

CITY OF NEW YORK
TAX COMMISSION

NOTICE OF RULEMAKING

Pursuant to the power vested in me as the President of the Tax Commission by Sections 164, 389(b) and 1043 of the New York City Charter, I hereby promulgate the within rules pertaining to fees for the review of applications to correct assessments. These rules were published in proposed form on May 28, 2010. A hearing for public comment was held on June 30, 2010.

/s/ Glenn Newman
President, Tax Commission

Section 1. Title 21 of the rules of the city of New York is amended by adding a new Chapter 5, to read as follows:

CHAPTER 5

FEE FOR APPLICATIONS TO CORRECT ASSESSMENTS

§5-01. The Tax Commission shall charge and collect the fee set forth in this chapter.

§5-02. Fee. For purposes of this chapter “Fee” shall mean the amount charged to an applicant for reviewing applications as provided in this chapter.

§5-03. Imposition of Fee. (a) The Fee shall be imposed on applications for properties having an assessed value of \$2 million or more when the application is scheduled for review. An application shall be deemed to be “scheduled for review”:

(i) for applications filed by group representatives, when the application first appears on a calendar page; and

(ii) for applications filed by self-represented applicants and non-group representatives, when a notice that the application has been scheduled for review has been mailed.

(b) For purposes of this chapter “assessed value” shall mean the assessed value or actual assessed value shown on the notice of property value issued by the Department of Finance or, where a notice of revised property value has been issued by the Department of Finance, the assessed value shown on that revised notice. Where a single application covers multiple condominium units, the assessed value for purposes of this chapter shall mean the aggregate assessed value shown on such notice for all units covered by the application.

§5-04. Amount of Fee. The amount of the Fee shall be one hundred seventy-five dollars.

§5-05. Exemption. An application for which review has been waived prior to being scheduled for review shall be exempt from the Fee.

§5-06. Payment and collection of Fee. Unless the Tax Commission provides otherwise, the Fee shall be included on a Statement of Account or real property tax bill issued after the application has been scheduled for review. The Department of Finance shall administer the billing and collection of the Fee on behalf of the Tax Commission.

§5-07. Non-payment of Fee. Notwithstanding any other provision of these rules to the contrary, if any Fee remains outstanding, the Tax Commission may revoke an offer and restore the matter to its prior status, or decline to schedule an application for review.

STATEMENT OF BASIS AND PURPOSE

Pursuant to Chapter 7 of the New York City Charter, the Tax Commission is empowered to perform a range of functions in connection with reviewing applications to correct assessments of thousands of properties throughout New York City. The Tax Commission is authorized by Sections 164, 389(b) and 1043 of the New York City Charter to adopt by rulemaking fees to cover the cost of services provided to taxpayers. The purpose of the fee is to provide a stream of revenue to permit the Tax Commission to cover the cost of providing hearings to taxpayers challenging their assessments and to improve the process by enhancing the technology and modernizing the hearing process.