



**INDUSTRIAL AND COMMERCIAL INCENTIVE PROGRAM
AND INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM
FINAL APPLICATION AND INSTRUCTIONS**

INSTRUCTIONS

This is your Final Application and Instructions for a Preliminary Certificate of Eligibility. There are six pages including this cover page. The cover page instructions provide a list of documents that must be submitted with your application and details the Property Use Designation Numbers.

The application includes:

Page 1 - Section I: Site Information and Section II: Applicant Information

Page 2 - Section III: Project Information

Page 3 - Section IV: Employment Representations by Applicant

Page 4 - Section V: Agreements and Representations and Section VI: Application Affidavit

Page 5 - Section VI: Affidavit and Narrative Description

The following information must also be submitted along with the Final ICIP/ICAP Application:

- A.** Copy of lease if you are not the owner of the property. The ICIP/ICAP applicant must be the party responsible for the payment of real estate taxes.
- B.** If a request for lot merger or apportionment has been filed with the surveyor, please enclose a copy of the RP-604.
- C.** Affidavit and attachments of Engineer or Architect.
- D.** For ICAP, please submit all open • Fire • DOB • ECB violations.

The Department of Finance reserves the right to ask for additional information in order to determine eligibility for ICIP/ICAP Benefits.

Mail the completed application with all attachments to:

**NYC Department of Finance - ICIP/ICAP
59 Maiden Lane, 22nd Floor
New York, NY 10038**

Inquiries about ICIP/ICAP should be directed to: exemptionspolicy@finance.nyc.gov.



**INDUSTRIAL AND COMMERCIAL INCENTIVE PROGRAM
AND INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM
FINAL APPLICATION FOR CERTIFICATE OF ELIGIBILITY**

DATE
STAMP

For ICIP: This final application must be filed as soon as possible after the effective date of eligibility. The effective date of eligibility is the date of the first building permit that allows construction to proceed, or if no permit is required, the date that construction started. **For ICAP:** This final application must be filed no later than one year after the effective date of eligibility. The effective date of eligibility is the date of the first building permit that allows construction to proceed, or if no permit is required, no later than one year from the date that construction started. The completed application with all attachments must be submitted by mail to:

NYC Department of Finance, ICIP/ICAP
59 Maiden Lane, 22nd Floor, New York, NY 10038

Type or print all information

SECTION I SITE INFORMATION APPLICATION NUMBER: _____

1. Borough: _____ Block: _____ Lot: _____

2. Site address: (number and street) _____

3. Is the property part of a:
 Commercial Revitalization District
 Economic Development Zone
 EDC Industrial Park
 Empowerment Zone

SECTION II APPLICANT INFORMATION The applicant must be the party responsible for real estate taxes.

1. Name of applicant: _____

Contact person: (for applicant's office) Telephone number:
Mr. Mrs. Ms. ()

Address: (number and street) E-mail address: _____

City, State and Zip Code: _____

Applicant's Employer Identification Number: _____ or Applicant's Social Security Number: _____

2. Relationship to parcel: (check one) owner net lessee tenant mortgagee in possession other, specify _____

3. Do you have knowledge that any persons, entities, partners, directors or officers that have a substantial interest in the property has ever committed arson? (A substantial interest is defined as ownership or control of an interest of 10% or more in the property.) YES NO

4. Representative's name: (If a representative is designated below, correspondence will be sent only to the representative.)
Mr. Mrs. Ms.

Firm/business name: Telephone number: ()

Representative's address: (number and street) E-mail address: _____

City, State and Zip Code: _____

5. Check here if the applicant's representative has changed since the filing of the preliminary application.

6. Contact for site inspection: Telephone number: ()
E-mail address: _____

SECTION III PROJECT INFORMATION

1. Type of project: (check all that apply) new building alteration addition to existing space
2. This application is for: (check one) Industrial Exemption Commercial Exemption Industrial Abatement and Exemption
3. Proposed use: _____
4. Total square footage of space that is the subject of this application: _____ square feet.
5. In the space provided, list the buildings, floor and total square feet.

BUILDING	FLOOR	TOTAL SQUARE FEET	CURRENT USE (SPECIFY BUSINESS USE)	PROPOSED PROPERTY USE DESIGNATION CODE AND SPECIFY BUSINESS USE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. Estimated cost of construction: \$ _____
7. Have plans been filed with the Department of Buildings? yes no If "yes," date filed: ____ / ____ / ____
8. Does the construction work require a building permit? yes no
9. Has a building permit been issued? yes no If "yes," date issued: ____ / ____ / ____
10. Has construction commenced? yes no If "yes," date commenced: ____ / ____ / ____
11. Projected date of completion: ____ / ____ / ____ **OR** Actual date of completion: ____ / ____ / ____
12. Has an application been made previously for ICIP benefits for this property? yes no
If "yes," give application number: _____ If "no," continue with question 15.
13. Has a Certificate of Eligibility been granted for the prior ICIP application? yes no
14. Has an application been made for any other New York City Exemption or Abatement Program, for example J-51, lease abatement, ECSP, LMEP, etc.? yes no
If "yes," specify: _____
15. Estimate the number of permanent jobs for New York City residents that will be provided at the **completion** of the project.
Retained: _____ Created: _____

SECTION IV EMPLOYMENT REPRESENTATIONS BY APPLICANT

The applicant and its successors represent and agree that, upon the issuance of a certificate of eligibility for the project described in this application, they:

1. will not discriminate against any employee or applicant for employment on the basis of race, color, creed, national origin, sex, age, handicap, or marital status, sexual orientation, disability, and citizenship status with respect to all employment decisions, including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment in connection with any work on the project;
2. will not discriminate in the selection of contractors and subcontractors on the basis of any owner's, partner's, associate's, or shareholder's race, color, creed, national origin, sex, age, handicap, or marital status, sexual orientation, disability, and citizenship status in connection with any work on the project;
3. will state in all solicitations or advertisements for employees placed by it or on its behalf in connection with any work on the project, that all qualified applicants will receive consideration for employment without regard to race, color, creed, national origin, sex, age, handicap, marital status, sexual orientation, disability, and citizenship status, or that they are equal opportunity employers;
4. will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of their equal employment opportunity commitments in connection with any work on the project;
5. will not award contracts or commence construction until the submission of a completed employment report to the Division of Labor Services (hereafter, "Division") and until the Division approves or fails to respond within 15 business days of receipt of a completed employment report;
6. will permit the Division access to the project site and to all books and records, and will file certified payroll records, including computer tapes, as required by the Division;
7. will not engage in moving employees from one job site to another in order to create the appearance of compliance with the rules or other applicable law, regulation or executive order designed to ensure equal employment opportunity;
8. will submit to the jurisdiction of the Division for the purpose of determining compliance with these representations and will cooperate with the Division in attempting to cure any instances of noncompliance with the equal employment opportunity requirements of Executive Order No. 50 and amendments which the Division may find in connection with any work on the project;
9. will terminate, suspend, cause to be terminated or suspended, or not award any contract or subcontract entered into in connection with the project described in the application with any contractor or subcontractor found by the Division or the Department of Finance (hereafter, "Department") to be in violation of any provision of these representations;
10. will include or cause to be included in all contracts in excess of \$1,000,000 or subcontracts for amounts in excess of \$750,000, entered into in connection with the project, the following provision: in consideration for and as a condition of this contract, the contractor or subcontractor agrees that during its performance it: (this paragraph shall be followed by paragraphs (1) through (10) of this subdivision in their entirety);
11. will complete any hearings commenced by the Director of the Division and comply with any direction of the Department, whether benefits have been granted or not;
12. will comply with any direction of the Department made pursuant to section 22.601 of the rules, including a direction: (i) to terminate, suspend, cause to be terminated or suspended, or not award any contract between the applicant and a contractor or between contractors and subcontractors upon a finding that the contractor has failed to comply with the terms of this application or has failed to conciliate with the Division; (ii) to pay to the Department, applicant or contractor, an amount equal to 3% of the highest estimate of construction costs as set forth in this application, upon a finding that the applicant has failed to make a good faith effort to comply with the terms of this application or has failed to make a good faith effort to conciliate with the Division, provided that such payment shall be credited against any payment directed under subparagraph (iii) of this paragraph; (iii) to pay to the Department, applicant or contractor, an amount equal to 5% of the construction costs, as set forth in this application, upon finding that the applicant has failed to comply with any direction of the Department or the Division; (iv) not to file for a period of five years any application upon a finding that the applicant has willfully disregarded and willfully failed to comply with any direction of the Department; (v) to implement an employment program of corrective action imposed by the Director of the Division;
13. understand, and will cause their contractors and subcontractors to understand, that in the event of their noncompliance with the nondiscrimination clauses of this application or contract or with Executive Order No 50 and amendments or the rules or orders promulgated thereunder, such noncompliance shall constitute a material breach of the contract or application and noncompliance with such rule, regulation or order and with Executive Order No. 50 and amendments. (b) The terms used in these representations shall have the meanings given in the rules governing the program.
14. will comply with the minority and women-owned business enterprise (M/WBE) requirements in accordance with provisions under Local Law 67 of 2008 including, but not limited to (i) conducting outreach to M/WBEs that may be qualified to perform contracting and subcontracting work on construction projects, as outlined in the ICAP M/WBE Compliance Report submitted with the Preliminary Application for Certificate of Eligibility, and (ii) keeping and maintaining detailed records, at your place of business, of outreach activities to M/WBEs in preparation for future audits of the program.

SECTION V AGREEMENTS AND REPRESENTATIONS

The undersigned agrees and represents that:

1. He or she has personal knowledge or information sufficient to make a materially correct response to the questions asked in this application form, and that he or she knows or believes all matters stated herein to be true.
2. The applicant and its employees and agents will comply with all provisions of law and rules relating to the program.
3. All taxes and charges due on property within the project site have been paid or are currently being paid pursuant to an installment agreement.
4. The applicant will pay all taxes due on the property within the project site, including taxes due upon revocation pursuant to the rules.
5. The applicant has paid the application fee and will pay all other fees and penalties payable under the rules.
6. The applicant agrees to be personally liable for the payments described in items (4) and (5) to the extent provided by the rules.
7. The applicant will seek benefits only to the extent described in the application and any amended application permitted by the rules.
8. The applicant will not seek benefits in excess of those awardable on the basis of the determination of eligibility made by the Department pursuant to article 18 of the rules, unless such determination is changed upon review sought and obtained in the manner provided by the rules.
9. The applicant will comply with all applicable provisions of law and rules relating to the construction, maintenance and operation of buildings.
10. The applicant or subject property does not have any adjudicated uncured code violations as listed in § 11-266, subdivision b of the administrative code of the city of New York.
11. Within seven years immediately preceding the date of application, neither the applicant nor any person having a substantial interest in the project site, was finally adjudicated by a court of competent jurisdiction to be guilty of arson or harassment, or was an officer, director or general partner of any such person at the time such act or harassment was committed.

12. The applicant will comply with the Rules of the Office of the Mayor for implementation of Executive Order no. 50 (1982) and amendments, relating to equal employment programs, to the same extent as if the applicant was a contractor with the City of New York, and will not commence construction, or award any contract to a contractor for construction work if required, until at least 15 days have elapsed without comment after filing Employment Reports for itself and each such contractor. Employment Reports forms are available from the Division of Labor Services. Employment Reports shall be filed with the:

Department of Small Business Services
 Labor Services Unit
 110 William Street, 7th Floor
 New York, NY 10038
 (212) 513-6323

13. The applicant will comply with the provisions outlined under Local Law 67 of 2008, with the understanding that no ICAP benefits shall be granted for any construction work unless the applicant participates in the program, established in section 11-278 of the law, to encourage meaningful participation of M/WBEs in construction work for which the applicant receives benefits.
14. The applicant will notify the Department of Finance in writing within fifteen (15) days before commencing any demolition or construction work at the project site.
15. The applicant will submit the above reports, and any others required by this or other departments at a later date, as described in the rules.
16. 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;
 - b) knowingly misstates or omits information in the application;
 - c) is discovered to have building, fire or air pollution control code violations on the subject property;
17. The applicant(s) agrees to 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.

SECTION VI APPLICATION AFFIDAVIT

STATE OF _____
 COUNTY OF _____

SS:

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

Signature of APPLICANT OR REPRESENTATIVE: _____

Subscribed and sworn to before me this

_____ day of _____ 20_____

Affix
 official stamp or
 seal here.

 →

Notary Public or Commissioner of Deeds



**INDUSTRIAL AND COMMERCIAL INCENTIVE PROGRAM
AND INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM**

AFFIDAVIT AND NARRATIVE DESCRIPTION

If the project does not have an engineer or architect associated with it, this affidavit should be completed by the general contractor for the project.

APPLICATION NUMBER: _____

Borough:	Block:	Lot:
Site address: (number and street)		
Name of Engineer or Architect: (if no plans are required, name of contractor authorized to submit details of work.)		
E-mail address:	Telephone number:	

INSTRUCTIONS

In addition to this affidavit, attach the following:

- a) Narrative description; see guidelines below.
- b) Executed construction contracts or a statement from the engineer or architect detailing cost estimates.

Guidelines for Narrative Description

The narrative description must include the following:

- 1) A written description of the proposed project stating the specific work to be undertaken including the floor area (below grade and above grade floors and roof) and location within the property of space created or affected by the work. List each permit number and the work associated with such permit. List any work that did not require a permit. List any work at the project site or any permit that overlaps the effective date that is excluded from the application for ICIP benefits;

- 2) Date of start of construction;
- 3) Estimated date of completion of project or actual date of 1st temporary certificate of occupancy (C.O.) or final certificate of occupancy. Include copies of any C.O. issued;
- 4) Contractors and sub-contractors by trade, including addresses;
- 5) Costs of construction broken down by major categories of expenses;
- 6) Number and location of buildings on project property. Where multiple buildings exist on a lot or project site, include a survey showing each building;
- 7)
 - a) Statement of current or prior use by square feet;
 - b) Statement of proposed use by square feet; for commercial and/or residential.

REPRESENTATION AND AGREEMENT

The engineer, architect or general contractor named below agrees and represents that the attachments to this affidavit accurately describe the work to be done on the property for which the ICIP application is made.

AFFIDAVIT

STATE OF _____

COUNTY OF _____

SS:

_____, *being duly sworn, says under penalty of perjury that s/he is the _____ for this project and that the statements contained in this affidavit, including any attachments, are true to his/her knowledge.*

Signature _____

Subscribed and sworn to before me this

_____ day of _____ 20_____

Affix official stamp or seal here. →

Notary Public or Commissioner of Deeds

THIS AFFIDAVIT AND ATTACHMENTS MUST BE FILED IN CONJUNCTION WITH AND AT THE SAME TIME AS THE FINAL APPLICATION FOR THIS PROJECT.