



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to requiring a developer receiving city financial assistance to incorporate universal design features in dwelling units offered for rent in a housing development project

Be it enacted by the Council as follows:

Section 1. Chapter 33 of title 26 of the administrative code of the city of New York, as added by local law number 169 for the year 2021, is renumbered chapter 34.

§ 2. Section 26-3301 of title 26 of the administrative code of the city of New York, as added by local law number 169 for the year 2021, is renumbered 26-3401.

§ 3. Section 26-3302 of title 26 of the administrative code of the city of New York, as added by local law number 169 for the year 2021, is renumbered 26-3402.

§ 4. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 35 to read as follows:

CHAPTER 35

UNIVERSAL DESIGN UNITS

§ 26-3501 Definitions. As used in this chapter, the following terms have the following meanings:

City financial assistance. The term “city financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness or land conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city other than as-of-right assistance, tax

abatements or benefits, including but not limited to, benefits approved in accordance with sections 421-a or 489 of the real property tax law, or any assistance provided to a developer for a housing development project, the amount of which is based on an evaluation of as-of-right assistance, tax abatement or benefits for which such developer would have been eligible.

Class A dwelling unit. The term “class A dwelling unit” means a dwelling unit in a class A multiple dwelling, as defined in section 4 of the multiple dwelling law.

Department. The term “department” means the department of housing preservation and development.

Developer. The term “developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for a housing development project.

Dwelling unit offered for rent. The term “dwelling unit offered for rent” means a class A dwelling unit that is (i) occupied on a rental basis or (ii) required, pursuant to a regulatory agreement with a federal, state or local government agency, to be offered for occupancy on a rental basis, regardless of whether such unit has been constructed.

Housing development project. The term “housing development project” means construction of any multiple dwelling of no less than 41 new dwelling units offered for rent, provided that such multiple dwelling is subject to a regulatory agreement with a federal, state or local government agency, and provided, further, that the term “housing development project” shall not include any rehabilitation of a multiple dwelling, or any construction of (i) any multiple dwelling that is owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law, or (ii) any multiple dwelling located on HUD restricted land.

HUD restricted land. The term “HUD restricted land” means land that is subject to a declaration of trust or restrictive covenant in favor of the United States department of housing and urban development for the purpose of public housing.

Receives. The term “receives” means the execution of a written instrument that sets forth the provision of city financial assistance to a developer.

Universal design. The term “universal design” means the design of a class A dwelling unit that includes certain features such that the unit is, to the greatest extent possible, accessible to all individuals.

§ 26-3502 Universal design list. Not later than 60 days after the effective date of the local law that added this chapter, the department, in consultation with the mayor’s office for people with disabilities and the department for the aging, shall develop a list of features of universal design, provided that such features are consistent with applicable federal, state and local law and rule. The department may update such list as appropriate. Such list shall include, but not be limited to, an accessible route through the dwelling unit; usable doors with accessible door hardware and maneuvering clearances to accommodate wheelchair movement; usable bathrooms with removable base cabinets for knee space and grab bars, or wall reinforcement for future installation of grab bars; usable kitchens with removable base cabinets under the sink and work surface, and low or adjustable countertops; and light switches, outlets, and controls in accessible locations.

§ 26-3503 Universal design units. a. The department shall require that any developer who receives city financial assistance incorporate the features identified in the universal design list developed pursuant to section 26-3502 in all of the dwelling units offered for rent in a housing development project.

b. The provisions of this section shall not apply where a developer received city financial assistance prior to the effective date of the local law that added this chapter.

c. The department may promulgate such rules as are necessary to implement the provisions of this section.

§ 26-3504 Report. No more than 30 days after the development of the universal design list, and any updates to such list, in accordance with section 26-3502, the department shall submit such list and any such updated list to the mayor and the speaker of the council and post such list and any updates to such list on the department’s website. Such report shall include, for each feature of universal design included in such list, an explanation as to why the department included such feature, and how such feature, to the greatest extent possible, improves accessibility for all individuals.

§ 5. This local law takes effect 240 days after it becomes law.

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