

## DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

### Notice of Adoption

**Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (“HPD”) by Sections 1043 and 1802 of the New York City Charter and Section 23-96 of the Zoning Resolution of the City of New York, HPD is adopting amendments to Chapter 41 of Title 28 of the Rules of the City of New York.**

A notice of proposed rulemaking was published in the City Record on March 29, 2018. A public hearing was held on May 7, 2018.

### Statement of Basis and Purpose

The adopted rule provides for fees to be collected by the Department of Housing Preservation and Development for filing and acceptance of inclusionary housing applications and re-issuance of certificates of qualifying affordable floor area. These fees are necessary to cover the costs of review and monitoring performed by the agency implementing both the voluntary and mandatory inclusionary housing programs. This rule is exempt from review under Charter Section 1043(d) pursuant to Section 1043(d)(4)(iii).

HPD’s authority for this rule is found in sections 1043 and 1802 of the New York City Charter and section 23-96 of the Zoning Resolution of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1. Chapter 41 of Title 28 of the Rules of the City of New York is amended by adding a new section, 41-23, to read as follows:**

§ 41-23 Affordable Housing Plans and MIH Applications.

(a) An Affordable Housing Plan or MIH Application must be submitted to HPD with a fee of one hundred dollars (\$100.00).

(b) After HPD accepts an Affordable Housing Plan or MIH Application and before a Regulatory Agreement is executed, the applicant must pay to HPD a fee of one thousand one hundred dollars (\$1,100.00) per Affordable Housing Unit.

(c) Any request for the re-issuance of a Completion Notice must be submitted to HPD with a fee of two hundred fifty dollars (\$250.00).

(d) Payment of any fees under this section shall be made by a certified or bank check or money order payable to the Department of Finance of the City of New York.

Commissioner Maria Torres-Springer  
June 20, 2018