becomes vacant after the expiration of such ten year period or applicable law or act; provided, however, that such units may be decontrolled pursuant to the

rent regulation reform act of 1993 and provided further that the rent shall not be decontrolled for a unit which the commissioner of housing and community renewal or a court of competent jurisdiction finds became vacant because the landlord or any person acting on his behalf engaged in any course of conduct, including but not limited to, interruption or discontinuance of essential services which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of such unit, and, that upon such finding in addition to being subject to any other penalties or remedies permitted by law, the landlord of such unit shall be barred from collecting rent for such unit in excess of that charged to the tenant who vacated such unit until restoration of possession of such tenant, if the tenant so desires, in which case the rent of such tenant shall be established as if such tenant had not vacated such unit, or compliance with such other remedy, including, but not limited to, all remedies provided for by the emergency tenant protection act of nineteen seventy-four for rent overcharge or failure to comply with any order of the commissioner of housing and community renewal, as shall be determined by the commissioner of housing and community renewal to be appropriate; provided, however, that if a tenant fails to accept any such offer of restoration of possession, such unit shall return to rent stabilization at the previously regulated rent; or

(ii) with respect to units which become subject to the provisions of this section after the effective date of this subparagraph, such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act shall have expired and either each lease and renewal thereof for such unit for the tenant in residence at the time of such decontrol has included a notice in at least twelve point type informing such tenant that the unit shall become subject to such decontrol upon the expiration of such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act and states the approximate date on which such tax benefit period as provided in the opening paragraph of this paragraph is scheduled to expire; or such unit becomes vacant as provided under subparagraph (i) of this paragraph.

(g) For purposes of this section construction shall be deemed "commenced" when excavation or alteration has begun in good faith on the

basis of approved construction plans.

(h) Anything in this section to the contrary notwithstanding, with regard to a project consisting of two or more multiple dwellings constructed on a contiguous site and containing an aggregate of not less than one thousand dwelling units, each of such multiple dwellings shall be entitled to the exemption set forth herein provided construction of such project be commenced before January first, nineteen hundred seventy-eight and completed no later than a date certain fixed by the local housing agency not to exceed four years from the date of commencement of construction of such project.

(i) Authority of city to enact local law. Except as otherwise specified in this section, a city to which this section is applicable may enact a local law to restrict, limit or condition the eligibility, scope or amount of the benefits under this section in any manner provided that such local law may not grant benefits beyond those provided in this section and provided further that in the city of New York such local law shall not take effect sooner than one year after it is enacted. Notwithstanding the foregoing, the provisions of any local law shall not alter the effect of subdivisions twelve, thirteen, fourteen, and fifteen of this section as they apply on the effective date of such subdivisions, notwithstanding any subsequent amendments to the provisions of law referred to in such subdivisions.

(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.

3. a. Application forms for exemption under this section shall be filed with the assessors between February first and March fifteenth and, based on the certification of the local housing agency as herein provided, the assessors shall certify to the collecting officer the amount of taxes to be abated. If there be in a city of one million population or more a department of housing preservation and development, the term "housing agency" shall mean only such department of housing

preservation and development. No such application shall be accepted by the assessors unless accompanied by a certificate of the local housing agency certifying the applicant's eligibility pursuant to subdivisions two and four of this section. No such certification of eligibility shall be issued by the local housing agency until such agency determines the initial adjusted monthly rent to be paid by tenants residing in rental dwelling units contained within the multiple dwelling and the comparative adjusted monthly rent that would have to be paid by such tenants if no tax exemption were applicable as provided by this section. The initial adjusted monthly rent will be certified by the local housing agency as the first rent for the subject dwelling units. A copy of such certification with respect to such units shall be attached by the applicant to the first effective lease or occupancy agreement. The initial adjusted monthly rent shall reflect the full tax exemption benefits as approved by the agency.

The agency shall determine the amount of the initial adjusted monthly rent as follows:

(i) The total project cost shall be determined by adding the following items:

(a) Land acquisition cost or purchase price, if purchased within two years prior to the date on which construction or alteration is commenced; or land acquisition cost or purchase price or an appraisal prepared by a qualified independent appraiser, in such form as is acceptable to the agency, if purchased more than two years prior to such date. Land acquisition cost or purchase price, where used, shall be certified to by an independent certified public accountant;

(b) Costs incurred in the process of preparing the site for construction, including but not limited to operating losses, relocation expenses, demolition expenses and carrying charges, such costs to be certified by an independent certified public accountant to a date not more than ninety days prior to the filing of an application for certification of eligibility and the balance of such costs to be estimated;

(c) Construction costs for constructing or rehabilitating the multiple dwelling as determined by the agency in accordance with subdivision four of this section, plus such amount, if any, representing unique and

special costs as may be allowed by the agency for a particular multiple dwelling;

(d) An allowance for estimated off-site costs, including but not limited to architects, engineers and legal fees, interest and taxes during construction, insurance, title and mortgage fees, as determined by the agency in accordance with subdivision four of this section, and

(e) such other amounts as are ordinarily and customarily incurred in connection with the construction or rehabilitation of a multiple dwelling, as determined by the agency in accordance with subdivision four of this section.

(ii) The total expenses of the multiple dwelling shall be determined by adding the following items:

(a) The amount that the agency determines to be the reasonable annual costs for the continuing maintenance and operation of the multiple dwelling in accordance with subdivision four of this section;

(b) The amount that the agency determines to be an appropriate annual provision for vacancies, contingency reserves and management fees in accordance with subdivision four of this section.

(c) The projected real property taxes to be levied on the multiple dwelling and the land on which it is situated at the time of estimated initial occupancy;

(d) Fourteen (14) per cent of the total project cost, as hereinabove defined, which amount will include all expenses for debt service; and

(e) Deducting from said total the estimated annual income to be derived from any commercial, community facility or accessory use space in the building.

(iii) The total expenses shall be divided by the room count to provide the adjusted monthly rent per room per month.

(iv) The adjusted monthly rent per room per month shall be multiplied by the room count of each rental dwelling unit to provide the initial adjusted monthly rent for such dwelling unit. The agency may allow adjustments in the initial adjusted monthly rent for any particular dwelling units provided that the total of the initial adjusted monthly rents for all of the rental dwelling units in a multiple dwelling shall not exceed the total expenses of such multiple dwelling.

The agency shall determine the estimated comparative adjusted monthly

rent that would have to be paid if no tax exemption were applicable as provided by this section by adding to the adjusted monthly rent for each dwelling unit as hereinabove computed an amount equal to (a) the difference between the projected real property taxes which would be levied on the multiple dwelling and the land on which it is situated at the time estimated initial occupancy if no tax abatement were applicable as provided by this section and the projected real property taxes hereinabove utilized in connection with the computation of total expenses; (b) divided by the room count of the building as per this section; and (c) multiplied by the applicants approved room count of each such dwelling unit.

The local housing agency may promulgate rules and regulations to carry out the provisions of this section, not inconsistent with the provisions hereof, and may require a reasonable filing fee in an amount provided by such rules and regulations.

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.

4. a. After a public hearing the housing agency shall promulgate annually to take effect as of January first of each year the amounts that it determines to be the reasonable amounts in such categories and classifications as may be established by the housing agency, for such items as are generally applicable to all developments and are required to be determined pursuant to subdivision three of this section, which amounts shall be filed with the city clerk and published in a publication of general circulation in the city or the city record, if any, upon adoption by the housing agency.

b. The local housing agency may require a filing fee not to exceed the greater of (i) four-tenths of one percent of the total project cost, or (ii) if the building will be owned as a cooperative or condominium, four-tenths of one percent of the total project cost or four-tenths of one percent of the total project sell-out price stated in the last amendment to the offering plan accepted for filing by the attorney

general of the state, at the option of the applicant. Such total project cost or total project sell-out price shall be determined pursuant to rules promulgated by the local housing agency. Notwithstanding the foregoing, the local housing agency may promulgate rules imposing an additional fee if an application, or any part thereof, or submission in connection therewith, is defective and such defect delays the processing of such application or causes the local housing agency to expend additional resources in the processing of such application.

c. The local housing agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application for benefits pursuant to this section. 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 section.

5. An applicant for tax exemption under this section whose project contains more than twenty dwelling units shall notify the local community planning board for the area which is the subject of the application within ten days of submission of the application to the local housing agency. The local community planning board shall have a forty-five day period to file objections to the applicant's eligibility under subdivision two of this section, or to the applicant's failure to comply with the standards adopted by the agency in accordance with subdivision four of this section. The local community board may within such time in its own discretion hold a public hearing to determine whether or not any objections as to eligibility should be filed. In the event the local community board files such objections, the local housing agency shall make a determination and notify such board within forty-five days. When an applicant's project contains more than one hundred fifty dwelling units the local community board may within thirty days of receipt of an applicant's notification request the local housing agency to and the local housing agency shall hold a public hearing

solely on the questions of the applicant's eligibility under subdivision two of this section or the applicant's failure to comply with the standards adopted by the agency pursuant to subdivision four of this section. The local housing agency shall hold this hearing and make its determination and notify such board within forty-five days.

6. (a) When used in this subdivision unless a different meaning clearly appears from the context, the following terms shall mean and include:

(i) "Covered project." (A) A new building located within the Greenpoint - Williamsburg waterfront exclusion area, (B) two or more buildings which are part of one contiguous development entirely located within the Greenpoint - Williamsburg waterfront exclusion area, (C) two or more buildings which are located within the Greenpoint - Williamsburg waterfront exclusion area and are part of a single development parcel specifically identified in section 62-831 of the local zoning resolution, or (D) where so authorized in writing by the local housing agency, one or more buildings located within the Greenpoint - Williamsburg waterfront exclusion area and one or more buildings located outside the Greenpoint - Williamsburg waterfront exclusion area but within Community District Number One in the borough of Brooklyn. The cumulative number of affordable units located outside the Greenpoint - Williamsburg waterfront exclusion area in all covered projects described in clause (D) of this subparagraph shall not exceed two hundred. A building located outside the Greenpoint - Williamsburg waterfront exclusion area which is part of a covered project described in clause (D) of this subparagraph shall not contain any affordable units with respect to which an application pending before a governmental entity on the effective date of this subdivision or a written agreement in effect on the effective date of this subdivision provided for the development of such affordable units.

(ii) "Greenpoint - Williamsburg waterfront exclusion area." Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Brooklyn bounded and described as follows:

BEGINNING at the intersection of the bulkhead line in the East River

and South Fifth Street extended; thence easterly to South Fifth Street and continuing along South Fifth Street to the intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of South Fourth Street, thence easterly along South Fourth Street to a point 320 feet from Kent Avenue; thence northerly to a point on South Third Street 320 feet from Kent Avenue; thence westerly on South Third Street to the intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of Grand Street; thence westerly along Grand Street to the intersection of River Street; thence northerly along River Street to the intersection of North Third Street; thence easterly along North Third Street to the intersection of Kent Avenue; thence northerly along Kent Avenue to the intersection of Franklin Street; thence northerly along Franklin Street to the intersection of Quay Street; thence westerly along Quay Street to the intersection of West Street; thence northerly along West Street to the intersection of Eagle Street; thence easterly along Eagle Street to the intersection of Franklin Street; thence northerly along Franklin Street to the intersection of Dupont Street; thence westerly along Dupont Street to the intersection of Commercial Street; thence northerly along Commercial Street to the intersection of Manhattan Avenue; thence northerly along Manhattan Avenue to its northerly terminus; thence northerly to the intersection of Manhattan Avenue extended and the bulkhead line in Newtown Creek, thence westerly along the bulkhead line in Newtown Creek and continuing southerly along the United States pierhead line in the East River to the place of beginning; included in said area are all piers and other projections from the bulkhead line into the East River or Newtown Creek.

(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.

(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 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.

(c) Unless affordable units are developed under a federal, state or city program having contrary requirements, (i) all affordable units must have a comparable number of bedrooms as market rate units and a unit mix proportional to the market rate units, or (ii) at least fifty percent of the affordable units must have two or more bedrooms and no more than fifty percent of the remaining units can be smaller than one bedroom.

(d) Unless affordable units are developed under a federal or state program having contrary requirements, residents of the local community shall have priority for the purchase or rental of fifty percent of the affordable units.

(e) In order to ensure that affordable units created pursuant to this subdivision will continue to be affordable for the life of the covered project, the local housing agency shall employ mechanisms, including, but not limited to, regulatory agreements, deed restrictions, resale restrictions, occupancy requirements, and such other instruments or requirements as it may deem necessary, and shall establish legal remedies to enforce such mechanisms.

(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 (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.

7. (a) For the purposes of this subdivision:

(i) "affordable units" shall mean units which meet the affordability requirements set forth in paragraph (c) of this subdivision.

(ii) "geographic exclusion areas" shall mean:

(A) areas described in subdivision eleven of this section,

(B) in the borough of Manhattan tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street, and

(C) areas made ineligible for the benefits of this section:

(1) as set forth in section 11-245 of the administrative code of the city of New York on the effective date of this subdivision, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas,

(2) as set forth in local law number fifty-eight of the city of New York for the year two thousand six, notwithstanding any exceptions to ineligibility contained in such local law for certain types of projects in such areas and notwithstanding the effective date of such law, and

(3) by local law after the effective date of this subdivision.

(b) Notwithstanding any provision of this section or any local law to the contrary, the benefits of this section shall not be available for new multiple dwellings located in a geographic exclusion area which commence construction after December twenty-eighth, two thousand seven unless they comply with the provisions of this subdivision for thirty-five years from completion of construction of the building receiving benefits pursuant to this section.

(c)(i) Not less than twenty percent of the units in the multiple dwelling must, upon the initial rental or sale of the units and upon all subsequent rentals of the units after a vacancy, be affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed sixty percent of the area median incomes adjusted for family size or (ii) if the construction of such building is carried out with substantial assistance of grants, loans or subsidies from any federal, state or local agency or instrumentality and such assistance is provided pursuant to a program for the development of affordable housing, not less than twenty percent of the units in the multiple dwelling must, either (A) upon the initial rental of the units and upon all subsequent rentals of the units after a vacancy, be 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 percent of the area median incomes adjusted for family size and, where the multiple dwelling contains more than twenty-five units, do not exceed an average of ninety percent of

the area median incomes adjusted for family size, or (B) upon the initial sale of the units, be 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.

(d) Unless preempted by federal requirements:

(i) all affordable units must have a comparable number of bedrooms as market rate units and a unit mix proportional to the market rate units, or at least fifty percent of the affordable units must have two or more bedrooms and no more than fifty percent of the remaining units can be smaller than one bedroom or in addition to the requirements of paragraph (c) of this subdivision, the floor area of affordable units is no less than twenty percent of the total floor area of all dwelling units;

(ii) affordable units shall share the same common entrances and common areas as market rate units, and shall not be isolated to a specific floor or area of a building. Common entrances shall mean any area regularly used by any resident for ingress and egress from a multiple dwelling; and

(iii) residents of the community board where the multiple dwelling which receives the benefits provided in this section is located shall, upon initial occupancy, have priority for the purchase or rental of fifty percent of the affordable units.

(e) Notwithstanding any provision of law to the contrary, affordable rental units must remain as rent stabilized units for thirty-five years from completion of construction provided that tenants holding a lease and in occupancy at the expiration of the rent stabilization period shall have the right to remain as rent stabilized tenants for the duration of their occupancy.

(f) All affordable units must be situated onsite. For the purposes of this section, "onsite" shall mean that affordable units shall be situated within the building or buildings for which benefits pursuant to this section are being granted.

(g) The limitations on eligibility for benefits contained in this subdivision shall be in addition to those contained in this section and in any other law or regulation.

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, 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.

(iii) "Fiscal officer" means the comptroller or other analogous officer in a city having a population of one million or more.

(b) 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 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.

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

(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.

(h) The eligibility criteria for benefits contained in this subdivision shall be in addition to those contained in any other law or regulation.

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

(i) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(ii) "Non-residential tax lot" shall mean a tax lot that does not

contain any dwelling units.

(iii) "Annual limit" shall mean sixty-five thousand dollars, which amount shall be increased by three percent, compounded annually, on each taxable status date following the first anniversary of the effective date of this subdivision.

(iv) "Certificate of occupancy" shall mean the first certificate of occupancy covering all residential areas of the building on or containing a tax lot.

(v) "Unit count" shall mean:

(A) in the case of a residential tax lot that does not contain any commercial, community facility or accessory use space, the number of dwelling units in such tax lot, and

(B) in the case of a residential tax lot that contains commercial, community facility or accessory use space, the number of dwelling units in such tax lot plus one.

(vi) "Exemption cap" shall mean the unit count multiplied by the annual limit.

(b) The provisions of this subdivision shall apply only to projects that commence construction on or after December twenty-eighth, two thousand seven.

(c) The portion of the assessed valuation of any residential tax lot exempted from real property taxation in any year pursuant to this section shall not exceed the exemption cap on or after the first taxable status date after the building on or containing such tax lot receives its certificate of occupancy, unless, it complies with the requirements of item a or b of clause (D) of subparagraph (iii) of paragraph (a) of subdivision two of this section or the requirements of item a or b of clause (A) of subparagraph (iv) of paragraph (a) of subdivision two of this section. The portion of the assessed valuation of all non-residential tax lots in the building on or containing such non-residential tax lots exempted from real property taxation in any year pursuant to this section shall not exceed a cumulative total equal to the annual limit on or after the first taxable status date after the building on or containing such non-residential tax lots receives its certificate of occupancy. A dwelling unit that is located in two or more tax lots shall be ineligible to receive any benefits under this section.

10. (a) The local housing agency shall implement procedures to insure that affordable units created pursuant to this section, or units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section, continue to be affordable as required by the provisions of this section or such local law, and that units made subject to rent stabilization remain subject thereto as required by the provisions of this section. Such procedures shall include but shall not be limited to the following:

(i) all rent stabilization registrations required to be filed on or after January first, two thousand eight shall contain a designation which identifies all units that are subject to the provisions of this section as "Affordable New York Housing Program units" and specifically identifies affordable units created pursuant to this section and units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section as "Affordable New York Housing Program affordable units" and shall contain an explanation of the requirements that apply to all such units. The owner of a unit that is subject to the provisions of this section shall, in addition to complying with the requirements of section 26-517 of the rent stabilization law, file a copy of the rent registration for each such unit with the local housing agency;

(ii) the local housing agency with cooperation of the division of housing and community renewal shall monitor and enforce compliance with the filing requirements of this section;

(iii) the local housing agency shall create a report which, at a minimum, contains the following information for every building which receives benefits pursuant to this section: address, commencement and termination date of the benefits, total number of residential units, number of "Affordable New York Housing Program units" and number of "Affordable New York Housing Program affordable units", apartment number or other designation of such units and the rent for each of such units. The local housing agency with the cooperation of the division of housing and community renewal shall maintain, and update such report no less than annually, with information secured from annual registrations. Such reports shall be available for public inspection in a form that assigns

a unique designation to each unit other than its actual apartment number to maintain the privacy of such information; and

(iv) the local housing agency shall monitor any change in such information, shall investigate any such changes which indicate a failure to comply with the provisions of this section, and shall take appropriate action based on its findings.

(b) Failure to comply with the provisions of this section which require the creation and maintenance of affordable units pursuant to this section, or units which are required to be occupied by persons or families who meet specified income limits pursuant to the provisions of a local law enacted pursuant to this section, at any time during the duration of the building's tax exemption shall result in revocation of any benefits under this section for the period of such non-compliance. If an on-going pattern of non-compliance is found to exist, such benefits may be revoked from their inception. Notwithstanding the revocation of benefits for a building pursuant to the provisions of this subdivision, all units in such building shall continue to remain subject to the provisions of the rent stabilization law for the entire intended period as if the benefits had not been revoked.

(c) The provisions of this subdivision relating to enforcement of the provisions of this section shall be in addition to any other provisions contained in this section or any other law.

(d) The revocation of benefits for noncompliance with this section shall not exempt any unit from continued compliance with the requirements of this section.

11. Additional geographic exclusion areas:

(a) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Brooklyn bounded and described as follows:

(i) In the County of Kings, Beginning at a point where Warwick Street meets Belmont Avenue, thence westerly along said avenue to Jerome Street, thence southerly along said street to Sutter Avenue, thence westerly on said avenue to Barbey Street, thence northerly along said street to Belmont Avenue, thence westerly on said avenue to New Jersey Avenue, thence southerly on said avenue to Sutter Avenue, thence westerly on said avenue to Pennsylvania Avenue, thence northerly on said

avenue to Belmont Avenue, thence westerly on said avenue to Sheffield Avenue, thence southerly on said avenue to Sutter Avenue, thence westerly on said avenue to Snediker Avenue, thence northerly on said avenue to William's Place, thence northerly on said place to Fulton Street, thence easterly on said street to Jamaica Avenue, thence easterly on said avenue to Van Siclen Avenue, thence southerly on said avenue to Arlington Avenue, thence easterly on said avenue to Warwick Street, thence southerly on said street to Atlantic Avenue, thence westerly on said avenue to Jerome Street, thence southerly on said street to Liberty Avenue, thence easterly on said avenue to Warwick Street, thence southerly along said street to its intersection with Belmont Avenue, the point of beginning.

(ii) In the County of Kings, Beginning at a point where Bushwick Avenue meets with Stewart Street, thence southwesterly on said street to Broadway, thence southeasterly on Broadway to Conway Street, thence southwesterly on said street to Truxton Street, thence westerly on said street to Sackman Street, thence southerly on said street to Atlantic Avenue, thence westerly on said avenue to Howard Avenue, thence northerly on said avenue to MacDougal Street, thence westerly on said street to Fulton Street, thence westerly on said street to Patchen Avenue, thence northerly on said avenue to Hancock Street, thence easterly on said street to Saratoga Avenue, thence northerly on said avenue to a point midway between Hancock Street and Jefferson Avenue, thence easterly along the line extended to the northern intersection of Broadway and Hancock Street, thence northerly along Hancock Street to Bushwick Avenue, thence easterly along said avenue to its intersection with Stewart Street, the point of beginning.

(iii) In the County of Kings, Beginning at a point where Prospect Place meets Ralph Avenue, thence southerly along said avenue to Sutter Avenue, thence westerly along said avenue to east 98th Street, thence southeasterly along said street to Rutland Road, thence southwesterly along said road to East 92nd Street, thence northwesterly along said street to East New York Avenue, thence southerly along said avenue to Lefferts Avenue, thence westerly along said avenue to Utica Avenue, thence northerly along said avenue to Lincoln Place, thence easterly on said place to Rochester Avenue, thence northerly on said avenue to St. Mark's Avenue thence easterly on St. Mark's Avenue to Buffalo Avenue,

thence southerly on said avenue to Prospect Place, thence westerly along said place towards intersection with Ralph Avenue, the point of beginning.

(iv) In the County of Kings, Beginning at a point where Nostrand Avenue meets Dean Street, thence westerly along said street to Rogers Avenue, thence southerly along said avenue to Bergen Street, thence westerly along said street to Bedford Avenue, thence southerly along said avenue to St. Mark's Avenue, thence easterly along said avenue to Rogers Avenue, thence southerly along said avenue to Crown Street, thence easterly along said street to Nostrand Avenue, thence southerly along said avenue to Sterling Street, thence westerly along said street to Bedford Avenue, thence southerly along said avenue to Lefferts Avenue, thence westerly along said avenue to Washington Avenue, thence southerly along said avenue to Flatbush Avenue, thence along said avenue to Parkside Avenue, thence westerly along said avenue to Ocean Avenue, thence northerly along said avenue to Flatbush Avenue, thence along said avenue to Plaza Street East, thence along said street to St. John's Place, thence easterly along said place to Underhill Avenue, thence northerly along said avenue to Prospect Place, thence westerly along said place to Carlton Avenue, thence southerly along said avenue to Flatbush Avenue, thence northerly along said avenue to Park Place, thence westerly along said place to 6th Avenue, thence northerly along said avenue to Bergen Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to Warren Street, thence westerly along said street to 4th Avenue, thence northerly along said avenue to Bergen Street, thence westerly along said street to 3rd Avenue, thence northerly along said avenue to Dean Street, thence easterly along said street to 4th Avenue, thence northerly along said avenue to Atlantic Avenue, thence easterly along said avenue to Flatbush Avenue, thence northerly along said avenue to Fulton Street, thence westerly along said street to Hanover Place, thence southerly along said place to Livingston Street, thence westerly along said street to Bond Street, thence northerly along said street to Fulton Street, thence westerly along said street to Bridge Street, thence northerly along said street to Willoughby Street, thence westerly along said street to Lawrence Street, thence southerly along said street to Fulton Street, thence westerly along said street to Jay Street, thence northerly along

said street to Prospect Street, thence easterly along said street to Bridge Street, thence northerly along said street to York Street, thence easterly along said street to Navy Street, thence southerly along said street to Ashland Place, thence along said place to Dekalb Avenue, thence easterly along said avenue to Adelphi Street, thence southerly along said street to Lafayette Avenue, thence easterly along said avenue to Clermont Avenue, thence northerly along said avenue to Dekalb Avenue, thence easterly along said avenue to Clinton Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Hall Street, thence northerly along said street to Myrtle Avenue, thence easterly along said avenue to Emerson Place, thence southerly along said place to southern border of Pratt Institute parking lot, thence westerly along said border to a line extended southerly from Grand Avenue, thence southerly along said avenue to Dekalb Avenue, thence easterly along said avenue to Classon Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Taaffe Place, thence southerly along said place to Dekalb Avenue, thence easterly along said avenue to Kent Avenue, thence northerly along said avenue to Willoughby Avenue, thence easterly along said avenue to Franklin Avenue, thence southerly along said avenue to Lafayette Avenue, thence easterly along said avenue to Nostrand Avenue, thence southerly along said avenue to its intersection with Dean Street, the point of beginning.

(v) In the County of Kings, Beginning at a point where Ruby Street (Kings/Queens county line) meets Pitkin Avenue, thence westerly along said avenue to North Conduit Boulevard, thence northwesterly along said boulevard to Autumn Avenue, thence northerly along said avenue to Glenmore Avenue, thence westerly along said avenue to South Conduit Boulevard, thence easterly along said boulevard to Hemlock Street, thence southerly along said street to Pitkin Avenue, thence westerly along said avenue to Crystal Street, thence southerly along said street to Belmont Avenue, thence westerly along said avenue to Milford Street, thence southerly along said street to Sutter Avenue, thence westerly along said avenue to Montauk Avenue, thence northerly along said avenue to Belmont Avenue, thence westerly along said avenue to Shepherd Avenue, thence northerly along said avenue to Pitkin Avenue, thence westerly along said avenue to Essex Street, thence southerly along said street to

Belmont Avenue, thence westerly along said avenue to Warwick Street, thence northerly along said street to Liberty Avenue, thence westerly along said avenue to Jerome Street, thence northerly along said street to Atlantic Avenue, thence easterly along said avenue to Warwick Street, thence northerly along said street to Arlington Avenue, thence westerly along said avenue to Van Siclen Avenue, thence northerly along said avenue to Jamaica Avenue, thence westerly along said avenue to Broadway, thence westerly along Broadway to Fulton Street, thence westerly along said street to Sackman Street, thence northerly along said street to Truxton Street, thence easterly along said street to Conway Street, thence northerly along said street to Broadway, thence westerly along Broadway to Stewart Street, thence northerly along said street to Bushwick Avenue, thence westerly along said avenue to Kosciusko Street, thence westerly along said street to Stuyvesant Avenue, thence northerly along said avenue to Dekalb Avenue, thence westerly along said avenue to Marcy Avenue, thence northerly along said avenue to Park Avenue, thence easterly along said avenue to Broadway, thence southerly along Broadway to Lewis Avenue, thence southerly along said avenue to Stockton Street, thence easterly along said street to Broadway, thence southerly along Broadway to Melrose Street, thence northerly along said street to Stanwix Street, thence southerly along said street to Jefferson Street, thence westerly along said street to Bushwick Avenue, thence southerly along said avenue to Dekalb Avenue, thence northerly along said avenue to Evergreen Avenue, thence easterly along said avenue to Stockholm Street, thence northerly along said street to Central Avenue, thence easterly along said avenue to Woodbine Street, thence northerly along said street to Ridgewood Place, thence westerly along said place to Palmetto Street, thence northerly along said street to Wyckoff Avenue (Kings/Queens county line), thence following Kings/Queens county line to Ruby Street (Kings/Queens county line), thence southerly along said street to its intersection with Pitkin Avenue, the point of beginning.

(vi) In the County of Kings, Beginning at a point where St. Nichols Avenue (Kings/Queens county line) meets Gates Avenue (Kings/Queens county line), thence southerly along said avenue to Wykoff Avenue (Kings/Queens county line), thence easterly along said avenue to Palmetto Street, thence southerly along said street to Ridgewood Place, thence easterly along said place to Woodbine Street, thence southerly

along said street to Central Avenue, thence westerly along said avenue to Stockholm Street, thence southerly along said street to Evergreen Avenue, thence westerly along said avenue to Dekalb Avenue, thence southerly along said avenue to Bushwick Avenue, thence westerly along said avenue to Jefferson Street, thence easterly along said street to Stanwix Street, thence northerly along said street to Melrose Street, thence westerly along said street to Broadway, thence along Broadway to Stockton Street, thence along said street to Lewis Avenue, thence northerly along said avenue to Broadway, thence westerly along Broadway to Park Avenue, thence along said avenue to Marcy Avenue, thence northerly along said avenue to Hopkins Street, thence easterly along said street to Tompkins Avenue, thence northerly along said avenue to Harrison Avenue, thence westerly along said Avenue to Middleton Street, thence easterly along said street to Broadway, thence westerly along Broadway to Boerum Street, thence easterly along said street to Lorimer Street, thence northerly along said street to Montrose Avenue, thence westerly along said avenue to Broadway, thence along said road to I-278, thence northerly along said interstate to South 5th Street, thence westerly along said street to Bedford Avenue, thence southerly along said avenue to South 6th Street, thence westerly along said street to Berry Street, thence northerly along said street to North 1st Street, thence easterly along said street to Driggs Avenue, thence northerly along said avenue to Fillmore Place, thence easterly along said place to Roebling Street, thence northerly along said street to Hope Street, thence easterly along said street to Havemeyer Street, thence northerly along said street to Metropolitan Avenue, thence easterly along said avenue to Havemeyer Street, thence northerly along said street to North 6th Street, thence easterly along said street to Meeker Avenue, thence westerly along said avenue to Metropolitan Avenue, thence easterly along said avenue to Rodney Street, thence southerly along said street to Ainslie Street, thence easterly along said street to Union Avenue, thence northerly along said avenue to Conselyea Street, thence easterly along said street to Manhattan Avenue, thence southerly along said street to Metropolitan Avenue, thence easterly along said avenue to Maspeth Avenue, thence northerly along said avenue to Woodpoint Road, thence along said road to Conselyea Street, thence westerly along said street to Humbolt Street, thence northerly along said street to Skillman

Avenue, then easterly along said avenue to Woodpoint Road, thence northerly along said road to Jackson Street, thence easterly along said street to Kingsland Avenue, thence northerly along said avenue to Withers Street, thence westerly along said street to Woodpoint Road, thence northerly along said road to Kingsland Avenue, thence along said avenue to Division Place, thence easterly along said place to Debevoise Avenue, thence northerly along said avenue to Beadel Street, thence westerly along said street to Kingsland Avenue, thence northerly along said avenue to I-278, thence easterly along said interstate to Sutton Street, thence northerly along said street to Driggs Avenue, thence easterly along said avenue to Meeker Avenue, thence along said avenue to Hausman Street, thence northerly along said street to Nassau Avenue, thence easterly along said avenue to Vandam Street, thence southerly along said street to Meeker Avenue, thence easterly along said avenue to Kings/Queens county line, thence southeasterly along said line to where St. Nichols Avenue meets Gates Avenue, the point of beginning.

(vii) In the County of Kings, Beginning at a point where Bedford Avenue meets Bergen Street, thence easterly along said street to New York Avenue, thence northerly along said avenue to Pacific Street, thence easterly along said street to Brooklyn Avenue, thence southerly along said avenue to Dean Street, thence easterly along said street to Kingston Avenue, thence southerly along said avenue to Sterling Place, thence easterly along said place to Hampton Place, thence southerly along said place to St. John's Place, thence westerly along said place to Kingston Avenue, thence southerly along said avenue to Lincoln Place, thence easterly along said place to Albany Avenue, thence southerly along said avenue to Eastern Parkway, thence easterly along said parkway to Schenectady Avenue, thence southerly along said avenue to Union Street, thence easterly along said street to Utica Avenue, thence southerly along said avenue to Empire Boulevard, thence westerly along said boulevard to Nostrand Avenue, thence northerly along said avenue to Crown Street, thence westerly along said street to Rogers Avenue, thence northerly along said avenue to St. Mark's Avenue, thence westerly along said avenue to Bedford Avenue, thence northerly along said avenue to Bergen Street, the point of beginning.

(viii) In the County of Kings, Beginning at a point where Prospect Place meets Underhill Avenue, thence southerly along said avenue to St.

John's Place, thence westerly along said place to Plaza Street East, thence southerly along said street to Plaza Street West, thence westerly along said street to Parade Place, thence along said place to Prospect Park West, thence southerly along said Part West to 4th Street, thence westerly along said street to 8th Avenue, thence northerly along said avenue to 2nd Street, thence westerly along said street to 7th Avenue, thence southerly along said avenue to 4th Street, thence westerly along said street to 6th Avenue, thence southerly along said avenue to 5th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to 8th Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to 9th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to 11th Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to 14th Street, thence easterly along said street to 7th Avenue, thence southerly along said avenue to 17th Street, thence westerly along said street to Calder Place, thence northerly along said place to Prospect Avenue, thence westerly along said avenue to Webster Place, thence northerly along said place to 16th Street, thence westerly along said street to 6th Avenue, thence southerly along said avenue to Prospect Expressway, thence westerly along said expressway to 5th Avenue, thence southerly along said avenue to 17th Street, thence westerly along said street to 4th Avenue, thence northerly along said avenue to 16th Street, thence westerly along said street to Hamilton Avenue, thence along said avenue to 15th Street, thence easterly along said street to 2nd Avenue, thence northerly along said avenue to 14th Street, thence westerly along said street to Hamilton Place, thence northerly along said place to 12th Street, thence westerly along said street to a line extended from 12th Street to the banks of the Gowanus Canal, thence southerly along said canal to Hamilton Avenue, thence northerly along said avenue to Smith Street, thence along said street to West 9th Street, thence westerly along said street to I-278, thence northerly along said interstate to Huntington Street, thence westerly along said street to Hamilton Avenue, thence northerly along said avenue to Luquer Street, thence westerly along said street to Columbia Street, thence southerly along said street to Commerce Street, thence westerly along said street to Richards Street, thence northerly along said street to Hamilton Avenue, thence

westerly along said avenue to Bowne Street, thence along said street to Van Brunt Street, thence southerly along said street to Verona Street, thence northerly along said street to Imlay Street, thence southerly along said street to Pioneer Street, thence westerly along said street to the East River (Kings/New York county line), thence northerly along said county line to the western border of the U.S. Navy Yard Basin, thence southerly along said border to a line extended from the eastern-most end of York Street, thence westerly along said line extended to York Street, thence westerly along said street to Bridge Street, thence southerly along said street to Prospect Street, thence westerly along said street to Jay Street, thence southerly along said street to Fulton Street, thence easterly along said street to Lawrence Street, thence northerly along said street to Willoughby Street, thence easterly along said street to Bridge Street, thence southerly along said street to Fulton Street, thence easterly along said street to Bond Street, thence southerly along said street to Livingston Street, thence easterly along said street to Hanover Place, thence northerly along said place to Fulton Street, thence easterly along said street to Flatbush Avenue, thence southerly along said avenue to Atlantic Avenue, thence westerly along said avenue to 4th Avenue, thence southerly along said avenue to Dean Street, thence westerly along said street to 3rd Avenue, thence southerly along said avenue to Bergen Street, thence easterly along said street to 4th Avenue, thence southerly along said avenue to Warren Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to Bergen Street, thence easterly along said street to 6th Avenue, thence southerly along said avenue to Park Place, thence easterly along said place to Flatbush Avenue, thence southerly along said avenue to Carlton Avenue, thence northerly along said avenue to Prospect Place, thence easterly along said place to its intersection with Underhill Avenue, the point of beginning.

(ix) In the County of Kings, Beginning at a point where 65th Street meets 2nd Avenue, thence southerly along said avenue to Long Island Rail Road (Bay Ridge Station), thence westerly along said railroad to Bay Ridge Channel, thence along said channel to the Upper New York Bay, thence along said bay to Kings/Hudson/New Jersey county/state line, thence along said county/state line to Kings/New York county line, thence easterly along said county line to Pioneer Street, thence

southerly along said street to Imlay Street, thence northerly along said street to Verona Street, thence southerly along said street to Van Brunt Street, thence northerly along said street to Bowne Street, thence easterly along said street to Hamilton Avenue, thence along said avenue to Richards Street, thence southerly along said street to Commerce Street, thence easterly along said street to Columbia Street, thence northerly along said street to Luquer Street, thence easterly along said street to Hamilton Avenue, thence southerly along said avenue to Huntington Street, thence easterly along said street to I-278, thence southerly along said interstate to West 9th Street, thence along said street to Smith Street, thence southerly along said street to Hamilton Avenue, thence along said avenue to Gowanus Canal, thence northerly along said canal to a line extended westerly from 12th Street, thence easterly along said line extended to 12th Street, thence along said street to Hamilton Place, thence southerly along said place to 14th Street, thence easterly along said street to 2nd Avenue, thence southerly along said avenue to 15th Street, thence westerly along said street to Hamilton Avenue, thence southerly along said avenue to 3rd Avenue, thence southerly along said avenue to 65th Street, thence northerly along said street to its intersection with 2nd Avenue, the point of beginning.

(b) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of Manhattan bounded and described as follows:

(i) In the county of New York, Beginning at a point where extended West 202nd Street intersects the New York/Bronx county line, thence westerly along said extension to West 202nd Street, thence along said street to 9th Avenue, thence southerly along said avenue to west 201st Street, thence westerly along said street to Academy Street, thence northerly along said street to 10th Avenue, thence southerly along said avenue to Dyckman Street, thence northerly along said street to Nagle Avenue, thence westerly along said avenue to Fort George Hill, thence southerly along said hill to the southwestern border of High Bridge Park, thence easterly along said border to Fort George Avenue, thence southerly along said avenue to Audubon Avenue, thence along said avenue to West 190th Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 186th Street, thence

westerly along said street to Audubon Avenue, thence southerly along said avenue to West 184th Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 183rd Street, thence westerly along said street to Audubon Avenue, thence southerly along said avenue to West 182nd Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 166th Street, thence westerly along said street to St. Nicholas Avenue, thence southerly along said avenue to West 162nd Street, thence westerly along said street to Broadway, thence northerly along Broadway to west 165th Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 168th Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 172nd Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 173rd Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 174th Street, thence easterly along said street to Wadsworth Avenue, thence northerly along said avenue to West 175th Street, thence westerly along said street to Fort Washington Avenue, thence northerly along said avenue to West 177th Street, thence easterly along said street to Broadway, thence northerly along Broadway to Cumming Street, thence along said street to Seaman Avenue, thence easterly along said avenue to Academy Street, thence southerly along said street to Cooper Street, thence easterly along said street to West 204th Street, thence southerly along said street to Broadway, thence easterly along Broadway to West 207th Street, thence southerly along said street to Vermilyea Avenue, thence easterly along said avenue to Isham Street, thence northerly along said street to Broadway, thence easterly along Broadway to West 215th Street, thence northerly along said street to Seaman Avenue, thence westerly along said avenue to West 207th Street, thence northerly along said street to where it meets a line extended from Payson Avenue, thence westerly along said line extended to Payson Avenue, thence along said avenue to Dyckman Street, thence northerly along said street to Staff Street, thence southerly along said street to Riverside Drive, thence westerly along said drive to the exit ramp of the Henry Hudson Parkway Northbound, thence southerly along said ramp to the Henry Hudson Parkway Northbound, thence northerly along said parkway to the on-ramp of the Henry Hudson Parkway

Southbound, thence southerly along said ramp to the Henry Hudson Parkway Southbound, thence northerly along said parkway to Exit 17, thence southwesterly on a line extended from said exit to a point where it meets a line extended from Dyckman Street, thence westerly along said line extended to the New York state line, thence northerly along said state line to the New York/Bronx county line, thence easterly along said county line, thence southerly along said line to its intersection with extended West 202nd Street, the point of beginning.

(ii) In the county of New York, Beginning at a point where West 215th Street meets Broadway, thence westerly along Broadway to Isham Street, thence southeasterly along said street to Vermilyea Avenue, thence westerly along said avenue to West 207th Street, thence northerly along said street to Broadway, thence westerly along Broadway to West 204th Street, thence northerly along said street to Cooper Street, thence westerly along said street to Academy Street, thence northerly along said street to Seaman Avenue, thence westerly along said avenue to Cumming Street, thence southerly along said street to Broadway, thence southerly along Broadway to West 177th Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 175th Street, thence easterly along said street to Wadsworth Avenue, thence southerly along said avenue to West 174th Street, thence westerly along said street to Broadway, thence southerly along Broadway to West 173rd Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 172nd Street, thence easterly along said street to Broadway, thence southerly along Broadway to West 168th Street, thence westerly along said street to Fort Washington Avenue, thence southerly along said avenue to West 165th Street, thence easterly along said street to Broadway, thence southerly along Broadway to West 162nd Street, thence easterly along said street to St. Nicholas Avenue, thence northerly along said avenue to West 166th Street, thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 182nd Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to West 183rd Street, thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 184th Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to West 186th Street,

thence easterly along said street to Amsterdam Avenue, thence northerly along said avenue to West 190th Street, thence westerly along said street to Audubon Avenue, thence northerly along said avenue to Fort George Avenue, thence along said avenue to the southwestern border of High Bridge Park, thence westerly along said border to Fort George Hill, thence northerly along said hill to Nagle Avenue, thence easterly along said avenue to Dyckman Street, thence southerly along said street to 10th Avenue, thence northerly along said avenue to Academy Street, thence southerly along said street to West 201st Street, thence easterly along said street to 9th Avenue, thence northerly along said avenue to West 202nd Street, thence easterly along said street to a line extending to the New York/Bronx county line, thence southerly along said county line to the point where the 145th Street Bridge intersects the New York/Bronx county line, thence westerly along said bridge to West 145th Street, thence along said street to Lenox Avenue (Malcolm X Boulevard), thence northerly along said avenue to West 146th Street, thence westerly along said street to 7th Avenue (Adam Clayton Powell Jr. Boulevard), thence southerly along said avenue to West 144th Street, thence westerly along said street to 8th Avenue (Frederick Douglass Boulevard), thence northerly along said avenue to West 145th Street, thence westerly along said street to St. Nicholas Avenue, thence northerly along said avenue to West 149th Street, thence westerly along said street to Convent Avenue, thence southerly along said avenue to West 148th Street, thence westerly along said street to Amsterdam Avenue, thence northerly along said avenue to West 151st Street, thence westerly along said street to Broadway, thence southerly along Broadway to West 145th Street, thence westerly along said street to Henry Hudson Parkway, thence southerly along said parkway to St. Clair Place, thence westerly along said place to extended St. Clair Place, thence along said extension to the New York/New Jersey state line, thence northerly along said state line to its intersection with extended Dyckman Street, thence easterly along said extension to the shoreline of the Hudson River, thence northeasterly to Exit 17 of the Henry Hudson Parkway Southbound, thence southerly along said parkway to the onramp from Riverside Drive, thence northerly along said ramp to the Henry Hudson Parkway Northbound, thence southerly along said parkway to the exit ramp to Riverside Drive, thence easterly along said ramp to Riverside Drive, thence along said drive to

Staff Street, thence northerly along said street to Dyckman Street, thence southerly along said street to Payson Avenue, thence easterly along said avenue to a point where extended Payson Avenue meets 207th Street, thence southerly along said street to Seaman Avenue, thence easterly along said avenue to West 215th Street, thence southerly along said street to its intersection with Broadway, the point of beginning.

(iii) In the county of New York, Beginning at a point where the 145th Street Bridge meets the New York/Bronx county line, thence southerly along said county line to the CSX Railroad, thence westerly along said railroad to Park Avenue, thence southerly along said avenue to East 132nd Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to West 124th Street, thence westerly along said street to Mount Morris Park West, thence southerly along said park to West 121st Street, thence westerly along said street to Lenox Avenue, thence southerly along said avenue to West 120th Street, thence easterly along said street to 5th Avenue, thence southerly along said avenue to East 118th Street, thence easterly along said street to Park Avenue, thence southerly along said avenue to East 117th Street, thence westerly along said street to 5th Avenue, thence southerly along said avenue to West 115th Street, thence westerly along said street to Lenox Avenue, thence northerly along said avenue to West 116th Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 121st Street, thence easterly along said street to Manhattan Avenue, thence northerly along said avenue to West 123rd Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 124th Street, thence easterly along said street to Frederick Douglass Boulevard, thence northerly along said boulevard to West 125th Street, thence westerly along said street to Morningside Avenue, thence northerly along said avenue to West 126th Street, thence westerly along said street to Amsterdam Avenue, thence along said avenue to West 129th Street, thence westerly along said street to Broadway, thence southerly along Broadway to Tiemann Place, thence westerly along said place to Riverside Drive, thence northerly along said drive to Riverside Drive West, thence along said drive to West 125th Street, thence along said street to Henry Hudson Parkway, thence along said parkway to West 145th Street, thence easterly along said street to Broadway, thence northerly along Broadway to West 151st

Street, thence easterly along said street to Amsterdam Avenue, thence southerly along said avenue to West 148th Street, thence easterly along said street to Convent Avenue, thence northerly along said avenue to West 149th Street, thence easterly along said street to St. Nicholas Avenue, thence southerly along said avenue to West 145th Street, thence easterly along said street to Frederick Douglass Boulevard, thence southerly along said boulevard to West 144th Street, thence easterly along said street to Adam Clayton Powell Jr. Boulevard, thence northerly along said boulevard to West 146th Street, thence easterly along said street to Lenox Avenue (Malcolm X Boulevard), thence southerly along said avenue to West 145th Street, thence easterly along said street to the 145th Street Bridge, thence along said bridge to its intersection with the New York/Bronx county line, the point of beginning.

(iv) In the county of New York, Beginning at a point where the New York/Queens county border meets the East River at East 96th Street Extended, thence westerly along a line connecting to East 96th Street, excluding Mill Rock Park, thence westerly along East 96th Street to 2nd Avenue, thence northerly along said avenue to East 97th Street, thence westerly along said street to 3rd Avenue, thence southerly along said avenue to East 95th Street, thence westerly along said street to Madison Avenue, thence southerly along said avenue to East 92nd Street, thence westerly along said street to 5th Avenue, thence northerly along said avenue to Central Park North, thence westerly along said park to Adam Clayton Powell Jr. Boulevard, thence northerly along said boulevard to West 113th Street, thence westerly along said street to 8th Avenue, thence northerly along said avenue to West 116th Street, thence easterly along said street to Lenox Avenue, thence southerly along said avenue to West 115th Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to East 117th Street, thence easterly along said street to Park Avenue, thence northerly along said avenue to East 118th Street, thence westerly along said street to 5th Avenue, thence northerly along said avenue to West 120th Street, thence westerly along said street to Lenox Avenue, thence northerly along said avenue to West 121st Street, thence easterly along said street to Mount Morris Park West, thence northerly along said park to West 124th Street, thence easterly along said street to 5th Avenue, thence northerly along said avenue to East 132nd Street, thence easterly along said street to Park

Avenue, thence westerly along said avenue to CSX Railroad, thence easterly along said railroad over the Harlem River to the New York/Bronx county line, thence southerly along said county line to the New York/Queens county line, thence southerly along said county line to East 96th Street Extended, the point of beginning.

(c) Any tax lots now existing or hereafter created which are located entirely within the geographic area in the borough of The Bronx bounded and described as follows:

(i) In the county of Bronx, Beginning at a point where Rodman Place meets West Farms Road, thence southerly along said road to East 172nd Street, thence westerly along said street to Boone Avenue, thence southerly along said avenue to Jennings Street, thence westerly along said street to Vyse Avenue, thence southerly along said avenue to Freeman Street, thence westerly along said street to Intervale Avenue, thence southerly along said avenue to Fox Street, thence along said street to Home Street, thence westerly along said street to East 169th Street, thence westerly along said street to Prospect Avenue, thence southerly along said avenue to East 168th, thence westerly along said street to Washington Avenue, thence northerly along said avenue to East Tremont Avenue, thence easterly along said avenue to Crotona Parkway, thence along said parkway to Cross Bronx Expressway, thence easterly along said expressway to Longfellow Avenue, thence northerly along said avenue to Rodman Place, thence easterly along said place to its intersection with West Farms Road, the point of beginning.

(ii) In the county of Bronx, Beginning at a point where Belmont Street meets Webster Avenue, thence southerly along Webster avenue to Claremont Parkway, thence easterly along said parkway to Brook Avenue, thence southerly along said avenue to East 171st Street, thence westerly along said street to Webster Avenue, thence southerly along said avenue to Park Avenue, thence westerly along said avenue to East 164th Street, thence westerly along said street to Teller Avenue, thence northerly along said avenue to East 165th Street, thence westerly along said street to Grand Concourse, thence northerly along Grand concourse to Mount Eden Parkway, thence easterly along said parkway to Clay Avenue, thence southerly along said avenue to Belmont Street, thence easterly along said street to Webster Avenue, the point of beginning.

(d) Any tax lots now existing or hereafter created which are located

entirely within the geographic area in the borough of Queens bounded and described as follows:

(i) In the county of Queens, Beginning at a point where 54th Street meets Broadway, thence southeasterly along Broadway to 64th Street, thence southerly along said Street to 39th Avenue, thence westerly along said avenue to 54th Street, thence northerly along said street to its intersection with Broadway, the point of beginning.

(ii) In the County of Queens, Beginning at a point where 131st Street meets Fowler Avenue, thence easterly along Fowler Avenue to College Point Boulevard, thence northerly on said Boulevard to Interstate 678, thence southerly along said Interstate to its intersection with Fowler Avenue, the point of beginning.

(iii) In the County of Queens, Beginning at a point where 94 Street meets 52nd Avenue, thence westerly along said avenue to 92nd Street, thence northerly along said street to 50th Avenue, thence westerly along said avenue to 91st Street, thence northerly along said street to 48th Avenue, thence westerly along said avenue to 90th Street, thence northerly along said street to Corona Avenue, thence westerly along said avenue to 88th Street, thence northerly along said street to Long Island Rail Road, thence westerly along said railroad to Broadway, thence northerly along Broadway to Whitney Avenue, thence easterly along said avenue to Ketcham Place, thence westerly along said place to Elmhurst Avenue, thence northerly along said avenue to Judge Street, thence westerly along said street to Britton Avenue, thence southerly along said avenue to Broadway, thence westerly along Broadway to 41st Avenue, thence westerly along said avenue to 75th Street, thence northerly along said street to Broadway, thence westerly along Broadway to 74th Street, thence southerly along said street to 41st Avenue, thence westerly along said avenue to 73rd Street, thence southerly along said street to Woodside Avenue, thence westerly along said avenue to CSX Railroad, thence northerly along said railroad to 41st Avenue, thence westerly along said Avenue to 69th Street, thence northerly along said street to Roosevelt Avenue, thence easterly along said avenue to CSX Railroad, thence along said railroad to Broadway, thence easterly along Broadway to 69th Street, thence northerly along said street to 70th Street, thence along said street to 69th Street, thence along said street to 35th Avenue, thence easterly along said avenue to 73rd Street, thence

southerly along said street to 37th Road, thence easterly along said road to 75th Street, thence northerly along said street to 37th Avenue, thence westerly along said avenue to 74th Street, thence northerly along said street to 35th Avenue, thence easterly along said avenue to 81st Street, thence northerly along said street to 34th Avenue, thence easterly along said avenue to 82nd Street, thence southerly along said street to 35th Avenue, thence easterly along said avenue to 84th Street, thence southerly along said street to 37th Avenue, thence easterly along said avenue to 85th Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to 88th Street, thence northerly along said street to 37th Avenue, thence easterly along said avenue to 90th Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to Elmhurst Avenue, thence northerly along said avenue to 93rd Street, thence southerly along said street to Roosevelt Avenue, thence easterly along said avenue to 94th Street, thence southerly along said street to 43rd Avenue, thence easterly along said avenue to 94th Street, thence southerly along said street to Alstyne Avenue, thence westerly along said avenue to Corona Avenue, thence easterly along said avenue to 94th Street, thence southerly on said street to its intersection with 52nd Avenue, the point of beginning.

(iv) In the county of Queens, Beginning at a point where 26th Avenue meets 14th Street, thence southerly along said street to 34th Avenue, thence westerly along said avenue to 12th Street, thence southerly along said street to 40th Avenue, thence westerly along said avenue to 10th Street, thence southerly along 10th Street to 41st Road, to the point where a line extended from 11th Street meets Queens Plaza South, thence southerly along 11th Street to 43rd Avenue, thence easterly along said avenue to Jackson Avenue, thence westerly along said avenue to Purves Street, thence southerly along said street to Thompson Avenue, thence easterly along said avenue to Skillman Avenue, thence westerly along said avenue to 49th Avenue, thence westerly along said avenue to 11th Street, thence southerly along said street to the Queens/Kings county border, thence westerly along said border to the New York/ Queens county border, thence northerly to 26th Avenue, thence easterly along said avenue to the point of beginning.

(e) Any tax lots now existing or hereafter created which are located

entirely within the geographic area in the borough of Staten Island bounded and described as follows:

In the County of Richmond, Beginning at a point where Clifton Avenue intersects Edgewater Street, thence northerly along said street to Lynhurst Avenue, thence westerly along said avenue to Langere Place, thence northerly along said place to Willow Avenue, thence westerly along said avenue to Staten Island Rapid Transit Railroad, thence northerly along said railroad to Staten Island Rapid Transit Railroad east/west, thence westerly along said railroad to Chestnut Avenue, thence northerly along said avenue to Mosel Avenue, thence southerly along said avenue to Manton Place, thence westerly along said place to Hanover Avenue, thence northerly along said avenue to Palma Drive, thence westerly along said drive to Targee Street, thence northerly along said street to Metcalfe Street, thence westerly along said street to Van Duzer Street, thence southerly along said street to Hillside Avenue, thence westerly along said avenue to Howard Avenue, thence southerly along said avenue to Highland Avenue, thence northerly along said avenue to Arlo Road, thence easterly along said road to Howard Avenue, thence northerly along said avenue to Greta Place, thence westerly along said place to Duncan Road, thence northerly along said road to Theresa Place, thence westerly along said place to Victory Boulevard, thence northerly along said boulevard to Forest Avenue, thence westerly along said avenue to Brighton Avenue, thence northeasterly along said avenue to Lafayette Avenue, thence northerly along said avenue to Arnold street, thence westerly along said street to Ellicott Place, thence northerly along said place to Prospect Avenue, thence westerly along said avenue to Clinton Avenue, thence northerly along said avenue to Henderson Avenue, thence westerly along said avenue to Tysen Street, thence northerly along said street to Richmond Terrace, thence westerly along said terrace to Jewett Avenue, thence southerly along said avenue to Forest Avenue, thence westerly along said avenue to Morningstar Road, thence southerly along said road to Monsey Place, thence westerly along said place to Sanders Street, thence southerly along said street to Wilcox Street, thence westerly along said street to Eunice Place, thence northerly along said place to Forest Avenue, thence westerly along said avenue to Heaney Avenue, thence southerly along said

avenue to Wilcox Street, thence westerly along said street to Amity Place, thence northerly along said place to Wemple Street, thence westerly along said street to South Avenue, thence northerly along said avenue to Forest Avenue, thence westerly along said avenue to Goethals Road North, thence along said road to Western Avenue, thence northerly along said avenue to the Staten Island Rapid Transit Railroad, thence easterly along said railroad to a line extended south from Holland Avenue, thence northerly along said line extended to Holland Avenue, thence along said avenue to Benjamin Place, thence easterly along said place to Arlington Avenue, thence southerly along said avenue to Arlington Place, thence easterly along said place to Grandview Avenue, thence southerly along said avenue to Davidson Street, thence easterly along said street to Andros Avenue, thence southerly along said avenue to a line extended to the Staten Island Rapid Transit Railroad, thence easterly along said railroad to Van Name Avenue, thence northerly along said avenue to Richmond Terrace, thence easterly along said terrace to Wright Avenue, thence northerly along said avenue to a line extended to the northern shore of Staten Island, thence easterly along said shoreline to Bayonne Bridge, thence northerly along said bridge to the New York/New Jersey state line, thence easterly along said state line to the Kings/Richmond county line, thence southerly along said county line to a point where it meets a line extended from Clifton Avenue, thence westerly along said line extended to the point where Clifton Avenue intersects Edgewater Street, the point of beginning.

12. An agreement with the local housing agency to create or substantially rehabilitate offsite housing units affordable to households of low and moderate income, shall remain in full force and effect. The housing units developed pursuant to such agreement shall continue to make a building or buildings located in geographic exclusion areas as defined in this subdivision eligible to receive benefits pursuant to this section notwithstanding the provisions of subdivision seven or nine of this section or any exemption cap provided in local law provided that the agreement with the local housing agency was entered into prior to December twenty-eighth, two thousand six and construction of the building receiving benefits pursuant to this section is commenced on or before June thirtieth, two thousand nine.

13. (a) As used in this subdivision, "UDC Large Scale Project" shall mean a multi-phase project that (i) includes the development of at least twenty-five hundred new dwelling units, (ii) is being implemented pursuant to a General Project Plan adopted by the New York State Urban Development Corporation and approved by Public Authorities Control Board or is otherwise set forth in agreements with the New York State Urban Development Corporation, (iii) includes a development over a single area containing a number of contiguous city blocks, and (iv) the units in which, in the aggregate for each successive fifteen hundred units of the project rather than for each multiple dwelling containing such fifteen hundred units and in the aggregate for the entire project rather than for each multiple dwelling in the project, meet the requirements of paragraph (c) of subdivision seven of this section.

(b) Except as otherwise provided in subparagraph (iv) of paragraph (a) of this subdivision, no portion of a UDC Large Scale Project shall be subject to the requirements of paragraph (c) of subdivision seven of this section.

(c) With respect to any multiple dwelling in a UDC Large Scale Project that meets the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling shall be the same as the period of tax benefits awarded under clause (A) of subparagraph (iii) of paragraph (a) of subdivision two of this section. With respect to any multiple dwelling in a UDC Large Scale Project that does not meet the requirements of paragraph (c) of subdivision seven of this section, the period of tax benefits awarded to such multiple dwelling 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. The tax benefits awarded to any multiple dwelling in a UDC Large Scale Project shall commence upon the commencement of construction of such multiple dwelling, provided, however, that such multiple dwelling meets all of the requirements for tax benefits pursuant to this section. For each successive fifteen hundred units of a UDC Large Scale Project, the local housing agency must certify the completion of any affordable units, as defined in subparagraph (i) of paragraph (a) of subdivision seven of this section, required to qualify any multiple dwelling or multiple dwellings

comprising such fifteen hundred units for any tax benefits awarded pursuant to this paragraph. The existence of such special certification requirement and its financial impact upon all units, including, but not limited to, revocation of tax benefits awarded pursuant to this paragraph if such special certification requirement is not met, shall be disclosed as a special risk in any offering plan for any units in a UDC Large Scale Project.

(d) With respect to any UDC Large Scale Project located in whole or in part within community district number eight in the borough of Brooklyn in the city of New York, notwithstanding the provisions of subparagraph (ii) of paragraph (d) of subdivision seven of this section, the priority specified in such subparagraph shall be granted to the residents of community districts two, three, six and eight of such borough.

14. The provisions of subdivisions seven and nine of this section shall not apply to (1) multiple dwellings which commence construction prior to July first, two thousand eight; or (2) where commencement of construction is delayed as a result of litigation relating to a contract for the purchase of real property entered into prior to December twenty-eight, two thousand six and in which a judgment was entered prior to the effective date of this subdivision provided that construction commences within a reasonable time after final resolution of the litigation; or (3) where benefits pursuant to this section are sought for a building located on a site requiring environmental remediation construction and a certificate of completion pursuant to section 27-1419 of the environmental conservation law has been issued prior to July first, two thousand eight, provided that construction is completed without undue delay; or (4) a project which (i) on or before December thirty-first, two thousand six, such project receives special permits pursuant to the New York city zoning resolution with respect to all buildings to be constructed on the development site, and (ii) on December thirty-first, two thousand six, a portion of such development site was owned by the state of New York and contained a New York power authority temporary generating facility, and (iii) such project commenced construction before the later of three years from the effective date of local law number fifty-eight of the city of New York for the year two thousand six or eighteen months from the removal of all

such temporary generating facilities.

15. Paragraphs two through four of subdivision (a) of section 11-245 of the administrative code of the city of New York and subdivisions (b-1) and (b-2) of section 11-245 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year two thousand six shall not apply to (1) multiple dwellings which commence construction prior to July first, two thousand eight; or (2) where commencement of construction is delayed as a result of litigation relating to a contract for the purchase of real property entered into prior to December twenty-eighth, two thousand six and in which a judgment was entered prior to the effective date of this subdivision provided that construction commences within a reasonable time after final resolution of the litigation; or (3) where benefits pursuant to this section are sought for a building located on a site requiring environmental remediation construction and a certificate of completion pursuant to section 27-1419 of the environmental conservation law has been issued prior to July first, two thousand eight, provided that construction is completed without undue delay; or (4) a project which (i) on or before December thirty-first, two thousand six, such project receives special permits pursuant to the New York city zoning resolution with respect to all buildings to be constructed on the development site, and (ii) on December thirty-first, two thousand six, a portion of such development site was owned by the state of New York and contained a New York power authority temporary generating facility, and (iii) such project commenced construction before the later of three years from the effective date of local law number fifty-eight of the city of New York for the year two thousand six or eighteen months from the removal of all such temporary generating facilities.

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

(i) "Affordable New York Housing Program 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 excluding the geographic area south of ninety-sixth street in the borough of Manhattan, and all other geographic areas in the city of New York excluded pursuant to local law, (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 option D" shall only apply to a homeownership project, of which one hundred percent of the units shall have an average assessed value not to exceed sixty-five thousand dollars upon the first assessment following the completion date and where each owner of any such unit shall agree, in writing, to maintain such unit as their primary residence for no less than five years from the acquisition of such unit.

(vi) "Affordability option E" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the rental dwelling units are affordable housing sixty percent units; (C) not less than an additional five percent of the rental dwelling units are affordable housing one hundred twenty 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.

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

(viii) "Affordability option G" shall mean that, within any eligible site located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than thirty percent of the rental 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.

(ix) "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.

(x) "Affordable housing forty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, 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.

(xi) "Affordable housing sixty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial

rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, 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.

(xii) "Affordable housing seventy percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, 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.

(xiii) "Affordable housing one hundred twenty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the extended restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(xiv) "Affordable housing one hundred thirty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, 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.

(xv) "Affordable housing unit" shall mean, collectively and individually, affordable housing forty percent units, affordable housing sixty percent units, affordable housing seventy percent units, affordable housing one hundred twenty percent units and affordable

housing one hundred thirty percent units.

(xvi) "Agency" shall mean the department of housing preservation and development.

(xvii) "Application" shall mean an application for Affordable New York Housing Program benefits.

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

(xix) "Brooklyn enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Brooklyn bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point of intersection of the centerline of Newtown Creek and the westerly bounds of the East River; Thence southeasterly along the centerline of Newtown Creek, said centerline also being the boundary between Queens County to the northeast and Kings County to the southwest, to the point of intersection with Greenpoint Avenue; Thence southwesterly along Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence southerly along Kingsland Avenue to the intersection with Meeker Avenue; Thence southwesterly along Meeker Avenue to the intersection with Leonard Street; Thence southerly along Leonard Street to the intersection with Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the intersection with Lorimer Street; Thence southerly along Lorimer Street to the intersection with Montrose Avenue; Thence westerly along Montrose Avenue to the intersection with Union Avenue; Thence southerly along Union Avenue to the intersection with Johnson Avenue; Thence westerly along Johnson Avenue to the intersection with Broadway; Thence northwesterly along Broadway to the intersection with Rutledge Street; Thence southwesterly along Rutledge Street to the intersection with Kent Avenue and Classon Avenue; Thence southwesterly and southerly along Classon Avenue to the intersection with Dekalb Avenue; Thence westerly along Dekalb Avenue to the intersection with Bond Street; Thence southwesterly along Bond Street to the intersection with Wyckoff Street; Thence northwesterly along Wyckoff Street to the intersection with Hoyt Street; Thence southwesterly along Hoyt Street to

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

(xx) "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.

(xxi) "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.

(xxii) "Completion date" shall mean, with respect to any eligible multiple dwelling, 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.

(xxiii) "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.

(xxiv) "Construction work" shall mean the provision of labor performed on an eligible site between the commencement date and the completion date, whereby materials and constituent parts are combined to initially form, make or build an eligible multiple dwelling, including without

limitation, painting, or providing of material, articles, supplies or equipment in the eligible multiple dwelling, but excluding security personnel and work related to the fit-out of commercial spaces.

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

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

(xxvii) "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.

(xxviii) "Eligible multiple dwelling" shall mean either (1) a multiple dwelling 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 twenty-two, and for which the completion date is on or before June fifteenth, two thousand twenty-six, or (2) a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion which complies with affordability option A, affordability option B, affordability option D, affordability option E or affordability option F, and for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand thirty-one, provided that the owner of such multiple dwelling or homeownership project submits a letter of intent on a form to be promulgated by the New York city department of housing preservation and development, to such department, within ninety days of the date that such department promulgates such form. The New York city department of housing preservation and development shall promulgate such form no later than sixty days from the effective date of the chapter of the laws of 2024 which amended this

subparagraph. For the purposes of this subparagraph, the term "letter of intent" means documentation certifying that the owner of such multiple dwelling or homeownership project outlined in this subparagraph intends to apply for the benefits described in this section upon the construction completion date. The New York city department of housing preservation and development shall prescribe, and make available to the public, a "letter of intent form" by which owners may use to submit such letter of intent outlined in this subparagraph. The New York city department of housing preservation and development shall make information relating to letters of intent and corresponding projects available to the public, or (3) (A) is located on a parcel of land which was part of a tract of land for which a special permit for a large scale general development as defined in the zoning resolution of the city of New York was approved via the uniform land use review procedure pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d of the New York city charter on or before June fifteenth, two thousand twenty-two, and such tract contains a multiple dwelling for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two; and (B) complies with affordability option A, affordability option B, affordability option D, affordability option E or affordability option F.

(xxix) "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.

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

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

(xxxii) "Enhanced 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; and (B) for the next thirty-five years of the extended restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

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

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

(xxxv) "Floor area" shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

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

(xxxvii) "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, and shall not include a multiple dwelling that contains more than thirty-five units.

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

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

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

(xli) "Multiple dwelling" shall have the meaning set forth in the multiple dwelling law.

(xlii) "Non-residential tax lot" shall mean a tax lot that does not contain any dwelling units.

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

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

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

(xlvi) "Queens enhanced affordability area" shall mean any tax lots now existing or hereafter created which are located entirely within community boards one or two of the borough of Queens bounded and described as follows: All that piece or parcel of land situate and being in the boroughs of Queens and Brooklyn, New York. Beginning at the point being the intersection of the easterly shore of the East River with a line of prolongation of 20th Avenue projected northwesterly; Thence southeasterly on the line of prolongation of 20th Avenue and along 20th Avenue to the intersection with 31st Street; Thence southwesterly along 31st Street to the intersection with Northern Boulevard; Thence southwesterly along Northern Boulevard to the intersection with Queens Boulevard (aka Route 25); Thence southeasterly along Queens Boulevard to the intersection with Van Dam Street; Thence southerly along Van Dam Street to the intersection with Borden Avenue; Thence southwesterly along Van Dam Street to the intersection with Greenpoint Avenue and Review Avenue; Thence southwesterly along Greenpoint Avenue to the point of intersection with the centerline of Newtown Creek, said centerline of Newtown Creek also being the boundary between Queens County to the north

and Kings County to the south; Thence northwesterly along the centerline of Newtown Creek, also being the boundary between Queens County and Kings County to its intersection with the easterly bounds of the East River; Thence in a general northeasterly direction along the easterly bulkhead or shoreline of the East River to the point or place of Beginning.

(xlvii) "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 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.

(xlviii) "Rental project" shall mean an eligible site in which all dwelling units included in any application are operated as rental housing.

(xlix) "Residential tax lot" shall mean a tax lot that contains dwelling units.

(l) "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 Affordable New York Housing Program benefits.

(li) "Tax exempt bond proceeds" shall mean the proceeds of an exempt facility bond, as defined in paragraph (7) 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.

(lii) "Third party fund administrator" shall be a person or entity that receives funds pursuant to paragraph (c) of this subdivision and oversees and manages the disbursal of such funds to construction workers. The third party fund administrator shall be a person or entity approved by the fiscal officer and recommended by one, or more, representative or representatives of the largest trade association of residential real estate developers, either for profit or not-for-profit, in New York city and one, or more, representative or representatives of the largest trade labor association representing building and

construction workers, with membership in New York city. The third party fund administrator shall be appointed for a term of three years, provided, however, that the administrator in place at the end of a three year term shall continue to serve beyond the end of the term until a replacement administrator is appointed. The fiscal officer after providing notice and after meeting with the third party fund administrator, may remove such administrator for cause upon a fiscal officer determination that the administrator has been ineffective at overseeing or managing the disbursal of funds to the construction workers. The third party fund administrator shall, at the request of the fiscal officer, submit reports to the fiscal officer.

(liii) "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.

(liv) "Twenty 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 fourteen years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds $65,000; and (C) for the next six years of the restriction period, a twenty-five percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of a unit's assessed value that exceeds $65,000.

(lv) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction workers, including, without limitation, any hourly compensation paid directly to the construction worker, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts

paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

(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 and a homeownership project that meets all of the requirements of this subdivision shall receive a twenty year benefit. A rental project that also meets all of the requirements of paragraph (c) of this subdivision shall receive an enhanced thirty-five year benefit.

(c) In addition to all other requirements set forth in this subdivision, rental projects containing three hundred or more rental dwelling units located within the enhanced affordability area shall comply with the requirements set forth in this paragraph. For purposes of this paragraph, "contractor" shall mean any entity which by agreement with another party (including subcontractors) undertakes to perform construction work at an eligible site and "applicant" shall mean an applicant for Affordable New York Housing Program benefits and any successor thereto.

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

(ii) The minimum average hourly wage paid to construction workers on an eligible site within the Manhattan enhanced affordability area shall be no less than sixty dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iii) The minimum average hourly wage paid to construction workers on

an eligible site within the Brooklyn enhanced affordability area or the Queens enhanced affordability area shall be no less than forty-five dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iv) The requirements of subparagraphs (ii) and (iii) of this paragraph shall not be applicable to:

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

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

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

(v) The applicant shall contract with an independent monitor. Such independent monitor shall submit to the fiscal officer within one year of the completion date a project-wide certified payroll report. In the event such project-wide certified payroll report is not submitted to the fiscal officer within the requisite time, the applicant shall be subject to a fine of one thousand dollars per week, or any portion thereof; provided that the maximum fine shall be seventy-five thousand dollars. In the event that the average hourly wage is less than the minimum average hourly wage set forth in subparagraph (ii) or (iii) of this paragraph as applicable, the project-wide certified payroll report shall also set forth the aggregate amount of such deficiency.

(vi) The contractor certified payroll report shall be submitted by each contractor and sub-contractor no later than ninety days after the completion of construction work by such contractor or sub-contractor. In the event that a contractor or sub-contractor fails or refuses to submit

the contractor certified payroll report within the time prescribed in this subparagraph, the independent monitor shall notify the fiscal officer and the fiscal officer shall be authorized to fine such contractor or sub-contractor in the amount of one thousand dollars per week, or any portion thereof, provided that the maximum fine shall be seventy-five thousand dollars.

(vii) In the event that the project-wide certified payroll report shows that the average hourly wage as required by subparagraph (ii) or (iii) of this paragraph, as applicable, was not paid, (A) if the average hourly wage is within fifteen percent of the average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide certified payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible site. Prior to making such repayment, the third party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week provided that the maximum fine shall be seventy-five thousand dollars; or (B) if the average hourly wage is more than fifteen percent below the minimum average hourly wage required by subparagraph (i) or (ii) of this paragraph, as applicable, then no later than one hundred twenty days from the date of submission of such project-wide certified payroll report, the applicant shall pay to the third party fund administrator an amount equal to the amount of the deficiency set forth in the project-wide payroll report. The third party fund administrator shall distribute such payment to the construction workers who performed construction work on such eligible

site. Prior to making such repayment, the third party fund administrator shall submit to the fiscal officer a plan subject to the fiscal officer's approval setting forth the manner in which the third party fund administrator will reach the required average wage within one hundred fifty days of receiving the payment from the applicant and how any remaining funds will be disbursed in the event that the third party fund administrator cannot distribute the funds to the construction workers within one year of receiving fiscal officer approval. In addition, the fiscal officer shall impose a penalty on the applicant in an amount equal to twenty-five percent of the amount of the deficiency, provided, however, that the fiscal officer shall not impose such penalty where the eligible multiple dwelling has been the subject of a job action which results in a work delay. In the event that the applicant fails to make such payment within the time period prescribed in this subparagraph, the applicant shall be subject to a fine of one thousand dollars per week, provided that the maximum fine shall be seventy-five thousand dollars. Notwithstanding any provision of this paragraph, the applicant shall not be liable in any respect whatsoever for any payments, fines or penalties related to or resulting from contractor fraud, mistake, or negligence or for fraudulent or inaccurate contractor certified payroll reports or for fraudulent or inaccurate project-wide certified payroll reports, provided, however, that payment to the third party fund administrator in the amount set forth in the project-wide certified payroll report as described in this subparagraph shall still be made by the contractor or sub-contractor in the event of underpayment resulting from or caused by the contractor or sub-contractor, and that the applicant will be liable for underpayment to the third party fund administrator unless the fiscal officer determines, in its sole discretion, that the underpayment was the result of, or caused by, contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports. The applicant shall otherwise not be liable in any way whatsoever once the payment to the third party fund administrator has been made in the amount set forth in the project-wide certified payroll report. Other than the underpayment, which must be paid to the third party fund administrator, all fines and penalties set forth in this paragraph imposed by the fiscal officer shall be paid to

the agency and used by the agency to provide affordable housing.

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

(ix) A rental project containing three hundred or more residential dwelling units not located within the enhanced affordability area may elect to comply with the requirements of this paragraph and be eligible to receive an enhanced thirty-five year benefit. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall comply with all of the requirements of this paragraph and shall be deemed to be located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area for the purposes of this paragraph.

(x) The fiscal officer shall have the sole authority to determine and enforce any liability for underpayment owing to the third party fund administrator from the applicant and/or the contractor (as a result of contractor fraud, mistake or negligence and/or for fraudulent or inaccurate contractor certified payroll reports and/or project-wide certified payroll reports), as set forth in subparagraph (vii) of this paragraph. The fiscal officer shall expeditiously conduct an investigation and hearing at the New York City office of administrative trials and hearings, shall determine the issues raised thereon and shall make and file an order in his or her office stating such determination and forthwith serve a copy of such order, either personally or by mail, together with notice of filing, upon the parties to such proceedings. The fiscal officer in such an investigation shall be deemed to be acting in a judicial capacity and shall have the rights to issue subpoenas, administer oaths and examine witnesses. The enforcement of a subpoena issued under this subparagraph shall be regulated by the civil practice law and rules. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of the county clerk. The order may be enforced by and in the name of the fiscal officer in

the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

(d) Tax payments. In addition to any other amounts payable pursuant to this subdivision, the owner of any eligible site receiving Affordable New York Housing Program benefits shall pay, in each tax year in which such Affordable New York Housing Program 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.

(e) 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 Affordable New York Housing Program 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 Affordable New York Housing Program 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 Affordable New York Housing Program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots.

(f) Calculation of benefit. Based on the certification of the agency certifying the applicant's eligibility for Affordable New York Housing Program benefits, the assessors shall certify to the collecting officer the amount of taxes to be exempted.

(g) 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. A rental project containing three hundred or more rental dwelling units located in the enhanced affordability area or a rental project containing three hundred or more rental dwelling units not located within the enhanced affordability area which elects to comply with the requirements of paragraph (c) of this subdivision shall comply with either affordability option E, affordability option F, or affordability option G. Such election shall be made in the application and shall not thereafter be changed. Such rental project shall also comply with all provisions of this paragraph during the extended restriction period and with subparagraph (iii) of this paragraph both during and after the extended restriction period to the extent provided in such paragraph.

(i) All rental dwelling units in an eligible multiple dwelling shall share the same common entrances and common areas as market rate units in such eligible multiple dwelling, and shall not be isolated to a specific floor or area of an eligible multiple dwelling. Common entrances shall mean any area regularly used by any resident of a rental dwelling unit in the eligible multiple dwelling for ingress and egress from such eligible multiple dwelling; and

(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, all affordable housing units shall be fully subject to rent stabilization during the restriction period or extended restriction period, as applicable, provided that tenants holding a lease and in occupancy of such affordable housing units at the expiration of the restriction period or extended restriction period, as applicable, 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 "Affordable New York Housing Program 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 Affordable New York Housing Program 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 and (C) the marketing and monitoring of any homeownership project that is granted an exemption pursuant to this subdivision. 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 Affordable New York Housing Program 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.

(h) Building service employees. (i) For the purposes of this paragraph, "applicant" shall mean an applicant for Affordable New York Housing Program 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 or extended restriction period, as applicable.

(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 thirty dwelling units; or

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

(i) 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.

(j) Concurrent exemptions or abatements. An eligible multiple dwelling receiving Affordable New York Housing Program benefits shall not receive

any exemption from or abatement of real property taxation under any other law.

(k) 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 Affordable New York Housing Program 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.

(l) Termination or revocation. The agency may terminate or revoke Affordable New York Housing Program benefits for noncompliance with this subdivision, provided, however, that the agency shall not terminate or revoke Affordable New York Housing Program benefits for a failure to comply with paragraph (c) of this subdivision. If Affordable New York Housing Program benefits are terminated or revoked for noncompliance with this subdivision, (i) all of the affordable housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked; (ii) all of the market rate housing units shall remain subject to rent stabilization and all other requirements of this subdivision for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this subdivision, as if the Affordable New York Housing Program benefits had not been terminated or revoked, provided, however, that the owner shall still be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder; (iii) 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 Affordable New York Housing Program benefits had not been terminated or revoked.

(m) 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.

(n) 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 Affordable New York Housing Program benefits based upon the tax lots included in such application and benefits for each multiple dwelling shall be based upon the completion date of such multiple dwelling.

(o) 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.

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

(p) 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.

(q) Rules. Except as provided in paragraphs (c) and (h) of this subdivision, the agency shall have the sole authority to enforce the provisions of this subdivision and may promulgate rules to carry out the provisions of this subdivision.

(r) Election. Notwithstanding anything in this subdivision to the contrary, a rental project or homeownership 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 Affordable New York Housing Program 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 the horizontal areas of the several

floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

(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, 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 property containing less than thirty dwelling units; or

(B) an extended affordability property in which all of the dwelling units are affordable housing units and not less than fifty percent of such affordable housing units, upon initial rental and upon each subsequent rental following a vacancy during the extended affordability period, are affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred twenty-five percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

(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 the education 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. Except as otherwise specified in this subdivision, a city to which this subdivision is applicable may enact a local law to restrict, limit or condition the eligibility for or the scope or amount of extended benefits in any manner, provided that such local law may not grant extended benefits beyond those provided in this subdivision and provided further that such local law shall not take effect sooner than one year after it is enacted. 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.

18. (a) For the purposes of this subdivision:

(i) "Agency" shall have the same meaning as in subparagraph (xvi) of paragraph (a) of subdivision sixteen of this section.

(ii) "Audit" shall mean any audit of an eligible property performed by the agency under the program created by the agency pursuant to paragraph (b) of this subdivision.

(iii) "Eligible property" shall mean any eligible multiple dwelling that was granted benefits under the Affordable New York Housing Program pursuant to this section, and any previous iteration of such tax benefit program, on or after January first, two thousand fourteen, and was subject to rent registration, affordability, and/or rent stabilization requirements pursuant to this section on or after January first, two thousand fourteen.

(b) The agency shall create a program to annually audit and review eligible properties to confirm that owners of eligible properties are complying with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section. Any owner of an eligible property subject to an audit shall provide any and all information, data, or documentation within such owner's or an agent of such owner's reasonable possession or control to the agency which the agency requests, in such form or manner as the agency requests, in order to complete an audit. The division of housing

and community renewal and the New York city department of finance shall cooperate with the agency to provide such information within their reasonable possession and control to the agency as the agency may request, in such form or manner as the agency requests, to carry out an audit. The initial audit shall be completed on or before December thirty-first, two thousand twenty-five. The agency shall publish the results of the audit annually on or before December thirty-first and shall make the results of any audit publicly available on the agency's website. No more than twenty-five percent of eligible properties shall be subject to an audit each year, and no eligible property shall be subject to an audit in two consecutive audits. The agency shall select properties for an audit through a randomized process to be established and implemented by the agency. Only eligible properties that received benefits and were subject to affordability, rent stabilization, and/or rent registration requirements during the prior year shall be considered eligible.

(c) (i) If an audit finds that any owner of an eligible property is not in compliance with the rent registration, affordability, or rent stabilization requirements of the applicable subdivision of this section, the agency shall, where necessary for enforcement, present evidence of such noncompliance to the division of housing and community renewal and the New York city department of finance of such noncompliance no later than fifteen days after the results of the audit have been published on the agency's website.

(ii) The agency, the division of housing and community renewal, and the New York city department of finance may enforce any noncompliance with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section that are identified pursuant to an audit as authorized under this section or any other law, rule, or regulation.