

# Frequently Asked Questions: *city of yes* for Housing Opportunity

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*City of Yes for Housing Opportunity* is a zoning reform proposal that would address NYC's housing shortage by making it possible to build a little more housing in every neighborhood.

This guide addresses some frequently asked questions and misconceptions about the proposal.

Learn more at:  
[nyc.gov/YesHousingOpportunity](https://nyc.gov/YesHousingOpportunity)

## LOW-DENSITY DISTRICTS

### Does *City of Yes* eliminate one- and two- family zoning districts?

No. One- and two-family zoning districts will continue to exist.

*City of Yes for Housing Opportunity* does not change the zoning designation of any site, it simply allows for a little more housing across all neighborhoods -- and in low density areas, it does this in ways that won't noticeably change a neighborhood's look and feel.

One example: it would allow homeowners to add small accessory dwelling units (backyard cottages, converted attics, etc.). Also, in very specific locations (low-density commercial strips and select lots near transit), it would allow 3, 4 or 5 story apartment buildings (depending on underlying zoning). These buildings would match the scale of the modest, pre-war apartment buildings that already exist across low-density districts.

### Is *City of Yes* "targeting" low-density neighborhoods?

*City of Yes for Housing Opportunity* does not target any particular type of neighborhood. It's

based on the idea that every neighborhood must be a part of our city's housing growth. That applies to high-density districts, one-family districts, and everything in between. This approach looks different in different places – what works to create new housing in Midtown Manhattan won't work in Eastern Queens or the South Shore of Staten Island – but no neighborhood is being singled out, either way.

### **Is *City of Yes* a “one-size-fits-all” proposal?**

Quite the opposite, actually. While *City of Yes* would help create housing across the whole city, it has been carefully crafted to match the existing character of each neighborhood where it would apply.

For example, the Town Center Zoning and Transit-Oriented Development proposals would allow for 3, 4, or 5 story apartment buildings on select sites in low-density neighborhoods that match the modest scale of older apartment buildings in these areas. That means in some areas, it would be only 3 stories, while in others, 4 or 5. It is carefully designed to match existing context.

In higher density areas, where there are already larger buildings, the Universal Affordability Preference would provide an additional bonus of at least 20% -- for the affordable units -- that would only be incrementally larger than what is already allowed today.

### **Will this proposal harm homeowners?**

*City of Yes* supports homeowners. If you are a New York City small homeowner, for the first time, you will be allowed to add a small accessory dwelling unit (ADU) on your property, up to 800 square feet. That can



provide much-needed rental income or more space to move in an elderly relative, without disrupting a neighborhood's look or feel.

It would also fix outdated and misaligned zoning rules that prevent homeowners from adapting their homes to meet their family's needs. These non-compliances can cause big headaches if homeowners want to renovate an outdated kitchen or add space for a growing family.

*City of Yes* encourages modest housing growth while supporting current homeowners - a big win-win.



Third, *City of Yes* would clear complicated rules that often get in the way of affordable homeownership programs, allowing other city programs that support affordable homeownership to work better.

For New Yorkers who already own homes, we are proposing a number of “district fixes” that would allow them to make renovations or get financing for improvements without worrying about whether they comply with complicated and arbitrary zoning rules.

Accessory dwelling units are a proven strategy from cities across the country to help homeowners take care of an aging relative, to age in place themselves without having to sell their home, or to just bring in extra rental income, which is why they’re supported by the AARP, and other groups that work on issues affecting ageing New Yorkers, like Center for NYC Neighborhoods and Asian Americans for Equality.

### **Won't *City of Yes for Housing Opportunity* just create new rentals? What about areas with mostly homeowners?**

No, *City of Yes for Housing Opportunity* will support homeownership in a variety of ways. First, existing rules prevent the construction of “missing middle” housing types that are particularly well-suited to homeownership, but our Town Center and Transit-Oriented Development proposals will make building this kind of housing possible.

Second, by growing the pie and creating more of all types of housing, it would reduce competition between rentals and ownership for the same land.

### **Low-density districts don't have the infrastructure to support new housing.**

The Department of City Planning conducted a thorough environmental impact review of this proposal and found that it would not have a “significant adverse impact” on water and sewer systems. ([View full draft statement here.](#)) New York City will continue to invest in its infrastructure, but the incremental difference if this proposal is enacted will not cause additional needs.

Moreover, *City of Yes for Housing Opportunity* is a citywide plan designed to add a lot of housing overall, but only a little in any given area. The environmental impact statement estimates it would create a little less than 1 unit per acre over 15 years.

## **Will legalizing ADUs overcrowd quiet residential streets?**

No, in fact we expect that only a limited number of NYC homeowners would choose to create ADUs. DCP analysis suggests that less than 1 in 200 eligible homeowners would build an accessory dwelling unit in any given year. This is supported by the experience of other cities and states that have already legalized ADUs, where overall less than 5% of eligible homeowners have chosen to build them.

Moreover, accessory dwelling units would blend into their surrounding streetscapes, since they would be limited to 800 square feet and take the form of backyard cottages, attached in-law suites, basement apartments, or attic conversions — many in buildings that already exist.

## **How will legalizing ADUs affect property values or taxes?**

Extensive research and evidence from other cities and states shows that ADUs do not have significant effects on the property value of nearby homes.

If you choose to add an ADU, your assessed taxes may increase slightly, because New York property taxes are largely based on the value of what is constructed. However, there are caps on how much your property taxes can increase each year, and the largest property tax increases come from moving between “tax classes,” which adding an ADU would not do.

Ultimately, each homeowner will decide whether a possible, slight tax increase is a worthwhile tradeoff for the value of extra housing space or rental income.

Homeowners who don't add ADUs would not see their property tax assessment change.

## **We worked hard to downzone our neighborhood 20-30 (or even fewer) years ago, and the Department supported us then. Why are you changing direction now?**

In recent decades, New York City's housing production has not kept up with population and job growth, creating a housing shortage and affordability crisis.

As this crisis has gotten progressively worse, it has become clear that many of NYC's zoning regulations – some enacted in the 1960s and some enacted more recently – have restricted housing production and exacerbated this crisis, as detailed in our recently-released [“rezoning lookback reports.”](#)

*City of Yes for Housing Opportunity* would alleviate this housing shortage by making it possible to build a little more housing in every neighborhood – but crucially, in ways that are attuned to local context and wouldn't noticeably change a neighborhood's look and feel.

## **Will development on green space mean that flooding will get worse?**

This proposal would not allow new development on parkland and would not allow new development on any private property that could not already be paved over. In fact, many newer buildings enabled by this proposal would be subject to the “unified stormwater rule,” meaning they would be held to a higher standard for drainage and runoff than older buildings.

# HOUSING QUALITY

## Can someone use their accessory dwelling unit as an Airbnb?

No. Accessory dwelling units would be subject to the same short-term rental laws as primary dwellings, so people could not rent out them out as a short-term rental.

## How would *City of Yes* affect existing, unregulated basement apartments?

Basement apartments are a form of accessory dwelling unit, so in the cases where zoning is an obstacle to bringing units up to code, this proposal would make that process easier. However, for most existing basement apartments, regulations are more likely to be in NYC Building Code or the Multiple Dwelling Law, which *City of Yes* will not change.

New York City recently won the ability to set up a geographically-limited basement apartment pilot program that would help make basement apartments safe and legal. The City is still in the planning stages of setting up that pilot program, which will require City Council approval.

## Why are you changing the definition of family? Does this mean an unlimited or unsafe number of people could live in a single home?

The current zoning definition of “family” is outdated, so *City of Yes for Housing Opportunity* will update it to align with case law, the state Multiple Dwelling Law, and our city’s values. There are separate provisions in the HMC and MDL that set minimum standards against overcrowding.



## Will *City of Yes* lead to more shelters, hotels and other temporary housing?

This proposal does not include measures to create shelters, hotels, or other temporary housing, and instead focuses on creating permanent housing – including housing for people who are stuck in the shelter system.

## Won't allowing small and shared housing would lead to low-quality housing with windowless bedrooms?

This proposal would not change home health and safety standards in any way, and windows would still be required in all bedrooms regardless of unit size. This is required by the NYC Building Code.

In fact, allowing for more small and shared apartments would help the many New Yorkers who want to live alone but are forced into precarious roommate situations because of the shortage of small apartments. It would also free up family-sized units that are today occupied by roommates.

## PARKING

### New York City has always required parking in new buildings. Why are we stopping now?

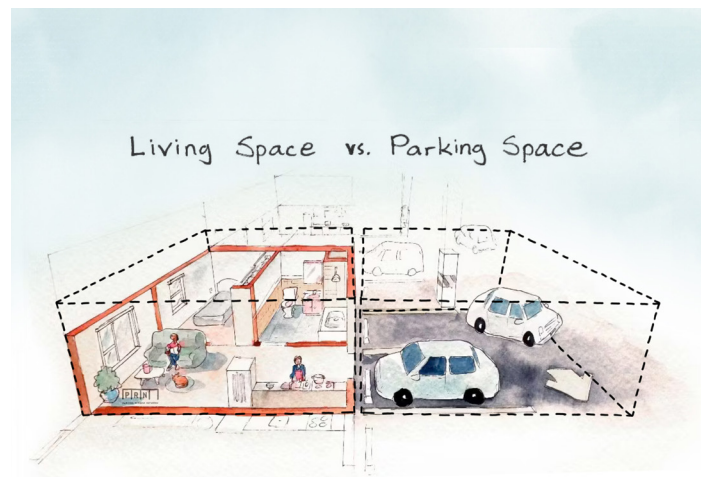
Actually, New York City only began mandating parking in the mid-20th century: first in 1950 and then more extensively with the 1961 Zoning Resolution. These rules envisioned a city in which everyone drove personal automobiles. Given that New Yorkers actually move around in many ways, and our city's dire housing shortage, it no longer makes sense to maintain costly parking mandates that reduce housing production. Instead, people should have the flexibility to produce parking if they need or want it. 2023 is not 1961, and the way we live, move, and think has changed.

### If we lift parking mandates, won't we go back to competition for street parking and congestion?

Lifting parking requirements would not cause parking to disappear; it just means that developers of new projects could choose to provide less parking than what the current rules require. Today, many buildings include more parking than is legally mandated, meaning that they are likely to continue building to what residents need, not the minimum by law. In essence, *City of Yes* says: if you already have parking, keep it! If you want more, build more.

### Will off-street parking still be allowed?

Yes. This proposal would preserve the option to add parking in new buildings. Today, many new buildings already include even more parking than required, and developers would continue to be able to provide parking to meet demand into the future.



## AFFORDABILITY

### Why doesn't this proposal create any affordable housing?

This would be the biggest program to enable the creation of affordable housing in New York City history. If enacted, it will create more affordable homes at deeper levels of affordability over the next 10-15 years than all NYC inclusionary housing programs since they began in 1987.

Another way to consider the scope of the program: If the Universal Affordability Preference (UAP) had been in place since 2014, an additional 20,000 income-restricted affordable homes could have been created – enough to house 50,000 New Yorkers. And UAP is just one of the proposals in *City of Yes*.

### Housing created through *City of Yes* won't be affordable to low-income families.

The Universal Affordability Preference (UAP) would achieve deeper affordability levels than all previous inclusionary housing programs. Income-restricted housing created through UAP would be affordable to households



## Why do low-density proposals focus on market-rate housing and not include affordability mandates?

The Department of City Planning explored including an affordability mandate in low density areas, but on most sites, there isn't enough development potential for an affordability mandate to be viable, which means that such a mandate would most likely prevent any housing from being built at all.

However, we expect that the low-density zoning changes in *City of Yes for Housing Opportunity* will work in conjunction with the new state affordable housing tax incentive – 485-x – to create affordable housing, including affordable homeownership, in low density neighborhoods where it would not otherwise be feasible.

Also, we expect that 'missing middle' housing created through Transit-Oriented Development and Town Center Zoning proposals would work well programs like HPD's "Open Door," which funds the construction of homeownership opportunities affordable to moderate and middle income households.

earning 60% of the Area Median Income (AMI), whereas the current Voluntary Inclusionary Housing program is set at 80% AMI. Moreover, by allowing for income averaging, some UAP homes would be affordable to households at even lower income levels.

Also, *City of Yes* would allow the deep affordability option of Mandatory Inclusionary Housing (MIH), (which includes housing at an average of 40% AMI) to be used alone rather than having to be paired with a higher AMI option. This means that, in future rezonings, communities will have the ability to advocate for new developments to deliver the deepest level of affordable housing.

That said, it is important to remember that zoning is not the only tool for creating affordable housing at the lowest income levels: direct subsidy is necessary as well, which in New York City is primarily managed by the Department of Housing Preservation and Development (HPD).

## Why did you not include an affordability mandate on campuses?

Income-restricted, affordability requirements from Mandatory Inclusionary Housing (MIH) come into play when sites are "upzoned" or add new development rights. *City of Yes for Housing Opportunity* does not upzone campuses or give them any new development rights. Rather, it provides allowances (like bulk flexibility) that make it easier for campuses to use the development rights they already have to produce height-limited contextual development rather than the tall, skinny, non-contextual infill we see today.

## **If the Universal Affordable Housing density bonus can only be used for income restricted affordable housing, why expect developers to ever use it?**

When voluntary inclusionary housing programs have succeeded in the past, it's because they have been paired with tax benefits programs or public subsidy. UAP was designed to work together with a tax benefit program like the recently created 485-x program. We believe 485x and UAP will create more affordable housing at lower AMIs than either one of them could alone.

## **Will City of Yes create enough housing to make a meaningful difference in housing costs?**

Yes, over the years and decades ahead, *City of Yes* will allow for the creation of a significant number of new homes that will help alleviate our devastating housing shortage. Every new home makes a difference in bringing down housing costs, and this would be the most pro-housing set of zoning changes in New York City history – the first time that every neighborhood would add a little more housing.

A citywide zoning text amendment like this one is just one piece of the puzzle. We will continue to advance neighborhood plans that allow for the creation of more housing in specific areas, where appropriate.

Beyond zoning, the City will continue to subsidize income-restricted affordable housing to reach low-income New Yorkers. And factors outside of the City's control – like state tax programs and federal interest rates – are also critical to building the housing that New Yorkers need.

## **Why does City of Yes for Housing Opportunity rely on Area Median Income to determine affordability levels?**

AMI (Area Median Income) is an affordability measure set by the federal government based on median incomes for the New York region, with an adjustment for the City's high housing costs. Using AMI to regulate affordability allows different City, State, and Federal housing programs to work together and automatically adjust each year and for different family sizes.

More localized geographic measures of income would not be compatible with existing federal or state affordable housing programs, and could add time, money, and confusion to affordable housing projects.





## How does Universal Affordable Preference interact with 485x?

Zoning has always overlapped with financing and with tax incentives. When voluntary inclusionary housing programs have succeeded in the past, it's been because they have paired effectively with tax benefits programs or public subsidy. We believe that the UAP program and 485-x tax incentive are aligned, that developers will choose to take advantage of both, and that, together, they will be effective at generating more affordable housing at lower AMIs than either one of them could alone.



For example, in most instances 485x requires affordable housing at 80% AMI. To qualify for UAP and build a larger development, developers will have to lower those AMIs to 60%. In cases like this, UAP will guarantee deeper permanent affordability than 485-x would on its own.

## Will *City of Yes* prevent affordable housing developers from creating senior or supportive housing?

No, *City of Yes* supports the creation of all kinds of affordable housing. In fact, it would be a boon for senior and supportive housing because it would make the current density bonus for such housing applicable in all medium- and high-density districts, citywide.

Moreover, *City of Yes* makes the process of creating supportive housing less burdensome and costly. Today, supportive housing projects seeking community facility FARs in R6 and R7 districts must apply for a full special permit. *City of Yes* simplifies this process, so it only requires an authorization via the local Community Board and City Planning Commission.

*City of Yes* includes another provision to help ensure high-quality affordable and senior housing: Unlike 'regular' affordable housing, senior and supportive housing requires specialized, on-site services that only some organizations offer. In rare instances, private developers, in search of additional development rights, have attempted to create senior or supportive housing that they cannot provide adequate services for. To ensure successful outcomes for tenants, *City of Yes* would allow the Department of Housing Preservation and Development (HPD) to require such a developer to change their senior or supportive housing to 'regular' affordable housing that they can capably provide.

## COMMUNITY INPUT

### **The Department of City Planning doesn't listen to public input. Why should we engage with this process?**

DCP takes substantive public feedback very seriously. This spring and summer, we attended over 175 community board meetings, and created a component-by-component worksheet to help organize input and help us understand what New Yorkers support or want modified. After holding a 15-hour public hearing, the City Planning Commission made modifications that were responsive to thoughtful public feedback, and we expect that the City Council will do the same.

Moreover, as was the case with *City of Yes for Economic Opportunity*, we anticipate that the City will make commitments to address input that came up during the public review process that could not be addressed within the scope of the zoning proposal itself.

### **Are you trying to get rid of the public review process and make all development as-of-right?**

No. *City of Yes for Housing Opportunity* would not undercut the public review process or make all development as-of-right. The projects that you see going through the ULURP public review process today – buildings requiring land use actions to add significant residential capacity, or larger neighborhood-wide rezonings – would still go through ULURP under *City of Yes* and be subject to the same level of public scrutiny.

*City of Yes* does simplify the review process for three rare, narrow actions that shouldn't require full ULURP: landmarked buildings seeking to transfer development rights, railroad right-of-way special permits, and supportive

housing projects seeking community facility FARs in select districts. These actions would instead require a certification or authorization.

Overall, most new housing in New York (roughly 85%) is already built as-of-right, and the slightly expanded development rights that *City of Yes* allows are well below the level of what anyone would ever request via ULURP.

## NEW DEVELOPMENT

### **If this is a citywide plan, does that mean you're upzoning the entire city?**

No. The proposal will not change the zoning designation of any site. Every zoning designation remains the same. If you are an R2 today, you will be an R2 tomorrow. If you are an R7A today, you will be an R7A tomorrow. That said, it would make it possible to build a little more housing across all residential districts of the city.

### **Isn't this a giveaway to developers?**

New York City has a housing shortage that is so significant that it cannot be overcome only through publicly-subsidized housing – there simply isn't enough to close the gap. In fact, the majority of NYC's housing has been privately financed and we cannot write off this important source of new construction.

To tackle our housing crisis, we need an all-hands-on deck approach – and that means homes that are larger, smaller, income-restricted, publicly-subsidized, and yes, privately-financed.

## ***City of Yes for Housing Opportunity* will generate a lot of construction, will there be displacement?**

The fundamental cause of displacement today is the housing shortage itself. When more people need homes than there are homes available, the most vulnerable will inevitably lose out and this has been academically studied and proven.

That's why this proposal aims to add more housing in every neighborhood in the city. Restrictive zoning across much of the city also concentrates development in specific neighborhoods, which can see increased displacement or gentrification pressure.

More specifically, DCP studied the possibility of displacement in the environmental review for the proposal and did not find the potential for significant adverse impact for displacement (fewer than 500 people city-wide).

## **Can't NYC just turn vacant office buildings into housing?**

We absolutely need to convert more vacant office buildings into housing – and that's exactly what *City of Yes* will do.

Specifically, the proposal would allow buildings to convert wherever residential use is allowed, facilitating the conversion of former schools or religious buildings; move up the eligibility date to 1991, allowing more recent buildings to convert; and let buildings convert into all types of housing, including supportive and shared.

These changes would breathe new life into office districts and underused buildings, and help address our housing shortage.



## **Will this proposal undo protections for historic districts and landmarked buildings?**

No. *City of Yes for Housing Opportunity* does not change any protections for landmarked buildings and historic districts, and it leaves all Landmark Preservation Commission (LPC) review processes in place.

What the proposal does is make it easier for landmarked buildings to transfer their development rights, so they can raise urgently-needed revenue. Many landmarks struggle because of high maintenance costs. That's why they have been allowed to sell development rights to adjacent lots since the 1960s. However, the process is complex and not allowed in lower-density and historic districts. As a result, less than 15 landmarks have been able to sell their development rights in the past 50 years.

*City of Yes for Housing Opportunity* would make it easier for landmarked buildings to sell their development rights if choose to. The process

would be simplified and allowed in low-density and historic districts. Landmarks could transfer their development rights a little further down the block than they can today. Meanwhile, receiving sites could only increase density by 20%, ensuring that new development was reasonably-scaled. Moreover, all existing LPC and historic district rules & processes would remain in place.

These changes would allow more struggling landmarks to generate the money they need, provide more housing for New Yorkers, and protect NYC's landmarked buildings and districts: a true win-win-win.

### **Will the campus changes apply to NYCHA?**

No – during the public review process, we modified the “campus infill” proposal so it does not include NYCHA campuses, as they have their own delicately balanced tenant engagement regulations from the federal government and their own ambitious agenda to pursue.

### **“A little more housing in every neighborhood” - do you have specific targets?**

No. This is a general framework to support the creation of a little more housing in every neighborhood, not an edict with specific targets that communities must meet.



## **HOUSING SUPPLY AND DEMAND**

### **You're just adding new supply? Why do you think that will lower rents?**

The evidence from other cities, from Tokyo to Minneapolis, Austin, Seattle, and beyond, is that increasing the supply of housing lowers housing costs. There is a clear consensus on that among people who study housing costs, and it makes sense: when landlords compete to attract tenants, rather than tenants competing with each other for homes, they are more likely to drop their rents.

In addition to increasing the overall housing supply, *City of Yes for Housing Opportunity* will create more of both “naturally affordable” home types and income-restricted affordable housing that will go through the Housing Connect lottery. Accessory dwelling units, duplexes, and modest apartment buildings have been shown to be cheaper to rent, for example, in part because they are cheaper to construct. And the Universal Affordability Preference will be the largest by-right income-restricted affordable housing program in New York City history.

### **Why do we need more housing if New York is losing population?**

Actually, while New York experienced some population loss during the height of the pandemic, trends have since reversed.

Second, one of the main reasons that people choose to leave New York City is high housing costs – a problem that can only be fixed by adding more homes. *City of Yes for Housing Opportunity* would provide more housing options and help create a more affordable city where longtime residents and families can stay and maintain their communities.

Another reason we need more housing than ever is that the average household size has decreased, which means that we need more homes for the same number of people.

### **Aren't there a ton of vacant rent-stabilized units?**

The vacancy rate for rent-stabilized housing, and rental housing in general, is at a historically low level right now. The Department of Housing Preservation & Development (HPD) published its initial findings for the 2023 Housing Vacancy Survey and found that the net rental vacancy rate for New York City was 1.4%. For rent stabilized units, the 2023 HVS reported a vacancy rate of less than 1%.

### **Will this gentrify my neighborhood?**

Intense competition for a limited number of homes is responsible for driving housing costs upwards and increasing the pressure of displacement and gentrification. By allowing more homes to be built across the entire city, *City of Yes for Housing Opportunity* would provide more housing opportunity to current and future residents and help reduce this pressure.

### **Zoning isn't enough to solve the housing crisis.**

We agree. Zoning changes alone are not sufficient to address the problems working-class New Yorkers face. The City must use a range of tools and programs to address the longstanding and severe housing shortage that drives high housing costs, gentrification and displacement pressures, overcrowding, homelessness, and other pressing housing issues.

Changing zoning to make it easier to build housing, however, is a powerful tool to address the cost of housing and one that the City can control.

*All illustrations by Alfred Twu, except page 6, which is courtesy of the Parking Reform Network.*

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