

**CITY OF NEW YORK
DEPARTMENT OF FINANCE**

Pursuant to the authority vested in the Commissioner of Finance by section 489-hhhh(1)(g) of the Real Property Tax Law and section 11-263(7) of the Administration Code of the City of New York, I hereby promulgate the within amendment to the Rules Relating to the Industrial and Commercial Incentive Program.

Andrew S. Eristoff
Commissioner of Finance

Section 1. Section 14-27 of the Rules Relating to the Industrial and Commercial Incentive Program is amended to read as follows:

§14-27 Fees. (a) Filing and administration fees. (1) For all final applications with an effective date prior to July 1, 1992 [The] the Department shall collect the following fees based on the fee table set forth in paragraph (2) of this subdivision (a):

(i) A preliminary filing fee of \$100 upon the filing of a preliminary application.

(ii) A final filing fee as shown in column D of the fee table, upon filing a final application, reduced by subtracting the preliminary filing fee paid, if any.

(iii) [An additional filing fee of \$50 for each co-applicant other than a public entity.

(iv)] An amended application fee upon the filing of a major amendment to the application equal to one-half the amount shown in column D of the fee table.

[(v)] (iv) A subdivision fee upon filing an amended application for the subdivision of a project site into two or more parcels in an amount equal to 20% of the amount in column D of the fee table, allocated to each resulting parcel in proportion to its actual assessed valuation; except that no additional fee shall be collected under this subparagraph (v) in respect to a subdivision described in an amended application if a fee is collected under subparagraph (iv) hereof.

[(vi) A conversion fee upon filing a certificate of continuing use or amended certificate indicating a conversion described in §14-16(n) equal to 15% of the amount in column D of the fee table.]

(2) The fee collected under the provisions of this subdivision (a) shall be based on the following table:

FEE TABLE

A Class	B If assessment is <u>equal to or more than</u>	C But less than fees are	D Administrative fees are:
1	\$0	\$250,000	\$500
2	\$250,000	\$500,000	\$750
3	\$500,000	\$1,000,000	\$1,250
4	\$1,000,000	\$2,000,000	\$2,500
5	\$2,000,000	\$5,000,000	\$6,250
6	\$5,000,000	\$10,000,000	\$12,500
7	\$10,000,000	\$20,000,000	\$25,000
8	\$20,000,000	\$30,000,000	\$37,500
9	\$30,000,000	\$40,000,000	\$50,000
10	\$40,000,000	\$50,000,000	\$55,000
11	\$50,000,000	\$60,000	

(3) The assessment of [a project site] all buildings constituting the project for the purposes of the fee table is the total actual assessment of all tax lots which are situated, in whole or in part, within the project site. Such assessed valuation shall be based on the assessment in effect at the time that the fee is paid and shall not be adjusted by any subsequent corrected assessment.

(4) [The fees collected for a project under this subdivision (a) shall not exceed the amounts indicated in the fee table for class 1 projects where 75% or more of the construction costs consist of the cost of installing equipment.]

(5) An instrument for which a fee is required shall not be effective unless the fee is tendered and duly collected.

[(6) A fee paid after the date due shall accrue interest at the regular rate.]

(7) Fees collected under this subdivision (a) shall be rounded to the nearest \$5.00 interval.]

[Additional authority: Administrative Code S11-260(f).]

(b) Other Fees. (1) Apportionment fees. [(1)] (i) The Department shall collect a fee for each tax year for which the exemption base of a building is apportioned at the request of an applicant or other interested person[, as follows:

(i) For the initial apportionment of a tax lot or other portion of a building --] in the amount of \$100 for each eligible lot or portion.

(ii) [For an apportionment in a following consecutive year -- \$10 for each eligible lot or portion.

(iii) For an apportionment after no apportionment was made for one or more years -- \$50 for each eligible lot or portion.

(2) The apportionment of a lot or portion whose boundaries have been changed is an initial apportionment.

(3) No fee shall be charged when the apportionment is made by the Department on its own motion or at the request of another City agency.

[Additional authority: Administrative Code S11-260(f).]

[(c) Other fees. The Department shall collect the following fees:

(1) For a check used to pay a fee or penalty returned uncollected such fee as required by reference to Department of Finance Rules and Regulations.]

(2) For recording an amended certificate of eligibility at the request of the applicant [- the] a \$50 fee will be charged [to record a short-form deed in the county in which the project is located].

[(3) For entering an additional name and address in the file of interested parties -- \$10 for each name and address.

(4) For changing, deleting or substituting a name and address – no charge.

(5) For making a copy of a record -- the fee usually charged by the Department for copies of the same type, unless the record is a copy of a record originally filed with another City agency, in which case the fee charged shall be the fee usually charged by the other agency.

Additional authority: Administrative Code S11-260(f).]

[(d)](c) Payment of fees. Fees shall be paid by certified check drawn on a United States bank and payable to the ["Commissioner] "New York City Department of Finance," except that when the total fee to be paid at one time is less than \$20, the fee may be paid in cash.

[(e)](d) Refund of fees. (1) No fee paid on or after the effective date of this subdivision (e) shall be refunded for any reason except where

[(2) When a] (i) a fee is paid in excess of the correct amount as a result of a manifest error in the computation of the fee, in which case the Department may credit the amount of such excess against the amount of fees due on the same or another project or issue a refund at the discretion of the party that actually made the overpayment; or

(ii) a filing fee greater than \$1,000 was paid with respect to any application with an effective date on or after July 1, 1992, in which case the Commissioner shall issue a refund for the entire amount collected in excess of \$1,000.

(2) Any refund payable pursuant to paragraph (1) of this paragraph shall be without interest.

[(f)](e) Adjustment of fees. The rate of fees to be collected under the program shall be adjusted by amendments to these regulations from time to time to assure that fees are collected in an amount equal to the costs of administration of the program. [Such amendments shall apply to all fees not yet paid on the effective date of the amendment.] Such amendments shall clearly establish the effective date of all revised fee schedules and the effective dates of all applications subject to the adjusted fee schedules.

(f) For all final applications with an effective date on or after July 1, 1992 and no more than 30 days after the effective date of these rules, the fees shall be based on the following table:

A	B	C	D
Class	If assessment is <u>equal to or more than</u>	But less than	Administrative fees are:
<u>1</u>	<u>\$ 0</u>	<u>\$ 250,000</u>	<u>\$ 500</u>
<u>2</u>	<u>250,000</u>	<u>500,000</u>	<u>750</u>
<u>3</u>	<u>500,000</u>		<u>1,000</u>

(g) For all final applications with an effective date on or after July 1, 1992 filed more than 30 days after the effective date of these rules, the Department shall collect a fee of \$100 upon the filing of a preliminary application and an additional fee of \$900 upon filing of a final application.

Basis and Purpose of Amendment

This amendment to the Rules Relating to the Industrial and Commercial Incentive Program reduces the filing and administration fees for final applications with an effective date on or after July 1, 1992 . The amendment includes a provision that allows the Department of Finance to refund filing fees paid in excess of \$1,000 with respect to any application with an effective date on or after July 1, 1992.

A comprehensive set of proposed amendments to the ICIP rules was published for comment in 1999. Although only the amendment relating to program fees is being published in final form at this time, the Department of Finance intends to publish the remainder of the amendments in final form in the near future.

Andrew S. Eristoff
Commissioner of Finance