

## New York City Department of Finance

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

**What are we proposing?** The New York City Department of Finance (“DOF”) is proposing amendments to rules in order to clarify certain real property income and expense reporting requirements for real estate of utility company properties.

**When and where is the hearing?** DOF will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 AM on April 13, 2026. The hearing will be conducted remotely through Microsoft Teams. To participate in the public hearing, enter the URL <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>. If prompted to provide the meeting ID, please enter: 242 411 224 260 53 ; If prompted for a passcode, please enter the following: o7vL3Qa2. You can also participate in the hearing via telephone by calling 1 646-893-7101. The Phone conference ID: 297 176 743#

This location has the following accessibility option(s) available:  
Audio-only access

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

- **Website.** You can submit comments to DOF through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [DOFRules@finance.nyc.gov](mailto:DOFRules@finance.nyc.gov).
- **Mail.** You can mail comments to NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038, Attn: Timothy Byrne.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Timothy Byrne, at (212) 748-6981.
- **By 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 Joan Best at (212) 748-7214; or by email at [bestj@finance.nyc.gov](mailto:bestj@finance.nyc.gov). You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** The deadline to submit written comments is April, 13, 2026.

**What if I need assistance to participate in the hearing?** You must contact DOF’s 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 by calling Joan Best at (212) 748-7214; or by email at [bestj@finance.nyc.gov](mailto:bestj@finance.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please provide at least 72 hours’ notice prior to the hearing to ensure availability. This location has the following accessibility option(s) available: Audio-only access.

**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 a video recording of oral comments concerning the proposed rule will be available on the DOF website. Copies of these documents may also be reviewed at NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, N.Y. 10038.

**What authorizes DOF to make this rule?** Sections 1043(a) and 1504 of the New York City Charter (“Charter”), as well as section 11-208.1 of the New York City Administrative Code, authorize DOF to make this proposed rule. This proposed rule was not included in the DOF’s regulatory agenda for this Fiscal Year because it was not contemplated when the DOF published the agenda.

**Where can I find DOF’s rules?** The NYC Department of Finance’s rules are in Title 19 of the Rules of the City of New York. See the link below.  
<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-34211>

**What laws govern the rulemaking process?** NYC Department of Finance must meet the requirements of section 1043 of the Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the Charter.

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

The New York City Department of Finance (“DOF”) is proposing the following rule change in accordance with the powers set forth in New York City Charter (“Charter”) §§ 1043(a) and 1504, as well as New York City Administrative Code (“Administrative Code”) § 11-208.1(g).

The proposed rule amendments would encourage reliable reporting of ownership of real estate of utility company (“REUC”) properties, allowing DOF to correctly and accurately assess such properties. Retaining accurate ownership records of atypical and difficult-to-observe real property is critical for DOF’s mission, particularly where businesses restructure, such as through a merger or acquisition.

The omission or undervaluation of one or more properties necessarily shifts tax burden onto other properties in order for the City to raise adequate revenue to fund its operations. By promoting the accurate identification of REUC properties, through DOF’s mandated disclosure requirements, this proposed rule would promote the fair allocation of real property taxes in New York City even for properties that would not directly be subject to this rule.

Specifically, the following rule changes would amend Chapter 33 of title 19 of the Rules of the City of New York (“RCNY”), which establishes rules for filing real property income and expense (“RPIE”) statements, which DOF uses to determine the value and property tax for many income-producing properties, in accordance with Administrative Code § 11-208.1.

- Section 1 would amend 19 RCNY § 33-01(b)(1)(xxv) to include certain railroad equipment included in the definition of “real property,” “property” or “land” under RPTL § 102(12)(c). This subparagraph of the City’s rules lists types of income-producing utility properties, regardless of whether such properties are owner-occupied. This addition would clarify that certain railroad equipment is considered income-producing, and that owners of REUC properties must file an RPIE statement for this railroad equipment in accordance with Administrative Code § 11-208.1.
- Section 2 would amend 19 RCNY § 33-01(b)(2)(viii) to clarify the meaning of “uninhabitable property.” This term has been a subject of uncertainty. This clarification would allow property owners to identify when their property is uninhabitable, and therefore not income-producing. If a property is uninhabitable, an RPIE filing is optional rather than mandatory.
- Sections 3 and 8 would amend 19 RCNY § 33-01 and 19 RCNY § 33-06 to clarify that the word “person” in chapter 33 of title 19 of the RCNY means not only a natural person, but also some types of businesses and associations. This change is being made in order to ensure that the relevant section of RCNY matches Administrative Code § 1-112(10), which provides a general definition of the term “person” throughout such code.
- Section 4 would amend 19 RCNY § 33-02(d)(8) by clarifying the requirement that owners of REUC property, as provided in RPTL §§ 102(12)(c)-(f) or (i), must include in their RPIE statements properties that were removed from inventory, and the persons who acquired and disposed of these REUC properties. This amendment would also require the RPIE statements to include information sufficient to identify these properties. Sections 5 through 7 would amend 19 RCNY §§ 33-02(e)(2)(v)(B) and 33-02(e)(2)(vi) and add a subparagraph (vii) to state that the failure to file a RPIE statement includes a failure to file the statement described in 19 RCNY § 33-02(d)(8). Sections 4 through 7 as described above would, then, clarify that a failure to file a supplement statement—including the failure to report the acquisition, disposition, and location of REUC properties— would result in the application of penalties provided in 19 RCNY § 33-03, in accordance with Administrative Code § 11-208.1(d).

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.

### **Proposed Rule Amendment**

Section 1. Subparagraph (xxv) of paragraph (1) of subdivision (b) of section 33-01 of title 19 of the Rules of the City of New York is amended to read as follows:

(xxv) power plants, generators, telecommunication lines, railroads and other equipment defined as real property in paragraphs (c), (d), (e), (f) and (i) of subdivision 12 of § 102 of the Real Property Tax Law, regardless of whether it is owner-occupied, other than special franchise property that is assessed pursuant to article 6 of the Real Property Tax Law.

§ 2. Subparagraph (viii) of paragraph (2) of subdivision (b) of section 33-01 of Title 19 of the Rules of the City of New York is amended to read as follows:

(viii) property that [does not generate income (e.g., abandoned or] is uninhabitable [property] where such property is in a state of substantial disrepair rendering such property unsafe or unfit for occupancy or use.

§ 3. Section 33-01 of title 19 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

(d) the term “person” as used in these regulations means a natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

§ 4. Paragraph (8) of subdivision (d) of section 33-02 of title 19 of the Rules of the City of New York is amended to read as follows:

(8) With respect to power plants, generators, telecommunication lines, railroads and other equipment defined as real property in paragraphs (c), (d), (e), (f) and (i) of subdivision 12 of § 102 of the Real Property Tax Law, other than special franchise property that is assessed pursuant to article 6 of the Real Property Tax Law, in addition to the requirement to file [an income expense statement] the items described in section 19 RCNY § 33-01(c) in accordance with the provisions of this chapter, the owner of such property must also file with the Department of Finance, no later than September 1 each year, a statement that constitutes a component of an income expense statement and includes:

(i) a description of the use and the cost of:

[(i)] (A) all such property owned by such owner in the City of New York as of the end of the reporting year;

[(ii)] (B) any such property that was retired during the reporting year; and

[(iii)] (C) any such property that was added to or removed from inventory during the reporting year, including any such property the construction of which remained in progress as of the end of the reporting year

(ii) with respect to property that was acquired or disposed of in the preceding year, the person from whom such property was acquired or to whom such property was disposed, as applicable; and

(iii) the address or other information sufficient to identify the location of any property reported pursuant to clauses (A) and (C) of subparagraph (i) of paragraph (8) of this subdivision in a format determined by DOF.

§ 5. Clause (B) of subparagraph (v) of paragraph (2) of subdivision (e) of section 33-02 of title 19 of the Rules of the City of New York is amended to read as follows:

(B) failure to provide a complete and accurate and itemized list of income and expense data; [or]

§ 6. Subparagraph (vi) of paragraph (2) of subdivision (e) of section 33-02 of title 19 of the Rules of the City of New York is amended to read as follows:

(vi) [in the event that] if the electronic filing requirement is waived by the Commissioner under 19 RCNY § 33-02(b)(2), failure to use the forms prepared by the Department of Finance, or failure to submit an income and expense statement containing the original signature of the owner(s) (the signature of an agent is not acceptable unless a power of attorney is attached to the statement)[.] or

§ 7. Paragraph (2) of subdivision (e) of section 33-02 of title 19 of the Rules of the City of New York is amended by adding a new subparagraph (vii) to read as follows:

(vii) failure to submit a statement required by 19 RCNY § 33-02(d)(8).

§ 8. The opening paragraph of subdivision (a) and subdivision (c) of section 33-06 of title 19 of the Rules of the City of New York are amended to read as follows:

Neither income and expense statements filed in accordance with § 11-208.1 of the Administrative Code and these rules, nor any information set forth or contained in such statements, shall be disclosed to any person [or entity], except:

(c) The Department of Finance shall notify any person [or entity] that has filed an income and expense statement in accordance with § 11-208.1 of the Administrative Code and these rules of any proceeding commenced or motion or subpoena served to compel disclosure of such statement or of any information contained therein within five business days of receiving any papers requesting such relief, except that in the event of a proceeding, motion or subpoena seeking disclosure of more than fifty income and expense statements, the Department of Finance shall give notice to those authorized representatives whose names are on file with the Department of Finance within fifteen business days of receiving any papers requesting such relief.

**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 Rules Relating to Utility Company Properties

**REFERENCE NUMBER:** DOF-77

**RULEMAKING AGENCY:** Department of Finance

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

February 24, 2026  
Date

**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 Rules Relating to Utility Company Properties

**REFERENCE NUMBER:** 25 RG 093

**RULEMAKING AGENCY:** Department of Finance

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  
Senior Counsel

Date: February 24, 2026