

2019 Practice and Procedures regarding Article 7 Proceedings

(Updated January 2019)

In January 2018 the Law Department implemented changes to the RPTL Article 7 proceeding settlement process. This document outlines those changes, some answers/explanations to frequently asked questions concerning Law Department protocols relating to Article 7 proceedings, and some updated information.

Proposed Settlement Papers (i.e. Offer and Order/Stipulation of Settlement and Judgment)

Proposed settlement papers should no longer be signed by petitioners' representatives when initially submitted to the Law Department. Instead, only *unsigned* settlement papers should be submitted for review and approval. After all necessary City approvals have been obtained, you will then be notified by the Law Department to submit fully executed settlement papers. Upon receipt of the executed documents, the Law Department will sign the papers and file them with the Court. Hard copies of fully executed papers will not be mailed to you *if* the documents are e-filed with the court.

Proposed settlement papers should not reference or contain a signature line for the Deputy Comptroller. Please delete this line from your settlement document templates, if applicable.

Please make sure that proposed settlement papers correctly identify the assigned Judge and Part Number. Please contact the Court, not the Law Department, if you are unsure of this information. If a Court rejects settlement papers because this information is incorrect, you will be asked to refile corrected papers at your own expense.

As of January 1, 2019, executed Stipulations of Settlement and/or Offers to Allow Judgment submitted to the Law Department must include an affirmation that no changes were made to the language of the unexecuted settlement papers. **The affirmation must be on a page that includes the BBL and tax years involved in the settlement:**

Borough/Block/Lot(s):

Tax Years:

STATE AND COUNTY OF NEW YORK, SS.:

I, _____, affirm the following to be true: (1) I am an attorney admitted to practice in the Courts of the State of New York and I/my firm represent(s) one or more of the Petitioners herein; (2) I have reviewed and compared the language contained in the settlement papers initially submitted (i.e. unsigned) to the Respondents in these proceedings with the language contained in these signed settlement papers submitted for execution and filing by Respondents. I have found the language to be identical. If the language contained in these executed settlement papers was, in fact, changed from the language contained in papers initially submitted (i.e. unsigned) to Respondents, this entire stipulation and any resulting court order will be deemed null and void.

(ATTORNEY)
(LAW FIRM)

“Affidavit of No Sale”

(Please see separate document titled “Affidavit of No Sale” relating to preparation and submission of this Affidavit.)

Questions Regarding The Status of Litigation Including Proposed Settlements

Petitioners’ representatives should not contact any City agency in connection with the negotiations, settlement, or processing of any matter being handled by the Law Department unless prior written permission has been obtained from the Law Department.

Questions regarding the status of proposed settlement papers submitted to the Law Department should be emailed to the supervisor handling it. Please note that the nature of the property, the size of the assessments, as well as a number of other factors play a role in the pace with which settlement papers are reviewed. Please submit a status request concerning a matter only after waiting a reasonable amount of time considering the size and complexity of the proposed settlement.

E-Filing

Stipulations permitting the electronic bulk filing of Article 7 proceedings (along with any instructions for completion) are issued by the Court, not the Law Department.

Questions concerning the e-filing process (and only the process) should be addressed to the Court. For example, the Court can advise you how to obtain an e-filing user ID and advise you how to use the e-filing system. The Court cannot and will not change the contents of an e-filed petition (e.g. change the block and lot or petitioner’s name). Please do not ask them to do it.

Requests for Judicial Intervention (“RJI”)

The Unified Court Rules provide that matters are calendared by the filing of a Request for Intervention (RJI). The Law Department is willing to conference calendared proceedings, as well as related proceedings commenced in other tax years, even though RJIs are not filed for every proceeding. This courtesy will be extended to firms and petitioners that *promptly* provide discontinuances or file RJIs on all negotiated proceedings if there is no proposed correction of assessed values (“No PCAV”) is made upon conclusion of settlement negotiations. If your firm is unable or unwilling to adhere to this prerequisite, or if there is any question as to whether your client(s) agrees to proceed in this fashion, please advise the assigned Law Department ACC or Supervisor prior to the start of any negotiations and file RJIs for any proceeding you wish the Law Department to conference.

General questions regarding the procedures outlined above should be addressed to nschaier@law.nyc.gov.

Please note that the Law Department cannot give legal advice. Please consult with an attorney for any questions of a legal nature.