NYC Finance

NEW YORK CITY DEPARTMENT OF FINANCE ● PROGRAM OPERATIONS DIVISION

COMMERCIAL AND INDUSTRIAL/MANUFACTURING EXPANSION PROGRAMS APPLICATION AND INSTRUCTIONS

DATE STAMP

INSTRUCTIONS: Use this application for a real estate tax abatement for leases commencing on or after July 1, 2000 and for industrial or manufacturing tenants with leases commencing on or after July 1, 2005. A nonrefundable $500 filing fee, payable only by certified check or money order, must be submitted with this application. **Failure to file the application within 180 days of lease commencement will result in the denial of benefits.** Make your remittance payable to NYC Department of Finance.

Mail to: NYC Department of Finance Business Center, Attention: CEP Unit, 66 John Street, 2nd Floor, New York, NY 10038

TYPE OR PRINT ALL INFORMATION

OFFICE USE ONLY
Application Number:

SECTION I - SITE INFORMATION (See Instructions)

1. Site Address (number and street):

2. Site Identifier (Floor and/or room number. If additional space is needed, attach separate sheet):

3. Borough: _____

Block: _____

Lot: _____

4. Proposed use of space (include a copy of your company mission):

Office ❑ Retail ❑ Industrial ❑ Manufacturing ❑ Waste Management ❑ Utility Services ❑ Other ❑

5. Describe specific activities in detail. **Note:** If "Manufacturing" was your choice for Question 4, please attach a detailed list of the manufacturing activities occurring on the premises, from start to end product. _____

SECTION II - OWNER AND TENANT INFORMATION (See Instructions)

1. Name of Owner: | Telephone Number: ( )

Owner's Address (number and street): | Fax Number: ( )

City, State and Zip Code: | Email Address:

2. Enter Owner EIN: ☐☐ - ☐☐☐☐☐☐☐ **OR** Owner SS#: ☐☐☐ - ☐☐ - ☐☐☐☐

3. Owner's Representative (Correspondence will only be sent to the representative): | Telephone Number: ( )

Mr. ❑ Mrs. ❑ Ms. ❑

Firm's Name: | Fax Number: ( )

Firm's Address (number and street): | Email Address:

City, State and Zip Code:

4. Has an application been made previously on the eligible premises? ❑ YES - Indicate application number: _____ ❑ NO

5. Name of Tenant (If tenant's representative is same as owner's representative, tenant information is still required): | Telephone Number: ( )

Tenant's Address (number and street): | Fax Number: ( )

City, State and Zip Code: | Email Address:

6. Enter Tenant EIN: ☐☐ - ☐☐☐☐☐☐☐ **OR** Tenant SS#: ☐☐☐ - ☐☐ - ☐☐☐☐

7. Tenant's Representative (Correspondence will only be sent to the representative): | Telephone Number: ( )

Mr. ❑ Mrs. ❑ Ms. ❑

Firm's Name: | Fax Number: ( )

Firm's Address (number and street): | Email Address:

City, State and Zip Code:

8. Has the tenant previously received a benefit pursuant to this program? ❑ YES ❑ NO

Application Number: | Address and Floor:

9. Is this a sublease? ❑ YES ❑ NO (See "Subtenant" on page E)

10a. Is this the sole tenant leasing this space? ❑ YES ❑ NO **10b.** If "NO", complete Section II, items 11 and 12.

SECTION II - OWNER AND TENANT INFORMATION - Continued (See Instructions)

11. Name of Additional Party to Lease:	Telephone Number: ( )
Mailing Address (number and street):	Fax Number: ( )
City, State and Zip Code:	Email Address:

12 Enter Additional Party to Lease EIN: ☐☐ - ☐☐☐☐☐☐☐ **OR** SS#: ☐☐☐ - ☐☐ - ☐☐☐☐

SECTION III - LEASE INFORMATION (See Instructions)

SECTION III-A LEASE ABSTRACT INFORMATION

1. Enter the following information as it applies to the eligible premises (please attach a copy of the lease along with the application):

a. Lease execution date: _____ /_____ /_____ **b.** Lease commencement date: _____ /_____ /_____

c. Rent commencement date: _____ /_____ /_____ **d.** Lease expiration date: _____ /_____ /_____

e. Anticipated number of employees sixty days after the rent commencement date: _____

f. Tenant's percentage share: _____% **g.** Total floor area of the entire eligible building: _____ sq. ft.

2. Is any portion of the tenant's work letter attributable to the common areas of the building?

❑ If "YES", continue with line 3 ❑ If "NO ", go to Section III-B

3. Value of expenditures in common areas of the eligible building: $ _____

SECTION III-B LEASE TYPE

Check *one box* that describes the lease type for the eligible premises. For descriptions of each type of lease, refer to Definitions on page C.

❑ If "NEW", go to Section III-C ❑ If a "RENEWAL", go to Section III-D ❑ If an "EXPANSION", go to Section III-E

SECTION III-C NEW LEASE INFORMATION

1. Area of leased space in eligible premises: _____ square feet

2. Enter the work letter expenditures allocated to:

a. Leased space in eligible premises: $ _____ **b.** Per square foot: $_____

c. Common areas in eligible building: $ _____ **d.** Per square foot: $ _____

e. Total expenditures per square foot (add lines 2b and 2d): ..... $ _____

SECTION III-D RENEWAL LEASE INFORMATION

1. Area of **renewed** leased space: _____ square feet

2. Enter the work letter expenditures allocated to:

a. Renewed leased space in eligible premises: $ _____ **b.** Per square foot: $_____

c. Common areas in eligible building: $ _____ **d.** Per square foot: $ _____

e. Total expenditures per square foot (add lines 2b and 2d): ..... $ _____

3. Is additional space leased in the eligible building? ❑ If "YES", continue with line 4 ❑ If "NO", go to Affidavit Section

4. Area of **additional** leased space in eligible premises: _____ square feet

5. Enter the work letter expenditures allocated to:

a. Additional leased space in eligible building: $ _____ **b.** Per square foot: $_____

c. Common areas in eligible building: $ _____ **d.** Per square foot: $ _____

e. Total expenditures per square foot (add lines 5b and 5d): ..... $ _____

SECTION III-E EXPANSION LEASE INFORMATION

1. Area of **expansion** leased space: _____ square feet

2. Enter the work letter expenditures allocated to:

a. Expansion lease in eligible building: $ _____ **b.** Per square foot: $_____

c. Common areas in eligible building: $ _____ **d.** Per square foot: $ _____

e. Total expenditures per square foot (add lines 2b and 2d): ..... $ _____

AGREEMENTS AND REPRESENTATIONS

The undersigned agree and represent that:

1. S/he has authority to make this application on behalf of the tenant/applicant or owner/applicant.
2. S/he has personal knowledge or information sufficient to make a materially correct response to the questions asked in this application form, and that s/he knows or believes all matters stated herein to be true.
3. The applicant and its employees and agents will comply with all provisions of law and rules relating to the program.
4. The applicant has paid the application fee and will pay all other fees and penalties payable under the rules promulgated by the Department of Finance.
5. The applicant will comply with all applicable provisions of law and rules relating to the construction, maintenance and operation of buildings.
6. The Department of Finance may deny, reduce, suspend, revoke, or terminate any benefits under this program, if the recipient:
   a) fails to comply with the requirements of this program, or
   b) knowingly misstates or omits information in the application, or
   c) is discovered to have building, fire or air pollution control code violations on the subject property.
7. The applicant(s) will submit to the jurisdiction of the Department over any determination of eligibility or noncompliance under the program and will submit any claim under the program to administrative review as provided in the rules before seeking any other remedy.
8. Within seven years immediately preceding the application, neither the applicants nor any person having a substantial interest in the eligible premises, nor any officer, director, or general partner, or such person was finally adjudicated by a court of competent jurisdiction to be guilty of arson, or was an officer, director or general partner of any such entity at the time such person was finally adjudicated to have violated the law.
9. If any charges are pending alleging violation of arson law in any jurisdiction against the applicants, any person having a substantial interest in the premises, or any officer, director, general partner, or such person, the applicant will set forth such charges in a statement attached to these agreements.
10. The lease for the eligible premises contains the following provisions. A statement in at least twelve point type:
    a) of the tenant's percentage share;
    b) informing the tenant that:
       1) an application for abatement of real property taxes will be made for the premises;
       2) the rent including amounts payable by the tenant for real property taxes will accurately reflect any abatement of real property taxes;
       3) (i) for commercial tenants with leases commencing on or after July 1, 2000: at least $2.50 per square foot or $25 per square foot in the abatement zone must be spent on improvements to the premises and the common areas, the amount being dependent upon the length of the lease and whether it is a new, renewal or expansion lease.
          (ii) for industrial and manufacturing tenants with leases commencing on or after July 1, 2005: the required expenditure amounts of at least $2.50 per square foot in the abatement zone must be spent on improvements to the premises and the common areas for new or expansion leases. A renewal lease for space previously occupied by the same tenant will require a minimum expenditure of $5 per square foot; when a renewal lease includes additional space not previously occupied, the minimum expenditure for that additional space is $2.50 per square foot.
       4) all abatements granted will be revoked if, during the benefit period, real estate taxes, water or sewer charges or other lienable charges are unpaid for more than one year, unless such delinquent amounts are paid as provided in the relevant law.
11. The lease for the eligible premises does not provide an option to terminate the lease prior to the initial lease term except as provided for in the applicable law.

- AFFIDAVIT -

STATE OF NEW YORK | **SS:**

COUNTY OF

_____, ***being duly sworn, says under penalty of perjury that he/she is the owner/applicant or the*** _____ ***of the owner/applicant(s), that the statements contained in this application, including any attachments to this application, are true to his/her knowledge.***

Signature of OWNER OR REPRESENTATIVE _____

Subscribed and sworn to before me this

_____day of_____ 20_____

Affix official stamp or seal here.

_____

Signed by Notary Public

- AFFIDAVIT -

STATE OF NEW YORK | **SS:**

COUNTY OF

_____, ***being duly sworn, says under penalty of perjury that he/she is the tenant/applicant or the*** _____ ***of the tenant/applicant(s), that the statements contained in this application, including any attachments to this application, are true to his/her knowledge.***

Signature of TENANT OR REPRESENTATIVE _____

Subscribed and sworn to before me this

_____day of_____ 20_____

Affix official stamp or seal here.

_____

Signed by Notary Public

NYC Finance

NEW YORK CITY DEPARTMENT OF FINANCE • PROGRAM OPERATIONS

COMMERCIAL EXPANSION PROGRAM OVERVIEW

FOR REAL ESTATE TAX ABATEMENT FOR LEASES COMMENCING ON OR AFTER JULY 1, 2000

Failure to file the application within 180 days of lease commencement will result in the denial of benefits

PROGRAM OVERVIEW

The Commercial Expansion Program is designed to increase tenant occupancy while also reducing building obsolescence. The benefit, a real estate tax abatement, is available to non-residential or mixed-use buildings built before January 1, 1999 and located in the abatement zone. For purposes of this program, the abatement zone is defined as any area that is zoned C4, C5, C6, M1, M2 or M3 in Manhattan north of 96th Street or in the boroughs of The Bronx, Brooklyn, Queens or Staten Island. Eligible buildings must be used for commercial or manufacturing activities.

In order to be eligible for the abatement program, the lease on the premises must meet minimum lease requirements of three, five or ten years. The landlord is also obligated to meet minimum expenditure requirements of $2.50 or $25 dollars per square foot to improve the eligible premises.

The real estate tax abatement is either a three or five year benefit. The benefit schedule for the three-year minimum lease category is a base year abatement of up to $2.50 per square foot. For the second year, the abatement is two-thirds of the initial tax abatement. For the third year, it is one-third of the initial tax abatement. The benefit schedule for the five-year benefit is as follows: for the first three years, the base abatement is up to $2.50 per square foot of the property tax in the initial year (based on the percentage of area occupied by the tenant in the eligible premises). For the fourth and fifth years, the benefit is, respectively, two-thirds and one-third of the initial tax abatement.

This application must be filed with a nonrefundable $500 application fee within 180 days of the lease commencement date. Payment is by money order or certified check made payable to the NYC Department of Finance. Applications received after 180 days are late and are not eligible for benefits.

PROGRAM QUALIFICATION SUMMARY AND TIMETABLE

- The premises must be located in an eligible building in the abatement zone.
- The premises must be used for commercial offices or manufacturing activities.
- The lease must be a "new", "renewal" or "expansion" lease.
- The required lease terms must be for a minimum of three, five or ten years.
- Required expenditures must be per square foot of net leasable space.
- Common area expenditures are only acceptable if work began and expenditures are made from July 1, 2000 through June 30, 2016.
- The lease on the premises must commence before June 30, 2016.
- File the application with the $500 application fee after the lease execution date. In a separate attachment to the application, you must submit a copy of the portion(s) of the lease which have the tenant's percentage share, the lease commencement date, the rent commencement date and the lease expiration date. Separately, you must also supply a work letter, which is a specific and detailed description of the improvements made or contemplated for the eligible premises. Please include by major trade or category the estimated or actual costs of such improvements. The application must be filed within 180 days of the lease commencement date. Applications received after 180 days are late and not eligible for benefits.
- Within sixty days of rent commencement, the applicant must provide evidence regarding expenditures and the number of employees working in the eligible premises. Renewal lease applicants must provide employee proof within sixty days of rent commencement and must provide expenditure proof within fourteen months of lease commencement.
- File a Certificate of Continuing Eligibility before July 1 of each year that an abatement is in effect for the premises. Failure to timely file will result in revocation of benefits. Forms are available online at **nyc.gov/finance.**
- Benefit period begins the first day of the month following the rent commencement date and ends no later than sixty months thereafter. A benefit period may end no later than June 30, 2016.
- This application must be completed by both the property owner and the tenant. A separate application must be submitted for each individual property and lease.

LEASE TERMS

The minimum lease term required to be eligible for the program is based upon the number of persons employed in the eligible premises sixty days following the rent commencement date. If 125 or fewer persons will be employed in the subject space, the minimum lease term required for the premises is three or five years. If more than 125 persons will be employed in the subject space, the minimum lease term required is ten years. See chart below.

MINIMUM LEASE TERMS

IF, BY THE 60TH DAY FOLLOWING RENT COMMENCEMENT, THE TENANT EMPLOYS…	THE MINIMUM LEASE TERM IS …		
	NEW	RENEWAL	EXPANSION
125 or fewer people in the eligible premises	3 or 5 years	3 or 5 years	3 or 5 years
more than 125 people in the eligible premises	10 years	10 years	10 years
more than 125 people in the eligible building in which the expansion premises are located	N/A	N/A	10 years

MINIMUM EXPENDITURES

Expenditure requirements are a minimum of $2.50 per square foot for all premises requiring a lease term of at least three or five years. In general, expenditures of at least twenty-five dollars per square foot are required for premises requiring a lease term of at least ten years. The only exception is a lease renewal for space previously occupied by the same tenant. Such a lease will require an expenditure of at least $2.50 per square foot for space previously occupied even when the minimum lease term is for a minimum of ten years. When a renewal lease includes additional space not previously occupied, that additional space is subject to the ordinary three or five-year/ten-year lease test in order to determine the minimum expenditure requirements. See chart below.

MINIMUM EXPENDITURES

IF THE MINIMUM LEASE TERM IS . . .	EXPENDITURE MUST BE AT LEAST (per square foot) . . .			
	NEW	RENEWAL PREVIOUSLY OCCUPIED	RENEWAL ADDITIONAL	EXPANSION
3 or 5 years	$2.50	$2.50	$2.50	$2.50
10 years	$25	$5	$2.50	$25

NYC Finance

NEW YORK CITY DEPARTMENT OF FINANCE ● PROGRAM OPERATIONS

INDUSTRIAL AND MANUFACTURING PROGRAM OVERVIEW

FOR REAL ESTATE TAX ABATEMENT FOR LEASES COMMENCING ON OR AFTER JULY 1, 2005 THROUGH JUNE 30, 2010

Failure to file the application within 180 days of lease commencement will result in the denial of benefits

PROGRAM OVERVIEW

The Industrial and Manufacturing Incentive Program provides a real property tax abatement for new, renewal, or expansion leases for space used for industrial or manufacturing activities, to increase tenant occupancy in the abatement zone. The abatement zone is defined as any area that is zoned C4, C5, C6, M1, M2, or M3 in the Bronx, Brooklyn, Queens or Staten Island and in Manhattan north of 96th Street. The abatement zone also includes the Special Garment Center District as designated by Article XII, Chapter 1 of the Zoning Resolution of the City of New York: *West 35th Street to West 38th Street from Broadway to 7th Avenue; West 35th Street to West 40th Street from 7th Avenue to 8th Avenue; West 35th Street to West 39th Street from 8th Avenue to 100 feet East of 9th Avenue; The northerly half of the block bounded by West 34th Street, West 35th Street, 7th Avenue and 8th Avenue.* Eligible premises must be used for industrial and manufacturing activities. See definition on page E.

In order to be eligible for the abatement program, the lease on the premises must meet minimum lease requirements of three years. The landlord or tenant is also obligated to meet minimum expenditure requirements of $2.50 or $5 dollars per square foot to improve the eligible premises.

The benefit period may not exceed ten years. The benefit period will be based on the lease term. The abatement base will equal the tax liability per square foot, but not greater than $2.50 per square foot, for the entire benefit period.

This application must be filed with a nonrefundable $500 application fee within 180 days of the lease commencement date. Payment is by money order or certified check made payable to the NYC Department of Finance. Applications received after 180 days are late and are not eligible for benefits.

PROGRAM QUALIFICATION SUMMARY AND TIMETABLE

- The premises must be located in a non-residential or mixed use building in the abatement zone.
- The premises must be used for industrial or manufacturing activities.
- The lease must be a "new", "renewal" or "expansion" lease.
- The required lease terms must be for a minimum of three years.
- Required expenditures must be a minimum of $2.50 or $5 per square foot of net leasable space.
- The lease on the premises must commence before June 30, 2016.
- File the application with the $500 application fee after the lease execution date. In a separate attachment to the application, you must submit a copy of the portion(s) of the lease which have the tenant's percentage share, the lease commencement date, the rent commencement date and the lease expiration date. Separately, you must also supply a work letter, which is a specific and detailed description of the improvements made or contemplated for the eligible premises. Please include by major trade or category the estimated or actual costs of such improvements. The application must be filed within 180 days of the lease commencement date. **Applications received after 180 days are late and not eligible for benefits.**
- For new and expansion tenants minimum required expenditures must be made within 60 days of rent commencement. For renewal tenant minimum required expenditures must be made within fourteen months of lease commencement. Proof of such expenditures will be required.
- File a Certificate of Continuing Eligibility before July 1 of each year that an abatement is in effect for the premises. Failure to timely file will result in revocation of benefits. Forms are available online at **nyc.gov/finance.**
- Benefit period begins the first day of the month following the rent commencement date and ends no later than one hundred twenty months thereafter. A benefit period may end no later than June 30, 2016.
- This application must be completed by both the property owner and the tenant. A separate application must be submitted for each individual property and lease.

LEASE TERMS

Benefits will be provided only for leases of 3 years or more. The sole requirement is that the lease have a term of not less than 3 years.

MINIMUM EXPENDITURES

Minimum expenditures of $2.50 per square foot are required for all new or expansion leases. For a renewal lease for space previously occupied by the same tenant, a minimum expenditure of $5 per square foot is required; when a renewal lease includes additional space not previously occupied, the minimum expenditure for that additional space is $2.50 per square foot. See chart below:

IF THE MINIMUM LEASE TERM IS . . .	EXPENDITURE MUST BE AT LEAST (per square foot) . . .			
	NEW	RENEWAL PREVIOUSLY OCCUPIED	RENEWAL ADDITIONAL	EXPANSION
3 years (Mfg/Ind)	$2.50	$5	$2.50	$2.50

COMMERCIAL AND INDUSTRIAL/MANUFACTURING EXPANSION PROGRAM APPLICATION INSTRUCTIONS

SECTION I - SITE INFORMATION

1. Enter the complete address of the premises for which the applicants are filing for an abatement.
2. Enter the floor(s) and room number(s) of the premises. If additional space is needed, attach a separate sheet. If the application is being filed for entire floors in the building, indicate this by writing “entire floor” next to the floor number.
3. Enter the borough, block and lot of the eligible premises.
4. Check the correct box. Describe the specific proposed use for the premises, such as type of manufacturing or industrial activity, medical office or bank branch. If you checked “Manufacturing”, please attach a detailed list of the manufacturing activities occurring on the premises, from start to end product.
5. Please be sure to attach a copy of your company mission to the application.

SECTION II - OWNER AND TENANT INFORMATION OWNER

OWNER:

1. Enter complete name, address, telephone number and facsimile number and Employer Identification Number or Social Security Number.
2. Enter the title, complete name, firm name, address, telephone number and facsimile number of the representative.
3. If an application has been filed for any portion of the eligible premises, check "YES" and enter the application number. Otherwise, check "NO."

TENANT:

4. Enter complete name, address, telephone number, facsimile number. For item 10a and 10b, enter complete name, address, telephone number, facsimile number, Employer Identification Number or Social Security Number of each additional party to lease, if applicable.
5. Enter the Employer Identification Number. If none is available, enter the tenant's Social Security Number.
6. Enter the title, complete name, firm name, address, telephone number and facsimile number of the representative.
7. Check the correct box. Refer to definitions under "subtenant" on page E for an explanation.

SECTION III-A - LEASE ABSTRACT INFORMATION

LINE 1 - Enter the information pertaining to the eligible premises only. (Please attach a copy of the lease along with the application).

(a) The date that the lease was signed by the tenant and landlord for the eligible premises.

(b) The date set forth on the lease that the lease term begins.

(c) The date set forth on the lease on which the obligation to pay basic fixed rent shall begin.

(d) The date that the lease ends for the eligible premises.

(e) The number of people expected to be employed in the eligible premises sixty days after the date in line 1c.

(f) The percentage of the building’s total floor area allocated to the tenant as listed in the lease. *(See "definitions" on page E)*

(g) The gross floor area for the eligible building.

LINE 2 - Check the correct box. If any portion of the expenditures used to meet the work letter requirements of this application includes common area space, check "YES." Otherwise, check "NO."

LINE 3 - Enter the dollar amount of common area expenditures listed in the work letter.

SECTION III-B - LEASE TYPE

Check the correct box and go to the section indicated. Refer to the definitions under "lease" on page E to determine the lease type.

SECTION III-C - NEW LEASE INFORMATION

LINE 1 - Enter the square foot area of leased space in the eligible premises.

LINE 2

(a) Enter the expenditures allocated to the leased space in the eligible premises. Do not include expenditures for common areas.

(b) Divide the amount in line 2a by the square feet listed in line 1 and enter the calculated amount.

(c) Enter the amount listed in Section III-A, line 3.

(d) Divide the amount in line 2c by the square feet listed in line 1 and enter the calculated amount.

(e) Enter the sum of lines 2b and 2d.

Continued on Page D

Continued from Page B

SECTION III-D - RENEWAL LEASE INFORMATION

LINE 1 - Enter the square foot area of the **renewed** lease space.

LINE 2

(a) Enter the expenditures allocated to the renewed lease space. Do not include expenditures to common areas.

(b) Divide the amount in line 2a by the square feet listed in line 1 and enter the calculated amount.

(c) Enter the amount listed in Section III-A, line 3 which is being included in the expenditure calculation for renewed space. If the renewal tenant has executed a lease for additional space in the same building, the applicant may wish to divide the common area expenditures between the two spaces.

(d) Divide the amount in line 2c by the square feet listed in line 1 and enter the calculated amount.

(e) Enter the sum of lines 2b and 2d.

LINE 3 - If the renewal tenant executes a lease for additional space in the same building as the renewal lease, check "YES." Otherwise, check "NO."

LINE 4 - Enter the square foot area of the **additional** leased space.

LINE 5

(a) Enter the expenditures to the additional leased space. Do not include expenditures to common areas.

(b) Divide the amount in line 5a by the square feet listed in line 4. Enter the calculated amount.

(c) Enter the amount listed in Section III-A, line 3 which is being included in the expenditure calculation for renewed space. If the renewal tenant has executed a lease for additional space in the same building, the applicant may wish to divide the common area expenditures between the two spaces.

(d) Divide the amount in line 5c by the square feet listed in line 4 and enter the calculated amount.

(e) Enter the sum of lines 5b and 5d.

SECTION III-E - EXPANSION LEASE INFORMATION

LINE 1 - Enter the square foot area of leased expansion space.

LINE 2

(a) Enter the expenditures allocated to the expansion lease space. Do not include expenditures to common areas.

(b) Divide the amount in line 2a by the square feet listed in line 1 and enter the calculated amount.

(c) Enter the amount listed in Section III-A, line 3.

(d) Divide the amount listed in line 2c by the square feet listed in line 1 and enter the calculated amount.

(e) Enter the sum of lines 2b and 2d.

FILING INSTRUCTIONS

1. After reading the instructions, complete the application form.
2. After reading the Agreements and Representations, the owner and tenant or their representatives must sign, *date and notarize* the application's affidavit.
3. Drop off (be sure to receive a time stamp receipt):

NYC Department of Finance Business Center
Attention: CEP
66 John Street, 2nd Floor
New York, NY 10038

OR

Mail:

NYC Department of Finance
Attention: CEP/CRP Program
59 Maiden Lane, 22nd Floor
New York, NY 10038

For further information visit the Finance website at **nyc.gov/finance**.

COMMERCIAL AND INDUSTRIAL/MANUFACTURING EXPANSION PROGRAM DEFINITIONS

The purpose of these definitions is to serve as a broad explanation to help applicants complete the application. These definitions are not intended to serve as legal definitions. For legal definitions, refer to the relevant statutes and/or promulgated rules.

Abatement Zone - Any area that is zoned C4, C5, C6, M1, M2 or M3 in accordance with New York City zoning laws, that is located in Manhattan north of the center line of 96th Street or in the boroughs of The Bronx, Brooklyn, Queens or Staten Island. For industrial or manufacturing tenants only, with leases commencing on or after July 1, 2005, the abatement zone will also include the Special Garment Center District in Manhattan as designated by Article XII, Chapter 1 of the Zoning Resolution of the City of New York: West 35th Street to West 38th Street from Broadway to 7th Avenue; West 35th Street to West 40th Street from 7th Avenue to 8th Avenue; West 35th Street to West 39th Street from 8th Avenue to 100 feet East of 9th Avenue; The northerly half of the block bounded by West 34th Street, West 35th Street, 7th Avenue and 8th Avenue.

Applicant - If filing for tax abatement benefits-the tenant and landlord.

Eligible Building - A non-residential or mixed use building that is located in the abatement zone which was legally occupiable prior to January 1, 1999. The building must also have a total floor area of at least 25,000 square feet. Government owned buildings are not eligible for benefits pursuant to this program. Individual condominium units in eligible buildings are considered separate eligible buildings. The minimum building size and age requirements are no longer applicable to industrial and manufacturing tenants with leases that commence on or after July 1, 2005 and are otherwise eligible for the enhanced abatement schedule.

Eligible Premises - In general, premises located in an eligible building that are occupied or used as offices or commercial (excluding hotel and retail) and manufacturing activities. For manufacturing and industrial tenants with leases commencing on or after July 1, 2005, "eligible premises" must be occupied or used for industrial and manufacturing activities as defined below.

Eligibility Period - For office and general commercial tenants the eligibility period is July 1, 2000 to June 30, 2016. For industrial and manufacturing tenants with leases commencing on or after July 1, 2005 the eligibility period is July 1, 2005 to June 30, 2016. In order for the lease to be eligible, the lease commencement date must be within the applicable period.

Industrial and Manufacturing Activities - Activities involving the assembly of goods to create a different article, or the processing, fabrication, or packaging of goods.

Lease Type

New lease - A lease:

a) With a tenant who is relocating or expanding to eligible premises:
   1) from a relocation area; or
   2) from an eligible building whose lease will expire during the eligibility period; or
   3) from a premises in the abatement zone which is not an eligible building; or
   4) from a building in the abatement zone that the tenant owns; or
b) With a tenant who does not occupy any premises immediately prior to executing a lease for eligible premises;

Renewal Lease - A lease executed during the eligibility period for the continued use of all or part of a premises in an eligible building, or all or part of such premises and additional premises in such eligible building which had been leased by the same lessor under a lease expiring during the eligibility period.

Expansion Lease - A lease executed for an eligible (expansion) premises where the lessor already occupies premises in an eligible building under a lease that will not expire during the eligibility period.

Mixed Use Building - A building used for both residential and commercial purposes with more than twenty five per cent of the building being used for commercial, community facility or accessory purposes.

Subtenant - An entity whose right to occupy and use the eligible premises is not derived from a lease with the landlord. In those instances, where a tenant subleases to another entity (a subtenant), both parties are not eligible for abatement benefits for the subleased space. For purposes of this program, any ancillary term used to reflect a tenant/subtenant relationship (e.g., licensee or use agreement, etc.) is ineligible for benefits for such space.

Tenant - Any entity (including any successors in interest) who executes a lease with the landlord for the right to occupy or use the eligible premises and does so as per the lease agreement.

Tenant's Percentage Share - The percentage of a building's aggregate floor area allocated to the eligible premises. In the case of an expansion tenant, the share should be calculated as the percentage of the building's floor area allocated solely to the expansion premises. This figure must be listed in the lease and lease abstract.

Total Floor Area - The sum of the gross area of a building measured from the exterior walls.

Work Letter - A specific and detailed description of the improvements made or contemplated for the eligible premises. Please detail by major trade or category the estimated or actual cost of such improvements.