

Proposed Charter Amendment Text:

Question 3: Affordable Housing Appeals Board

Section 1. Section 197-d of the New York city charter is amended by adding a new subdivision e-1, to read as follows:

e-1. Notwithstanding subdivision e of this section, actions of the council pursuant to this section that are subject to review by the affordable housing appeals board pursuant to section one hundred ninety-seven-g, shall be filed by the council with such board prior to the expiration of the time period for council action under subdivision c of this section, or if applicable, subdivision d of this section. Actions of the council subject to review by the affordable housing appeals board pursuant to section one hundred ninety-seven-g, shall be final unless, within five days of such action, the applicant appeals such action to such board or no fewer than two members of such board determine to review such action.

§ 2. Subdivision f of section 197-d of the New York city charter, as added by a vote of the electors at a general election held on November 7, 1989, is amended to read as follows:

f. The mayor shall have the right to file a written disapproval of any approval deemed to have occurred pursuant to subdivision c of this section as a result of a failure of the council to act or to act by the required vote, except where an application is subject to one hundred ninety-seven-g. Any such written disapproval must be filed within five days of the expiration of the time period for action by the council under subdivisions c and, if applicable, d of this section. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

§ 3. Chapter 8 of the New York city charter is amended by adding a new section 197-g to read as follows:

§ 197-g. Affordable housing appeals board. a. There shall be an affordable housing appeals board to consist of the mayor, the speaker of the council, and the affected borough president, or the designee of each such member.

b. The affordable housing appeals board shall have the power to review actions of the council that meet the following criteria:

1. Such action is taken pursuant to subdivision c of section one hundred ninety-seven-d;

2. Such action disapproves or approves with modifications an application that would directly facilitate the development of affordable housing, including but not limited to actions that include the application to specified parcels of real property a program established in the zoning resolution that mandates that any new housing on designated lots include minimum percentages of permanently affordable housing equivalent to or exceeding the requirements under any mandatory inclusionary housing program, and related actions that directly facilitate such housing, such as special permits that modify residential bulk regulations or remove required residential parking; and

3. The application does not include land located in two or more boroughs or relate to an urban renewal plan filed pursuant to paragraph eight of subdivision a of section one hundred ninety-seven-c.

c. The board shall review such action by the council if, within five days of such action, the applicant requests review of such action by the board or each of at least two members of the board state in separate writings to the department of the city planning that such action should be reviewed.

d. Within fifteen days of an applicant requesting review by the board or the date by which two or more members of the board state in writing that such action should be reviewed, the board

shall (i) hold a public meeting, after giving public notice not less than five days in advance of such meeting, and (ii) take final action on the decision. The board may, by an affirmative majority vote, approve an application disapproved by the council, or reverse one or more modifications made by the council, provided that any modifications made by the board shall be limited to removing one or more modifications made by the council and restoring, in relevant part, the application as it was approved by the city planning commission. If, within the time period provided for in this subdivision or subdivision e of this section, the board fails to act or fails to act by the required vote, the board shall be deemed to have affirmed the decision of the council.

e. The board shall not approve with modifications an application subject to its review if the city planning commission has determined pursuant to this subdivision that additional review of the modifications is required. Prior to approving a decision of the council with modifications, the board shall file any such proposed modifications with the commission, provided that the board need not file such proposed modifications with the commission where such modifications wholly restore the application as it was approved by the city planning commission. Within fifteen days of such filing, the commission shall file with the council a written statement indicating whether such proposed modifications are of such significance that additional review of environmental issues or additional review pursuant to section one hundred ninety-seven-c is required. If no additional review is required, the board may thereafter approve such proposed modifications. The time period for board action shall be tolled during such fifteen-day period, provided, however, that proposed modifications may be referred to the commission pursuant to this subdivision only once with respect to each application or group of related applications under review by the board.

f. The city planning commission shall promulgate rules for determining whether an application directly facilitates the development of additional affordable housing, as set forth in paragraph two of subdivision b of this section.

§ 4. Section 1152 of the New York city charter is amended by adding a new paragraph 3 of subdivision p to read as follows:

p. (3) The amendments to the charter adding a new section 197-g and a new subdivision e-1 of section 197-d, and amending subdivision f of section 197-d, as approved by the electors on November 4, 2025, shall take effect immediately upon certification that the electors have approved such amendments to the charter.