

**THE CITY OF NEW YORK  
DEPARTMENT OF FINANCE**

Pursuant to the power vested in me as Commissioner of Finance by sections 389(b) and 1043 of the New York Charter, and section 11-208.1 of the Administrative Code of the City of New York, I hereby promulgate the within amendment to the Rules Relating to the Filing of Income and Expense Statements. This amendment was published in proposed form in the City Record on August 13, 2004. A hearing for public comment was held on September 13, 2004.

/s/Martha E. Stark  
Commissioner of Finance

Note: New matter underscored; old matter in brackets [] to be deleted.

Section 1. Subparagraph (i) of paragraph (2) of subdivision (b) of section 33-01 of 19 RCNY Chapter 33 (Rules Relating to the Filing of Income and Expense Statements) is amended to read as follows:

(2) The following properties are not considered income-producing property for the purpose of these regulations and owners of such properties may, but are not required to, file income and expense statements pursuant to § 11-208.1 of the Administrative Code:

(i) property with a final actual assessed valuation of [~~\$80,000~~] \$40,000 or less;

## **BASIS AND PURPOSE OF AMENDMENT**

In order to improve the accuracy and fairness of the real property assessment process, Administrative Code §11-208.1 requires owners of income-producing properties to file with the Department of Finance annual income and expense statements relating to such properties. Presently, the Rules Relating to the Filing of Income and Expense Statements state that no filing is required for properties with an assessed valuation of \$80,000 or less.

The Administrative Code provides which properties are excepted from the filing requirement. The exceptions include any property with an annual assessed valuation no greater than \$40,000. Despite this description in the law, in 1998, the Department of Finance amended its rules to except all properties with an annual assessed valuation no greater than \$80,000. The intent was to be consistent with laws that had recently increased from \$40,000 to \$80,000 the ceiling assessed valuation for determining which class one and two properties could pay real property taxes quarterly and are provided a grace period for payment. Finance believes that it is beneficial for more property owners to provide information about their properties for Finance to use in determining the value of their property for real property tax purposes. As a result, we are now amending our rule to conform to the statutory threshold of \$40,000. By having more owners complete this annual filing, Finance will have better and more complete data and, as a result, will be able to value properties more accurately for a larger group of income producing properties in the City.