

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Adoption of Amendments to Rules Governing Filing of Applications for J-51 Tax Benefits

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (“HPD”) by Section 1802 of the New York City Charter, Section 489 of the New York State Real Property Law, and Section 11-243 of the Administrative Code of the City of New York, and in accordance with Section 1043 of the City Charter, HPD is amending its rules governing the filing of applications for tax benefits under the J-51 program.

A notice of proposed rulemaking was published in the City Record on September 8, 2017. A public hearing was held on October 10, 2017.

Statement of Basis and Purpose

New York State Real Property Tax Law §489 authorizes municipalities to enact local laws to reduce real property taxes as an incentive to property owners and developers to rehabilitate multiple dwellings. The City of New York has enacted such a local law in Administrative Code §11-243 (“J-51”). HPD determines eligibility for J-51 tax benefits and is amending Chapter 5 of Title 28 of the Rules of the City of New York (the “J-51 Rules”) to allow applications for tax benefits under J-51 to be submitted to HPD throughout the year.

The current J-51 Rules restrict the submission of applications to HPD to four designated filing periods. To make the program more readily accessible to the public, the amendments eliminate these restricted filing periods, and allow applicants to file applications at any time of year.

HPD’s authority for these rules is found in sections 1043 and 1802 of the New York City Charter, section 489 of the Real Property Tax Law, and section 11-243 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision a of section 5-05 of chapter 5 of title 28 of the Rules of the City of New York is amended to read as follows:

(a) ***Application forms and filing.*** Prescribed forms and applications are available from the Department of Housing Preservation and Development, Office of Tax Incentive Programs, 100 Gold Street, 1st Floor, New York, New York 10038. All applications must be submitted to the Office on forms approved by the Office. Only applications complete in all detail will be considered for certification of eligibility and reasonable cost. All forms must be filled out fully and

legibly by the applicant and shall be typewritten or inscribed in permanent ink. Applications and supporting documentation may only be submitted to the Office for review and approval after the completion of construction of work [and during the following four filing periods: February 1/March 15; May 1/June 15; August 1/September 15; November 1/December 15. If the fifteenth of March, June, September or December falls on a City holiday or on a weekend, the filing period shall end on the next business day].

Commissioner Maria Torres-Springer
October 24, 2017