

SECTION C: RELOCATION SITE INFORMATION

You may complete and submit a LM-REAP application for an anticipated relocation, even if all the requested information is not yet available.

1. On or after July 1, 2005, did you relocate to premises within the eligible Lower Manhattan area? ☐ YES ☐ NO

If "YES," provide (a) the borough, block and lot number, and the address of the premises you relocated to, and submit *one* of the following: a copy of the lease for the premises, a copy of the contract to purchase the premises, or a copy of the deed if you own the premises; AND (b) a brief description of the relocated business operations.

a.	BOROUGH:	BLOCK:	LOT:
ADDRESS:			
b.	DESCRIPTION OF RELOCATED BUSINESS OPERATIONS:		

2. Do your activities at the relocation premises consist predominantly of any of the following:

- a. The retail sale (other than through the mail, by phone, or by means of the Internet) of tangible personal property to any person, for any purpose unrelated to the trade or business of such person? ☐ YES ☐ NO
- b. The sale of services to individuals that generally involve the physical, mental, and/or spiritual care of such individuals or the physical care of the personal property of any personal property of any person unrelated to the trade or business of such person? ☐ YES ☐ NO
- c. The provision of retail banking services? ☐ YES ☐ NO
- d. The lodging of guests at a building or portion thereof that is regularly used and kept open for such services, including an apartment hotel, a motel, or boarding house or club? .. ☐ YES ☐ NO

IF YOU CHECKED "YES" TO ANY ITEM IN QUESTION 2, YOU DO NOT MEET THE LM-REAP ELIGIBILITY CRITERIA.

3. a. Do you own the premises to which you relocated, or if you lease the premises, does the term of the lease extend to a date at least three years after the relocation date and the lease commencement date? ☐ YES ☐ NO
- b. On or after July 1, 2005, were expenditures in excess of \$25 per square foot made for improvements to the premises? ☐ YES ☐ NO

IF YOU ANSWERED "YES" TO 3a AND 3b, DO NOT COMPLETE QUESTION 4.

IF YOU ANSWERED "NO" TO EITHER PART OF QUESTION 3, YOU MUST COMPLETE QUESTION 4.

4. a. Do the premises to which you have relocated fit any of the following five categories?
- (1) Premises are wholly contained in real property that is eligible to receive benefits under the City's Industrial and Commercial Abatement Program (ICAP)? ☐ YES ☐ NO
- If "YES", submit a copy of the lease and the ICAP Preliminary Certificate of Eligibility.

SECTION C: RELOCATION SITE INFORMATION - Continued

- (2) Premises are wholly contained in or situated on real property that has been leased from the New York City Industrial Development Agency? ☐ YES ☐ NO

If "YES", submit a copy of the lease.

- (3) Premises are wholly contained in or situated on real property that is owned by the City of New York? ☐ YES ☐ NO

If "YES", submit a copy of the lease.

- (4) Premises are wholly contained in or situated on real property that is owned by the Port Authority or the New York State Urban Development Corporation or a subsidiary thereof? ☐ YES ☐ NO

If "YES", submit a copy of the lease.

- (5) Premises are wholly contained in or situated on real property that would be eligible to receive benefits pursuant to the City's ICAP Program, except that such property is exempt from real property taxation? ☐ YES ☐ NO

If "YES", submit a copy of the lease and the ICAP Preliminary Certificate of Eligibility.

4. b. Were the premises to which you relocated improved by construction or renovation? ☐ YES ☐ NO

- (1) Answer this question only if you checked "YES" in response to Question 4a (2):

Was such construction or renovation made with the approval of the NYC Industrial Development Agency? ☐ YES ☐ NO

- (2) Answer this question only if you checked "YES" in response to Question 4a (3):

Was such construction or renovation made with the approval of your lease in accordance with the NYC Charter? ☐ YES ☐ NO

- (3) On or after July 1, 2005, have there been expenditures made in excess of 50% of the property's assessed value (or, in the case of industrial property, in excess of 25%) for improvements to the real property in which your premises are located? ☐ YES ☐ NO

- (4) Were such expenditures made within 36 months, or, if the expenditures were in excess of \$50 million, were they made within 72 months from commencement of the lease? ☐ YES ☐ NO

IF YOU ANSWERED "YES" TO ANY QUESTION IN 4b, YOU MUST SUBMIT COPIES OF INVOICES AND CANCELED CHECKS TO DOCUMENT EXPENDITURES. ATTACH A RIDER.

PART II - CALCULATION AND AFFIRMATION

SECTION A: CALCULATION OF BASE NUMBERS

#1 NEW YORK CITY BASE AGGREGATE EMPLOYMENT SHARES (NYCBS)

(Attach schedule showing calculation)

This number is the sum of the aggregate employment shares (See Part II, Section C, Definitions) maintained by the special eligible business *inside* the city in the taxable year immediately preceding the taxable year of relocation.

NUMBER OF SHARES

#2 ELIGIBLE PREMISES BASE SHARES (EPBS)

(Attach schedule showing calculation)

This number is the sum of the aggregate employment shares maintained by the special eligible business in eligible *premises* in the taxable year immediately preceding the taxable year of relocation.

NUMBER OF SHARES

#3 OUTSIDE BASE SHARES (OBS)

(Attach schedule showing calculation)

This number is the sum of the aggregate employment shares maintained by the special eligible business *outside* the city in the taxable year immediately preceding the taxable year of relocation.

NUMBER OF SHARES

#4: LOWER MANHATTAN BASE SHARES (LMBS)

(Attach schedule showing calculation)

This number is the sum of the aggregate employment shares maintained by the special eligible business in the eligible *Lower Manhattan area* in the taxable year immediately preceding the taxable year of relocation.

NUMBER OF SHARES

#5 RELOCATED EMPLOYEE BASE SHARES IN THE AREA (REBS)

(See definitions)

NUMBER OF SHARES

SECTION B: LM-REAP-SEB AFFIRMATION

I hereby certify that the information furnished with or in this application is, to the best of my knowledge and belief, true, correct and complete.

Name and Title: _____
PRINT NAME AND TITLE OF APPLICANT, PARTNER OR CORPORATE OFFICER

Signature _____

Date _____

MAIL TO:
NYC DEPARTMENT OF FINANCE
BUSINESS AND EXCISE TAX REFUND UNIT - REAP GROUP
59 MAIDEN LANE, 20TH FLOOR, NEW YORK, NY 10038

Upon receipt and review of a complete application, including all required schedules and documents, the Department of Finance will issue a Certificate of Eligibility to the applicant. In order to claim LM-REAP benefits, you must submit an annual computation of aggregate employment shares maintained by the special eligible business, every year. The Department of Finance will issue an annual certification, which must be attached to your applicable business tax return.

PART II - SECTION C: DEFINITION OF TERMS

- 1. Special Eligible Business:** The term “Special Eligible Business” means a business that maintained employees in premises in Manhattan at some time between January 1, 2002 and the date it enters into a contract to lease or purchase premises that will qualify as eligible premises, and that meets the criteria of Part I, Sections B and C of this application.
- 2. Employee:** The term “employee” includes any individual where the existing relationship between that individual and the business is that of employer and employee. Generally, an employer-employee relationship exists when the eligible business has the right to control and direct the individual, not only as to the result to be accomplished, but also as to the means by which such result is to be accomplished. If the relationship of employer-employee exists, the designation or description of the relationship is immaterial. Directors of a corporation in their capacity as directors are not employees of a business. Directors of a corporation may be considered employees if, in addition to serving in the capacity of directors, they serve in the capacity of employees.
- 3. Eligible Worker:** The term “eligible worker” means an employee, partner or sole proprietor of the eligible business.
- 4. Work Week:** The term “work week” means a period of seven or fewer successive days, beginning with a specified day, which the eligible business has adopted and regularly utilizes as its work week.
 - A *full-time work week* is a work week during which an eligible worker has performed at least 35 hours of labor for compensation.
 - A *part-time work week* is a work week during which an eligible worker has performed at least 15 but fewer than 35 hours of labor for compensation.
 - Hours in excess of 35 worked by an eligible worker during a work week cannot be carried over and counted during any other work week.
 - Terminal leave preceding the termination of a worker’s employment may not be counted as time worked by the worker. A work week which begins in one taxable year and ends in the following taxable year shall be treated as a work week in the taxable year in which it ends.
- 5. Employment Shares:** The term “employment share” means, with respect to each eligible worker in a special eligible business, the sum of:
 - a) the number of full-time work weeks worked by such eligible worker during the eligible business’ taxable year, divided by the number of weeks in the taxable year, and
 - b) the number of part-time work weeks worked by such eligible worker during the business’ taxable year, divided by an amount equal to twice the number of weeks in the taxable year.
- 6. Aggregate Employment Shares:** The term “aggregate employment shares” means the sum of all employment shares maintained by an eligible business in a taxable year.
- 7. Relocated Employee:** The term “relocated employee” means an employee of a special eligible business who:
 - 1) has worked at a qualifying business location outside New York City, full-time, or part-time, continuously for the 10 work weeks prior to the date of relocation and thereafter until that employee’s actual transfer to the eligible premises,
 - 2) is transferred to eligible premises and
 - 3) continues to work at the eligible premises for at least 10 full work weeks after the date of transfer.
- 8. Qualifying Business Location:** The term “qualifying business location” means a business location of the special eligible business outside the city at which such business has been carrying on substantial business operations for the 24 months immediately preceding the year of relocation.
- 9. Relocated Employee Base Shares:** The term “Relocated Employee Base Shares” means the sum of:
 - a) the number of full-time work weeks worked by relocated employees in the eligible premises in the 12 calendar months after the month of relocation divided by the number of weeks in such twelve months, and
 - b) the number of part-time work weeks worked by relocated employees in the eligible premises in the 12 calendar months after the month of relocation divided by twice the number of weeks in such twelve months.

Note: No special eligible business will be authorized to receive a credit unless it is established that the number of Relocated Employee Base Shares is equal to or greater than either: (i) 250 or (ii) 25% of the number of New York City Base Shares, whichever is less.
- 10. Eligible Lower Manhattan Area:** The term “eligible Lower Manhattan area” refers to the area in Manhattan lying south of a line that runs from the intersection of the Hudson River with the Holland Tunnel, running north along West Avenue to the intersection of Clarkson Street, then running east along the center line of Clarkson Street to the intersection of Washington Street, then running south along the center line of Washington Street to the intersection of West Houston Street, then east along the center line of West Houston Street, then, at the intersection of the Avenue of the Americas, continuing east along the center line of East Houston Street to the easterly bank of the East River.
- 11. Taxable Year:** The term “taxable year” refers to the taxpayer’s taxable year for the General Corporation Tax, the Unincorporated Business Tax, or the Banking Corporation Tax (whichever is applicable), provided, however, in the case of a taxpayer subject to the Utility Tax, “taxable year” refers to the calendar year.