

21 Approvals Potentially Required for Private Infill Development on NYCHA Land

HUD regulation of NYCHA's Annual Plan (mandatory under federal law)

1. Did NYCHA include the infill plan in a Draft Annual Plan and accept comments on the Draft?
2. Did NYCHA compile comments on the Draft, respond to all comments in writing and write a final plan?
3. Did the NYCHA board vote to submit a final annual plan to HUD?
4. Did HUD approve a final annual plan that includes the planned development?

HUD regulation of NYCHA's Section 18 Application (mandatory under federal law)

5. Did NYCHA write a Section 18 Application for the lease or sale of its land, including responding to all comments that they received in writing?
6. Did the application show that NYCHA consulted with residents, resident organizations, and the Resident Advisory Board?
7. Did the application show that the plan to lease or sell the property, instead of keeping it, is in the "best interests" of the current residents?
8. Did the application show that the land it plans to lease or sell "exceeds the needs of the development," or that leasing it away is "incidental to, or does not interfere with, continued operation of the remaining portion of the development?"
9. Did the application include an Environmental Assessment as required by National Environmental Policy Act? Did NYC HPD certify that the assessment was complete? Was the Assessment done early enough in the development process to shape the outcome? Was it done before NYCHA picked a development site? Before NYCHA put out a Request for Proposals? Before NYCHA chose a developer?
10. Did the NYCHA board **vote to submit the Section 18 Application to HUD?**
If the answer to any of the questions above this one is NO, residents can sue NYCHA once this final determination is made. If the answer to #12 is NO, residents can sue HPD, NYCHA and the selected developer.
11. Did HUD approve the Section 18 Application?

NYCHA's Approval Lease or Sale Contract

12. Did the NYCHA board consider environmental impacts of the decision before voting to approve the lease or sale contract?
13. Did the NYCHA board consult with the New York State Office of Historic Preservation about the impact of the proposed new building before approving the contract? If the property is either listed or eligible for listing on the National Registry of Historic Places, did HPD hold a public hearing to collect input on the impact of proposed new construction?
14. Did the NYCHA board **vote to approve the lease or sale contract**?

Zoning (mandatory under city and state law)

15. Does the proposed new building comply with all zoning rules, including bulk, open space, sky exposure and space required in between buildings?
16. If it does not comply with zoning, did NYCHA get a change in the zoning through the Uniform Land Use Review Procedure or a variance from the Board of Standards and Appeals?
17. Did the Department of Buildings (DOB) properly approve the **permits for construction**?
To challenge the permit specifically, residents may file a Zoning Challenge with DOB directly and an Appeal with the Board of Standards and Appeals at the same time.

Alienation of Parkland (mandatory under state law if the development is planned for a playground or grassy park-like open space)

18. Did the New York State Assembly and Senate pass a bill allowing that space to be alienated?
19. Did the bill include a plan for replacing the open space?
20. Did the governor sign it?

Approval of Condominium Ownership Structure (mandatory under state law if the development is relying on a condominium structure for ownership of the market rate and “affordable” units)

21. Was the condominium **properly approved by the Attorney General's office**?