

Practice Update

City of Yes Updates: HPD's New Universal Affordability Preference (UAP) Application Now Available

May 12, 2025

By [Jaclyn Scarinci](#)

The New York City Department of Housing Preservation and Development (HPD) released the City's new Universal Affordability Preference (UAP) [Application](#). The program requirements and process for the new UAP program are very similar to the Inclusionary Housing process with HPD that our Akerman team has counseled many clients successfully on in the past. All new construction projects taking advantage of the UAP program must file and obtain an approved application with HPD prior to obtaining a new building permit at the New York City Department of Buildings. The UAP application process requires a complete building plan set and includes materials such as a financial underwriting, legal organizational documents, and a series of architectural forms. HPD will review the application materials and, upon approval, will require the owner to record a restrictive declaration against the property to ensure permanent affordability.

What Is UAP?

The New York City Council approved the City of Yes for Housing Opportunity (COYHO) comprehensive zoning text amendments on December 5, 2024. COYHO introduced the new Universal Affordability Preference that will apply in medium and high

Related People

[Jaclyn Scarinci](#)

Related Work

[New York Land Use and Zoning Real Estate](#)

Related Offices

[New York](#)

density neighborhoods throughout the City. This new zoning initiative allows for at least 20% more housing if the housing built is permanently affordable. It is a major change to the City's Voluntary Inclusionary Housing (VIH) Program by allowing for additional floor area city-wide instead of only in mapped areas. UAP is intended to replace VIH. UAP is not a bonus program, unlike the previous VIH Program. With UAP, for each square foot of affordable housing provided, the maximum floor area permitted is increased by an equal amount of floor area up to the maximum permitted in that zoning district. UAP requires that the affordable floor area be permanently restricted at a weighted average of 60% Area Median Income (AMI), with no more than three income bands permitted, and the maximum income band is 100% AMI.

What About 100% Affordable Housing Projects?

COYHO allows affordable housing developers building projects that are subject to an affordable housing regulatory agreement to obtain the higher floor area ratios permitted in these medium and high density areas. The higher floor area ratios are available to these affordable projects simply by complying with their affordable housing regulatory agreement and term sheet requirements. It is not necessary to also comply with duplicative UAP application and program requirements.

If you are interested in learning more about the new UAP or affordable housing requirements pursuant to the City of Yes zoning, please feel free to reach out to Jaclyn Scarinci in Akerman's New York City Land Use and Zoning practice at jaclyn.scarinci@akerman.com.

This information is intended to inform firm clients and friends about legal developments, including recent decisions of various courts and administrative bodies. Nothing in this Practice

Update should be construed as legal advice or a legal opinion, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.