

## DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Housing Preservation and Development (“HPD”) is proposing an amendment to chapter 5 of title 28 of the Rules of the City of New York regarding application filing procedures for tax benefits under J-51.

**When and where is the hearing?** HPD will hold a public hearing on the proposed rule. The public hearing will take place from 10:30 AM to 12:00 PM on Tuesday, October 10, 2017. The hearing will be in HPD’s offices at 100 Gold Street, 9<sup>th</sup> Floor Floor, Room 9-V6, New York, New York 10038.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit written comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [rules@hpd.nyc.gov](mailto:rules@hpd.nyc.gov).
- **Mail.** You can mail written comments to Elaine R. Toribio, TIP Director, NYC Department of Housing Preservation and Development, 100 Gold Street, Room 8-D09, New York, New York 10038.
- **Fax.** You can fax written comments to HPD, 212 863-5899, ATTN: Elaine R. Toribio.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 863-7698. You can also sign up in the hearing room before the hearing begins on October 10, 2017. You can speak for up to three minutes.

**Is there a deadline to submit comments?** All written comments must be submitted on or before October 10, 2017.

**What if I need assistance to participate in the hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 863-7698 or e-mail at [accessibility@hpd.nyc.gov](mailto:accessibility@hpd.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 2, 2017.

This location has the following accessibility option(s) available: The building and hearing room are wheelchair accessible.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and an audiotape of oral comments concerning the proposed rule will be available to

the public at the J-51 Customer Service Conference Room No. 8-C10, 8<sup>th</sup> Floor, 100 Gold Street, from 9:00 am to 12:00 pm and from 1:00 pm to 3:00 pm on Tuesdays and Thursdays.

**What authorizes HPD to make this rule?** Sections 1043 and 1802 of the City Charter, Section 489 of the New York State Real Property Tax Law, and Section 11-243 of the Administrative Code of the City of New York authorize HPD to make this proposed rule.

**Where can I find the HPD rules?** The HPD rules are in title 28 of the Rules of the City of New York.

**What laws govern the rulemaking process?** HPD must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

Real Property Tax Law §489 ("J-51") 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. HPD determines eligibility for J-51 tax benefits and is proposing to amend 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 proposed amendments would 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  
September 8, 2017

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Filing Requirements for J-51 Tax Benefits

**REFERENCE NUMBER:** 2017 RG 069

**RULEMAKING AGENCY:** Department of Housing Preservation and Development

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: August 18, 2017

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Filing Requirements for J-51 Tax Benefits**

**REFERENCE NUMBER: HPD-43**

**RULEMAKING AGENCY: Department of Housing Preservation and Development**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

August 18, 2017  
Date