

NEW YORK CITY DEPARTMENT OF BUILDINGS

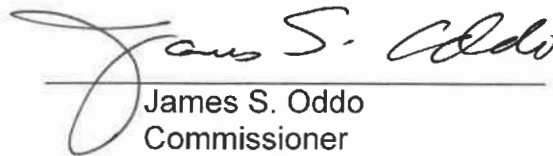
NOTICE OF ADOPTION OF RULE



NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 105-02 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding tax abatements for the installation of a solar electric generating system and/or electric energy storage equipment. This rule was first published on March 21, 2024, and a public hearing thereon was held on April 22, 2024.

Dated:

4/29/24
New York, New York


James S. Oddo
Commissioner

Statement of Basis and Purpose of Rule

Title 4-C of Article 4 of the New York State Real Property Tax Law allowed a property owner in a city of 1,000,000 or more people to receive a real property tax abatement for either the installation of a solar electric generating system, or for electric energy storage equipment on a Real Property Class 1, 2 or 4 building or site, but not both.

Chapter 485 of 2023 of the laws of the state of New York amended Title 4-C to add eligibility for a property to receive individual tax abatements both for the installation of a solar electric generating system and for the installation of electric energy storage equipment as of January 1, 2024. DOB has amended Section 105-02 of its rules to account for this change. DOB has also amended the end date for eligibility for a tax abatement provided in Section 105-02 of its rules to on or before January 1, 2036, as provided in Title 4-C by Chapter 485.

DOB's authority for this rule is found in Section 643 and 1043(a) of the New York City Charter and Title 4-C of Article 4 of the Real Property Tax Law of New York State.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

"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. Paragraph (3) of subdivision (a) of section 105-02 of subchapter E of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(3) No building shall be eligible for more than one tax abatement pursuant to Title 4-C or this rule prior to January 1, 2024.

§ 2. Paragraph (3) and subparagraph (iii) of paragraph (3) of subdivision (g) of section 105-02 of subchapter E of chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

(3) Eligible solar electric generating system [or] and/or electric energy storage equipment expenditures.

(iii) No expenditures shall be eligible for a tax abatement pursuant to Title 4-C if such expenditures were incurred in connection with a solar electric generating system placed in service before August 5, 2008, [or] an electric energy storage equipment placed in service before January 1, 2019, or more than one tax abatement prior to January 1, 2024.

§ 3. Paragraph (4) of subdivision (g) of section 105-02 of subchapter E of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(4) The completed property tax abatement application, together with the Technical Reports, OTCR approval, the electrical sign-off and the request for job sign-off, must be filed with the Department [by March 15 in order for the property tax abatement to take effect on July 1 of the same calendar year. If a property tax abatement application is filed after March 15, the property tax abatement to which such application relates shall not take effect until July 1 of the following calendar year] on or before January 1, 2036.