

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Office Development

DIVISION OF HOUSING FINANCE

TAX INCENTIVE PROGRAMS

100 GOLD STREET, NEW YORK, N.Y. 10038

§ 421-g Forms

Please note that for benefits to commence on July 1st of any year, a complete application must be received by the Tax Incentive Programs unit on or before March 31st of that year, assuming that a Temporary Certificate of Occupancy has been received by the January 5th taxable status date. However, applications may be filed as soon as a Temporary (or permanent) Certificate of Occupancy has been received and the Declaration of Condominium (if applicable) has been filed with the Department of Finance. We recommend that applications be filed as soon as possible after receipt of a Temporary (or permanent) Certificate of Occupancy.

The attached forms include:

- 1) Transmittal Checklist for Final, Preliminary and/or Partial Benefits;
- 2) Application form (two pages) for one or more of the following:
 - Final Benefits* (for a project where conversion is complete),
 - Preliminary Benefits* (for projects which receive tax increases during construction and receive a one-year exemption if conversion is not complete by April 15th),
 - Partial Benefits* (for buildings of over 100,000 square feet where over 50% but less than the entire project is complete and additional conversion is expected);
 - Landmark Benefits* (for buildings designated as landmarks by the New York City Landmarks Preservation Commission that receive one additional year of benefits), and
 - Declaratory Rulings* (for a written opinion letter, although the form contains more information than is required, and a letter summarizing the project is preferable);
- 3) Space Allocation Addendum (three pages);
- 4) Harassment/Arson Affidavit (three pages); and
- 5) Optional Sheets including the following:
 - Interim Affidavit of Rent Registration;
 - Affidavit of Accuracy of Building Plans Previously Submitted; and
 - Affidavit of "No TCO" as of April 15th for Preliminary Applications.

If you have any questions, contact Margot Sklar (212) 863-5185

CHECKLIST FOR 421- g APPLICATION

PROJECT ADDRESS: _____ Block _____ Lot _____

Submitted by: _____ Phone _____ Fax _____

The documentation noted below has been submitted to the Office for review in connection with an application for tax benefits pursuant to § 421-g of the RPTL. (Applications for the one-year pre-completion exemption ("Preliminary Benefits") require affidavits for Items 4, 7 and 8.)

1. Application: Check ALL applicable: Preliminary, Final, Partial Eligibility (initial), Landmark. [see also "Supplemental" checklist for Final after Preliminary OR Partial]
2. Proof of pre-conversion, non-residential usage: prior C of O for non-residential use, AND Prior-Use Letter from the Borough Superintendent, Buildings Department, OR Other _____
3. An initial permit for conversion dated after 7/1/95 and within 3 years of completion with a set of plans as approved by the Department of Buildings ("DOB") with the DOB stamp or verified as such by an architect's affidavit, AND PW-1, PW1-A, 1B and PW-2.
4. A copy of the post-conversion C of O or T C of O dated prior to the relevant January 5 for all units claimed on the application, or for Preliminary eligibility, an affidavit must be received by April 29, stating that no C of O or TC of O had been issued as of April 15. For units with *Home Occupation usage*, lease or offering plans must include the zoning restrictions.
5. Two copies of a completed Space Report (Form G-2) to be confirmed by the Office.
6. Proof of lot apportionment, if any, from the Department of Finance: two copies of the new tax map with new or tentative tax lot numbers, and a copy of the Declaration of Condominium. A complete application for lot apportionment with plans and the Declaration of Condominium must have been filed at the Department of Finance by December 1st.
7. Proof of Multiple Dwelling Registration (MDR) with HPD.
8. a copy of rent registration forms filed with DHCR for rental units (all pages), OR b copies of leases for exempt rental units (one full lease and the first and last pages showing signature and rent, \$2,000 or more if luxury unit, for each remaining exempt lease), OR c proof of filing with the Attorney General for residential coop or condo units.
9. Printout from the Department of Finance showing that the applicant is the party obligated to pay taxes and that all charges are up to date as of the January before benefits are to be implemented. A deed or net lease may be submitted for proof that the applicant is obligated to pay taxes.
10. Printout from the Department of Environmental Protection showing that all water charges are paid as of the January before benefits are to be implemented.
11. Proof of landmark status (if any) from the NYC Landmarks Preservation Commission. (Copy of (a) Landmark Designation, (b) Permit and (c) Letter of Compliance, unless all work is interior.)
12. Completed affidavit (Form G-3) regarding harassment/arson convictions.
14. Fees: A non-refundable fee (certified check or money order) payable to the New York City Department of Finance with the notation, "421-g fee."

1) base fee of \$1,500 \$ 1,500

2) plus \$250 per dwelling unit (No. Units _____ X \$250) = + \$ _____

TOTAL (not to exceed \$25,000) \$ _____

APPLICATION UNDER §421-g, REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK

- PRIOR OPINION PRELIMINARY BENEFITS FINAL BENEFITS LANDMARK
 PARTIAL BENEFITS # _____ OF _____ FINAL BENEFITS AFTER PRELIMINARY

Address of Eligible Multiple Dwelling (Building or Portion of a Building Applying for Tax Benefits) _____

Cross Streets _____ Number of Residential Units in Eligible Multiple Dwelling _____

Block _____ Lot(s) _____ Former Lot (if apportioned) _____

Other Lots in Structure Not subject to this Application _____

TAXPAYER(S) (Owner)	_____	CONTACT PERSON	_____
Address	_____	Organization	_____
	_____	Address (if different)	_____
	_____		_____
Phone # / Fax #	_____	Phone # / Fax #	_____

CLASSIFICATION OF ELIGIBLE MULTIPLE DWELLING (please supply the square footage for each class)					
CATEGORY		Class A <i>Sf</i>	Non-Residential <i>Sf</i>	Class B/Hole/SRO <i>Sf</i>	Total <i>Sf</i>
Before Conversion					
After Conversion	Phase I (if applicable)				
	Phase II				
	Phase III				

PROJECT INFORMATION

- Date building permit issued by the Department of Buildings: _____
- Date of issuance by the Department of Buildings a Temporary or permanent Certificate of Occupancy: Temporary _____ Permanent _____
- Describe use of Eligible Multiple Dwelling prior to conversion.
- Proof of non-residential use prior to conversion: Certificate of Occupancy Other _____
- List actual assessed value of building for the year following commencement of construction; \$ _____ tax year _____
- Estimated Cost of Conversion: \$ _____
- Has the NYC Landmarks Preservation Commission designated the Eligible Multiple Dwelling as a Landmark? Yes No

FOR 421(g) PROGRAM USE ONLY	DOCKET # _____	HPD Date Stamp
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AGGREGATE FLOOR AREA AND NON-RESIDENTIAL SPACE REPORT

(Architect or Applicant must sign, date and seal or notarize this form below)

Address of Project: _____

Block: _____ Lot(s) (use new lot number, if any): _____

I hereby certify that the following areas contain the square footage specified and all the non-residential space in the above tax lot(s) have been specified:

1. **TOTAL AGGREGATE FLOOR AREA** (from schedule on page 3): _____ sq. ft.
 (show calculation of aggregate floor area, level by level, on schedule attached, page 3)
2. **NON-RESIDENTIAL SPACE – LIST BELOW ALL COMMERCIAL, COMMUNITY FACILITY AND ACCESSORY USE SPACE** (Do not include residential space. Use continuation on page 2 if needed)

Floor Location (Basement, 1st Floor, etc.)	DESCRIPTION OF USE (non-residential space only)	THIS SPACE (Square Feet)	% of Aggregate Floor Area	FOR HPD USE ONLY	
				This Space (Square Feet)	% of Aggregate
TOTAL THIS PAGE NON-RESIDENTIAL					
TOTAL, IF ANY, FROM PAGE 2					
GRAND TOTAL (non-residential)					
EXCEEDS 12% BY					

See the Zoning Resolution (Article 1, Chapter 2) for definitions of commercial community facility and accessory use floor area. Typical examples are: retail stores, professional offices, community recreation rooms, pools and exercise rooms. (Indoor parking not more than 23 feet above curb level and accessory storage are not counted as 421-g non-residential accessory use space.) A copy of the plans as filed at the Department of Buildings for the entire building showing the aggregate floor area and the non-residential floor area detailed above must accompany this report.

Name of Architect or Applicant (please print) _____

Signature of Architect & seal or Applicant & notary: _____ Date: _____

Sworn to before me this
 _____ DAY OF _____, 19____

NOTE: THIS FORM WILL BE RETURNED IF THE FLOOR BY FLOOR BREAKDOWN OF THE AGGREGATE FLOOR AREA IS NOT INCLUDED.

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Tax Incentive Programs, 421-g
100 Gold Street, 1st Floor, New York, NY 10038

OWNER'S AFFIDAVIT (HARASSMENT/ARSON)

STATE OF NEW YORK

ss. :

COUNTY OF _____

I, _____, being duly sworn, depose and say:

1. I am over 18 years of age and I reside at _____
 have an office at _____

2. I make this affidavit in support of an application for tax benefits pursuant to Section 421-g of the Real Property Tax Law ("§ 421-g") for the following premises (the "Premises"):

Street Address: _____

Borough _____ Block _____ Lot(s) _____

3. I am an Interested Individual or Controlling Person of an Interested Entity (as defined below). I make this affidavit on personal knowledge after due investigation.

4. For the purposes of this affidavit—
- (a) "Application" means the application for tax benefits pursuant to § 421-g in support of which this affidavit is made;
 - (b) "Applicant" means the Interested Individual or Interested Entity, as defined below, listed as owner on the Application and obligated to pay taxes;
 - (c) "Interested Individual" means an individual who, directly or indirectly, legally or beneficially owns or controls a 10% or larger interest in the Premises
 - (d) "Interested Entity" means a corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity which, directly or indirectly, legally or beneficially owns or controls a 10% or larger interest in the Premises; *and*
 - (e) "Controlling Person" means an officer, director, general partner, member, or trustee, or holder of any similar position of authority or control of an Interested Entity.

5. The attached schedule (the "Schedule of Ownership"), which consists of _____ page(s) and is incorporated herein by this reference, sets forth the names of Interested Individuals, the Interested Entities and/or Controlling Persons including the Applicant, and their relationship to the Premises.

6. Neither I nor any other Interested Individual, Interested Entity or Controlling Person was finally adjudicated by a court of competent jurisdiction to have violated § 235 of the Real Property Law, which concerns with harassment, or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction, with respect to any building within seven years prior to the date hereof, or (b) was, at the time of such adjudication, a Controlling Person of an Interested Entity, which was finally

adjudicated by a court of competent jurisdiction to have violated § 235 of the Real Property Law, which concerns harassment, or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction with respect to any building within seven years prior to the date hereof.

7. The Schedule of Ownership sets forth any pending charges alleging violation of § 235 of the Real Property Law, which concerns harassment, or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction with respect to any building by (a) the Applicant, (b) any Interested Individual, (c) any Interested Entity, or (d) any Controlling Person.

8. I understand that if the Applicant or any Interested Individual, Interested Entity or Controlling Person who or which is, or should be, identified pursuant to Paragraph 7 of this affidavit is finally adjudicated by a court of competent jurisdiction to be guilty of any charge required to be listed thereby, the Premises shall cease to be eligible for benefits pursuant to § 421-g and the owner of the Premises shall be obligated to pay, with interest, any taxes for which benefits were claimed pursuant to § 421-g.

9. I understand that tax benefits under § 421-g shall not be granted if (a) this affidavit contains a willful misrepresentation or omission of a material fact or (b) the Applicant or any Interested Individual, Interested Entity or Controlling Person listed on the Schedule of Ownership has been found guilty of violating § 235 of the Real Property Law, which concerns harassment, or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction with respect to any building, until and unless the judgment is reversed on appeal.

Signature

Print Name

Title and Entity if any

Sworn to and subscribed before me this
_____ day of _____, 19 _____

NOTARY PUBLIC

SCHEDULE OF OWNERSHIP (PAGE _____ of _____)

Set forth the names of the Applicant and all Interested Individuals, Interested Entities or Controlling Persons, their relationship to the Premises and state whether any charges alleging violation of § 235 of the Real Property Law which concerns harassment, or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction with respect to any building are pending against them. If no charges are pending, so state. Describe any pending charges in the space provided. Use multiple pages if needed.

Name [include the name of (1) the entity or individual listed as owner on page 1 of the application, (2) all Interested Individuals, (3) all Interested Entities and (4) all Controlling Persons]	Relationship to the Premises, <i>e.g.</i> owner, partner, shareholder (with percentage), title such as (President, Vice-President, Treasurer, Secretary, Director, Trustee), etc.	Pending Charges
1.		
2.		
3.		
4.		
5.		
6.		

Description of Pending Charges:

<p align="center">SIGNATURE OF AFFIANT:</p> <p>_____</p> <p>Title:</p>

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
OFFICE OF DEVELOPMENT
TAX INCENTIVE PROGRAMS

421-g Affidavit

AFFIDAVIT OF NO TEMPORARY CERTIFICATE OF OCCUPANCY AS OF APRIL 15TH

STATE OF NEW YORK)
CITY OF NEW YORK) SS.
COUNTY OF _____)

I _____, being duly sworn, depose and say:

I am the _____ of the premises at _____
(owner, officer, etc.) (street address)

Block _____ Lot(s) _____

which is being converted from a non-residential building to a Class A multiple dwelling. I make this affidavit in support of an application for Preliminary Tax Exemption Benefits pursuant to §421-g of the Real Property Tax Law of the State of New York ("421-g application").

I hereby affirm that as of April 15, 2000, completion of conversion had not occurred on the residential portion of the subject tax lot as evidenced by the fact that a Temporary Certificate of Occupancy had not been issued by the Department of Buildings for all the dwelling units which will be claimed in the 421-g application.

I make these statements to induce the City of New York to grant a 421-g tax exemption benefit and know that the City of New York will rely on the veracity of such statements in granting such a benefit.

Sworn this
day of _____

(Notary or Seal)

(Signature)

